

ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED SHOOTING – 035-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
Northeast	8/09/23		

Officer(s) Involved in Use of Force	Length of Service
Officer J	16 years, 8 months
Officer G	6 years, 1 months
Officer N	5 years, 9 months
Officer A	4 years, 11 months
Officer F	4 years, 8 months
Officer H	3 years, 11 months
Officer E	3 years, 3 months
Officer B	1 years, 10 months

Reason for Police Contact

Police officers were in pursuit of an SUV that had been used as a weapon, in an Assault with a Deadly Weapon (ADW). The suspect drove the SUV to the parking lot of an industrial business complex where he rammed the SUV into two police vehicles. The officers chased the suspect vehicle on foot and an Officer-Involved Shooting (OIS) occurred. The suspect rammed additional police vehicles and a second OIS occurred.

Suspect(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Male, 27 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent suspect criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the BOPC of Police (BOPC); and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC

and made itself available for any inquiries by the BOPC. This incident was adjudicated by the BOPC on July 10, 2024.

Incident Summary

On Wednesday, August 9, 2023, at 0948 hours, Glendale police officers conducted a traffic stop on the Subject for driving with a suspended license. At 1427 hours, officers from Foothill Division responded to Whiteman Airport for a radio call of a trespass suspect. The officers detained the Subject and conducted a trespass investigation. Ultimately the reporting party declined a Private Person's Arrest and the Subject was released.

At 1511 hours, other Foothill officers stopped the Subject for a traffic violation. The Subject was issued a warning, released and his vehicle was parked at scene.

At 1717 hours, the Subject stole a DWP SUV. After stealing the vehicle, the Subject was involved in several hit and run accidents some of which resulted in injuries (felonies). The Subject also appeared to deliberately ram the SUV into a residence.

Reports were generated for each incident, including felony hit and runs and an Assault with a Deadly Weapon (Vehicle) report for ramming the vehicle into the residence. In addition, several people called 911 reporting the vehicle being driven recklessly between collisions.

At 1805 hours, Communications Division (CD) generated a radio call of a "CPI traffic collision." Foothill Patrol Division A, and B responded to the location. Officer B was the driver and Officer A was the passenger.

Foothill Patrol Division uniformed Police Officers C and D were assigned partners. Officer D was driving and Officer C was the passenger.

At 1822:25 hours, Officers C and D's Digital In Car Video System (DICVS) depicted the officers traveling south when they observed a white DWP SUV stopped in the center turn lane. Officer D positioned the police vehicle behind the DWP SUV, briefly activated the lights and siren of their police vehicle and followed the SUV south on Webb Avenue. The SUV continued traveling south. The officers followed the SUV and observed the vehicle fail to stop for a posted stop sign. The officers continued following the SUV and activated the lights and siren of their police vehicle two additional times. Officer C activated the vehicle's Public Address (PA) system, and gave the command, "Pull over!" The SUV continued traveling, failed to stop for a red light and negotiated a left turn.

At 1823:27 hours, Officer C broadcast the initiation of the pursuit and activated the lights and siren of the police vehicle.

The pursuit entered the freeway and traveled south.

Officers E and F, were leaving the station when they heard the pursuit broadcast. They responded Code Three to the area of the pursuit. Officer E was the driver, and Officer F was the passenger.

Officers G and H, responded Code Three to the area of the pursuit. Officer G was the driver, and Officer H was the passenger.

At 1827:17 hours, Sergeant A broadcast he/she was en route and monitoring the pursuit.

Officer C broadcast and requested an airship and advised they were now following instead of pursuing the SUV due to the Subject's recklessness and for safety of the public. CD confirmed with the officers that the pursuit was terminated.

At 1829:05 hours, the airship arrived and Tactical Flight Officer (TFO), Police Officer I began to broadcast the SUV's location.

At 1829:12 hours, Sergeant A authorized tracking. Tactical Flight Officer I acknowledged that they were tracking and continued to broadcast the Subject's updated location.

At 1834 hours, TFO I updated the Subject's direction of travel and directed officers to the area. TFO I broadcast the Subject had exited the freeway and turned into a parking lot.

Officers E and F took over as the primary unit.

The Subject drove up the inclined driveway, crashed through the security gate and entered a closed business facility. The Subject turned his vehicle around, drove back out the gate and down the driveway.

Simultaneously, Officer E stopped and positioned his/her police vehicle on the left side of the driveway. Officer G stopped his/her police vehicle behind Officer E's vehicle, offsetting his/her vehicle on the right side of the driveway.

At 1834:36 hours, Officer E's DICVS captured the Subject accelerating his vehicle down the driveway in their direction.

Officer E's BWV depicted him/her exit the driver's door of his/her police vehicle, unholster his/her pistol and position him/herself on the grass embankment.

Simultaneously, Officer F opened the front passenger door of the police vehicle and placed his/her right foot on the ground. Officer F attempted to move out of the police vehicle but retreated inside as the Subject rammed his/her vehicle.

At 1834:41 hours, after the Subject rammed the front passenger side of the first police vehicle, Officer G's DICVS depicted the Subject's front passenger side wheel detach

from the vehicle. The SUV continued down the driveway toward the second police vehicle with Officer H still inside.

Simultaneously, Officer E's BWV captured Officer G move out of path of the Subject's vehicle, as he rammed the front of the police vehicle with Officer H still inside. Officer G unholstered his/her pistol, as the Subject's changed direction and drove onto a grass embankment down toward a parking lot.

Officers E and G ran down the grass embankment following the Subject's vehicle. Officer F's BWV captured him/her exit the police vehicle, as he/she followed Officers E.

The Subject's vehicle traveled down a grass embankment to a parking lot colliding into the driver's side of a grey Mercedes Sprinter van which was slowly backing up.

At 1834:52 hours, Officer F's BWV captured as he/she ran down the hillside and unholstered his/her pistol with Officer E and Officer G. Officer E positioned him/herself approximately 27 feet away from the Subject's vehicle. Officer E was facing the driver side of the Subject's vehicle and Officer F positioned him/herself to the right of Officer E. Officer G positioned him/herself to the right of Officer F.

At 1834:56 hours, Officer E's BWV captured as he/she held his/her pistol in a two-hand grip and fired 13 rounds.

Officer E fired his/her rounds from an approximate increasing distance of 16 to 24 feet. Force Investigation Division, Investigative Support Unit (ISU), utilized physical evidence at scene, Body Worn Video and surveillance video to determine the distance.

According to Officer E, he/she stopped firing because he/she was able to see both the Subject's hands and did not see him holding the firearm or any other items. Officer E moved to a position near the front of the Sprinter van and conducted a tactical reload.

At 1834:57 hours, Officer F's BWV captured as he/she held his/her pistol in a two-hand grip and fired nine rounds. Officer F stated he/she heard a gunshot and then observed a bullet hole in the door of the Subject's vehicle. Officer F believed the Subject was shooting through the door from inside his vehicle.

Force Investigation Division, ISU determined Officer F fired his/her rounds from an approximate increasing distance of 16 to 24 feet.

At 1834:57 hours, Officer G's BWV captured as he/she held his/her pistol in a two-hand grip and fired eight rounds.

Officer G moved to a position near the front of the Sprinter van and attempted to conduct a tactical reload; however, he/she inadvertently dropped the magazine from his/her pistol on the ground. He/she completed a reload with a magazine from his/her magazine pouch.

At 1834:57 hours, Officer L's BWV captured as he/she and his/her partner Officer K arrived as the first OIS occurred. Officer L was the driver and positioned the vehicle in the center of the parking area, facing the Subject's vehicle. Officers L and K positioned themselves behind the front doors of the police vehicle.

