

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

OFFICER-INVOLVED SHOOTING – 050-20

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	10/23/20		
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Officer(s) Involved in Use of Force	Length of Service
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Officer C	4 years, 5 months
Officer F	5 years, 4 months

Reason for Police Contact

Officers were flagged down by a citizen and directed to an armed robbery suspect. As Officers attempted to detain the Subject, she turned and fired her pistol at the officers, resulting in an Officer-Involved Shooting (OIS).

Subject(s)	Deceased ()	Wounded ()	Non-Hit (X)
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Female, 30 years of age			
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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 September 28, 2021.

Incident Summary

On October 23, 2020, at approximately 1400 hours, the Subject entered a store and was believed to have shoplifted. She was confronted by an employee and produced a handgun, delivering an implied threat to the employee not to try and stop her. In fear for her safety, the employee returned inside the store and notified the manager, Witness A.

Immediately upon hearing what occurred, Witness A called the Business Improvement District Security (BIDS) dispatch and informed the operator accordingly.

While still on the call, Witness A exited the store and began to monitor the Subject from a distance, while he provided updated locations for the Subject to the BIDS dispatch. Witness A observed the Subject walk into another store and select merchandise from an exterior display. The Subject walked away with the item without making any attempt to pay. As the Subject walked away, Witness A made contact with Witness B at the store the Subject just stole from and advised her what he observed.

Witness B followed the Subject into a third store. While inside that location, Witness B confronted the Subject and demanded she return the property she had just taken. The Subject returned the property to Witness B without incident and left the location.

The Subject walked northbound, where she entered a church parking lot. The Subject walked up to Victim A, who was standing in the parking lot, talking on his cellular telephone. The Subject confronted Victim A in Spanish and English and demanded he give her his money, his wallet and the keys to his vehicle. The Subject told Victim A if he refused, she would shoot him. The Subject reached into her bra and produced a black semi-automatic pistol and cycled the action. The Subject pointed the pistol at Victim A and pressed the muzzle against his/her abdomen.

Victim A believed the Subject was going to kill him and was in fear for his life. Victim A closed his eyes and told the Subject in Spanish that he was homeless and he had no money.

The Subject placed the pistol back inside her bra and walked away from Victim A.

As the Subject walked away, Witness A approached Victim A in the parking lot. Victim A informed Witness A what occurred and asked him to call 911.

Witness A called 911. The call lasted approximately three minutes. Witness A advised the operator as to what had happened and that the Subject was armed, although he did not know if the gun was real. Witness A advised the operator of the Subject's location and her description.

The operator provided the LAPD Communications Division (CD), Police Service Representative (PSR) the details provided by Witness.

Simultaneous to Witness A's call to the operator, CD received a call related to this incident. The Business Improvement District Security (BIDS) operator informed CD that BIDS was notified of an adult female with black hair, wearing a short beige dress, armed with a gun, and was using it to take merchandise from merchants. The BIDS operator advised CD where the call originated and where the Subject was last seen. The operator advised that one of the BIDS uniformed security officers located the Subject, and she was walking northbound.

At 1418 hours, CD broadcast the call.

At approximately 1420 hours, CD broadcast additional information, advising of the Subject's activity, where she was last seen, and providing her description.

At approximately 1421 hours, CD broadcast, assigned the incident to a unit and dispatched several other units to assist.

At approximately 1422 hours, Officers A and B acknowledged the radio call and responded with emergency lights and siren (Code-3). Officers C, D, E, and F also responded to assist. All were in uniform, in marked police vehicles, and equipped with Body-Worn Video (BWV).

According to Officer F, he/she and Officer E were driving southbound when they heard CD assign a radio call of a robbery suspect with a gun.

Shortly after hearing the broadcast, Officers E and F were in the area and were flagged down by Witness A.

Officer E stopped the black and white patrol vehicle in the area and spoke with Witness A. Witness A pointed officers in the direction where he last observed the Subject and told them again that she was armed with a handgun and that a uniformed BIDS security officer was following her.

