

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

OFFICER-INVOLVED SHOOTING – 037-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
-----------------	-------------	----------------------------	-------------------------------

Olympic	8/12/23		
---------	---------	--	--

Officer(s) Involved in Use of Force	Length of Service
--	--------------------------

Officer A	2 years, 1 months
Officer B	2 years, 1 months
Officer C	3 years, 2 months
Officer E	8 years, 5 months
Officer F	13 years, 3 months
Officer H	6 years, 7 months
Officer I	7 years, 4 months
Officer J	5 years, 3 months

Reason for Police Contact

On August 12, 2023, police officers responded to a radio call of a “415 Man with a Gun” inside a convenience store. The officers encountered the Subject near an intersection. As a responding unit arrived at scene, the Subject pointed a rifle in their direction, which resulted in an Officer-Involved Shooting (OIS). After the OIS, the Subject attempted to flee as officers deployed multiple volleys of less-lethal munitions. The Subject again pointed the rifle in the officers’ direction, which resulted in a second OIS. The Subject was struck by the gunfire and fled to a nearby shopping center where officers utilized additional less-lethal munitions, and a third OIS occurred. Personnel from the Los Angeles Police Department (LAPD) Special Weapons and Tactics (SWAT) responded and the Subject was taken into custody without further incident.

Sergeants A and B, along with Officers A, B, C, D, E, F, G, H, I, and J, either applied force and/or had a role in this incident. These officer were in full police uniform and operating from marked police vehicles equipped with a Digital In-Car Video System (DICVS). Unless otherwise noted, each officer was equipped with a Body Worn Video camera (BWV), ballistic vest, Department approved pistol, TASER, Oleoresin Capsicum spray, handcuffs, Hobble Restraint Device (HRD), and a baton. Officers C, D, F, and J had their batons inside their police vehicles. Officers C and I had their HRDs inside their police vehicles. Sergeants A and B are not required to be TASER equipped.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
-------------------	---------------------	--------------------	--------------------

Subject: Male, 35 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 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 investigation (including all of the transcribed statements of witnesses, pertinent subject 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 Chief of Police; 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.

The following incident was adjudicated by the BOPC on July 9, 2024.

Investigative Summary

On Saturday, August 12, 2023, at 2013 hours, Communication Division (CD) received a 911 call from Witness A, who advised the Emergency Broadcast Operator (EBO) that the Subject had a gun and was in the area of a shopping center. Witness A provided the description of the Subject and where the Subject was last seen.

At 2017 hours, CD broadcast a Code Two call of a man with a gun and provided the relevant information. The radio call was assigned to Officers A (driver) and B.

At approximately 2105 hours, Officers A and B arrived at scene and met with Witness A. According to Witness A, earlier in the evening, he observed the Subject armed with a black "gun," and was afraid. Witness A advised the officers that the Subject was no longer at the location and provided them with a photograph he took of the Subject approximately one hour prior to the officers' arrival. The photograph depicted the Subject holding a rifle. Officers A and B completed an investigative report and drove around the surrounding area looking for the Subject.

Unless attributed otherwise, statements referenced in this report were gleaned from officers' BWV.

The Firearms Analysis Unit (FAU) later determined the rifle, possessed by the Subject, to be a replica air rifle capable of firing metal and plastic projectiles.

At approximately 2119 hours, while driving south, Officer B observed the Subject walking south along the west sidewalk and alerted Officer A of his/her observations. Officer A turned their vehicle around and drove north when they noticed the Subject had crossed the street and was now walking south along the east sidewalk. Officer B believed the Subject was possibly attempting to flee and broadcast a request for a

backup for a man with a gun and provided the location. As the officers approached the Subject in their vehicle, they observed him armed with a rifle and unholstered their pistols. As they came to a stop and the officers exited their vehicle, the Subject turned and pointed the rifle in their direction. Officer A redeployed to the rear of their police vehicle as Officer B stood behind his/her open door. Both officers gave the Subject commands. The Subject ignored the commands and walked away south and then east.

As the Subject walked east, Officers A and B moved to the southeast corner of the intersection. Both officers advised Force Investigation Division (FID) investigators they were in containment mode as they followed the Subject from a distance while giving him commands to drop the rifle. Officer B broadcast the Subject was walking along the south side of the street.

Officer B directed the Subject to drop the gun multiple times.

At 2120 hours, Officers C and D, who responded to the back-up request, arrived at scene westbound. Officers C and D conducted a U-turn and stopped along the south curb and faced the Subject's direction. Both officers exited their vehicle and unholstered their pistols while standing behind their open doors.

Officer C yelled, "Drop what's in your hand bro." The Subject then turned and pointed the rifle in the officers' direction. Officer C fired one round from his/her pistol while in a standing position, in the direction of the Subject from an approximate distance of 39 feet. The Subject continued to walk east along the south curb as Officer C broadcast, "Shots fired. Officer needs help."

According to Officer C, as he/she was exiting the car, he/she was able to see the rifle in his hand and a sling around his upper torso area, connecting it to the weapon. As Officer C and D were giving commands, the Subject turned with the rifle in their direction and Officer C feared for his/her life. Believing that the Subject was going to shoot him/her and his/her partner, Officer C fired one round at the Subject.

Officer C advised FID investigators the Subject was approximately 30 to 35 feet away when he/she aimed his/her pistol at the Subject's torso area and fired the round. The background was an apartment complex, parked vehicles, and a person on the sidewalk approximately 10 feet behind the Subject.

The FID investigation determined the round fired by Officer C missed the Subject and struck a tree. Officers C and D did not advise CD that they were at scene at any point during this incident.

Air Support Division, piloted by Officer K and Tactical Flight Officer L, responded to the officers' backup request.

As Air Support arrived overhead, they broadcast continuous updates on the Subject's position and his direction of travel. Air Support also coordinated the responding officers and set up containment around the Subject.

The following officers responded to the incident: Sergeant C, along with Officers M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, II, JJ, KK, LL, and MM.

Force Investigation Division investigators reviewed the above listed officers' BWV and determined they did not have a substantial role in the tactics, nor did they apply force during this incident.

As the additional officers arrived at scene, the Subject continued along the sidewalk. At 2122 hours, Sergeant A arrived at scene and stopped on the southeast corner of the intersection. Sergeant A directed the officers at scene to use the police vehicles as cover and to parallel the Subject as he walked away from the officers. Sergeant A did not activate his/her BWV for approximately 28 minutes after his/her initial response to the radio call. According to Sergeant A, he/she believed that he/she had activated it either while responding to the call or upon his/her arrival. When he/she realized that it was not active, he/she activated it. Sergeant A's DICVS was activated as he/she followed the Subject while multiple officers used his/her vehicle as cover.

As the Subject continued east, he repeatedly illuminated a flashlight and pointed it in the officers' direction. At 2124:01 hours, Sergeant A yelled to the officers walking outside of his/her vehicle, "Hey, get a 40, somebody get a 40 and hit him with it. Cause he's going towards more victims, get a 40 and hit him with it." According to Sergeant A, he/she advised a unit to bring a 40mm up and to make an admonishment before using it to negate contagious fire with lethal.

