

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

OFFICER-INVOLVED SHOOTING – 053-24

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No()</u>
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Southwest	11/26/24		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	7 years, 11 months
Officer C	10 years, 1 month
Officer D	9 years, 6 months
Officer E	1 year, 3 months
Officer F	12 years, 3 months
Officer G	0 years, 8 months
Officer H	17 years, 5 months
Officer I	1 year, 9 months

Reason for Police Contact

Harbor Patrol Division uniformed officers responded to an “*Assault with a Deadly Weapon*,” radio call. As the officers arrived in the area of the call, they located the Subject’s vehicle and conducted a felony stop. The Subject initially complied with the officers’ commands before he fled from the location in the vehicle. After a lengthy pursuit, the Subject drove to the rear of an apartment complex and parked. The Subject exited the vehicle, walked toward the pursuing officers, and produced two pistols when an Officer-Involved Shooting (OIS) occurred. During the OIS, the Subject fired eight rounds at the officers.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Male, 37 years old.

Board of Police Commissioners’ Review

This is a 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 the transcribed statements of witnesses and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations; 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 November 4, 2025.

Incident Summary

On Tuesday, November 26, 2024, at approximately 1130 hours, Victim A, a Downtown Area Short Hop (DASH) bus operator, received a telephone call from the Subject, during which he threatened to shoot and kill him/her if he/she contacted police. A short time later, Victim A observed the Subject approaching his/her parked bus and drove away. The Subject then followed the bus in his vehicle while continuing to threaten Victim A by telephone and text message. Victim A notified DASH headquarters, prompting a 911 call.

At 1214 hours, CD received a 911 call by a DASH employee who advised that a DASH bus was being "chased" and that the person chasing the bus was "armed." Communications Division then dispatched the call to Harbor Patrol Division officers.

Officers A and B arrived in the area of the call and attempted a vehicle stop after they observed the Subject following the DASH bus. Officers attempted a felony stop, but the Subject fled, leading officers on an approximately 35-minute vehicle pursuit before stopping behind an apartment complex. During the pursuit, responding officers were advised that the Subject was wanted in connection with a domestic violence assault with a deadly weapon investigation.

The pursuit continued through Harbor, Southeast, 77th Street, Southwest Areas, the City of Inglewood, and eventually back into Southwest Area. An Air Unit tracked the Subject to a residential area and broadcast that the Subject pulled into a driveway and to the rear of an apartment complex and parked. Several Harbor Patrol and Southeast Division officers, along with Sergeant A, arrived at the apartment complex. The Subject then exited his vehicle and walked down the driveway in the direction of the responding officers.

The Subject exited his vehicle and walked toward the pursuing officers. As he emerged from between the residences, Witness B ran toward him. The Subject then produced two pistols, pointed and fired them at the officers, resulting in an OIS.

The following table details the number of rounds fired by each officer:

Name	Division	Rounds Fired
Officer A	Harbor Patrol	11
Officer C	Harbor Patrol	11
Officer D	Harbor Patrol	9
Officer E	Harbor Patrol	8
Officer F	Harbor Patrol	6
Officer G	Harbor Patrol	5
Officer H	Southeast Patrol	8
Officer I	Southeast Patrol	2

Note: During the exchange of gunfire, Witness B continued to move toward the Subject and sustained a through-and-through gunshot wound to his/her right arm. Force Investigation Division investigators were unable to determine the exact moment Witness B was injured nor whether he/she was struck by a round fired by the Subject or an involved officer.

The investigation determined that the Subject was armed with two 9-millimeter semiautomatic pistols. Eight of the discharged cartridge cases recovered from the scene were attributed to the Subject. The investigation determined that eight officers fired a total of 60 rounds. All the rounds were fired in approximately 6.174 seconds.

The following contains the officers' actions and their account of the OIS.

Officer A

Officer A observed the Subject with a handgun in each hand pointed in the officers' direction. Officer A aimed his/her pistol at the Subject's center body and fired 11 rounds from an increasing distance of approximately 37 to 43 feet. Officer A was uncertain if the Subject fired at the officers. Officer A stopped firing when he/she believed the Subject no longer posed a threat.