According to Officer F, Witness A directed both him/her and Officer E to the BIDS officer.

Officer E turned the patrol vehicle around and drove northbound to where the BIDS officer (Witness C) was standing. Officer E asked Witness C where the Subject was located and Witness C directed the officers to her. Officer E then began to drive westbound toward her.

According to Officers E and F's Digital In-car Video System (DICVS), as the officers drove westbound, video depicting the Subject was captured as she crossed to the southwest corner, walking toward Witness D, who was standing on the west sidewalk.

Officer F broadcast that the officers were out with the Subject and they requested a back-up.

As the Subject crossed the street toward the northwest corner, the officers activated their overhead emergency lights and siren and entered the intersection against a red tri-light. The Subject looked to her right as the patrol vehicle approached her.

As Officer E drove the patrol vehicle through the intersection toward the Subject, Officer F partially opened his/her door.

At 1423:38 hours, Officer F stated to Officer E, "Stop right here." As the patrol vehicle came to a stop, Officer F opened his/her vehicle door wider while still seated. Officer F shouted toward the Subject, "Hey, stop right there, face the wall." The patrol vehicle came to a stop and Officer F exited. Officer F stood behind the passenger door and shouted toward the Subject for a second time, "Face the wall."

According to Officer F, as he/she stood at a distance of approximately 20 feet from the Subject, he/she gave her orders in an attempt to de-escalate the situation. The Subject replied, "I'm not stopping."

Although audio from Officers E and F's BWV and DICVS did not capture the Subject's statement, Witness D stated she heard one of the police officers say, "Stop walking," and heard the Subject reply, "I'm not [expletive] stopping."

The Subject ignored Officer F's commands and continued to walk northbound. According to Officer F, he/she felt Officer E put the patrol vehicle in reverse, and he/she momentarily sat back down. Officer F then stood back up and stated to Officer E, "Cut her off."

Due to their vehicle position, the officers' DICVS did not capture video footage of the incident after 1423:43 hours, as the Subject walked northbound and out of the frame of the forward-facing camera.

According to Officer E, "My partner and I -- my partner got off the car and tried to detain her by telling her to face the wall or get up against the wall. I noticed that [...] I still had my hand on the steering wheel and the what's that thing called? The stick shift or the shift. I noticed that the Subject was still walking northbound, so I, I thought to myself that she was going to ignore our commands, and I put it in reverse."

According to Officer F's BWV, at 1423:49 hours, six seconds after Officer F gave his/her second command to face the wall, the Subject turned toward the officers and fired one round toward the officers' direction. Officer F immediately ducked behind his/her vehicle door for cover.

According to Officer F, he/she observed the Subject look back as she turned in their direction and pointed a dark object at them. Officer F recalled the Subject's body, "Kind of contorted facing me." "Her upper torso was facing us and her legs were kind of going northbound."

It wasn't until after Officer F heard the gunshot and observed smoke coming from the dark object, that he/she realized it was a pistol the Subject was pointing at them.

According to Officer C's BWV, at 1423:49 hours, Officers C and D were responding Code-3 westbound, when a gunshot can be heard. Officer C advised Officer D, "She's shooting, she's shooting."

According to Officer F's BWV, at 1423:50 hours, Officer F sat down in the patrol vehicle and immediately stood back up as he/she unholstered his/her pistol, "Because the Subject had taken a shot at me, so the situation was tactically it called for me to unholster and fire back at the individual." "I didn't expect her to actually fire at us, so it did catch me by surprise. So that's why I unholstered and I was in fear for my safety at that point."

According to Officer E, after hearing the first gunshot, "I immediately got out of the car and I unholstered my gun, because I was afraid for my life and my partner's life. We just have like a robbery suspect who just shot at us, so I believe the situation arise [sic] with deadly force could be could be used."

According to Officer F, he/she stood behind the passenger door as he/she held his/her pistol with a two-handed grip. Officer F raised his/her pistol and pointed it toward the Subject through his/her partially opened window. Officer F aligned his/her pistol sights and aimed at the Subject's center mass.