At 1835:08 hours, Officer M's BWV captured as he/she arrived. Officer M was the driver and sole occupant and positioned the vehicle to the left of Officer L's vehicle. Officer M positioned him/herself behind the driver's door of his/her police vehicle.

At 1835:19 hours, Officer J's BWV captured as he/she and Officer N arrived. Officer J was the driver and positioned the police vehicle behind Officers L and M's vehicles. After exiting the police vehicle, Officer J immediately equipped him/herself with a 40mm Less Lethal Launcher (40mm LLL).

At 1835:47 hours, Officer A's BWV captured as he/she and his/her partner Officer B arrived. Officers A and B positioned themselves behind the front passenger door of Officer L's vehicle.

At 1835:53 hours, Officer C's BWV captured as he/she and his/her partner Officer D arrived. After exiting their police vehicle, Officer C positioned him/herself behind the front passenger door of Officer M's vehicle. Officer D positioned him/herself by another police vehicle. Officer N asked for an officer to get a less lethal device. Officer D removed a 40mm LLL from his/her police vehicle and returned to the passenger side of Officer L's vehicle.

At 1836:00 hours, Officer N's BWV captured as he/she assigned Officers B, D and K to an arrest team and reminds them of the need to render aid to the Subject. Officer N instructed officers B and D to holster up. He/she then assigned Officer A as a Designated Cover Officer (DCO) and verified that there was less lethal deployed.

At 1836:03 hours, Sergeant A's BWV captured as he/she arrived on scene. Sergeant A yelled to Officers E, F and G who were positioned near the Sprinter van and directed one of them to holster up their pistols.

At 1836:59 hours, Officer G's BWV captured the Subject moving inside the cabin of his/her vehicle. The Subject extended his torso out of the driver's window and yelled at officers. Officer G yelled, "Hey, if you reach for that gun, you will be shot." Approximately 10 seconds later, Officer G yelled, "Hey, if you reach for that gun, you will be shot again."

At 1837:40 hours, TFO I requested two RAs to stage.

At 1837:58 hours Sergeant A broadcast he/she was Code Six and the Incident Commander.

At 1839:19 hours, Officer E's BWV captured as the Subject refused to comply with officers' commands and yelled, "kill me" as he held a screwdriver in his right hand, striking the exterior of the vehicle door.

Officers G, F and E redeployed from the Sprinter van to the driver's side of Officer M's police vehicle. Officer O and his/her partner Officer P arrived on scene. Sergeant A directed them to move their police vehicle, in line with Officer M's vehicle. Officer P moved the police vehicle to the west side of the parking lot, in line with the other police vehicles. Officer P equipped him/herself with a Beanbag shotgun and positioned him/herself behind the front driver's door along with Officer O. Officer G opened the front passenger door of Officer O's police vehicle, positioning him/herself behind the door.

Sergeant A instructed Officer K to position another police vehicle to the right. Officer K complied.

At 1841:19 hours, Officer N's BWV captured the Subject accelerate his vehicle toward Officer N who was positioned behind the driver's door of a police vehicle. Officer N held his/her pistol in a two-hand grip and fired eight rounds. Officer N fired his/her rounds from an approximate decreasing distance of twelve to eight feet. Force Investigation Division, ISU utilized physical evidence, BWV and surveillance video to determine the distance.

At 1841:20 hours, Officer A's BWV captured as he/she held his/her pistol in a two-hand grip and fired 12 rounds.

Officer A fired his/her first volley from an approximate decreasing distance of 18 to eight feet. Officer A fired a second volley of an approximate increasing distance of 10 to 20 feet. Force Investigation Division, ISU utilized physical evidence, BWV and surveillance video to determine the distance.

Officer A's BWV, captured after firing his/her ninth round, he/she redeployed, turned around and faced south. According to Officer A his/her finger was along the frame of his/her pistol as he/she turned and redeployed. As Officer A turned to the south, Officer L was seated in the driver's seat of his/her police vehicle. When asked if Officer A covered Officer L with his/her pistol as he/she redeployed, he/she stated, "Almost. Almost do. It's hard to tell from the angle I was at. I might have. But from my video, I just barely missed covering [him/her.]"

At 1841:21 hours, Officer G's BWV captured as he/she held his/her pistol in a two-hand grip and fired three rounds.

Officer G fired his/her rounds from an approximate decreasing distance of twenty-one to eighteen feet. Force Investigation Division, ISU utilized physical evidence, BWV and surveillance video to determine the distance.

At 1841:21 hours, Officer B's BWV captured as she held his/her pistol in a two-hand grip and fired two rounds.

Officer B fired two rounds from an approximate distance of twenty feet. Force Investigation Division, ISU utilized physical evidence, BWV and surveillance video to determine the distance.

After Officer H's vehicle was stuck by the Subject and as the first OIS occurred he/she ran down the embankment and positioned him/herself on the passenger side of another police vehicle.

At 1841:21 hours, Officer K's BWV captured as Officer H held his/her pistol in a two-hand grip and fired three rounds.

Force Investigation Division, ISU utilized physical evidence, BWV and surveillance video to determine the distance.

At 1841:16 hours, Officer J's BWV captured as he/she held the 40mm LLL on target toward the Subject. As the Subject began to drive forward, Officer J slung the 40mm LLL. He/she unholstered his/her pistol and held it in a two-hand grip and fired five rounds.

Officer J fired his/her rounds from an approximate decreasing distance of thirteen to eight feet. Force Investigation Division, ISU utilized physical evidence, BWV and surveillance video to determine the distance.

The Subject drove south out of the parking lot, losing an additional wheel as he/she continued. His vehicle became disabled and came to rest a short distance away. An extended stand-off then occurred with the wounded Subject ultimately being taken into custody by SWAT assets.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sgt. A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes
Officer A	Yes	Yes	Yes	Yes	Yes
Officer N	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes
Officer G	Yes	Yes	No	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. For every incident, the BOPC makes specific findings in three areas: tactics of the involved officer(s), drawing/exhibiting of a firearm by any involved officer(s), and the use of force by any involved officer(s). Based on the BOPC's review of the incident, the BOPC made the following findings:

Tactics – The BOPC found the tactics of Officers B, H, J, A, M, E, F and G and Sergeant A to warrant a finding of Tactical Debrief.

Drawing/Exhibiting – The BOPC found Officers' B, H, J, A, M, E, F and G the Drawing and Exhibiting to be In Policy.

Lethal Use of Force – The BOPC found Officers B, H, E, F, G, Officer J's rounds one through three and Officer A's rounds one through nine to be In Policy. The BOPC found Officer M, Officer J's rounds four and five and Officer A's rounds 10 through 12 to be Out of Policy, Administrative Disapproval.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a subject and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department

examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a RA for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered

include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test

of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her or his/her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning and Assessment – Involved personnel discussed the less-lethal tools and resources they had available to them prior to their start of watch as well as tactical concepts, such as contact and cover roles, high-risk vehicle stop tactics and designated cover officer (DCO) responsibilities. Prior to the first OIS, officers heard the radio calls associated with the Subject, heard Officer C broadcast the Subject was driving erratically into vehicles during the pursuit and heard Air 10 broadcast the Subject had rammed the officers' vehicles; which they used to assess the Subject was a significant danger to themselves and the public.

After the Subject rammed the officers' vehicles and collided with the van in the parking lot, Officers E and G observed the Subject pointing a firearm at them, leading to the first OIS and the officers' assessment between each round. Between the first and second OIS, Sergeant A developed teams and designated roles, including a primary and secondary vehicle in the event another pursuit ensued. As personnel were trying to have the Subject surrender peacefully, he accelerated toward Officers M and J and another OIS occurred, involving Officers M, J, A, G, B and H. The officers assessed between each round and observed the Subject exit the parking lot, coming to rest nearby.