Officer C

Officer C observed the Subject produce a pistol in each hand pointed in the officers' direction. Officer C aimed his/her pistol at the Subject's center mass and fired 11 rounds from an increasing distance of approximately 39 to 47 feet. Officer C stopped firing after the Subject fell to the ground and was no longer holding the pistols.

Officer D

Officer D observed the Subject pointing two pistols directly at him/her. Officer D aimed his/her pistol at the Subject's center mass and fired eight rounds from an approximate distance of 30 to 35 feet. Officer D stopped firing when he/she believed the Subject was no longer a threat.

Officer E

Officer E observed the Subject with a pistol in each hand pointed at officers. Officer E aimed at the Subject's center mass and fired eight rounds from an increasing distance of approximately 37 to 49 feet. Officer E stopped firing when he/she believed the Subject was no longer a threat. Officer E was unsure if the Subject fired at the officers.

Officer F

Officer F observed the Subject look in his/her direction, pull out two pistols, and start shooting in his/her direction. Officer F stated the Subject fired one of the pistols at him/her and pointed the second pistol at other officers. Officer F aimed his/her pistol at the Subject's center mass and fired six rounds from an increasing distance of approximately 29 to 37 feet. Officer F stopped firing after the Subject fell to the ground.

Officer G

Officer G observed the Subject pointing a pistol at him/her and actively shooting while on the ground. Officer G aimed at the Subject's center mass and fired five rounds from an increasing distance of approximately 61 to 67 feet. Officer G stopped firing when he/she believed the Subject was no longer a threat.

Officer H

Officer H observed the Subject raise his arms with a pistol in each hand. Officer H utilized his/her pistol-mounted optic, aimed his/her pistol at the Subject's center mass, and fired eight rounds from an increasing distance of approximately 60 to 67 feet.

Officer I

Officer I observed the Subject point two pistols, one toward him/her and the other toward the other officers. Officer I believed that he/she heard the sounds of bullets flying over his/her head and impacting a nearby vehicle. Officer I aimed at the Subject's center mass and fired two rounds from an approximate distance of 41 feet. Officer I stopped firing when he/she believed the Subject no longer posed a threat.

Post-OIS

Approximately nine seconds after the last round was fired, Sergeant A designated two Designated Cover Officers (DCOs), formed an arrest team, and directed officers to take the Subject into custody. Witness B was detained because he/she had entered the scene during the OIS, and Witness D was escorted away from the area before the arrest team approached.

Officers took the Subject into custody and placed him in the recovery position. Officers also requested a Rescue Ambulance (RA). After discovering Witness B had sustained a gunshot wound, officers applied a tourniquet to his/her arm while awaiting paramedics. LAFD treated both the Subject and Witness B before transporting them to the hospital. The Subject later died from his injuries.

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	Yes	Yes	Yes	Yes	Yes
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	No	Yes	Yes	Yes	Yes
Officer C	No	Yes	Yes	No	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	No	Yes
Officer G	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes
Officer I	No	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 unanimously found Officers A, C, D, E, F, G, H, and I, and Sergeant A's tactics to warrant a Tactical Debrief.

The BOPC by a vote of 3-1 found Officer B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC unanimously found Officers A, C, D, E, F, and I's lethal use of force to be In Policy.

The BOPC by a vote of 3-1 found Officers G and H's lethal use of force to be 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 feasible, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect 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 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.

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

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.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines 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 subject;
- Whether the subject was posing an immediate threat to 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 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.

Intermediate Use of Force: Use of an Electronic Control Device (i.e., TASER), Impact Device (e.g., Baton), Kinetic Energy Projectile (e.g., Beanbag Shotgun, 40mm Less-Lethal Launcher, FN 303), or certain Chemical Agents (e.g., Oleoresin Capsicum) is an appropriate force option when an officer reasonably believes either of the following:

- There is an immediate threat to the safety of the officers or others; or,
- If the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force.

Intermediate force options should not be used on a suspect or subject who is believed to be unarmed, and, is passively resisting or merely failing to comply with commands. Verbal threats of violence alone do not justify the use of an intermediate force option (Los Angeles Police Department, Department Manual, Volume 1, Section 573).

