

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

OFFICER-INVOLVED SHOOTING – 056-24

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
------------------------	--------------------	-----------------------------------	--------------------------------------

Southeast	12/28/24		
-----------	----------	--	--

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
---	---------------------------------

Officer A	5 years, 1 month
Officer B	2 years, 5 months

Reason for Police Contact

Southeast Patrol Division uniformed officers were driving when they observed three people wrestling on the sidewalk. The officers exited their police vehicle and approached the group when they observed the Subject armed with a rifle. The officers ordered the Subject to drop the rifle. The Subject failed to follow commands and then manipulated the rifle, which resulted in an Officer-Involved Shooting (OIS).

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
--------------------------	----------------------------	---------------------------	---------------------------

Male, 54 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 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 November 25, 2025.

Incident Summary

On Saturday, December 28, 2024, at approximately 2323 hours, Witnesses A and B were approached by the Subject, who produced a rifle, pointed it at them, and demanded they empty their pockets. The Subject then forcibly removed a chain from Witness A's neck. Witness A tackled the Subject, and Witnesses A and B struggled with him on the ground for control of the rifle. During the struggle, the Subject produced a folding knife while continuing to fight with the witnesses over the rifle. Witness A attempted to prevent the Subject from pointing the rifle at either witness while continuing to wrestle the weapon away.

Officers A and B observed three people wrestling on the sidewalk, stopped their police vehicle, broadcast their location, and approached on foot. As they approached, they observed Witnesses A and B struggling with the Subject over a rifle.

Officer A observed what he/she initially believed was a stabbing and drew his/her service pistol. Moments later, officers learned the Subject was armed with a rifle. Officer A repeatedly ordered the Subject to drop the rifle and the witnesses to move away. As the Subject remained armed and continued manipulating the rifle while struggling with the witnesses, Officer A fired one round. When the Subject subsequently stood while holding the rifle and continued manipulating it and moving while armed, Officer A fired eight additional rounds before ceasing fire after the Subject dropped the rifle and no longer appeared to pose an imminent threat.

Officer B also observed the Subject stand while armed with the rifle and fired four rounds before ceasing fire and taking cover after believing his/her rounds had been effective.

Following the OIS, Officers A and B maintained cover while directing responding officers to the Subject, the discarded rifle, and the injured witnesses. Additional officers formed an arrest team, took the Subject into custody without further incident, and recovered the rifle. Officers immediately requested Rescue Ambulances (RAs) and rendered medical aid to the Subject and both witnesses until relieved by LAFD personnel.

Force Investigation Division investigators determined that Officer A's first round was fired with Witness A in the foreground, while the remaining rounds fired by both officers had clear and unobstructed foregrounds.

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
Officer A	Yes	Yes	Yes	N/A	N/A
Officer B	No	Yes	Yes	N/A	N/A

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 Officer A's tactics to warrant Administrative Disapproval, and Officer B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers A and B'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 practicable, 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 already aware of those facts.

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

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

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

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

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

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

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and

exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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

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

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

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

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

Rendering Aid: After any use of force, officers shall immediately request a 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, suspects of a use of force and fellow officers:

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

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

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

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

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

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

Definitions

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

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

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily

injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

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

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

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

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

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

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

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

A. Tactics

Tactical De-Escalation Techniques

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

(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her or 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, Assessment, Time and Redeployment and/or Containment – Officers A and B had previously worked together on approximately ten occasions prior to this incident. At the start of their shift, they discussed tactical considerations, including contact and cover roles and the ability to adjust roles as necessary. Throughout the incident, the officers continually assessed the imminent threat posed by the Subject to themselves and Witnesses A and B as the Subject manipulated his rifle. During the OIS, both officers redeployed to establish distance and cover. Officer B moved behind a parked vehicle along the curb, while Officer A positioned him/herself near the downed victims to provide them protection from the ongoing threat. After the Subject discarded the rifle, Officer A assessed that the Subject was no longer armed and advanced to contain and prevent him from rearming himself. Once the officers observed the Subject was no longer armed, they redeployed behind the ballistic panels of their police vehicle and awaited additional resources. Responding officers established containment and used available cover, including their vehicles and a ballistic shield.

The BOPC noted the officers were driving down the street when they observed three individuals wrestling on the ground. Upon exiting his/her vehicle, Officer A believed someone was getting stabbed. Officer A approached the group and then observed the Subject armed with a rifle. The Subject's actions, and the imminent threat he posed, significantly limited the ability for officers to employ further de-escalation techniques as the threat required an immediate response and did not allow the officers the benefit of additional time.