Time and Redeployment and/or Containment – As additional officers responded to the scene, they attempted to contain the Subject in the parking lot by forming a line of police vehicles and created time by taking cover behind their vehicles' ballistic doors from a safe distance. After the Subject drove through the line of police vehicles, his vehicle came to rest at the final location. Personnel at scene followed him on foot and in the vehicles left operable, to set up another line of containment.

Other Resources and Lines of Communication – Shortly after officers arrived, the Subject rammed both police vehicles and Air 10 broadcast what had just occurred and broadcast a help call to request other resources to respond. Between the first and second OIS, Sergeant A directed Officer L to use the public address (PA) system in his/her vehicle to give the Subject commands. Officers at scene communicated their observations of the Subject with one another and Sergeant A broadcast the Subject was armed with a screwdriver. While at the final location, Officer G notified Sergeant A of the firearm in the Subject's vehicle and Sergeant A broadcast the information. Metropolitan Division was also notified to request SWAT and K9 officers, who responded and took the Subject into custody without incident.

During the review of the incident, the following Debriefing Points were noted:

1. Basic Firearm Safety Rules

During the UOFRB, the Minority opined between Officer A's first and second volley, it appeared Officer A covered Officer L with the muzzle of his/her firearm as he/she

was turning from north to south toward the Subject's vehicle. Based upon this appearance, the Minority opined Officer A's tactics were a substantial deviation without justification from Department policy and recommended a Tactics finding of Administrative Disapproval.

The UOFRB Majority noted Officer A stated he/she missed covering Officer L with his/her muzzle. While the UOFRB Majority conceded the "appearance" that Officer A's muzzle appears close to Officer L, they relied upon the actual evidence presented. The Majority noted Body Worn Video (BWV) distorts the angle of view as it uses a wide-angle lens. The angle of the video is not directly down the line of sight of the barrel. Given these facts, FID's investigation was unable to definitively determine and a preponderance of the evidence did not support a conclusion that Officer A covered Officer L with his/her muzzle. The Majority opined the preponderance of evidence does not indicate that Officer A covered Officer L with the muzzle of his/her service pistol.

After careful consideration of the Minority and Majority opinions, as well as a thorough review of the evidence, it is the BOPC's opinion the preponderance of evidence indicates Officer A did cover Officer L with his/her service pistol. After the Subject collided with the police vehicles and drove past Officer A, it was necessary for Officer A to maintain a visual of the Subject and continue assessing the Subject's actions and deadly threat. Deviations from basic tactical concepts can occur during high-stress situations where officers are forced to make split-second decisions and react quickly. While reacting to the violent actions of the Subject and the rapidly evolving, chaotic scene, Officer A inadvertently and momentarily covered Officer L during his/her efforts to maintain his/her visual of the Subject. It is the BOPC's finding that Officer A did substantially deviate from Department-approved tactical training when he/she covered Officer L; however, based on the totality of the circumstances, the deviation was justified.

2. Cover and Concealment

After the Subject rammed the police vehicles and his vehicle collided with the Sprinter van, Officers E, F and G followed him on foot down the grass embankment into an open parking lot where the first OIS occurred. None of the officers were using cover at the time of the first OIS.

The UOFRB evaluated the tactics employed by Officers E, F and G as it pertains to cover and concealment. The UOFRB noted the officers were confronting an aggressive, extremely volatile suspect behind the wheel of a large GMC SUV, who had intentionally struck two police vehicles, rendering them inoperable with both passenger officers still seated inside, demonstrating a serious intent to severely injure or kill them. The UOFRB noted the officers made the assessment it was necessary for them to close the distance on the Subject to protect community members in the Sprinter van and to prevent the Subject from escaping and possibly entering nearby buildings. The UOFRB opined that assessment was reasonable, based upon the Subject's numerous violent actions leading up to that point. The

UOFRB opined it would have been ideal if the officers confronted the Subject from behind cover but noted they did not have access to any adequate, available cover based on the location where the Subject's vehicle, which he was using as a weapon, came to rest.

The UOFRB noted the parking lot was open and empty with no parked vehicles. Small trees were the nearest cover but were a great distance away from the suspect vehicle. The UOFRB opined had the officers deployed behind the trees for cover, the Subject would not have been visible to them and they would not have been in a position to protect the community members in the van from the Subject. The UOFRB also noted the officers had no information that would lead them to believe the Subject was armed with a firearm prior to the first OIS. The UOFRB opined the officers had to make a quick decision on how to deploy on the Subject's vehicle and further opined the officers' only viable option was to use the occupied Sprinter van as cover. The UOFRB noted the officers redeployed to the Sprinter van immediately following the OIS, after perceiving the Subject with a firearm and eventually redeployed behind a police vehicle once additional units arrived and made it safe to do so. The UOFRB opined the officers had to act quickly to protect community members and were forced to make an immediate tactical decision, in a very imperfect situation.

Based on the totality of the circumstances, the BOPC found that the tactics employed by Officers E, F and G were a substantial deviation, with justification, from Department-approved tactical training.

The BOPC found the tactics of Officers B, H, J, A, M, E, F and G and Sergeant A to warrant a finding of Tactical Debrief.

During the review of the incident, the following Debriefing Topics were noted:

Additional Tactical Debrief Topics

Tactical Communications – After the first OIS, Officers E, F and G did not directly notify Sergeant A or the other officers at scene that they observed the Subject in possession of a firearm. Instead, Officer G shouted a warning to the Subject that he would be shot again if he reached for the firearm. It was not until they arrived at the final location that Officer G advised Sergeant A of the firearm, who in turn, broadcast the information for the personnel at scene.

Fire Control/Discipline – The investigation revealed Officer E discharged 13 rounds, Officer F discharged nine rounds and Officer G discharged eight rounds in 3.01 seconds during the first OIS. The investigation revealed Officer M discharged eight rounds, Officer A discharged 12 rounds, Officer G discharged three rounds, Officer B discharged two rounds, Officer H discharged three rounds, and Officer J discharged five rounds in 4.748 seconds during the first OIS.

Command and Control

After the first OIS, responding officers began arriving and positioned their vehicles in a line for containment facing the Subject. Prior to the arrival of a supervisor, Officer M began to establish command and control.

At 1836:03 hours, Sergeant A arrived at scene and immediately engaged in active leadership, assuming effective command and control.

At 1842 hours, personnel from the OIS location, Sergeant B arrived at the final location to assist with Command and Control as did several other supervisors.

At 1849:08 hours, Officer G informed Sergeant A he/she observed the Subject with a firearm during the first OIS and Sergeant A broadcast the information and directed officers at scene to don ballistic helmets.

The UOFRB evaluated the command and control employed by Officer M and Sergeant A during the incident. The UOFRB noted Officer M quickly began to establish command and control prior to the arrival of a supervisor. The UOFRB also noted Sergeant A arrived at scene and immediately began command and control of a large and active scene involving numerous officers as he/she simultaneously gained situational awareness and assessed the situation. The UOFRB opined Sergeant A's immediate use of active leadership allowed him/her to organize his/her available resources to attempt as best as possible to contain the Subject and stabilize the scene in order to minimize risk to the community, the officers and the Subject.

Based on the totality of the circumstances, the BOPC found that the overall actions of Officer M and Sergeant A were consistent with Department training.