The DICVS depicted the Subject dragging a camping tent as the officers followed him. Due to the lighting, and the placement of the tent, the right side of the Subject's body, including the rifle were not visible.

During this incident, Sergeant A performed numerous supervisory tasks including directing officers to make a less-lethal announcement to prevent contagious fire, deployed two contact teams, one on each side of the shopping center where the Subject was later taken into custody, designated officer roles, and directed the use of the police vehicle's public address (PA) system to communicate with the Subject.

While following the Subject on foot, Officer B obtained a Department-issued beanbag shotgun from the trunk of a police vehicle. Officers B and AA moved to the driver's side of Sergeant A's vehicle. Officer AA was armed with a Department-issued Remington, Model 870 shotgun, and assumed the role as the Designated Cover Officer.

According to Officer B, he/she realized that there was no less-lethal so he/she obtained a beanbag shotgun from the police vehicle which he/she was using for cover. The

Subject was moving eastbound and still not complying with commands. The Subject turns towards officers and is armed with a rifle, consistently raising the rifle in a low ready and it's unknown to Officer B if he's going to actually shoot at officers or shoot at any of the vehicles that are passing by.

At 2124:30 hours, Sergeant B arrived and was the second supervisor at scene. Air support simultaneously broadcast a request for units to block vehicle traffic at an intersection to allow officers to "triangulate" on the Subject. Sergeant B backed into the intersection and exited his/her vehicle.

At 2125:13 hours, Officer B stood along the driver's side of Sergeant A's vehicle and fired two beanbag rounds in the Subject's direction while ordering him to "Drop the gun." Those rounds were fired from an approximate distance of 64 and 68 feet. The Subject ignored the commands and ran through the intersection. Sergeant A directed the officers to keep moving towards the Subject, as he/she slowly drove east towards the Subject.

Force Investigation Division investigators were unable to determine if the beanbag rounds fired by Officer B struck the Subject. They were ineffective.

As the Subject continued to run, he slowed and with his right hand, pointed the rifle towards the team of officers. Officer B redeployed to the rear passenger's side of Sergeant A's vehicle and fired two more beanbag rounds at the Subject. Those rounds were fired from an approximate distance of 70 and 86 feet. The Subject lowered the rifle and again ran east along the sidewalk then south. Officer B again ordered the Subject to "Drop the gun."

Force Investigation Division investigators were unable to determine if the beanbag rounds fired by Officer B struck the Subject. They were ineffective.

At 2126:20 hours, as Sergeant A and the team of officers moved south, the Subject stopped along the west sidewalk and momentarily raised the rifle and pointed it towards the officers. Officer B and a team of officers moved to the southwest corner and used the building as cover. Officer B attempted to fire a fifth beanbag round at the Subject. However, after pressing the trigger the shotgun did not fire. Officer B loaded a fifth round and fired in the Subject's direction from an approximate distance of 115 feet. The Subject was unfazed by the projectiles and continued south along the sidewalk. Sergeant A directed the officers to push forward.

Force Investigation Division investigators were unable to determine if the beanbag round fired by Officer B struck the Subject. It was ineffective.

As the Subject moved south Officer AA stated, "Hey, drop the [expletive] gun before I shoot you." According to Officer AA he/she was trying to get the Subject to drop his weapon since he kept ignoring other commands to do so.

At 2126:45 hours, Sergeant B broadcast that he/she was taking over as the Incident Commander and ran south towards the team of officers who were in a "tactical formation." Multiple officers used four different police vehicles as cover as they followed the Subject.

As the team of officers moved south, the Subject turned and transitioned the rifle into his left hand and threw the flashlight he was holding in the direction of the officers. The flashlight struck the front of Sergeant A's police vehicle. After throwing the flashlight, the Subject ran south along the west sidewalk. Sergeant A directed the officers to push forward.

At 2126:54 hours, the Subject, with the rifle in his right hand, ran onto a street towards numerous vehicles stopped in the north lanes of traffic. Officer B once again repositioned himself/herself on the driver's side of Sergeant A's vehicle and fired a sixth beanbag round in the Subject' direction from an approximate distance of 54 feet.

Force Investigation Division investigators were unable to determine if the beanbag round fired by Officer B struck the Subject. It was ineffective.

According to Officer B, he/she aimed at the Subject's waist navel area each time he/she fired the beanbag rounds. Officer B believed beanbag rounds one, two, and five struck the Subject. Officer B was unsure if rounds three, four, and six struck the Subject.

According to Officer B, he/she did not give a warning prior to firing the beanbag rounds. Officer B stated it was an immediate decision when he/she deployed the beanbag. As such, Officer B believed that had he/she provided a warning, he/she would have lost the opportunity to fire the beanbag shotgun.

As the Subject continued to flee, Officer E obtained a Department-issued beanbag shotgun from a police vehicle. Officer E stated he/she had already heard approximately two to three beanbag rounds go off and knew that the beanbag only had six rounds, therefore believed they may need more rounds.

Officer E moved around vehicle traffic and took a position on the eastside of the street. While standing on the roadway, Officer E fired one beanbag round in the Subject's direction from an approximate distance of 34 feet. After firing that round, Officer E ran south onto the east sidewalk. Officer E then fired a second beanbag round at the Subject from an approximate distance of 63 feet.

Force Investigation Division investigators were unable to determine if the beanbag rounds fired by Officer E struck the Subject. They were ineffective.

As the Subject continued to walk south along the east curb behind stopped vehicles, he was not visible on Sergeant A's DICVS.

According to Officer E, the Subject was again holding what appeared to be a rifle, looking back, not standing up straight, but in a crouching position walking towards the sidewalk. Officer E believed the Subject was attempting to identify officer targets and he was possibly taking a shooting stance.

Officer F exited his/her vehicle as the Subject was walking east. According to Officer F, as he/she exited the vehicle, he/she tried to use the vehicle doors as cover with the ballistic panels and unholstered his/her firearm. Officer F utilized the pistol mounted optic and aimed at the Subject's mid-torso, placing his/her finger on the trigger and was about to fire at the Subject.

Officer F stated he/she felt that the distance which he/she estimated was 40 to 50 yards was too far and did not feel comfortable firing. As the Subject continued walking south, Officer F walked down the east side of the street utilizing stopped vehicles as cover. Officer F observed the Subject raise the rifle and believed the Subject was firing at officers or citizens in the area. According to Officer F, he/she once again utilized his/her pistol mounted optic and aimed at the Subject' mid-torso. Officer F placed his/her finger on the trigger and was going to fire; however, he/she lost sight of the Subject as the Subject moved between vehicles. Officer F stated he/she brought his/her weapon down to the low ready with his/her finger along the frame.

Officer H arrived at scene and exited his/her vehicle. Officer H observed the Subject on the south sidewalk armed with a rifle and immediately turned around and pointed the rifle towards the officers and him/herself. Officer H immediately drew out his/her firearm fearing another shooting could occur. Officer H feared for his/her safety and immediately took cover behind some vehicles that were parked on the on the street.