Other Resources and Lines of Communication – Upon observing a man with a knife, Officer A requested a backup and later upgraded the request to a help call upon identifying the Subject armed with a rifle. Officer A communicated with the victims to

get off the Subject and both officers ordered the Subject to drop the gun. Officer A communicated with Officer B as to his/her observations of the Subject being armed with a rifle.

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

1. Cover and Concealment

After discharging his/her first round, Officer A moved into the roadway to get distance from the Subject, then crossed back toward the curb where both victims lay exposed. Officer A positioned him/herself beside the victims to provide them cover, despite the absence of any barrier, leaving him/her and the victims, with only the barrel of his/her gun as cover.

According to Officer B, he/she tried to communicate with Officer A to get cover; however, Officer B did not believe he/she ever got Officer A's attention.

Officer A then moved in the street along the curb toward the Subject. According to Officer A, he/she wanted to close the distance on the Subject as he/she observed the Subject was no longer armed with the rifle and wanted to prevent him from rearming himself. Officer A did not utilize available physical barriers for cover as he/she approached and stood in front of the Subject.

The BOPC assessed Officer A's tactics pertaining to the issue of cover and concealment.

The BOPC noted that after confirming the rifle's location with his light, Officer A, followed by Officer B, redeployed past the Subject to the police vehicle's ballistic door panels (capable of stopping a rifle round). Though the victims remained further down the sidewalk, the Board noted that the Subject's attention appeared to remain on the officers, and from their vantage point, the officers maintained a clear line of sight to the Subject to immediately interdict any attempts he made to rearm himself.

The BOPC acknowledged the incident's rapid onset and Officer A's task saturation, but that Officer A's tactics increased the risk by repeatedly foregoing available barriers and, at points, placing the victims in the background. The BOPC noted published Department tactical concepts which stated, "Officers should use cover and concealment effectively to protect themselves and others while attempting to de-escalate a situation," and "[O]fficers should seek cover... officers are encouraged to exploit any available objects, such as barriers, to delay potential attacks from the suspect."

The BOPC noted that after discharging his/her first round, Officer A positioned him/herself with the victims without barrier protection, later advancing toward the Subject to prevent him from rearming himself without using nearby cover, and ultimately redeploying past an unarmed Subject to the patrol vehicle, prompting Officer B to leave

cover and reposition. The Board noted that this redeployment undercut Officer A's initial stated purpose of safeguarding the victims and coupled with limited coordination, compromised the victims' safety by placing them in the background. The Board concluded that Officer A's tactics, including repeatedly foregoing available cover, constituted a substantial deviation from Department tactical training without justification.

In reviewing this case, the BOPC considered that Officers A and B, while on routine patrol, were suddenly confronted with a situation, concealed on the ground behind parked cars, on a dark street that did not provide adequate ambient lighting. This forced the officers to quickly orient themselves to the environment as well as address a chaotic and confusing event that immediately escalated when it was declared, "He has a gun!" Officers A and B were confronted with circumstances that were tense, uncertain and rapidly evolving, requiring immediate assessment and split-second decision making. In assessing the reasonableness of Officer A's actions, the totality of the circumstances is accounted for, including the officers' prior training and their experience related to recent OIS incidents in the area involving attacks on police officers. Further, the assessment considered that some events do not fit into the guidelines of any singular tactical bulletin or training domain. The applicable standard applied should take multiple training standards into account, all of which are offered as concepts and provide for officer considerations.

The BOPC also noted that after discharging his/her first round and while redeploying to gain distance and move to a position of cover, Officer A recognized the victims were vulnerable by being exposed to the Subject. This recognition prompted Officer A to help by redeploying and providing cover for them. The action completed by Officer A is consistent with Department expectations and training standards, which include engaging in tactics designed to mitigate risk and exposure to him/herself as well as the public. After initial contact was made by the officers, the fluidity of the circumstances required Officer A to assume the role of designated cover officer, to provide protection to all persons and be prepared to immediately respond to a deadly threat if reasonable and necessary to do so. Officer A assumed this responsibility to enhance the opportunity for a desirable outcome. This compelled Officer A to take a position which allowed him/her to provide cover for the victims but also afforded him/her the ability to be in a position that gave him/her an unobstructed view of the Subject while avoiding crossfire with his/her partner.