B. Drawing/Exhibiting

Officer E (1st Occurrence)

As the Subject drove back down the driveway toward the officers, Officer E stopped and positioned his/her police vehicle on the left side of the driveway, exited the vehicle and unholstered his/her service pistol. Officer E positioned him/herself on the grass embankment because he/she knew the Subject was a "felony suspect" and believed the situation could escalate to where deadly force may be justified.

Officer E (2nd Occurrence)

After the Subject's vehicle came to rest at the final location, Officer E rode in Sergeant A's vehicle to the location, exited the vehicle and unholstered his/her service pistol. Officer E positioned him/herself behind the front passenger door of Officer O's vehicle because he/she was assigned as the DCO by a supervisor and believed the situation could still escalate to where deadly force may be justified.

While still at the final location, Officer E replaced another officer as the DCO and unholstered his/her service pistol as he/she positioned him/herself behind the driver's door of Sergeant B's vehicle. Officer E was the DCO and the tactical situation was unchanged from his/her prior drawing.

Officer F (1st Occurrence)

As Officers E and G ran down the grass embankment after the Subject's vehicle, Officer F exited his/her vehicle and followed the officers. Officer F unholstered his/her service pistol because "it's a felony stop," and believed the Subject was possibly armed "due to the severity of the calls."

Officer F (2nd Occurrence)

As the Subject drove between Officers L and P's police vehicles, Officer F unholstered his/her service pistol. Officer F was continuing to deal with the tactical situation involving the Subject.

Officer F (3rd Occurrence)

After the Subject's vehicle came to rest at the final location, Officer F rode with Sergeant A in his/her vehicle to the location, exited the vehicle and unholstered his/her service pistol. Officer F took a position behind the front passenger door of a CHP vehicle because the Subject "was still possibly armed with the same handgun."

Officer F (4th Occurrence)

While still at the final location, Officer F replaced Officer K as a DCO to allow hi/her to use the PA system. Officer F did not recall unholstering his/her service pistol in this instance but believed any additional unholstering was due to the fact he/she still believed the situation could escalate to where deadly force may be justified.

Officer G (1st Occurrence)

After the Subject rammed the front of Officer G's vehicle with Officer H still inside, Officer G unholstered his/her service pistol as the Subject changed direction and drove down the grass embankment. Officer G unholstered because he/she just observed the Subject using "his vehicle as a deadly weapon" and believed the situation was escalating to where deadly force may be justified.

Officer G (2nd Occurrence)

After the Subject's vehicle came to rest at the final location, Officer G positioned him/herself between two officers and unholstered his/her service pistol because he/she believed the Subject "could still possibly armed with a handgun."

Officer G (3rd Occurrence)

While still at the final location, Sergeant A told Officer N to step back and take control of the team of officers near him/her, so Officer G replaced Officer N as the DCO and unholstered his/her service pistol.

Officer G (4th Occurrence)

While still at the final location, Officer G was directed to replace Officer J as the DCO for a nearby team of officers, so he/she unholstered his/her service pistol. Officer G did not recall unholstering in this instance but believed he/she only unholstered when he/she was directed to take a position as a DCO or the situation was escalating to where deadly force may be justified.

Officer M (1st Occurrence)

After Officers J and M arrived at scene, Officer M exited their vehicle and unholstered his/her service pistol as he/she positioned him/herself behind the front passenger side door of Officer L's vehicle. Officer M unholstered because he/she believed the situation could escalate to where deadly force may be justified.

When Officer L was directed by Sergeant A to use the PA system in his/her vehicle, Officer M moved from the passenger side to the driver side of Officer L's vehicle and unholstered his/her service pistol. Officer M positioned him/herself behind the driver's door because he/she wanted to provide lethal cover for Officer L and believed the situation could escalate to where deadly force may be justified.

Officer M (3rd Occurrence)

After the Subject's vehicle came to rest at the final location, Officer M followed the Subject on foot, took a position behind the front passenger door of Officer N's vehicle and unholstered his/her service pistol. Officer M unholstered because he/she believed the Subject could "reverse back into" the officers and believed the Subject was possibly armed with a firearm.

Officer M (4th to 9th Occurrence)

While still at the final location, Officer M holstered and unholstered his/her service pistol multiple times because he/she was "heavily fatigued" and saw there was enough lethal coverage for him/her to rest. Each time Officer M unholstered his/her service pistol, he/she observed the Subject "digging for the pistol" and believed the situation could possibly escalate to where deadly force may be justified.

Officer A (1st Occurrence)

After Officers B and A arrived at scene, Officer A exited their vehicle and unholstered his/her service pistol as he/she positioned him/herself behind the front

passenger door of Officer L's vehicle. Officer A unholstered because he/she heard the shots fired broadcast, heard the suspect was ramming officers' vehicles and believed the situation could escalate to where deadly force may be justified.

Officer A (2nd Occurrence)

After the Subject's vehicle came to rest at the final location, Officer A followed the Subject on foot, positioned him/herself behind the front passenger door of a CHP vehicle and unholstered his/her service pistol "due to the suspect's previous actions."

Officer B (1st Occurrence)

After Officers A and B arrived at scene, Officer B exited their vehicle and unholstered his/her service pistol as she positioned herself behind the front passenger's door of Officer L's vehicle. Officer B unholstered because he/she just heard the shots fired broadcast and knew the Subject had already "proved to be violent of attempting to seriously harm other people."

Officer B (2nd Occurrence)

After Officer M moved from the passenger side of Officer L's vehicle to the driver's side, Officer B positioned him/herself next to Officer A and unholstered his/her service pistol because he/she believed the Subject could possibly use his vehicle as a weapon to cause seriously bodily injury and/or death.

After the Subject's vehicle came to rest at the final location, Officer B followed the Subject in his/her vehicle, exited and unholstered his/her service pistol after positioning him/herself behind the front passenger door of Sergeant B's vehicle. Officer B unholstered because he/she was filling the role of DCO and believed the Subject "still posed an imminent threat."

Officer B (4th Occurrence)

While still at the final location, the sound of Officer B unholstering his/her service pistol can be heard on his/her BWV footage at 1913:51 hours. Officer B stated he/she would have unholstered his/her service pistol because he/she was still "at the same position, still being DCO."

Officer B (5th Occurrence)

While still at the final location, Officer B holstered his/her service pistol to turn down the volume of the radio in Sergeant B's vehicle and unholstered his/her service pistol again because he/she was continuing to fill the role of DCO.

Officer H (1st Occurrence)

After the Subject rammed Officer H's vehicle with him/her still inside, Officer H exited and redeployed to the passenger side of Officer L's vehicle. Officer H observed the Subject armed with "a knife or the sharp object in his hand" and unholstered his/her service pistol because he/she believed the Subject posed an imminent threat of serious bodily injury and/or death, believing the Subject could possibly charge at the officers.

Officer H (2nd Occurrence)

While still in the industrial complex parking lot, Officer H observed the Subject turning the wheels of his vehicle toward the officers. Officer H observed the Subject driving toward the other officers and unholstered his/her service pistol because he/she believed the Subject posed an imminent threat of serious bodily injury and/or death to the other officers.

Officer J (Service Pistol)

As the Subject began to drive forward, Officer J slung the 40mm LLL and unholstered his/her service pistol as he/she prepared to discharge it at the Subject because he/she saw the vehicle accelerating toward him/her quickly as he/she was attempting to redeploy. Officer J believed the Subject was going fast enough that he/she was "going to get ran over by him" and believed the situation escalated to where deadly force was justified.

Officer J (Patrol Rifle)

After the Subject's vehicle came to rest at the final location, Sergeant A directed Officer J to return to his/her vehicle and retrieve his/her patrol rifle. Officer J returned to his/her vehicle in the industrial complex parking lot, and exhibited his/her patrol rifle because he/she observed the Subject barricading him/herself in his vehicle and it was believed the Subject was armed with a handgun. Officer J believed the superior range and accuracy of the patrol rifle was necessary in the event the situation escalated to where deadly force may be justified.