Use of Force – Deadly: It is the policy of this 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 the following reasons: To defend against an imminent threat of death or serious bodily injury to the officer or to 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 reasonable 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.

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.

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*.

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**

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 – This was Officers A and B's first shift working together, as it was for Officers C and F, and they discussed contact and cover roles and pursuit tactics. Officers D and G had worked together for approximately six weeks, in which they discussed contact and cover roles, apprehension versus containment and intermediate force options. Officer E and his/her partner had worked together two times, in which they discussed contact and cover roles. Officer I and his/her partner had worked together for approximately two months, in which they discussed contact and cover roles and end of pursuit tactics. Officer H and his/her partner had worked together for approximately four to five shifts, in which they discussed contact and cover roles and end of pursuit tactics.

Officers went into tracking mode during the pursuit to de-escalate the incident, which afforded the Subject the opportunity to drive to a location familiar to him without the presence of ground units knowing his precise location at the termination of the pursuit. Officers were trying to locate the Subject when he walked to the front of the apartment building and began shooting at them with two handguns. Due to the Subject's sudden, violent attack, officers were unable to formulate a plan and were forced to immediately respond to the deadly threat. After the OIS, Sergeant A formulated a plan to take the Subject into custody and assembled an arrest team.

Assessment – During the pursuit, Sergeant A directed the involved vehicles into tracking mode based upon his/her concern for public safety. Upon locating the Subject at the termination of the pursuit, Officers A, C, D, E, F, G, H, and I's assessment of the Subject's actions brought them to the conclusion that he posed an imminent threat of death or serious bodily injury if not immediately addressed.

Time – Upon locating the Subject, officers at scene gave him commands; however, he quickly produced two handguns from his sweatshirt pocket and began shooting at them. The Subject's deadly actions forced officers to react and eliminated their ability to utilize additional time to employ further de-escalation techniques. The Subject's bold and deliberate actions compressed the incident timeline and eliminated the possibility of other force options, as officers had to immediately react to his threats of serious bodily injury or death to themselves and other officers.

Redeployment and/or Containment – After the Subject walked toward officers and began shooting at them, officers utilized several parked vehicles and police vehicles for cover. During the OIS, Officer B left his/her position of cover to rescue bystanders in the front of the apartment building. Due to the Subject's sudden, violent attack on officers, officers were unable to establish containment.

Other Resources – During the pursuit, an Air Unit arrived overhead and took over broadcasting the direction of the pursuit. Sergeant A additionally requested additional units to join the pursuit and requested a unit equipped with a rifle. When the Subject parked his vehicle to the rear of the apartment building, the officer in the Air Unit provided officers with continuous updates of the Subject's actions and provided directions regarding how to locate the apartment complex. After the OIS, the officer in the Air Unit broadcast that officers needed help and requested an RA for the Subject. Sergeant A requested an RA for Witness B.

Lines of Communication – During the pursuit, an officer was monitoring the radio traffic and recognized the vehicle's license plate and vehicle description from a previous ADW with a firearm investigation. The officer requested CD to advise the units that the owner of that vehicle was outstanding for an assault with a deadly weapon (ADW). Lieutenant A obtained a copy of the crime report described by the officer and confirmed the vehicle known to be used by the Subject, who was a named suspect for a domestic violence ADW with a firearm. Lieutenant A broadcast this information to CD during the pursuit, which furthered responding officers' belief the Subject was armed.

Officers A, C, E, F, and I provided various commands to the Subject upon locating him; however, the Subject refused to comply. The Subject's violent attack on officers eliminated further attempts to verbalize with him as they were forced to respond to the deadly threat. After the OIS occurred, Sergeant A immediately designated two DCOs and ordered the other officers to holster their service pistols.

- During its review of this incident, the BOPC noted the following tactical considerations:

1. Cover and Concealment

Moments before the OIS, Officer B moved north of the apartment building and unholstered his/her service pistol. As numerous rounds were fired, Witnesses B and C ran away from the Subject and toward the apartment complex entrance. During the

OIS, Officer B left cover and moved toward Witnesses B and C, intending to get them out of harm's way, not realizing they were the Subject's family members. After the gunfire subsided, Witnesses B and C ran toward the Subject, who was now lying on the ground, while Officer B held his/her position in front of the apartment complex without cover. Officer B remained without cover until the arrest team approached the Subject. According to Officer B, he/she did not believe he/she was in danger because the Subject's attention was directed at the other officers.