As Officers H moved south, Officer F grabbed him/her from behind and stated, "Hey I'm behind you." Officers F and H moved together south on the east sidewalk. According to Officer F he/she communicated to Officer H to "bump up," so they could avoid crossfire.

At 2127:56 hours, as the team of officers continued to follow the Subject, Officers F and H ran south and took cover behind a parking lot guard shack. Officer F then moved to a position just west of the guard shack as Officer H stood to the right of Officer F.

According to Officer F, once he/she was at the guard shack, the Subject, who was in the middle of the street, started moving eastbound. Officer F estimated that the Subject was approximately 50 to 60 feet away from him/her and he/she observed the Subject come up with the rifle. Officer F thought he/she was either pointing the rifle at fellow officers to his/her right or citizens who were in their vehicles. Officer F felt that at any time it was imminent that the Subject was going to either shoot and hurt one of the officers, or an innocent bystander.

At 2128:00 hours, the Subject turned, raised the rifle and pointed it in the direction of the team of officers in the street. Officer F fired two rounds from his/her pistol as Officer H

fired one round from his/her pistol in the Subject's direction. The Subject was struck by all three rounds fired by the officers. Despite being struck by the gunfire, the Subject maintained possession of the rifle; however, he dropped the tent he was dragging.

The FID investigation revealed the rounds fired by Officers F and H, struck the Subject in the hip, left lower abdomen, and buttocks' area.

Officer F fired two rounds from his/her pistol while in a standing position from an approximate distance of 60 feet. According to Officer F, he/she fired his/her initial round and then continued to assess. Officer F could still see the Subject through his/her optics, still holding the rifle up, and Officer F fired his/her second round. Officer F recalled seeing the Subject flinch forward.

Officer F stated there were no citizens, bystanders, or vehicles behind the Subject and the background was clear when he/she fired. After firing the two rounds, Officer F lost visual of the Subject. Officer F continued to move forward with the other officers to a shopping center on the corner of an intersection.

Officer H observed the Subject raise his rifle and point it in the officers' direction. From a standing position, Officer H used his/her pistol mounted optic and aimed at the Subject's upper torso and fired one round from an approximate distance of 59 feet. According to Officer H, he/she observed the Subject take a shooting stance. Officer H believed the Subject had his left hand near the trigger of the firearm and his right hand was supporting the front of the firearm and he began to motion as if he was gonna take aim. Officer H stated that he/she feared for his/her safety, the safety of other officers as well as the public.

Officer H believed there were no vehicles or pedestrians in the background when he/she fired. After Officer H fired, he/she attempted to fire a second round but experienced a malfunction. Officer H cleared the malfunction, which ejected a live round onto the ground. After clearing the malfunction, Officer H observed the Subject move towards the parking lot.

Moments after Officer F and H fired, Officer E fired a third beanbag round at Subject from an approximate distance of 99 feet. The Subject then ran east into the shopping center located on the northeast corner an intersection. The Subject barricaded himself behind a large bank of commercial mailboxes, in the northeast corner of the shopping center.

Force Investigation Division investigators were unable to determine if the beanbag round fired by Officer E struck the Subject. It was ineffective.

At 2128: 32 hours, Officer B positioned himself/herself along the north wall of the parking lot. Officer B was armed with a TASER in his/her right hand as he/she covered the backside of Officer AA, who was positioned directly in front of him/her.

At 2131:34 hours, as the officers set up containment around the Subject, Sergeant B told Sergeant A to handle operations and he/she would take over as the Incident Commander. Sergeant B then started directing resources into the scene.

Sergeant B performed various supervisory tasks including requesting units for traffic control, broadcasting situational updates, directing the use of the police vehicle's PA system to communicate with the Subject, and directing the officers attempt to evacuate citizens from the rear of the restaurants. According to Sergeant B, while at the Command Post, he/she also requested the response of the Mental Evaluation Unit.

Officer A retrieved a 40mm less-lethal launcher (40mm LLL) from the trunk of a police vehicle in hopes of de-escalating the situation and getting the Subject to comply.

At 2128:34 hours, Officer A took cover against the wall on the northeast corner of the shopping center armed with a 40mm LLL and faced the Subject. Officer A fired one 40mm LLL projectile as the Subject raised his rifle and pointed it in the officers' direction. Officer A fired from an approximate distance of 141 feet as the Subject was behind the mailboxes. As Officer A moved forward, he/she believed the Subject was still posing an immediate threat to the officers. Officer A took cover behind a police vehicle located in the parking lot. Officer A yelled, "Drop the gun," and fired an additional 40mm LLL projectile in the direction of the Subject from an approximate distance of 86 feet. According to Officer A he/she believed that he/she fired his/her second projectile from an approximate distance of 20-30 feet. According to Officer A, it was not feasible for him/her to give a less-lethal warning due to the imminent threat the Subject posed with the rifle.

Based upon review of video surveillance, FID determined the less-lethal rounds fired by Officer A did not strike the Subject. Both rounds struck a wall directly behind him.

As containment was being set, officers continuously attempted to gain the Subject's compliance. The Subject remained behind the mailboxes and yelled, "You're dead. Back away from me now. I'm going to kill you. This bullet has your name on it."

Officers utilized the police vehicle's PA system and continuously directed the Subject to drop the rifle.

At 2129:54 hours, Officer E moved to the southeast side of the shopping center parking lot still equipped with the beanbag shotgun. Officer E stood on the pedestrian walkway and repeatedly ordered the Subject to "Drop the rifle," as he/she fired three additional beanbag rounds in the Subject's direction from an approximate distance of 62 feet.

Officer E believed the Subject had a position of advantage with the firearm in his hand and was peeking out in order to identify targets. Officer E believed that the Subject's actions were an imminent threat of death or seriously bodily injury to himself/herself, other officers and people inside the businesses.

According to Officer E, he/she aimed at the Subject's navel area when he/she fired all six beanbag rounds. Officer E believed the fourth beanbag round struck the Subject.

According to Officer E, he/she did not give a less-lethal warning because it was not feasible due to the ongoing and fluid situation.

The FID investigation was unable to determine if the last three beanbag rounds fired by Officer E struck the Subject. They were ineffective.

Officer I exited his/her vehicle as the Subject approached the corner of the intersection. According to Officer I he/she unholstered his/her pistol because the Subject was armed with a rifle and an OIS already occurred.

Officer I re-deployed to the rear of his/her vehicle believing the Subject was shooting at the officers. According to Officer I, he/she came up on target and believed he/she might need to use force due to the Subject pointing the rifle at officers but was concerned about the distance. Officer I continued to follow the Subject on foot south and eventually stopped in the parking lot located on northeast corner an intersection. The Subject stood behind what Officer I believed to be an electrical box.

At 2130:10 hours, immediately after Officer E fired the last beanbag round, Officer I positioned himself to the right a police vehicle. As the Subject moved to the side of the mailboxes, he dropped a dark object, which was later determined to be the rifle buttstock.

Officer I then fired one round from his/her pistol while in a standing position from an approximate distance of 70 feet in the Subject's direction. Officer I shouted, "Shots fired."