The UOFRB evaluated Officers E, F, G, M, A, B, H and J's drawing and exhibiting of their service pistols and Officer J's exhibiting of his/her patrol rifle. The UOFRB noted the officers drew and exhibited their service pistols multiple times while deploying, redeploying and confronting the Subject. The UOFRB opined the officers each articulated they were dealing with a dangerous high-risk suspect who had already harmed officers and community members and was armed with a screwdriver and a firearm. The UOFRB opined the circumstances surrounding the incident clearly created a reasonable belief amongst the officers that the situation may rise to where lethal force may be justified.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officers E, F, G, M, A, B, H and J would reasonably believe there was a substantial risk the situation could have or had escalated to where deadly force may be justified.

Therefore, the BOPC found Officers E, F, G, M, A, B, H and J's Drawing/Exhibiting to be In-Policy.

Lethal Use of Force

The involved officers' background during the OIS was a topic of deliberation during the UOFRB. The Minority opined the tactics employed by Officers J and A were a substantial deviation, without justification, from Department-approved tactical training due to their background at the time of the OIS. After careful consideration, the BOPC believes the issue of the officers' background at the time of the OIS is more appropriately addressed and assessed as part of their Lethal Use of Force.

Officer E – Pistol, 13 rounds from an approximate increasing distance of 16 to 24 feet, in a northerly direction.

Officer-Involved Shooting (1st Occurrence)

Background – An industrial complex, which consisted of concrete walls, concrete pillars and metal roll-up doors, and an open, empty parking lot.

Round One: According to Officer E, he/she observed the Subject reaching toward his waist area, and when he turned towards the officers, Officer E observed a black object in his hand, which he/she perceived to be a firearm. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her first round.

Round Two: According to Officer E, he/she assessed his/her first round did not “faze” the Subject and observed the Subject still staring at him/her. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her second round.

Round Three: According to Officer E, he/she observed the Subject “fumbling down” and saw he was still in possession of the firearm. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her third round.

Round Four: According to Officer E, he/she observed the Subject huddled over and saw he was still in possession of the firearm. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her fourth round.

Round Five: According to Officer E, he/she still observed the Subject huddled over and saw he was still in possession of the firearm. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her fifth round.

Round Six: According to Officer E, he/she observed the Subject huddled over, with his left arm raised “essentially almost like kind of blocked the - - the rounds,” and saw his right arm was “tucked in,” still holding the firearm. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her sixth round.

Round Seven: According to Officer E, he/she observed the Subject in the same position and saw he was still in possession of the firearm. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her seventh round.

Round Eight: According to Officer E, he/she observed the Subject moving much more than before and was “moving way too much for someone that would have possibly been struck by gunfire.” Officer E saw the Subject was still in possession of the firearm in his right hand. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her eighth round.

Round Nine: According to Officer E, he/she did not recall whether the Subject was in possession of the firearm, but he/she observed him “constantly like going up and down,” believing the Subject was trying to “regrip the firearm.” To prevent the Subject from retrieving the firearm and causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her ninth round.

Round Ten: According to Officer E, he/she observed the Subject still moving up and down as if trying to retrieve the firearm. To prevent the Subject from retrieving the firearm and causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her tenth round.

Round Eleven: According to Officer E, he/she observed the Subject still moving up and down as if trying to retrieve the firearm, appearing to try and block the rounds with his left arm. To prevent the Subject from retrieving the firearm and causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her eleventh round.

Round Twelve: According to Officer E, he/she observed the Subject still moving up and down as if trying to retrieve the firearm, but “his actions started slowing down” and appeared to be “extremely erratic” and “unpredictable.” To prevent the Subject from retrieving the firearm and causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her twelfth round.

Round Thirteen: According to Officer E, he/she observed the Subject still moving up and down erratically and unpredictably and believed he was still reaching for the firearm. To prevent the Subject from retrieving the firearm and causing serious bodily injury or death to him/herself and the other officers, Officer E discharged his/her thirteenth round. After Officer E fired his/her final round, he/she observed the Subject leaning forward and could now see both of his hands, which he/she observed to be empty. Officer E stopped firing and believed it was safe enough to redeploy.

Officer F – Pistol, nine rounds from an approximate increasing distance of 16 to 24 feet, in a northerly direction.

Background – An industrial complex, which consisted of concrete walls, concrete pillars and metal roll-up doors, and an open, empty parking lot.

Round One: According to Officer F, he/she heard a gunshot and observed a bullet hole in the door of the Subject's vehicle and believed the Subject was shooting through the door. He observed the Subject moving up and down, which Officer F believed was the Subject's attempts to take cover behind the door to avoid officers' fire. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her first round.

Round Two: According to Officer F, he/she believed the Subject was still shooting at him/her and the other officers. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her second round.

Round Three: According to Officer F, he/she believed the Subject was still shooting at him/her and the other officers and observed him continue moving up and down. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her third round.

Round Four: According to Officer F, he/she observed the Subject continue moving up and down and observed more bullet holes forming in the door of the Subject's vehicle and believed he was still shooting at him/her and the other officers. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her fourth round.

Round Five: According to Officer F, he/she observed the Subject making the same movements as before and believed the Subject was still shooting at him/her and the other officers. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her fifth round.

Round Six: According to Officer F, he/she observed the Subject continue to move up and down, as if he were trying to avoid the gunfire, and believed the Subject was still shooting at him/her and the other officers through the door of his vehicle. To

prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her sixth round.

Round Seven: According to Officer F, he/she observed the Subject continue to move up and down, as if he were trying to avoid the gunfire, and believed the Subject was still shooting at him/her and the other officers through the door of his vehicle because he/she continued to hear gunshots. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her seventh round.

Round Eight: According to Officer F, he/she observed the Subject continue to move up and down, as if he were trying to avoid the gunfire, and believed the Subject was still shooting at him/her and the other officers through the door of his vehicle. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her eighth round.

Round Nine: According to Officer F, he/she observed the Subject continue to move up and down, as if he were trying to avoid the gunfire, and believed the Subject was still shooting at him/her and the other officers through the door of his vehicle. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer F discharged his/her ninth round. After firing his/her final round, Officer F saw both of the Subject's hands were empty and believed the Subject was no longer a threat.

Officer G – Pistol eight rounds from an approximate increasing distance of 16 to 25 feet, in a northerly direction.

Background – An industrial complex, which consisted of concrete walls, concrete pillars and metal roll-up doors, and an open, empty parking lot.

Round One: According to Officer G, he/she observed the Subject pick up a firearm, which he/she described as a "black semi-automatic handgun," with his right hand and "point the handgun directly at Officer E." To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer G discharged his/her first round.

Round Two: According to Officer G, he/she observed the Subject still pointing the firearm at Officer E. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer G discharged his/her second round.

Round Three: According to Officer G, he/she continued to observe the Subject pointing the firearm at Officer E but stated he/she was unsure if the Subject was shooting due to "auditory exclusion." To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer G discharged his/her third round.

Round Four: According to Officer G, he/she observed the Subject still pointing the firearm at Officer E. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer G discharged his/her fourth round.

Round Five: According to Officer G, he/she observed the Subject with his hand still extended out, pointing the firearm at Officer E. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer G discharged his/her fifth round.

Round Six: According to Officer G, he/she observed the Subject still extending his arm out toward Officer E, pointing the firearm at him/her. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer G discharged his/her sixth round.