According to Officer F's BWV, at 1423:52 hours, Officer F fired one round in a north-westly direction. After Officer F fired his/her first round, his/her patrol vehicle began to slowly roll backwards while both officers were standing on the roadway.

According to Officer E, "Unfortunately, the car was still on reverse. So I noticed that the car started backing up. So in order to protect my partner because I was afraid that it would knock him over I put my right foot on the brake. I holstered up my gun, because I needed both hands to shift it back onto park. I think that I managed to stop the car before it moved any further than approximately two feet. By the time I put it in parking, I noticed that the Subject was already going northbound."

According to Officer F, after he/she fired his/her first round at the Subject, her eyes widened and she had a surprised look on her face.

According to Officer F's BWV, at 1423:53 hours, another gunshot could be heard.

Witness F reported seeing the Subject fire twice. As described by Witness F, "I saw her shoot it twice before I started running." Witness F additionally stated, "After she fired the first two shots that I had seen initially, I had -- I took off. All I heard was gunshots behind me."

Force Investigation Division investigators determined the gunshot heard at 1423:53 hours was a second round fired by the Subject. The time on Officer D's BWV camera was two seconds slower than the time on Officers C, E, and F's BWV camera.

According to Officer D's BWV at 1423:51 hours, (Officer F's BWV camera time 1423:53 hours), as Officer C stopped the officers' patrol vehicle in the northbound lanes, Officer D shouted, "Shots fired, shots fired." Officer D exited the patrol vehicle and shouted, "Crossfire, crossfire." Officer D closed the front passenger door and took cover behind the vehicle's engine block. Moments later, Officer D redeployed and stood behind the vehicle door.

Officer D did not see any of the officers fire, however, he/she heard two gunshots and observed the Subject holding a black pistol in her left hand. According to Officer D, "Immediately when we pull up, I hear two gunshots. And so we get out I get out of my vehicle. I draw and exhibit, because I just heard the gunshots go off, so I'm in fear for my safety and for my partner's."

According to Officer C's BWV, at 1423:53 hours, Officers C and D's patrol vehicle came to a stop. According to Officer C, "As I'm pulling up, I'm seeing the female or the Subject described in the comments of the call, female [...], beige dress, shooting at the officers. I immediately pull over, exit my vehicle. Due to the Subject shooting at my partners, I draw and exhibit my weapon." "I see the gun punched out and [...] I hear the shots and see the shots towards the officers. At this point we, we know we're in pretty much a fight for our life, whether it's ours or the other officers next to us. She's shooting at them. As I'm pulling up, I'm thinking she's going to start shooting at us, because we're the ones pulling up with lights and sirens. Thank God she didn't and she decides to run northbound, and she didn't shoot at us."

According to Officer C, "I don't know if we went en route. I don't think we went Code 6 either just because of the fact that we're watching officers get shot at, at the moment. Our priority changes to engaging the threat."

According to Officer F's BWV, at 1423:54 hours, Officer F fired his/her pistol a second time at the Subject.

Officer F initially stated to FID investigators that when he/she fired his/her second round, the Subject was facing his/her direction, but he/she was unsure exactly where she was pointing the pistol at that moment. Officer F still considered the Subject a threat, "Because she still had the gun in her possession."

According to Officer F's BWV, at 1423:56 hours, Officer F fired his/her pistol a third time. According to Officer F, "At that point I'm not sure exactly where the gun was at that point, and she was still in the same general area when I fired the third round, but I don't recall exactly where her gun was at that point."

Officer F explained that he/she was unsure if the Subject started running after or as he/she fired his/her third round. According to Officer F, "I saw her toss the gun and then start running."

Officer F stated that the Subject dropped the gun "after the third round [...] or as I fired the third round." 2.518 seconds elapsed between Officer F's final shot and Officer C discharging his/her weapon.

According to Officer F, the background behind the Subject was, "A couple businesses that had glass fronts," and, "Nobody else was in the background." Officer F assessed between each round he/she fired.

After the initial FID interview concluded, Officer F spoke with his/her representative and later expressed his/her wish to clarify his/her statements related to the second and third round he/she fired.