The BOPC considered Officer B's decision to move away from available cover and concealment during the OIS and remain without cover until the Subject was taken into custody. The BOPC determined that Officer B was faced with a critical decision and, in a split second, chose to intervene and protect who he believed were uninvolved community members from walking into the middle of the OIS. The BOPC determined that without intervention, the community members could have been caught between the officers and the Subject during the exchange of gunfire. The BOPC further found that the deadly threat to unarmed bystanders necessitated unconventional action. Although remaining behind cover is tactically sound and preferred, doing so would have exposed vulnerable individuals to grave danger and that Officer B's actions were justified under the circumstances. As such the BOPC found that an objectively reasonable officer, similarly trained, could have concluded immediate action was necessary to defend and protect others.

The BOPC by a vote of 3-1 determined that based on the totality of the circumstances, the actions of Officer B substantially deviated, with justification, from approved Department tactical training, resulting in a finding of Tactical Debrief.

2. Basic Firearm Safety Rules

After discharging his last round, Officer A left his/her finger on the trigger for approximately three seconds. According to Officer A, he/she was still assessing to ensure the Subject was no longer a threat.

After discharging two rounds, Officer I was captured on BWV with his/her finger on the trigger of his/her service pistol for approximately one second. According to Officer I, he/she did not recall leaving a finger on the trigger.

The BOPC evaluated Officers A and I's adherence to the Basic Firearm Safety Rules. The Board noted that while the Department does not condone any violation of the Basic Firearm Safety Rules, these two specific circumstances involving Officers A and I were not a violation of these rules. The Board noted officers are trained to take precision shots and to ensure the threat is still presented by assessing between each round. In this instance, the Board opined that the duration of having their fingers on the triggers of their weapons was short, reasonable, and consistent with this training as the Subject posed a deadly threat, and the officers responded accordingly. After the Subject's deadly threat was gone, both Officers A and I took their fingers off the triggers. Furthermore, the Board acknowledged Department firearms training includes holding

the trigger to the rear before allowing it to reset for a follow-up shot. Officers are not trained to remove their finger from the trigger in between rounds.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and I were a not a substantial deviation from Department-approved tactical training.

Additional Tactical Debrief Topics

- **Crime Scene Management** – After the OIS, the inner and outer perimeters were established; however, personnel continued to traverse through these designated areas. As the Incident Commander (IC) in charge of the scene, Sergeant A was reminded to maintain crime scene security for the integrity of the investigation.

This topic will be discussed during the Tactical Debrief.

Command and Control

- Sergeant A joined the vehicle pursuit and broadcast he/she was the IC. During the pursuit, Sergeant A authorized four additional units. Approximately 30 minutes later, based upon Sergeant A's concern for public safety, he/she directed the pursuit into tracking mode. Sergeant A arrived at the termination of the pursuit and approximately six seconds before the OIS.

After the OIS, Sergeant A immediately designated two DCOs and ordered the other officers to holster their service pistols. Sergeant A instructed the remaining officers to form an arrest team and take the Subject into custody. After the Subject was taken into custody, Sergeant A advised units at the scene to clear the apartment building for any additional suspects or victims.

At approximately 1306 hours, Sergeant A directed officers to establish the crime scene and replaced all involved personnel with uninvolved personnel at scene.

The BOPC determined that the overall actions of Sergeant A were consistent with Department training and the expectations of supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A, C, D, E, F, G, H, and I, and Sergeant A, were not a deviation from Department-approved tactical training. The BOPC determined that the actions of Officer B were a substantial deviation from Department-approved tactical training, with justification.

Each tactical incident merits a comprehensive debriefing. In this incident, areas were identified where improvements could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

The BOPC unanimously found Officers A, C, D, E, F, G, H, and I, and Sergeant A's tactics to warrant a Tactical Debrief.

The BOPC by a vote of 3-1 found Officer B's tactics to warrant a Tactical Debrief.