Rounds Seven and Eight: Officer G observed the Subject still pointing the firearm at Officer E. To prevent the Subject from causing serious bodily injury or death to him/herself and the other officers, Officer G discharged his/her seventh and final round. After firing his/her final round, Officer G observed the Subject drop the firearm and believed “deadly force was no longer necessary.”

Officer-Involved Shooting (2nd Occurrence)

Officer M – Pistol, eight rounds from an approximate decreasing distance of 12 to eight feet, in a northerly direction.

Background – For rounds one through six, the background was an industrial complex, which consisted of concrete walls, concrete pillars and metal roll-up doors, and an open, empty parking lot. For rounds seven and eight, the background was an empty church, which consisted of a brick wall, trees and the concrete wall, and a police vehicle.

Round One: According to Officer M, he/she observed the Subject making “aggressive turning movements” in his direction and believed the Subject was “no longer looking for a way out” and was “definitely trying to take officers out.” He also felt the Subject was “targeting” him/her specifically. Officer M believed it was unreasonable to redeploy because Officer L was sitting in the driver’s seat of the vehicle to his/her right, there were two other officers to his/her left with another vehicle to their immediate left, and the Subject was already in the process of driving toward him/her “at such a high rate of speed that I had to - - I had to hold my ground and I had to fire my pistol at the - - at the suspect.” To stop the Subject from causing serious bodily injury or death to him/herself, Officer M discharged his/her first round.

Round Two: According to Officer M, he/she saw his/her first round was ineffective because the Subject continued to drive toward him/her. Officer M stated he/she was hoping the Subject “would lessen off - - up off the gas, and because the vehicle was so heavily damaged, that it would just kind of just stop and come to a rest.” To stop

the Subject from causing serious bodily injury or death to him/herself, Officer M discharged his/her second round.

Round Three: According to Officer M, he/she saw his/her second round was also ineffective and observed the Subject continuing to drive toward him/her. To stop the Subject from causing serious bodily injury or death to him/herself, Officer M discharged his/her third round.

Round Four: According to Officer M, he/she recalled his/her fourth round being fired while he/she “side stepped a little to my left,” making him/her “in line with him.” Officer M saw the Subject had already “gained a lot of ground” and saw he was continuing to drive toward him/her. To stop the Subject from causing serious bodily injury or death to him/herself, Officer M discharged his/her fourth round.

Round Five: According to Officer M, he/she shot on the move and the “only thing I saw was this vehicle barreling up on me at a very high rate of speed.” Officer M feared his/her fifth round would be his/her last because he/she believed he/she was “going to get hit by this car.” To stop the Subject from causing serious bodily injury or death to him/herself, Officer M discharged his/her fifth round.

Round Six: According to Officer M, he/she felt his/her sixth round was fired almost immediately after round five because “he was right on top of me,” estimating his/her distance from the Subject to be “10, 15 feet.” To stop the Subject from causing serious bodily injury or death to him/herself, Officer M discharged his/her sixth round.

Rounds Seven and Eight: According to Officer M, he/she saw the Subject continuing to drive toward him/her as he/she “managed to get out of the way very quickly and run to the back side of the police vehicle.” Officer M believed the Subject had struck some officers because “guys were yelling” and believed his/her sight picture and background “was good enough to discharge one more round as he was passing” him/her. To stop the Subject from causing serious bodily injury or death to him/herself and any other officers, Officer M discharged his/her seventh and eighth round. After firing his/her final round, Officer M verified no one was “getting dragged” by the Subject and verified all the other officers were not injured.

Officer A – Pistol, first volley of nine rounds from an approximate decreasing distance of 18 to eight feet, in a northerly direction, and a second volley of three rounds from an approximate increasing distance of 10 to 20 feet, in a southerly direction.

Background – For the first volley, the background was an industrial complex, which consisted of concrete walls, metal roll-up doors, and a metal fence, and the Sprinter van, which contained Witnesses B and A. For the second volley, the background was an empty church, which consisted of a brick wall, trees and the concrete wall, and police vehicles, one of which Officer D was standing behind.

Volley One

Round One: According to Officer A, he/she saw the officers to his/her left “either redeploying a little slow or were not redeploying at all” and saw the Subject “use the vehicle as a weapon” by driving toward other officers. To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her first round.

Round Two: According to Officer A, his/her first round was ineffective, so he/she fired his/her second round “immediately after the first one.” Officer A stated the Subject was “driving a large vehicle with a lot of metal,” and wanted to stop him from driving toward the other officers. To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her second round.

Round Three: According to Officer A, he/she saw his/her second round was ineffective, and the Subject was continuing to get closer to the officers. To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her third round.

Round Four: According to Officer A, he/she saw the Subject continuing to get closer to the other officers “to the point where he’s pretty much making con - - almost making contact with the vehicles.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her fourth round.

Round Five: According to Officer A, he/she saw his/her fourth round was ineffective and the Subject was continuing to drive toward the other officers and get closer to them. To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her fifth round.

Round Six: According to Officer A, he/she saw none of the officers to his/her left were in his/her background yet and saw the Subject was continuing to drive toward the officers, using the vehicle “as a weapon.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her sixth round.

Round Seven: According to Officer A, he/she saw the Subject continuing to drive toward the other officers, using his vehicle as a deadly weapon. To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her seventh round.

Round Eight: According to Officer A, he/she saw the Subject had reached the “hood of the cars - - of our - - of our patrol vehicles” and saw the other officers attempting to run out of the way of the Subject. To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her eighth round.

Round Nine: According to Officer A, the Subject had just made contact with the police vehicles and Officer A wanted “to keep him from proceeding to any - - to hit any officers who were attempting to get out of the way running to the rear.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer A discharged his/her ninth round.

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Round Ten: According to Officer A, the Subject had passed the line of officers and police vehicles and was continuing out of the parking lot toward the CHP officers. Because of “his previous actions with officers and civilians,” Officer A believed the Subject was going to use his vehicle to harm or kill the CHP officers. To prevent the Subject from causing serious bodily injury or death to the CHP officers, Officer A discharged his/her tenth round.

Round Eleven: According to Officer A, he/she did not observe the Subject’s brake lights turning on and saw him continuing to drive toward the CHP officers. To prevent the Subject from possibly causing serious bodily injury or death to the CHP officers, Officer A discharged his/her eleventh round.

Round Twelve: According to Officer A, he/she saw the Subject continuing to drive toward the CHP officers and did not see his brake lights turning on. To prevent the Subject from possibly causing serious bodily injury or death to the CHP officers, Officer A discharged his/her twelfth round. Officer A stated he/she did not fire another round because the CHP officers would be in his/her background.

Officer G – Pistol, three rounds from an approximate decreasing distance of 21 to 18 feet, in a northerly direction.

Background – An industrial complex, which consisted of concrete walls, concrete pillars, and metal roll-up doors, and an open, empty parking lot.

Round One: According to Officer G, he/she looked to his/her right and saw “there was no means of reasonable escape for any of the officers on the right side” and recalled how the Subject “crumpled” his/her police vehicle as he “attempted to kill” him/herself as well as the other officers. To prevent the Subject from causing serious bodily injury or death to the other officers, Officer G discharged his/her first round.

Round Two: According to Officer G, he/she saw his/her second round was ineffective and observed the Subject “still rapidly accelerating into the officers.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer G discharged his/her second round.

Round Three: According to Officer G, he/she saw his/her second round was ineffective as the Subject “was still gaining acceleration as he was almost, you know, approximately five to ten feet away from, you know, using the vehicle as a deadly

weapon to hit the other officers.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer G discharged his/her third round.

After firing his/her final round, Officer G assessed he/she would put him/herself “in a crossfire position” if he/she fired another round, so he/she stopped shooting.