The BOPC further noted that after Officer A confirmed the Subject was no longer in possession of the rifle, he/she remained in the role of cover officer as he/she redeployed to a position closer to the Subject, failing to utilize available cover in doing so. Officer A's decision to redeploy in such a manner was reasonable, as the Subject was no longer believed to be armed. Officer A calculated that in an effort to prevent the Subject from re-arming him/herself with the rifle and in the event that he did so, closing the distance would work to negate the tactical advantage afforded the Subject in possession of a superior weapon system. While he/she bypassed available cover,

doing so is understandable based upon the rapidly unfolding events and Officer A's apparent hyper focus on the Subject and his/her attempt to prevent the Subject from re-acquiring the rifle, thus preventing an escalation of force.

The BOPC found that Officer A's decision to redeploy back to the police vehicle and utilize the ballistic door panels as cover was a substantial deviation without justification from Department-approved tactical training. When Officer A redeployed to the vehicle, the BOPC determined that his/her positioning placed the victims in his/her background should the incident again require his/her use of lethal force. The BOPC also found that Officer A lost his/her visual and tactical advantage over the Subject when he/she redeployed. Officer A should have remained in his/her position near the Subject and utilized nearby cover or hugged the bumper of one of the parked vehicles and waited for additional resources. By doing so, Officer A would have been positioned to physically shield the victims (standing between them and the Subject) and minimized the likelihood of an ensuing gun battle by intervening, should the Subject have attempted to rearm himself. Officer A did not articulate any justification for redeploying past the Subject back to his/her police vehicle and standing in the open without cover in the process with any logic consistent with the rationale he/she employed throughout the incident.

Ultimately, the BOPC determined that Officer A provided a reasonable justification for leaving cover to move to a position to protect the victims and then again to obtain a tactical advantage over the Subject. However, the BOPC also determined that when Officer A left the position that afforded him/her a tactical advantage and again left him/herself without cover as he/she remained in the open, he/she contradicted his/her earlier justification for not utilizing cover, which was to protect the victims and maintain an advantage over the Subject. The victims then became part of the background and Officer A no longer had the tactical advantage.

Based upon the totality of the circumstances, the BOPC determined that Officer A's tactics constituted a substantial deviation from Department-approved tactical training without justification.

2. Handcuffing Protocols

After handcuffing the Subject, Officer B monitored him as Officer A briefly walked away to notify responding officers of the location of the rifle and both victims. Officer A advised responding officers of the outstanding weapons, that the victims needed an ambulance, and to be aware of the active crime scene to preserve evidence. Officer A returned, placed the Subject in the recovery position and rendered aid. According to the investigation, the Subject was in the prone position for approximately 41 seconds before being placed onto his right side.

The BOPC assessed Officers A and B's decision to leave the Subject in the prone position for approximately 41 seconds. The Board noted during that interval, while Officer B remained with the Subject to monitor him and as a crowd began to build near the victims, Officer A directed aid to the victims and alerted responding resources of the

outstanding weapons. Immediately after advising responding officers of the public safety issues, Officer A walked back to the Subject and placed him on his side. The Board discussed Officer B's role during this period as he/she stood by and monitored the Subject. The Board noted that due to the public safety concerns, including the outstanding weapons with a building crowd and necessity to triage the downed victims, there was no substantial deviation from Department-approved tactical training, and this issue was best addressed through the Tactical Debrief.

Based on the totality of the circumstances, the BOPC determined that the handcuffing and related tactics employed by Officers A and B did not constitute a substantial deviation from Department-approved tactical training.

Additional Tactical Debrief Topics

- **Holding Radio in One Hand and Service Pistol in Other** – During the OIS, both Officers A and B held their handheld radios with their left-hand, broadcasting, and their service pistols with their right hand. The BOPC acknowledged the efforts of the officers to engage in communication efforts via their radio, but addressing imminent deadly threats takes priority over radio communications. These topics will be discussed at the Tactical Debrief.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officer A substantially deviated from Department-approved tactical training without justification. In conducting an objective assessment of this case, the BOPC determined that the actions of Officer B did not substantially deviate from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Therefore, the BOPC found Officer A's tactics to warrant Administrative Disapproval, and Officer B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, upon exiting the vehicle, he/she observed an unknown person within the group holding a knife, moving it up and down with the blade pointing downward. Believing someone was being stabbed, Officer A unholstered his/her service pistol.