Drawing and Exhibiting

- **Officer A (Service Pistol)**

As Officers A and B neared the apartment complex where the Subject stopped his vehicle, Officer A unholstered his/her service pistol while seated in his/her police vehicle. According to Officer A, he/she unholstered while in the police vehicle because he/she was unfamiliar with the area and believed the Subject was likely armed, based upon the pursuit and information he/she had previously received.

- **Officer B (Service Pistol)**

Upon arrival to the scene, Officer B exited his/her police vehicle and while attempting to locate the Subject, Officer B unholstered his/her service pistol. According to Officer B, he/she unholstered based on the comments of the radio call and the belief the Subject was armed.

- **Officer C (Service Pistol)**

After exiting his/her police vehicle, Officer C unholstered his/her service pistol upon seeing the Subject walking down the driveway toward "several police vehicles." According to Officer C, he/she unholstered due to the Subject's unusual behavior and his/her belief that the Subject was armed.

- **Officer D (Service Pistol)**

First Occurrence

After exiting his/her police vehicle, Officer D ran behind an Amazon delivery truck which momentarily impeded his/her view of the Subject. When he/she located the Subject, Officer D observed him holding two handguns, pointed at Officer D and other officers. In response, Officer D unholstered his/her service pistol. According to Officer D, he/she unholstered because he/she believed the Subject posed an "imminent" threat.

Second Occurrence

After the Subject was taken into custody, Officer D assisted in clearing the apartment building. Prior to searching the apartment building, Officer D unholstered his/her service pistol. According to Officer D, he/she unholstered due to his/her uncertainty if any additional suspects or threats were inside the apartment building.

- **Officer H (Service Pistol)**

After exiting his/her police vehicle, Officer H approached the scene, observed the Subject was armed with two handguns and unholstered his/her service pistol.

- **Officer E (Service Pistol)**

First Occurrence

After Officer E exited his/her police vehicle, he/she observed the Subject walking down the driveway with his hands in his sweatshirt pocket. According to Officer E, he/she believed the Subject was an armed suspect and could potentially have to use his/her "weapon at that point."

Second Occurrence

After the OIS, Officer E holstered once he/she was directed to retrieve the ballistic shield from his/her police vehicle. Upon returning to the arrest team, Officer E unholstered his/her service pistol for a second time to approach the Subject and take him into custody.

Third Occurrence

After the Subject was taken into custody, Officer E holstered his/her service pistol. Officer E then transitioned to the front door of the apartment complex and was instructed to assist in clearing the apartment complex for any additional suspects or victims. While holding the ballistic shield, Officer E unholstered his/her service pistol for a third time. According to Officer E, he/she unholstered due to the possibility that he/she could encounter more suspects while conducting the search.

Fourth Occurrence

After searching the first floor of the apartment building, Officer E holstered his/her service pistol. Officer E was then instructed to search the second floor of the apartment building and therefore unholstered his/her service pistol for a fourth time. According to Officer E, he/she unholstered due to having the shield and continuing to search for any additional suspects.

- **Officer F (Service Pistol)**

First Occurrence

After exiting his/her police vehicle, Officer F observed the Subject walking down the driveway and unholstered his/her service pistol. According to Officer F, he/she unholstered based upon previous knowledge that the Subject was “wanted for a crime with a handgun in another division.”

Second Occurrence

After the OIS, Officer F momentarily holstered his/her service pistol. Upon observing Witnesses B and C approach the Subject, Officer F unholstered his/her service pistol for a second time. According to Officer F, he/she knew the Subject was armed with two handguns and was unsure what the intentions of Witnesses B and C were.

- **Officer G (Service Pistol)**

Upon exiting his/her police vehicle, Officer G observed the Subject walking down the driveway and produce two handguns. In response, Officer G unholstered his/her service pistol. According to Officer G, he/she felt the Subject posed an “imminent threat” and therefore unholstered his/her service pistol to protect him/herself and others from the threat the Subject presented.

- **Officer I (Service Pistol)**

Upon exiting his/her police vehicle, Officer I unholstered his/her service pistol and took a position of cover along the driver’s side of a parked vehicle. According to Officer I, he/she unholstered due to his/her knowledge that the Subject was armed and dangerous and based off his unwillingness to “yield for officers.”