According to Officer I he/she observed the Subject place the rifle between his knees and begin to rack it as if he were chambering a round. Officer I stated that due to these actions, he/she came up on target, aligned his/her sights using his/her red dot optics and pointed at center mass. Officer I stated that as the Subject began to bring his shoulders up, Officer I believed the Subject was going to use the rife against him/her and the other officers.

Officer I stated when he/she fired there were no vehicles or pedestrian traffic in the background. According to Officer I, he/she assessed after firing the round and observed the Subject stumble back as if he had been struck. Officer I stated that when he/she fired, the actions of the Subject ceased for the moment from bringing his shoulder up and pointing the rifle at officers.

FID obtained exterior video surveillance from the area that was motion activated and did not capture the Subject's actions at the time Officer I fired. The FID investigation determined the round fired by Officer I struck the Subject's rifle and lodged in the Carbon Dioxide (C02) canister.

After the third OIS, Officers J and DD arrived at scene. Officer J exited his/her vehicle and retrieved a 40mm LLL from the trunk of his/her vehicle. Officer J positioned himself/herself on the south side of the shopping center and observed the Subject sitting on a chair. According to Officer J, he/she could not see the rifle but other officers were saying that there was a rifle about a foot in front of him.

At 2132:56 hours, as the Subject was still behind the mailboxes, seated on a chair with the rifle between his legs, Officer J observed the Subject reaching into his backpack and retrieving what he/she believed to be a handgun. Officer J yelled, "Forty ready. Forty standby." Officer J then fired two 40mm LLL projectiles from an approximate distance of 62 feet striking the Subject on the front of his left shoulder. This was verified by FID viewing surveillance video. After being struck by the projectiles, the Subject remained in the same position while screaming in pain.

Officer J stated that he/she was aiming at the Subject's navel area when he/she fired both rounds. Officer J did not know if either projectile struck the Subject. According to Officer J, after re-assessing he/she deployed a secondary round, which again was ineffective. Officer J realized that rounds were ineffective, therefore he/she stopped deploying any more rounds at him. Officer J believed that he/she fired both projectiles from an approximate distance of 45 to 50 feet.

At approximately 2142 hours, Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) staffed by Firefighter Paramedics (FFPM) A and B staged in the area.

At approximately 2200 hours, numerous officers and supervisory members of the LAPD Metropolitan Division began to arrive at scene and assumed tactical control over the incident.

At 2356:50 hours, members of LAPD SWAT, utilized a Quadruped Unmanned Ground Vehicle (QUVG) and recovered the rifle from the ground in front of the Subject.

At approximately 0011 hours, SWAT Officers NN and OO utilized a ballistic shield and approached the Subject, while Officer PP acted as their Designated Cover Officer. The Subject was taken into custody without incident. One minute later, LAFD personnel began treating the Subject and later transported him to a nearby hospital for treatment.

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
Sergeant A	No	Yes	No	Yes	Yes
Sergeant B	Yes	Yes	Yes	Yes	Yes
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes
Officer I	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force 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. In every case, 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 instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Sergeant B, Officers A, B, C, E, F, H, I, and J's tactics to warrant a finding of Tactical Debrief. The BOPC found Sergeant A's tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

The BOPC found Officers A, B, C, E, F, H, I, and J's drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

The BOPC found Officer A, B, E and J's use of less-lethal force to be in policy.

D. Lethal Use of Force

The BOPC found Officers C, F, H and I's use of lethal force was In Policy.

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 Subjected 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 Subjected offense;
- The level of threat or resistance presented by the Subject;
- Whether the Subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or Subjects;
- The risk or apparent attempt by the Subject to escape;
- The conduct of the Subject 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 Subject;
- Officer versus Subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus Subjects;
- 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 Officers 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 Officers 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 rescue ambulance 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, suspects, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the Officers 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 Officers 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 Subject.

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 Subject 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 Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

Tactical de-escalation does not require that an officer compromise his or 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 – According to Officer A, he/she and Officer B have worked together for approximately one month and they have discussed tactics, less-lethal and lethal roles, contact and cover roles and they both understand roles can switch and to remain fluid. While meeting with Witness A, Witness A provided officers with a photograph of the Subject and discussed possible locations he frequents. Officers A and B discussed a plan to search for the Subject in the surrounding area. As officers arrived throughout the incident, plans were discussed in small groups as the tactical situation was mobile, resulting in officers arriving at different times and locations. There was continuous planning throughout the incident; however, the planning was not discussed as a large group as the Subject's actions posed an ongoing, imminent threat to officers and community members, requiring the immediate response of officers.

Assessment and Time – The Subject minimized time as he walked towards crowded, populated areas while carrying a rifle. The Subject refused to listen to officers' commands to drop the rifle. As the Subject moved, officers were

continuously assessing their surroundings, the Subject's movement and distances. Officers utilized cover and distance throughout the incident to allow for more time. For cover, officers utilized their police vehicle's ballistic doors, including Sergeant A's vehicle as rolling cover while following the Subject on foot. Officers F and H utilized stopped vehicles and a guard shack for cover.

Redeployment and/or Containment – Upon his/her initial contact with the Subject, Officer B exited his/her vehicle and redeployed to the rear. Officers A and B followed the Subject in containment mode, following him from a distance while giving him commands to drop the gun. Air 18 requested units block vehicle traffic to facilitate the triangulation on the Subject. When the Subject barricaded himself inside a shopping center parking lot, officers contained him until other resources arrived.

Other Resources – After seeing the Subject, Officer B requested a backup. After discharging his/her service pistol at the Subject, Officer C broadcast, "shots fired, officer needs help." Several officers responded to the backup and help call, including the Air 18. Air 18 coordinated the responding units and set up containment around the Subject. After the Subject barricaded himself in the shopping center parking lot, Sergeant B requested assistance from SWAT to apprehend the Subject. Personnel from SWAT used the QUGV to assist in talking to the Subject as well as recovering the rifle and a lighter with a pistol grip from the ground. The use of the QUGV allowed for officers to de-escalate the situation by removing the Subject's access to weapons, thereby avoiding a prolonged standoff and allowing officers to approach and take the Subject into custody and provide timely medical treatment.

Lines of Communication – When Officer B first observed the Subject, he/she alerted his/her partner and broadcast a backup request along with his/her current location. Officers A and B ordered the Subject to drop the gun, which he defied. As they followed the Subject, Officer B communicated their updated location with CD to alert responding units. The Subject was ordered several times throughout the incident to drop the gun by multiple officers. Groups of officers communicated with each other as they followed the Subject, but there was no communication between the groups of officers and minimal information was broadcast over Olympic frequency.

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

Debriefing Point No. 1: Command and Control

Approximately two minutes after Officer C fired his/her service pistol, Sergeant A arrived on scene along with other patrol units. According to Sergeant A, he/she observed officers with no cover and directed them to use his/her police vehicle for cover as he/she drove following the Subject. Sergeant A directed officers to deploy less-lethal munitions at the Subject and once the Subject barricaded himself in a

parking lot, Sergeant A coordinated with another contact team to triangulate on the Subject.