- **Officer B**

As Officer B followed Officer A to the sidewalk, he/she heard a person yell out, “firearm,” so he/she unholstered his/her service pistol. According to Officer B, since a firearm could cause death or serious bodily injury, he/she unholstered his/her service pistol because he/she believed the situation may rise to one where lethal force would be justified.

The BOPC assessed Officers A and B’s drawing and exhibiting of their service pistols. Regarding Officer A, the Board noted that he/she observed an unknown male in the group armed with a knife, moving it in an up and downward motion. Moreover, Officer A believed that someone was being stabbed. Regarding Officer B, the Board noted that while he/she was approaching the group, he/she heard a person yell out, “firearm,” and Officer B reasonably believed that he/she would need to use lethal force to stop the imminent threat of serious bodily injury or death. The BOPC noted that the circumstances combined with the Subject’s actions created a reasonable belief amongst the officers that the incident could escalate to an instance 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 and B, would reasonably believe there was a substantial risk the situation may escalate to one where deadly force may be justified.

Therefore, the BOPC found Officers A and B’s drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

- **Officer A – Pistol, nine rounds**

Background – The investigation determined that the foreground for Officer A’s first round consisted of Witness A, who simultaneously lowered his/her left arm as Officer A fired. The background consisted of a cement wall, sidewalk, and Witness B positioned underneath the Subject. At the time of the OIS, Officer A had his/her handheld radio in his/her left hand and fired all rounds from a single right-handed grip as he/she was broadcasting.

The foreground for Officer A’s second through eighth rounds was clear and unobstructed. The background consisted of a cement wall, cement staircase and an unoccupied building.

The foreground for Officer A’s ninth round was clear and unobstructed. The background consisted of trees and a cement wall.

First Round

According to Officer A, as he/she approached the group, he/she observed a rifle cradled under the Subject's arm. Officer A gave multiple commands to the Subject to drop the rifle, but he refused. While on the ground, the Subject turned his body from a lateral position onto his back and had a knife in one hand and the rifle next to him. Officer A believed the rifle was pointed at him/her and stated that he/she was afraid the Subject would kill him/her. He/she aimed at the Subject's upper torso and discharged one round from his/her service pistol. According to Officer A, he/she stated that prior to firing his/her first round, he/she believed both victims were out of the way.

Rounds Two through Eight

According to Officer A, after discharging the first round, he/she redeployed and moved backward into the roadway, increasing his/her distance from the Subject. As Officer A continued to redeploy across the street, the Subject stood in a crouched position with a two-handed grip on the rifle with the barrel in a low-ready position. Officer A raised his/her service pistol and discharged seven rounds at the Subject. According to Officer A, the Subject remained armed with the rifle in a bladed, low-ready shooting stance. Officer A stated that he/she believed the Subject was going to shoot him/her with the rifle, so he/she aimed his/her service pistol at the Subject's center body mass and fired. Officer A stopped firing when he/she lost sight of the Subject after he concealed himself behind a tree.

Ninth Round

According to Officer A, he/she observed the Subject's silhouette holding the rifle while hiding behind a tree, and he appeared to be preparing it to fire. He/she observed the Subject look out from behind the tree while still armed with the rifle. Officer A communicated that the Subject was still armed with the rifle and discharged his/her ninth round. After firing, Officer A observed the Subject sit on the curb and put his hands in the air. Officer A stated that he/she stopped firing because he/she saw the Subject drop the rifle. According to the investigation, the Subject's rifle was loaded with one round in the firing chamber and had a high-capacity 14-round magazine fully loaded with .22 caliber ammunition.

- **Officer B** – Pistol, four rounds

Background – The foreground for Officer B was clear and unobstructed, and the background consisted of a cement wall, cement staircase, and an unoccupied building. At the time of the OIS, Officer B had his/her handheld radio in his/her left hand and discharged all rounds from a single right-handed grip as he/she was broadcasting.

Rounds One through Four

Officer B discharged his/her first round as the Subject stood up, rotated his upper body to his right, and began moving while still armed with the rifle. Officer B discharged three more rounds as the Subject continued to run while holding the rifle. According to Officer B, he/she assessed after each of his/her four rounds and observed that the Subject was still holding the rifle in the low-ready position and manipulating the bolt of the rifle to shoot them. Officer B believed that his/her rounds were effective and stopped firing at the Subject as he/she took cover behind a parked car along the curb.