The BOPC assessed Officers A, B, C, D, E, F, G, H, and I’s drawing and exhibiting of their service pistols. The Board noted that when the officers initially unholstered their service pistols, they had arrived at the termination of a pursuit for an ADW suspect presumed to be armed. The BOPC noted that the officers had previous knowledge the Subject was possibly armed and witnessed him drive without due regard for public safety. The BOPC also noted that Officers D, G, and H unholstered their service pistols upon seeing the Subject armed with two handguns. The BOPC did note Officer A unholstered his/her service pistol while still in his/her police vehicle but felt this action was reasonable based upon Officer A’s articulation the Subject was likely armed with a gun, wanted for multiple felony crimes, and had an unknown location. Based on the knowledge officers had regarding the Subject and their articulation, the BOPC determined it was reasonable for the officers to believe the situation could escalate to one where deadly force may be justified.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, D, E, F, G, H, and I would reasonably believe the situation could escalate to one where deadly force may be justified.

Therefore, the BOPC found Officers A, B, C, D, E, F, G, H, and I's drawing and exhibiting to be In Policy.

B. Lethal Use of Force

- **Officer A** – Pistol, eleven rounds

Background – The FID investigation determined Officer A's background at the time of the OIS consisted of an apartment building and a house.

Volley One (Rounds 1 through 8)

An officer in the Air Unit broadcast that the Subject had parked to the rear of the apartment building and directed officers to the area. Officers A and B were the first unit to arrive and parked in front of the apartment complex. Both officers exited their vehicle and moved along the roadway. The Subject walked down the driveway toward the officers with both hands concealed in his sweatshirt. Officer A pointed in the Subject's direction and shouted, "right here," multiple times.

The Subject then produced two handguns he had concealed and began firing at officers. Upon seeing the Subject armed with two handguns, Officer A discharged eight rounds from his/her service pistol from an increasing distance of 37 to 43 feet.

Officer A believed that he/she was going to be killed by the Subject if he/she did not discharge his/her service pistol.

The investigation determined the Subject began to turn away from the officers as Officer A discharged one round. As the Subject fell to the ground and rolled onto his back, Officer A discharged seven more rounds.

Volley Two (Rounds 9 through 11)

Officer A momentarily stopped firing when he/she observed Witness B run toward the Subject, entering his/her line of sight. When Witness B was no longer in the foreground or background, Officer A observed the Subject lying on the ground still holding two handguns. In response to the Subject's actions, Officer A discharged three rounds from his/her service pistol from an approximate distance of 43 feet. According to Officer A, he/she was uncertain if the Subject had fired at the officers; however, he/she observed the Subject holding two handguns and believed he/she was going to get killed.

- **Officer C** – Pistol, eleven rounds

Background – The FID investigation determined Officer C's background at the time of the OIS consisted of an apartment building.

Volley One (Rounds 1 through 10)

Officers C and F arrived at the apartment complex and exited their police vehicle. Officer C took a position along the driver's side door of a parked vehicle. Upon observing the Subject, Officer C shouted, "Right here," and "Let me see your hands," as he/she raised his/her pistol in a two-handed grip over the vehicle. The Subject then produced two handguns he had concealed and fired at officers. In response to the Subject's actions, Officer C discharged ten rounds from his/her service pistol from an increasing distance of 39 to 47 feet. According to Officer C, when he/she observed the Subject point the handguns in the direction of officers, he/she believed the Subject was going to shoot and kill his/her partners and possibly shoot him/her.

The investigation determined that when the Subject initially produced the handguns, Officer C discharged two rounds. The Subject then began to turn to run up the driveway when Officer C discharged two more rounds. As the Subject began to turn away from the officers, Officer C discharged six rounds.

Volley 2 (Round 11)

Believing the Subject was firing at him/her, Officer C momentarily took a position of cover behind the parked vehicle. Officer C changed his/her positioning and reassessed the situation. Officer C believed the Subject was still firing at officers while lying on the ground and, in response to the Subject's actions, Officer C discharged one round from a distance of 47 feet. According to Officer C, he/she believed had he/she not discharged his/her service pistol, the Subject "would have killed multiple officers and possibly other bystanders, including myself."