Although Sergeant A was the first sergeant to arrive on scene, he/she did not declare himself/herself as the IC or communicate direction over the radio. Sergeant A directed nearby officers to parallel the Subject using their vehicles as rolling cover. Although there were three other patrol vehicles present, Sergeant A opted to re-enter his/her own police vehicle and insert him/herself into the situation by driving between a team of officers, their vehicles and the Subject.

During the incident, Sergeant A, still seated in his/her vehicle, directed officers multiple times to "get a 40 and hit him [Subject] with it." Immediately prior to Officer B discharging his/her beanbag rounds, Sergeant A told him/her, "Hit him with the beanbag. Hit him!" The UOFRB opined these directions may have resulted in less-lethal munitions being discharged at a distance exceeding the recommended range.

As the situation unfolded and resources rapidly multiplied, the Subject continued moving and pointing the rifle at officers. Another OIS occurred and Sergeant A remained in his/her vehicle. Once the Subject barricaded himself and Sergeant B declared himself/herself IC, Sergeant A parked his/her patrol vehicle and approached the team on foot where he/she began communicating directions to and coordinating with the officers at scene.

The UOFRB assessed Sergeant A's tactics as it pertained to command and control. The UOFRB noted Sergeant A was the first supervisor to arrive on scene and, at the time, had two months experience as a field supervisor. The UOFRB noted Sergeant A directed officers to use distance and cover to allow for time. Sergeant A assigned roles to officers, but he/she did not broadcast he/she was Code Six nor did he/she declare himself/herself the IC. The UOFRB opined if Sergeant A had broadcast he/she was Code Six and/or the IC, then officers at scene would have known he/she was there and in charge of the command and control of the incident.

The UOFRB assessed Sergeant A's decision to remain in his/her police vehicle. The UOFRB opined this negatively affected his/her ability to assess, communicate, coordinate, assign roles and manage the incident. The UOFRB noted when asked why he/she did not exit his/her vehicle to exercise command and control or declare himself/herself IC, Sergeant A explained it was not feasible for him/her to exit the vehicle nor safe for him/her to reach for the radio to broadcast his/her role. This response further supported the UOFRB's opinion that Sergeant A's decision to remain in the vehicle effectively removed him/herself from taking command and control of the incident.

In this incident, the UOFRB expected Sergeant A to direct another officer to provide rolling cover for the officers on foot and for Sergeant A to be in a position to have a view of officers' placement. Furthermore, being outside of the vehicle would have afforded Sergeant A the ability to utilize his/her radio to coordinate responding units,

broadcast pertinent information and request needed resources. The UOFRB opined Sergeant A would have been able to provide better command and control of the incident as opposed to the one team of officers surrounding his/her vehicle. They also opined Sergeant A would have been able to use the radio and direct officers to better positions while minimizing the number of firearms deployed.

Based on the totality of the circumstances, the BOPC determined that the tactics utilized by Sergeant A were a substantial deviation, without justification, from Department approved training.

Debriefing Point No. 2: Firearms Safety Rules

Officer F arrived observed the Subject armed with the rifle. Officer F observed the Subject raise the rifle in the direction of the team of officers with Sergeant A in the street. Officer F used his/her pistol mounted optic, aimed at the Subject's mid-torso and placed his/her finger on the trigger. Officer F took in the slack of the trigger and intended to discharge his/her service pistol; however, he/she assessed and felt he/she was too far away from the Subject and was not comfortable taking the shot as he/she had never fired from that distance.

As the Subject continued south, Officer F again saw the Subject raise the rifle and believed he was firing at officers and citizens. Officer F used his/her pistol mounted optic and placed the red dot on the Subject's mid-torso. Officer F placed his/her finger on the trigger and intended to shoot but as the Subject moved, Officer F lost sight of him and he/she removed his/her finger from the trigger without firing his/her service pistol.

Officer I arrived at the corner of the intersection exited his/her police vehicle and unholstered his/her service pistol. Officer I obtained cover behind the passenger door of a police vehicle, acquired his/her target on the Subject and intended to shoot; however, he/she did not because he/she felt his/her distance from the Subject was too far to stop the threat.

The UOFRB assessed Officers F and I's actions as it pertained to their fingers on the trigger of their respective service pistols. The UOFRB had an extensive deliberation on the firearm safety rule of, "Keep your finger off the trigger until your sites are aligned and you intend to shoot." The UOFRB opined Officers F and I did place their finger on the trigger of their service pistol, but believed it was not a deviation from policy. The UOFRB opined "intending to shoot" does not mean the act has to be completed and commended the officers for their last minute assessments and recognition of their limitations in firearms. Losing sight of your target and not being comfortable with one's accuracy from a distance are both reasons the UOFRB found acceptable to not discharge a round. The UOFRB noted during the officers' assessment, they assessed the whole situation, not just getting a sight picture and firing their weapons. Officers were aware of their backgrounds, distances and the whereabouts of the Subject before firing their service pistols.

Based on the totality of the circumstances, the BOPC determined that the tactics utilized by Officers F and I did not deviate from Department approved training.

Debriefing Point No. 3: Foot Pursuit Concepts

After Officers A and B observed the Subject and exited their vehicle, the Subject defied officers' commands and walked away from officers while armed with a rifle. According to Officers A and B, they were in containment mode because the Subject was armed with the rifle and followed the Subject from a distance, broadcasting the direction of travel and using cover behind pillars, trees and parked vehicles.

After the first OIS occurred, Officers A and B joined Officers C and D and discussed a plan, while remaining behind cover until more units arrived. As more units arrived, officers followed the Subject on foot using rolling cover behind moving police vehicles. Officers C and D returned to their police vehicle and continued to follow the Subject east. Shortly thereafter, Officer C exited his/her police vehicle to join a group of officers on foot while Officer D drove their police vehicle following behind other police vehicles. This created a separation from Officer D and they were unaware of each other's location for the remainder of the incident.

During the foot pursuit, Officers A, B, E, F, H and I were all seen on body worn video (BWV) running with their service pistols in their hands. When asked, officers recalled they did so to be ready if they needed to use force because the Subject was armed with a rifle and refused to listen to commands to drop it.

During attempts to gain compliance from the Subject, less-lethal and lethal ammunition were deployed, but appeared to be ineffective. The Subject continued to flee from officers before barricading himself at a shopping center. Officers established a perimeter, contained the Subject from moving any further and communicated with him, ordering him to drop the rifle.

The UOFRB assessed Officer A and B's decision to follow the Subject in containment mode and continue to follow him as he was armed with a rifle. The UOFRB noted Officers A and B needed to continue to have eyes on the Subject as he possessed a rifle and he was pointing it at officers and community members. The UOFRB opined the officers conducted this at a safe distance while utilizing available cover.

The UOFRB also noted officers were running with their firearms drawn, but realized the Subject continued to run and ignore officers repeated commands to drop the rifle. The UOFRB also discussed Officer C's decision to exit his/her police vehicle and follow the Subject on foot, thus separating from his/her partner. The UOFRB opined Officer C did separate from his/her partner; however, there were other officers around and the groups of officers were relatively close proximity to each other. Therefore, the UOFRB did not believe separation was an issue and there was no substantial deviation.