In evaluating Officers A and B's lethal use of force, the BOPC considered the then-recent context of events in Southeast (SOE) Division and South Bureau and the impact those events had on Officers A and B. In the eighteen months leading up to this incident, Southeast officers had been in seven OISs and officers from Operations-South Bureau had been in 16 OISs. In the six months leading up to this incident, suspects shot at SOE officers in four separate incidents and three SOE officers had been struck by gunfire. One of the incidents involved a suspect who attacked SOE officers with an automatic rifle. There also had been an OIS two days previous to this incident, which involved SOE officers, and in which the suspect fired multiple rounds at officers. The Area Commanding Officer had discussed these events, and the division was regularly discussing these incidents during roll call training and informal discussions.

The BOPC recognized that Officers A and B briefly discussed this during their interviews. The Board also highlighted the lack of visibility due to darkness of night, the weather conditions (cloudy with light fog) and an absence of ambient light sources. The Board noted that this combination of factors presented a unique challenge to the officers as they were suddenly confronted with a citizen flag down and someone armed with, what they perceived to be, a fully automatic rifle.

The BOPC noted that officers gave the Subject multiple commands to drop the rifle, but instead, though on the ground, the Subject pointed the rifle at them or in a threatening manner. In considering Officer A's first round, the Board noted that this situation was analogous to a hostage situation because of the presence of unarmed victims entangled with an armed subject. They recognized the unique challenge, inherent danger, and necessity to immediately address the threat to preserve life. The Board acknowledged the practical and difficult realities of marksmanship in a close-quarters situation involving hostages in proximity to an armed subject. Compounding these obstacles, was the Subject's decision to point the rifle at officers posing an imminent threat. The BOPC pointed to Department policy and legal standards which give primary consideration to officers using lethal force to protect themselves and others while other factors including background, while important, are secondary. They also concluded, based on the available evidence and Officer A's statements, that Officer A did consider his/her foreground and reasonably perceived it was clear before shooting at the Subject

to protect him/herself, his/her partner, and both victims. In support of Officer A's perception, the Board noted the FID investigation concluded that Witness A simultaneously lowered his/her left arm as Officer A discharged his/her first round at the Subject.

The BOPC noted that instead of discarding the weapon and surrendering, the Subject remained armed, stood, and held the rifle in a low-ready position. The Board noted that the Subject was armed with a superior weapon system, and based on his actions, possessed the ability, opportunity, and intent to shoot the officers. Based on their objectively reasonable perceptions, Officers A and B each fired at the Subject in a controlled manner and stopped when the officers no longer perceived an imminent deadly threat. The Board concluded that Officers A and B's decision to shoot at the Subject as he continued to pose an imminent threat was objectively reasonable, necessary, and proportional.

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

Therefore, the BOPC found Officers A and B's lethal use of force to be In Policy.

Rendering Aid

- Immediately after handcuffing the Subject, Officer A directed responding officers to the victims and advised they needed ambulances. Officer B stood by the Subject and monitored him as further resources arrived at scene. At 2331:49 hours, Officer E requested two RAs for the victims. Approximately 13 seconds later, Officer E pointed toward the Subject and instructed Officer A to put him in a recovery position and begin rendering aid. Officer A applied a tourniquet around the Subject's left leg.

At 2332:03 hours, Officer F responded to Witness B's location. Officer F donned protective gloves, obtained a tourniquet, and applied it to Witness B's right arm.

At 2332:47 hours, Officer G arrived at scene and responded to Witness A's location. Officer G donned protective gloves then obtained a tourniquet and applied it to Witness A's left arm. Approximately one minute after Officer G applied the tourniquet to Witness A, Officer F observed it was not effective, and he/she repositioned the tourniquet and tightened it so it would function properly.

At approximately 2341 hours, Firefighter/Paramedics (FF/PM) began treating both victims. At approximately 2345 hours, FF/PMs arrived at the Subject's side and transported him to the hospital. The Subject was admitted to the hospital and was treated for multiple gunshot wounds to his left leg and back. The Subject underwent surgery on his left leg and was discharged from the hospital on January 5, 2025.

Witness B sustained a through-and-through gunshot wound to his/her right forearm and was transported by RA to the hospital. Witness B was treated and discharged on December 29, 2024.

Witness A sustained a graze wound to his/her left wrist and was transported by RA to the hospital. Witness A was treated and discharged on December 29, 2024.

The BOPC found the officers met the Department's expectations for rendering aid.

Requirement to Intercede

- Based on its review of this incident, the BOPC determined that the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and the officers did not deviate from the requirement to intercede.