Officer B – Pistol, two rounds from an approximate distance of 20 feet, in a northerly direction.

Background – An industrial complex, which consisted of concrete walls, metal roll-up doors and a metal fence, and an open, empty parking lot.

Round One: According to Officer B, he/she “knew there were multiple officers to the left-hand side in a funnel but behind cover” and saw the Subject turning the tires of his vehicle toward the officers.

Officer B believed the Subject was going to drive over the officers because he “had already shown to ram another black and white and had created three prior calls of him using his vehicle as a weapon.” He/she observed the Subject begin accelerating toward the officers, which “made it clear that he was not trying to escape. He made it clear by accelerating and driving directly towards the officers that he was trying to kill them and get away in his vehicle.” Officer B described the situation as “an exigent circumstance due to their lives being in immediate danger.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer B discharged his/her first round.

Round Two: According to Officer B, he/she observed the Subject continuing to “accelerate towards the officers. I believed the officers had no means of escape due to how quickly he was driving at them and the threat was continuous.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer B discharged his/her second round. After firing his/her final round, Officer B lost sight of the Subject as he collided with the police vehicle next to him/her.

Officer H – Pistol, three rounds from an approximate distance of 23 feet, in a northerly direction.

Background – An industrial complex, which consisted of concrete walls, metal roll-up doors, and a metal fence, and an open, empty parking lot.

Round One: According to Officer H, he/she saw there were approximately four officers to his/her left on the driver side of the police vehicle and observed the Subject turning the steering wheel before accelerating “directly at the officers” at a high rate of speed. Officer H described the space the four officers were in as “a funnel between two shops, very tight space” and believed “they have no reasonable way to get out, especially there being so many officers.”

He believed the Subject was “trying to kill those officers” because the Subject had “already committed ADW in the beginning,” “attempted to murder the officer that was in front of my shop,” and “chose to intentionally ram our vehicle.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer H discharged his/her first round.

Round Two: According to Officer H, he/she observed the Subject’s vehicle not stopping and saw the officers were “still there in that funnel.” To prevent the Subject from causing serious bodily injury or death to the other officers, Officer H discharged his/her second round.

Round Three: According to Officer H, he/she saw the Subject was “still charging with the vehicle,” noting that the Subject continued driving directly towards the middle where the officers were even though officers were shooting at him. Officer H saw the Subject was “not taking a different route where he could avoid a collision or avoid colliding into the officers” and believed the Subject was “intentionally and deliberately” driving toward the officers. To prevent the Subject from causing serious bodily injury or death to the other officers, Officer H discharged his/her third round. After firing his/her final round, Officer H “no longer had a good angle to continue to fire” and “did not want to have any crossfire issues,” so he/she stopped shooting.

Officer J – Pistol, five rounds from an approximate decreasing distance of 13 to eight feet, in a progressively northerly to easterly direction.

Background – For the first three rounds, the background was an industrial complex, which consisted of concrete walls, concrete pillars and metal roll-up doors, and an open, empty parking lot. For rounds four and five, the background was a grassy embankment and a police vehicle, which Officers A, B, H and K were standing behind on the passenger side and Officer L was sitting in the driver’s seat.

Round One: According to Officer J, he/she saw “a large SUV” driving toward him/her at a high rate of speed and saw Officer M to his/her right and Officer L sitting in the driver’s seat of the police vehicle next to him/her. Officer J felt he/she and Officers M and L “were pretty much trapped” because the two police vehicles they were between created “an alleyway.” Officer J “attempted to back up and redeploy” but felt he/she “didn’t have time” because he/she “could read the GMC sign and it’s coming fast.” To prevent the Subject from causing serious bodily injury or death to him/herself and Officers M and L, Officer J discharged his/her first round.

Round Two: According to Officer J, his/her first round appeared to be ineffective because he/she saw the Subject continuing to drive toward him/her and Officer M. Officer J stated he/she was backpedaling when he/she saw the Subject’s vehicle collide with “the police vehicle on the right and the door” and that it “almost ricochets off of it,” which he/she believed caused the vehicle to turn toward him/her more than before. To prevent the Subject from causing serious bodily injury or death to him/herself and Officer M, Officer J discharged his/her second round.

Round Three: According to Officer J, he/she continued to backpedal as he/she observed the Subject continuing to drive toward him/her. To prevent the Subject from causing serious bodily injury or death to him/herself, Officer J discharged his/her third round.

Round Four: According to Officer J, he/she saw the Subject continuing to drive toward him/her and showed no signs of stopping. To prevent the Subject from causing serious bodily injury or death to him/herself, Officer J discharged his/her fourth round.

Round Five: According to Officer J, he/she saw the Subject's vehicle turn "to the left a little bit" away from him/her, which is when he/she fired his/her fifth round. To prevent the Subject from causing serious bodily injury or death to him/herself, Officer J discharged his/her fifth round. After firing his/her final round, Officer J saw the Subject driving past him/her, and he/she decided to stop shooting because "the background is officers running to get out of the way."

The UOFRB evaluated the lethal use of force employed by Officers E, F, G, M, A, B, H and J, and the findings were not unanimous, with a Minority opinion rendered for Officer E's rounds nine through 13 and Officer M's rounds one through six.

With regard to the first OIS and Officer E's rounds one through eight, all nine of Officer F's rounds, and Officer G's rounds one through eight, the UOFRB was unanimous in its findings. The UOFRB noted Officer E observed the Subject pointing a firearm at him/her and Officer G observed the Subject pointing a firearm at Officer E. The UOFRB noted Officer F heard gunshots and observed bullet holes forming in the driver's door of the Subject's vehicle, leading him/her to believe the Subject was shooting at them. The UOFRB noted the officers' individual, independent perceptions of the Subject's actions led each of the officers to believe the Subject was armed with a firearm. Each of the officers' assessment of the Subject's actions led them to perceive the Subject as an active threat to their lives causing them to each fire their service pistols at the Subject in reaction. The UOFRB opined the consistency of their independent perceptions and reactions were an indication of their reasonableness. The UOFRB further opined the Subject's actions of violently ramming into the police vehicles, especially with the passenger officers still inside of them, made it clear to the officers that the Subject had malicious, murderous intent. The UOFRB opined the officers' observations led them to reasonably believe the Subject was posing an imminent threat of serious bodily injury and/or death and further opined their lethal use of force was objectively reasonable, proportional and necessary based on the totality of the circumstances presented by the evidence and the officers' statements.

Based on the totality of the circumstances, the BOPC found an officer with similar training and experience as Officers E, F and G, in the same situation, would reasonably believe the use of deadly force, to include Officer E's rounds one through eight, all nine of Officer F's rounds and Officer G's rounds one through eight, was necessary, proportional and objectively reasonable. With regard to the

aforementioned rounds, the BOPC found Officers E, F and G's Lethal Use of Force during the first OIS to be In Policy.

Regarding Officer E's rounds nine through 13 during the first OIS, the findings were not unanimous. The Minority noted Officer E did not recall seeing the firearm in the Subject's hand when he/she fired those rounds, which the Minority opined was enough for the Subject to no longer pose an immediate threat of death and/or serious bodily injury regardless of Officer E's perception that the Subject was trying to re-grip the firearm. Therefore, the Minority opined Officer E's use of lethal force was not objectively reasonable, nor necessary. The Majority noted Officer E observed the Subject moving up and down as if trying to "re-grip" the firearm. The Majority opined Officer E's perception that the Subject was initially in possession of a firearm was reasonable and based off that perception, although Officer E no longer observed the firearm in the Subject's hand, his/her assessment was the Subject was attempting to re-grip the firearm. The Majority opined Officer E's assessment was reasonable based on the totality of the circumstances. Based upon that assessment, it was reasonable for Officer E to believe the Subject continued to pose an imminent threat as he/she attempted to regrip the firearm after pointing it at the officers. The Majority opined Officer E's lethal use of force, rounds nine through 13, was objectively reasonable, proportional and necessary.