- **Officer D** – Pistol, nine rounds

Background – The FID investigation determined Officer D's background at the time of the OIS consisted of an apartment building.

Volley One (Rounds 1 and 2)

Officers D and G arrived at the apartment building and exited their police vehicle. As Officer D approached the scene, he/she ran behind an Amazon delivery truck, which momentarily impeded his/her view of the Subject. When he/she next observed the Subject, the Subject was holding two handguns pointed at him/her and other officers. In response to the Subject's imminent threat, Officer D discharged two rounds from his/her service pistol.

The FID investigation that determined when the Subject initially produced the two handguns, Officer D continued to move and discharged one round from his/her service pistol. As the Subject began to turn away from officers, Officer D discharged a second round from his/her service pistol.

Volley Two (Rounds 3 through 9)

Believing the Subject was firing at him/her, Officer D took cover behind a police vehicle. The Subject then fell onto the ground and rolled onto his back; however, still maintained control of the handguns and continued to point them in the direction of Officer D and other officers. In response to the Subject's imminent threat, Officer D discharged seven rounds from his/her service pistol.

- **Officer E** – Pistol, eight rounds

Background – The FID investigation determined that Officer E's background at the time of the OIS consisted of an apartment building.

Volley One (Rounds 1 through 7)

Officer E and his/her partner (did not use force) arrived at the location and exited their police vehicle. Officer E took a position of cover along the passenger side of a vehicle parked on the side of the roadway. Officer E observed the Subject walking down the driveway with both hands concealed in his sweatshirt pocket and yelled, "Let me see your hands!" The Subject then produced two handguns he had concealed and pointed them in the officers' direction, causing Officer E to yell, "hey stop!" In response to the Subject's actions, Officer E discharged seven rounds from his/her service pistol from an approximate increasing distance of 37 to 49 feet. According to Officer E, when the Subject produced the handguns and pointed them at the officers, he/she believed the Subject was intending to kill the officers.

The FID investigation determined that when the Subject initially produced the two handguns, Officer E discharged one round from his/her service pistol. As the Subject began to turn away from the officers, Officer E discharged two more rounds from his/her service pistol. As the Subject began to fall and roll onto his back, Officer E discharged three rounds from his/her service pistol.

Volley 2 (Round 8)

Officer E took a momentary position of cover behind a parked vehicle. As Officer E crouched down, he/she observed the Subject laying on the ground with his left hand near one of the handguns. The Subject then began to reach for the handgun again. In response to the Subject's actions, Officer E discharged one round from his/her service pistol from an approximate distance of 49 feet.

According to Officer E, he/she believed the Subject was still a threat because the Subject reached for the handgun that was within two or three inches of his left hand.

- **Officer F** – Pistol, six rounds

Background – The FID investigation determined Officer F's background at the time of the OIS consisted of an apartment building.

Volley One (Rounds 1 through 3)

Officers C and F arrived at the location and exited their police vehicle. Officer F took a position of cover behind a parked vehicle, faced the Subject's direction, and shouted, "This guy right here." Officer F shouted at the Subject, "Hey get on the ground." The Subject then produced two handguns he had concealed and began shooting at officers. In response to the Subject's actions, Officer F discharged three rounds from his/her service pistol from an approximate increasing distance of 29 to 37 feet.

The investigation determined that when the Subject initially produced the handguns, Officer F discharged two rounds from his/her service pistol. As the Subject began to turn away from officers, Officer F discharged one round.

Volley Two (Rounds 4 through 6)

Believing the Subject was firing at him/her and he/she may have been shot, Officer F ducked behind the vehicle he/she was utilizing as cover. Officer F adjusted his/her position and moved to the rear of the vehicle. Officer F observed the Subject was still armed and firing at officers while on the ground. In response to the Subject's actions, Officer F discharged three rounds from his/her service pistol from an approximate distance of 37 feet.

- **Officer G** – Pistol, five rounds

Background – The FID investigation determined Officer G's background at the time of the OIS consisted of an apartment building.