Based on the totality of the circumstances, the BOPC determined that the tactics utilized by Officers A, B, C, E, F, H and I did not deviate from Department approved training.

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

Additional Tactical Debrief Topics

- **Driving/Operating Vehicle While Maintaining Control of Service Pistol** – While driving, Officer A unholstered his/her service pistol, transitioned it from his/her right hand to left and back to his/her right hand before re-holstering it.
- **Situational Awareness** – As officers followed the Subject to the shopping center, Officer B unholstered his/her TASER and carried it in his/her right hand. Officer B stood behind another officer, allowing his/her TASER to cover the other officer's backside.
- **Profanity** – Attempting to gain his compliance, Officers A, B and E used profanity when giving commands to the Subject to drop the firearm.

The above issues will be discussed during the Tactical Debrief.

Command and Control

- Sergeant A was the first supervisor at scene arriving immediately after the first OIS. Refer to Debriefing Point No. 1 for further discussion regarding Sergeant A's Command and Control during the incident.

As the Subject moved away from the team of officers using rolling cover, Officers F, H and I arrived and took command and control of a group of officers on the north sidewalk. Officer F told the group of officers to "work together" and directed them to move forward by bounding. Officers H and I kept providing instruction to other officers to use cover and watch for crossfire situations. Officer F requested a Code Robert (rifle) and Officers F and I requested an RA standby to render aid to the Subject.

After the second OIS, Sergeant B arrived and observed the unfolding tactical situation, the number of personnel resources, the lack of properly identified roles and the necessity to control contagious fire. Sergeant B declared himself/herself IC over the radio and began giving orders to coordinate a response and gain control. As the Subject barricaded himself, Sergeant B gave commands for officers to hold their fire (to prevent contagious gunfire), utilized the police vehicle's public address system (PA) to communicate, encouraged officers to remain calm, implemented the Incident Command System (ICS), delegated responsibilities, coordinated responses and directed resources.

As part of ICS, Sergeant B assigned Sergeant A as the Operations Chief. Sergeant A echoed Sergeant B's instructions for the officers to keep using a PA to talk to the Subject, identify use of less-lethal munitions and remain behind cover. As additional supervisors arrived, they coordinated with Sergeant B and were assigned to various operational tasks including securing the crime scene and controlling the team at the south side of the parking lot, with the exception of C. The UOFRB noted Sergeant C responded to the incident after Sergeant B declared himself/herself the IC; however, Sergeant C did not communicate with the IC, instead performed non-supervisory duties. Post OIS, Sergeant B directed all substantially involved personnel be separated and monitored.

Captain A arrived and, after being briefed, assumed the role of IC from Sergeant B.

Members of Metropolitan Division arrived and assumed tactical control of the incident. They formulated a plan to take the Subject into custody, including the utilization of a QUGV to assess the Subject's injuries and remove his weapons. Once the weapons were removed, the Subject was taken into custody by SWAT personnel without incident.

As it pertains to separation and monitoring the following occurred: All involved personnel that used lethal and less-lethal force were told to not discuss the incident. Various supervisory personnel obtained Public Safety Statement (PSS) and monitored officers in accordance with Department protocol. When Officer E identified himself/herself as having applied force, he/she responded to Olympic Station where FID personnel advised him/her to not discuss the incident.

The BOPC determined that the overall actions of Officers F, H and I and Sergeant B were consistent with Department training.

The BOPC determined that the overall actions of Sergeant A were a substantial deviation, without justification, from Department training.

Drawing/Exhibiting

- **Officer A**

Officers A and B received a photograph depicting the Subject armed with a rifle. Officers searched the area and Officer B observed the Subject walking on the sidewalk and alerted Officer A. While driving, Officer A unholstered his/her service pistol, switched it between hands while conducting a U-turn, and then re-holstered it. After conducting the U-turns, Officer A exited his/her police vehicle and unholstered a second time.

During the course of this incident, Officer A is seen on BWV holstering and unholstering several times. According to Officer A, each time he/she unholstered his/her service pistol, he/she believed the tactical situation could escalate where

deadly force would be justified. Officer A also unholstered and holstered several times while in the parking lot of the shopping center when he/she passed in front of the Subject. According to Officer A, the Subject had a tactical advantage over officers because he/she was barricaded and armed with a rifle and each time, he/she believed the situation could escalate to where the use of deadly force could be justified.

- **Officer B**

After meeting with Witness A and obtaining a photograph of the Subject armed with a rifle, Officer B saw the Subject armed with the rifle. While still seated in the passenger side of the police vehicle, Officer B unholstered his/her service pistol. According to Officer B, because of the photograph showing the Subject armed with the rifle, he/she believed he/she would encounter the Subject within a couple seconds of exiting the police vehicle, so he/she unholstered prior to exiting the police vehicle.

While in the parking lot of the shopping center, Officer B unholstered and holstered his/her service pistol several times. During each unholstering, Officer B had reasonable belief he/she may need to use his/her firearm as the Subject was still armed with the rifle.

- **Officer C**

Officer C heard Officer B request a backup for a man with a gun. Officer C and his/her partner responded to the call and observed the Subject holding a rifle. Officer C ordered the Subject to drop the gun, but the Subject turned towards Officer C and pointed the rifle at him, resulting in an OIS. During the incident, it was undetermined how many times Officer C unholstered his/her service pistol.

- **Officer E**

Officer E exited his/her police vehicle and unholstered his/her service pistol. According to Officer E, he/she knew the Subject was armed with a rifle and believed the situation could escalate where the use of deadly force could be justified. Before acquiring the beanbag shotgun, Officer E holstered his/her service pistol. Reaching the shopping center, Officer E slung the beanbag shotgun and unholstered his/her service pistol for a second time. According to Officer E, he/she did that to be sure the Subject was not waiting on the other side of the building to shoot at officers.

- **Officer F**

Officer F heard the backup request for a man with a gun and responded to the scene. Officer F recalled seeing the Subject wearing a reflective vest, carrying a backpack and armed with the rifle. After seeing the Subject armed with the rifle, Officer F exited his/her police vehicle and unholstered his/her service pistol.

- **Officer H**

Officer H heard the Subject was armed with a rifle and he/she knew there were shots fired by officers when responding to the radio call. When arriving at scene, Officer H knew the situation could rise to the level where deadly force could be justified, so he/she unholstered his/her service pistol. During the course of the incident, Officer H believed he/she unholstered his/her service approximately three to four times.

- **Officer I**

Officer I saw the Subject raise the rifle and point it in a westerly direction towards officers traveling on foot. At that time, Officer I unholstered his/her service pistol based on the Subject being armed with a rifle and pointing it in the officers' direction.

- **Officer J**

When Officer J arrived at scene, he/she unholstered his/her service pistol because he/she knew the Subject had a rifle and, due to the ongoing situation, he/she believed the situation could escalate to where the use of deadly force would be justified. After hearing the Subject was contained, Officer J immediately holstered his/her service pistol.