In the BOPC's assessment of Officer E's rounds nine through 13, the totality of the circumstances led to the objectively reasonable perception by Officer E that the Subject was armed and posed an imminent threat of death and/or serious bodily harm. While Officer E did not see the firearm when he/she fired rounds nine through 13, he/she assessed the Subject's actions as attempting to regrip the firearm. This perception was reasonable and led to an objectively reasonable belief that the Subject's actions continued to pose an imminent threat. Officer E need not wait until the Subject reacquires a grip and actually point the firearm at him/her and his/her partners to defend him/herself. He needs only to form the reasonable belief based upon the circumstances that the Subject's actions posed in imminent threat of death or serious bodily injury.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer E, in the same situation, would reasonably believe the use of deadly force, specifically rounds nine through 13, was necessary, proportional and objectively reasonable. With regard to the aforementioned rounds, the BOPC found Officer E's Lethal Use of Force to be In Policy, No Further Action.

In its evaluation of the second OIS, the UOFRB was unanimous in its findings for all of Officer B's rounds, all of Officer H's rounds, Officer G's rounds nine through 11 and Officer A's rounds one through nine. The UOFRB noted the officers observed the Subject accelerating toward Officers M and J and believed they were in a funnel by standing in between two police vehicles with no reasonable means of escape. The UOFRB opined the officers reasonably assessed the Subject intended to harm Officers J and M because the Subject had rammed the police vehicles just before

the first OIS and had committed an ADW with a vehicle toward community members earlier that day, as well as the manner in which he drove toward the officers.

The UOFRB noted the Department Manual states a “moving vehicle itself shall not presumptively constitute a threat that justifies an officer’s use of deadly force,” but also noted officers may shoot at a moving vehicle when “the officer’s life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.” The UOFRB opined in this case the moving vehicle did not presumptively constitute a threat but instead was an active and verified threat, as the Subject had already used the vehicle as a weapon to ram officers’ and community members’ occupied vehicles and was in the process of using it as a weapon once again. The UOFRB opined the officers’ perception that Officers M and J could not redeploy and escape the path of the Subject’s vehicle was reasonable in this situation and the Subject therefore posed an imminent threat of death or serious bodily injury to them. Therefore, the UOFRB opined their lethal use of force was objectively reasonable, proportional and necessary.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officers B, H, G and A, in the same situation, would reasonably believe the use of deadly force, specifically, all of Officer B’s rounds, all of Officer H’s rounds, Officer G’s rounds nine through 11 and Officer A’s rounds one through nine, were necessary, proportional and objectively reasonable. With regard to the aforementioned rounds, the BOPC found Officers B, H, G and A’s Lethal Use of Force to be In Policy.

With regard to Officer J’s rounds one through three, the UOFRB was unanimous in its findings. The UOFRB noted Officer J saw the Subject’s large SUV driving toward him/her at a high rate of speed and saw Officers M and L to his/her right. The UOFRB also noted Officer J felt all three of them were trapped because the two police vehicles they were between created “an alleyway” and they did not have time to redeploy. The UOFRB opined Officer J’s perception of no reasonable or apparent means of escape was reasonable given the totality of the circumstances and that perception was consistent with the policy for shooting at a moving vehicle. Therefore, the UOFRB opined Officer J’s rounds one through three were objectively reasonable, proportional and necessary.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officer J, in the same situation, would reasonably believe the use of deadly force, specifically Officer J’s rounds one through three, were necessary, proportional and objectively reasonable. With regard to the aforementioned rounds, the BOPC found Officer J’s Lethal Use of Force to be In Policy.

In assessing Officer M’s rounds one through six, the UOFRB was not unanimous in its findings. The Majority noted Officer M saw the Subject making “aggressive turning movements” toward him/her in his vehicle and noted Officer M believed the Subject was looking to harm officers, specifically him/her. The Majority noted Officer

M felt he/she was unable to redeploy because Officer L was sitting in the driver's seat to his/her right, Officer J and a police vehicle were to his/her immediate left, and he/she was unable to go forward as the Subject was in the process of accelerating toward him/her at a high rate of speed, leaving him/her no time to escape. The Majority opined the Subject was posing an imminent threat of serious bodily injury and/or death to Officer M and his/her perception that he/she did not have a pathway to redeploy was reasonable given the totality of the circumstances. The Majority opined Officer M's belief he/she could not escape the path of the vehicle was apparent given his/her decision to remain stationary as he/she fired his/her rounds at the Subject's rapidly approaching vehicle.. The Majority opined Officer M's rounds one through six were objectively reasonable, proportional and necessary.

The Minority noted Officer M was able to redeploy safely, even after having fired six rounds. The Minority opined that based upon Officer M successfully moving out of the vehicle's path, he/she had reasonable means of escape prior to discharging six rounds towards the Subject. Therefore, the Minority opined Officer M's rounds one through six were not objectively reasonable nor necessary.

The BOPC carefully considered the opinions of both the Majority and Minority. In the BOPC's review of the evidence, it is the BOPC's opinion that Officer M did not adequately assess his/her surroundings and focused on firing at the Subject rather than recognizing he/she had reasonable means of escaping the Subject's path. In this case, the BOPC determined Officer M should have recognized he/she had reasonable means of escape prior to discharging six rounds toward the Subject. Therefore, the BOPC found Officer M's rounds one through six were not objectively reasonable nor necessary and found those rounds Out of Policy, Administrative Disapproval.

In assessing Officers J's rounds four and five, Officer M's rounds seven and eight, and Officer A's rounds 10 through 12, the UOFRB was unanimous in its findings. The UOFRB noted Officer J believed the Subject's vehicle was continuing to drive toward him/her after firing rounds one through three; Officer M believed the Subject struck other officers with his vehicle; and Officer A saw the Subject driving toward the CHP officers south of their location and believed the Subject was going to harm them similarly to how he tried to harm Department personnel.

For Officer J's last two rounds, the UOFRB noted he/she was no longer in the path of the Subject's vehicle when he/she fired rounds four and five, opining the Subject no longer posed an imminent threat of serious bodily injury and/or death. The UOFRB further noted there were officers in and behind a police vehicle, creating background issues when Officer J discharged his/her service pistol.

For Officer M's last two rounds, the UOFRB noted he/she was also out of the way of the Subject's vehicle which therefore, no longer posed an imminent threat of serious bodily injury and/or death to him/her. The UOFRB also noted other officers were behind the Subject's vehicle when Officer M discharged his/her service pistol, opining there were background issues present.

For Officer A's last three rounds, the UOFRB opined the CHP officers were far enough away that the Subject did not pose an imminent threat of serious bodily injury and/or death to them and noted Officer D was behind a police vehicle, which the UOFRB opined was a background issue when Officer A discharged his/her service pistol. In conclusion, the UOFRB opined Officer J's rounds four and five, Officer M's rounds seven and eight, and Officer A's rounds 10 through 12 were not objectively reasonable, nor necessary.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officers J, M and A, in the same situation, would not reasonably believe the use of deadly force, specifically Officer J's rounds four and five, Officer M's rounds seven and eight, and Officer A's rounds 10 through 12, were necessary and objectively reasonable. With regard to the aforementioned rounds, the BOPC found Officers J, M and A's Lethal Use of Force to be Out of Policy, Administrative Disapproval.