Officers D and G arrived at the location and exited their police vehicle. As Officer G moved north, he/she observed the Subject walking down the roadway with his hands concealed in his sweatshirt pocket. The Subject produced two handguns and fired at officers as Officer G took a position of cover on the passenger side of a police vehicle. In response to the Subject's actions, Officer G discharged five rounds from his/her service pistol from an increasing distance of 61 to 67 feet. According to Officer G, he/she observed the Subject with his finger on the trigger of the two handguns while pointing them and shooting at officers and believed that if he/she did not discharge his/her service pistol, he/she would have been shot.

The FID investigation determined that Officer G began firing his/her five rounds as the Subject turned and fell to the ground.

- **Officer H** – Pistol, eight rounds

Background – The FID investigation determined that Officer H's background at the time of the OIS consisted of an apartment building.

Officer H and his/her partner (did not use force) arrived at the location and exited their police vehicle. As Officer H moved, gunfire can be heard, and Officer H took a position of cover behind a police vehicle. Officer H observed the Subject holding two handguns and pointing them at officers. In response to the Subject's actions, Officer H discharged eight rounds from his/her service pistol from an approximate increasing distance of 60 to 67 feet. According to Officer H, he/she discharged his/her service pistol because he/she was in fear for his/her safety, the safety of the other officers and the safety of the community.

The FID investigation determined that Officer H discharged all eight rounds as the Subject fell to the ground and rolled onto his back.

- **Officer I** – Pistol, two rounds

Background – The FID investigation determined Officer I's background at the time of the OIS consisted of an apartment building and a house.

Officer I and his/her partner (did not use force) arrived at the location and exited their police vehicle. Officer I took a position of cover behind a vehicle parked on the curb. Officer I observed the Subject holding two handguns and pointing them in the direction of him/her and other officers. As he/she heard gunshots coming from the Subject's handguns, Officer I crouched down and took cover behind the vehicle. As the gunfire continued and the Subject fell to the ground, Officer I observed him still with the handgun and moving and believed he still had the intent to use his handgun. In response, Officer I stood up and discharged two rounds from his/her service pistol. According to Officer I, he/she believed the Subject was trying to kill him/her and his/her partners based upon his actions.

- **Officers A, C, D, E, F, and I's Use of Lethal Force**

The BOPC discussed when the officers arrived at scene, they had already been involved in a lengthy pursuit with the Subject who was presumed to be armed. The Subject then continued to act in such a way that was unusual for suspects involved in pursuits. The BOPC discussed how the Subject exited his vehicle, put his hood over his head, placed both hands in his sweatshirt pocket and proceeded to walk toward the officers. The Subject ignored officers' commands before he brandished two handguns, pointed them at officers and fired eight rounds. The BOPC noted all involved officers discharged a total of 60 rounds in approximately six seconds, which highlighted the

similarity and consistency in the officers' observations and assessment of the threat posed by the Subject. The BOPC opined that the Subject's actions forced the officers to react to an imminent, deadly threat in defense of their lives, the lives of other officers, and the lives of community members.

The BOPC also assessed the number of rounds discharged by the officers while the Subject was on the ground. The BOPC opined that all these rounds were reasonable based upon the evidence that the Subject fired at least three rounds while lying on the ground. The BOPC further noted the Subject initially presented himself as an imminent, deadly threat while standing; however, continued to be a threat while lying on the ground. The Board concluded it was reasonable for Officers A, C, D, E, F, and I to believe the Subject continued to pose an imminent, deadly threat while on the ground, and their lethal force was objectively reasonable, proportional, and necessary.

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

The BOPC unanimously found Officers A, C, D, E, F, and I's lethal use of force to be In

- **Officers G and H's Use of Lethal Force**

The BOPC concurred unanimously with the Chief of Police, In Policy, for all officers' lethal use of force, except for Officers G and H. In a 3-1 vote for Officers G and H's lethal use of force, one commissioner believed that the decision by Officers G and H to use lethal force in this instance was not objectively reasonable or necessary. In this instance, other officers were already addressing the imminent threat posed by the Subject and were in a more advantageous position to address the Subject's actions. As such, the commissioner determined that Officers G and H's lethal use of force in this instance was not objectively reasonable or necessary.

The BOPC by a vote of 3-1 found Officers G and H's lethal use of force to be In Policy.