The UOFRB assessed Officers A, B, C, E, F, H, I, and J's drawing and exhibiting of their respective service pistols. The UOFRB noted the Subject was armed with a rifle and defied commands to drop it, instead walking away and leading officers to follow him. The Subject traveled through the streets where there were occupied vehicles and pedestrians walking the sidewalks, placing the community in danger. The officers had prior knowledge the Subject was armed with a rifle and he was posing an imminent threat to the lives and safety of officers and community members. The UOFRB opined the officers' decision to draw and exhibit their service pistols was within Department policy.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officers A, B, C, E, F, H, I, and J would reasonably believe there was a substantial risk the situation may escalate to where deadly force may be justified. Therefore, The BOPC found Officers A, B, C, E, F, H, and I and J's drawing/exhibiting to be In-Policy.

Less-Lethal Use of Force

Beanbag Shotgun

- **Officer B** – Beanbag shotgun, Six Super Sock rounds from approximate distances of 54 to 115 feet.

According to Officer B, he/she observed the Subject carrying the rifle and each time he/she discharged the beanbag shotgun was because the Subject raised the gun up in the direction of officers or community members. The FID investigators were unable to determine if any of the rounds struck the Subject and determined all the rounds discharged by Officer B were ineffective. According to Officer B, he/she believed he/she discharged all six rounds from an approximate distance of 20-25 feet.

Volley One (First and Second Round)

Officer B used Sergeant A's driver side door as cover as they moved east following the Subject. Officer B ordered the Subject to drop the rifle, but the Subject refused. Officer B discharged two beanbag rounds in the Subject's direction from an approximate distance of 64 and 68 feet.

Volley Two (Third and Fourth Round)

As the Subject continued to run, he slowed and with his right hand, he pointed the rifle towards the team of officers. Officer B redeployed to the rear of Sergeant A's police vehicle and discharged two more beanbag rounds towards the Subject from an approximate distance of 70 and 86 feet.

Volley Three (Fifth Round)

The Subject stopped along the west sidewalk, raised the rifle and pointed it towards officers. Officer B, and a team of officers, moved to the southwest corner and used a building as cover. Officers B discharged the fifth beanbag round towards the Subject from an approximate distance of 115 feet.

Volley Four (Sixth Round)

With the rifle still in his right hand, the Subject ran into traffic where several vehicles were stopped. Officer B positioned himself/herself behind Sergeant A's driver side door and discharged his/her sixth and final beanbag round towards the Subject from an approximate distance of 54 feet.

- **Officer E** – Beanbag shotgun, Six Super Sock rounds from approximate distances of 34 to 99 feet.

According to Officer E, he/she heard two to three beanbag rounds being discharged and saw a lot of officers with their service pistols drawn and not very many less-lethal weapons deployed. Officer E obtained a beanbag and he/she saw the Subject carrying the rifle. At times, Officer E believed the Subject was crouching down and raising the rifle as if he was acquiring a target.

The FID investigators were unable to determine if any of the six rounds fired by Officer E struck the Subject and determined all the rounds discharged by Officer E were ineffective.

According to Officer E he/she believed he/she discharged all six rounds from an approximate distance of 20-25 feet.

Round One

Officer E saw the Subject looking back at the officers while holding a rifle. At that time, the Subject was running in and out of traffic and he continued to look back at the officers. Believing he was an imminent threat to the community and officers, Officer E stood in the roadway and discharged one beanbag round towards the Subject, targeting his navel area from an approximate distance of 34 feet.

Round Two

After discharging the first beanbag round, Officer E ran south onto the east sidewalk and the Subject continued south. Officer E discharged his/her second beanbag round towards the Subject targeting his navel area from an approximate distance of 63 feet.

Round Three

Officer E moved to cover behind a metal pole and moments after Officer F and H fired their service pistols, Officer E targeted the Subject's navel area and discharged his/her third beanbag round from an approximate distance of 99 feet.

Rounds Four, Five and Six

As the Subject fled into the shopping center, Officer E moved to the southeast side of the shopping center and took a kneeling stance on the pedestrian walkway, repeatedly ordering the Subject to drop the rifle. The Subject continued to be armed with the rifle and was utilizing a staircase as cover. The Subject kept looking in officers' direction and believing he was an imminent threat, Officer E fired three beanbag rounds at the Subject from an approximate distance of 62 feet.

40mm Less Lethal Launcher

- **Officer A** – 40mm LLL, Two eXact iMPact sponge rounds from approximate distances of 86 to 141 feet.

According to Officer A, he/she saw the Subject making quick movements while concealing himself behind a square metal box. Officer A believed the Subject was arming himself with the rifle. Officer A discharged two 40mm LLL sponge rounds towards the Subject.

The FID investigation determined those rounds were ineffective and struck the wall behind the Subject.

First Occurrence

Officer A saw the Subject concealing himself behind a metal mailbox and believed the Subject was arming himself because he was making quick movements to the center of the box. According to Officer A, he/she could not see the Subject behind the mailboxes, but he/she did see him making movements with his hands and body. Officer A discharged one 40mm sponge round from 141 feet at the Subject because he posed an immediate threat to officers and others.

Second Occurrence

Officer A moved into the parking lot and used cover behind a parked vehicle. Officer A saw the Subject making quick movements again to the middle of the metal mailbox area. In fear the Subject was arming himself again, Officer A discharged one 40mm sponge round at the Subject from an approximate distance of 86 feet.

- **Officer J** – 40mm LLL, Two eXpact iMpack sponge rounds from approximate distance of 62 feet.

According to Officer J, he/she recalled hearing the broadcast that the Subject was armed with a rifle. Although Officer J did not see the Subject armed with a rifle, he/she saw the Subject unzip a backpack and retrieve an item he/she believed to be a handgun. Officer J saw the Subject holding the item as if he had a pistol grip on the item. Based on the totality of the circumstances, Officer J believed the Subject posed a threat to officers and the community. Officer J provided a less-lethal warning and discharged two 40mm LLL towards the Subject, assessing between each round.

Volley One (First and Second Round)

Officer J saw the Subject holding what he/she believed to be a handgun. After verbalizing, “40 ready, 40 stand-by,” Officer J discharged two sponge rounds targeting the Subject’s left shoulder. After discharging the first round, Officer J assessed and believed the first round had no effect on the Subject. Officer J discharged a second round targeting the Subject’s left shoulder.

The UOFRB assessed Officers B and E’s use of the beanbag shotgun and Officers A and J’s use of the 40mm LLL. The UOFRB acknowledged the officers for attempting to de-escalate the situation by using less-lethal options before resorting to lethal force, but they were deeply concerned officers were using less-lethal devices against a Subject armed with a rifle.

The UOFRB further assessed the lack of the less-lethal warning. Officers A, B, E, and J did not provide a warning to the Subject prior to discharging their respective less-lethal devices. The UOFRB noted they believed the Subject posed an imminent threat to the community and officers and a warning was not feasible due to the Subject's actions. The UOFRB determined all less-lethal rounds discharged by Officers A, B, E, J were objectively reasonable.

Officer B deployed six beanbag rounds from distances ranging from 54 feet to 115 feet. Officer B perceived his/her distance from the Subject to be 20 to 25 feet for each deployment. Officer A deployed two 40mm rounds from 86 feet and 141 feet; however, he/she perceived his/her distance to the Subject to be 20 to 30 feet for each deployment. Officer E deployed six beanbag rounds ranging from 34 feet to 99 feet. Officer E perceived his/her distance to the Subject to be 20 to 25 feet for each deployment.

The UOFRB noted the majority of the less-lethal rounds were discharged at greater distances than the effective range but considered the officers' articulation, perceptions of being within optimal range, their commitment to reverence for human life by using less lethal tools to resolve the situation without further injury to the Subject, unfamiliarity with the area; that it was a mobile event during hours of darkness; and that the Subject was armed with a rifle pointing it at officers.

Furthermore, the UOFRB noted the effective distances for the less-lethal munitions were recommended ranges, not absolutes. The UOFRB opined the officers defaulted to their training and commended them for keeping their distance due to the Subject being armed with a rifle.

The BOPC evaluated the totality of the circumstances in deciding whether the use of less-lethal force was objectively reasonable, proportional and within reasonable limits of the recommended and optimal deployment distances.

The BOPC recognized that the majority of the less-lethal rounds were discharged at greater distances than the effective range, however, the BOPC noted the effective distances for the less-lethal munitions were recommended ranges, not absolutes.

In consideration of the totality of the circumstances in which the less-lethal force was used, the BOPC considered numerous issues, including:

- the officers' statements
- the officers' perceptions of being within recommended or optimal range
- the officers' commitment to reverence for human life by using less lethal tools to resolve the situation without further injury to Sanders
- the officers' unfamiliarity with the area
- that it was a mobile event during hours of darkness, and
- that Sanders was armed with a rifle pointing it at officers

In their assessment of Officers B and E's use of the beanbag shotgun and Officers A's use of the 40mm LLL, the BOPC acknowledged the officers for attempting to de-escalate the situation by using less-lethal options before resorting to lethal force.

The BOPC recognized that utilizing less-lethal weapon systems beyond the recommended and optimal distances can create significant problems such as inadvertently striking an uninvolved person or hitting the intended person in an area of the body that should be avoided. However, the BOPC noted that in this case, there were no pedestrians in the area of the Subject when officers deployed their respective less-lethal weapons and as such, this was not a factor.

The BOPC further noted that Department policy, which was modified in September 2023, a month after this incident, from using the standard of "optimal range" and "recommended deployment range" to "approved deployment range" was not considered for this case.

The BOPC noted that while the above officers chose to utilize their respective less-lethal force options, based on the imminent threat posed by the Subject to the community and other officers, they could have chosen to have used Lethal force, as did four other officers in this case, all found to be In-Policy.

The BOPC believes that each case is unique and must be evaluated by the facts known to the officers at the time. In this case, while some of the officers less-lethal rounds substantially deviated from Department policy of "recommended" and "optimal" deployment distances, the BOPC believes this deviation was justified. As such, the BOPC found that all of Officer B and E's Beanbag rounds, and both of Officer A's 40mm LLL, rounds were objectively reasonable, proportional and In-Policy.

Officer J discharged the 40mm LLL within the optimal range according to the policy in effect at that time. The BOPC found both of Officer J's rounds were objectively reasonable, proportional and within the optimal deployment distance.

Therefore, the BOPC determined Officer A, B, E and J's less-lethal use of force to be In Policy.

Lethal Use of Force

- **Officer C** – Smith & Wesson, Model M&P, 9mm semi-automatic pistol, one round from an approximate distance of 39 feet.

Background

According to the FID investigation, Officer C's background was an apartment complex, parked vehicles and a person on the sidewalk.

Upon arriving at scene, Officer C exited the passenger side of the police vehicle, unholstered his/her service pistol and ordered the Subject to drop what he had in his hand. The Subject turned and pointed the rifle in Officer C's direction. Officer C discharged one round from his/her service pistol.

- **Officer F** – Glock, Model 34 Generation 5, 9mm semi-automatic pistol, two rounds in 2.8 seconds from an approximate distance of 60 feet. Both rounds struck the Subject.

Background

According to Officer F, his/her background was clear of citizens, bystanders and vehicles when he/she discharged his/her service pistol.

As officers continued to follow the Subject south, officers took cover behind a guard shack. Officers F and H moved to a position just west of the guard shack. Officer F observed the Subject raise the rifle towards officers and believed the Subject was going to shoot at the officers or citizens. As such, Officer F fired at the Subject to stop the threat.

- **Officer H** – Smith & Wesson, Model M&P 2.0, 9mm semi-automatic pistol, one round from an approximate distance of 59 feet. Officer H's round struck the Subject.

Background

According to Officer H, his/her background was clear of citizens and vehicles when he/she discharged his/her service pistol.

Officer H was aware the Subject was armed with a rifle and knew there had already been an OIS. Reaching the shopping center, the Subject stopped behind a white vehicle parked on the curb. Officer H observed the Subject take a shooting stance and raise the rifle up towards officers on his/her right. In fear the Subject was going to shoot officers or a community member, Officer H discharged one round from his/her service pistol. Officer H did not believe the round struck the Subject because he/she did not see a reaction by the Subject.

- **Officer I** – Glock, Model 41 Generation 4 MOS, .45 caliber semi-automatic pistol, one round from an approximate distance of 70 feet. Officer I's round struck the rifle the Subject was holding and lodged in the Carbon Dioxide canister.

Background

According to Officer I, when he/she discharged his/her round, there were no vehicles or pedestrian traffic in the background.

Immediately after Officer E fired his/her sixth beanbag round, Officer I positioned himself/herself to the right of a police vehicle. The Subject moved to the right of the mailboxes, dropped a black object, later identified as the rifle buttstock, and Officer I discharged one round from his/her service pistol. According to Officer I, he/she observed the Subject place the rifle between his legs and rack the action as if he was chambering a round.

The UOFRB evaluated Officers C, F, H and I's use of lethal force. As it pertains to Officer C's one round, the UOFRB noted that as he/she ordered the Subject to drop what he had in his hand, the Subject turned towards Officer C holding the rifle.

Regarding Officer F's two rounds and Officer H's one round, the UOFRB noted they took cover behind a guard shack and observed the Subject raise the rifle towards a team of officers. In response to the Subject's imminent threat, they discharged their service pistols striking the Subject, causing him to lower the rifle, drop his tent and run into the parking lot of a shopping center.

The UOFRB evaluated Officer I's one round that occurred in the parking lot of the shopping center. The UOFRB noted at the time, Officer I was assigned as a Designated Cover Officer (DCO) and believed the Subject had fired his rifle at officers on multiple occasions. The UOFRB also noted Officer I discharged his/her one round when he/she observed the Subject loading and chambering the rifle.

The UOFRB determined in defense of their lives and others, Officers C, F, H and I fired rounds from their respective service pistol in order to stop an imminent, deadly threat. The UOFRB opined it was the Subject's actions and defiance of commands to drop the rifle that compelled Officers C, F, H and I to discharge their service pistols.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, F, H and I in the same situation, would reasonably believe the use of lethal force was objectively reasonable, proportional and necessary.

The BOPC determined that Officers C, F, H and I's use of Lethal Force to be In Policy.