After reconvening the interview, Officer F stated, "The second round, gun is still she's still holding the gun up, pointed in my general direction. That's when the second shot was fired."

When clarifying his/her statement regarding the third round he/she fired, Officer F stated, "The third shot, I'm not exactly sure, but that's when she was tossing the gun and that's when a third shot was fired."

Investigators sought clarification of what Officer F was, "not exactly sure," about. Officer F replied, "I'm not exactly sure if she had already if she was in the process of tossing it or if she was still holding it."

Investigators then asked Officer F if he/she felt the Subject was still a threat toward him/her at that point. Officer F responded, "Yes, sir. So when I fired the third round, she still had the gun. She was still holding the gun, and I was still, still believed her to be a threat at that time, because she had already shot at me." "And I believe when I shot the third round, she was it seemed to me like she was definitely still a threat."

It was determined that the Subject fired the first shot and Officer F returned fire 3.111 seconds later. It was also determined that the Subject fired a second round .642 seconds after Officer F fired his/her first round. Officer F fired his/her second round .935 seconds after the Subject fired her second round. Officer F fired his/her third round 1.82 seconds after his/her second round.

According to Officer C, "I heard approximately three or four heard (Unintelligible) rounds. I couldn't really make out how many [there] were but it sounded more like one more than one. But after the gunshots, she starts to run northbound on the sidewalk. Being a weekend in Downtown, usually the stores are usually pretty there's a lot of people inside the stores buying clothing."

According to Officer C's BWV, at 1423:56 hours, Officer C exited the driver's seat of the patrol vehicle and stood to the left of the open driver's door. As Officer C exited, a red, early model, 4-door sedan was driving southbound in the center divider past Officer C's position. Officer C raised his/her pistol with a two-handed grip and pointed it in a north-westerly direction, over the roof of the red vehicle as it came to a stop. At 1423:58 hours, Officer C fired one round, over the roof of the red vehicle, in the direction of the Subject.

The DICVS in Officers C and D's patrol vehicle was activated as they arrived and captured sounds of gunfire and footage of the Subject, as she ran northbound and entered the location of occurrence.

The sound graph analysis determined that Officer C fired one round 2.518 seconds after Officer F fired his/her third round. All six rounds occurred within 9.018 seconds.

According to Officer C, when he/she fired, he/she could not see the Subject's hands but believed she was still in possession of the pistol. Video evidence showed that Officer F's third round impacted the door of the business moments before the Subject entered, and that the Subject had cleared the threshold of the entrance to the business when Officer C fired.

According to Officer C, "The reason I engaged, or I shot my rounds was based on the fact that the Subject already had 211 multiple victims, was armed with a gun, shot at the officers. My assumption is that if I'm leaving this Subject go into a store, now I'm putting all these people inside that store's lives at risk by not preventing it. So I obviously shoot to prevent her from stopping the threat from going into the store and putting all those people inside the store's lives in danger.

"Well, [...] this is a business district, so it's mostly a lot of clothing. It's the weekend. A lot of people go into these stores to for shopping on the weekends. And she entered a store. She's armed with a gun. She already shot at the officers. She 211'ed multiple stores. At this point I'm thinking it's going to be a hostage situation. She's barricaded in there with civilians. So she's already shown the fact that she robbed stores, she shot at officers, so at this point in my mind is for her there's no turning back. So my thing is if she goes in that store, now you have God knows how many people in there that are potential victims to getting shot. And then it makes it even more difficult for us to go in there, not knowing the layout of the location. I did not see anybody inside, but the fact that she opened the door tells me the business is open."

According to Officer C, "I had no obstruction between my line of fire and the Subject. It was [a] clear, unobstructed view. So for me, it was quite a long shot. But, again, there's no background where I have to be worried about someone walking into it, because there's no one in the area."

"I shot the round as she opened the door. As she's slinging the door open, I already I'm aiming and I take my shot before she enters the location." Officer C did not know if the round he/she fired struck the Subject.

According to Officer C, "From the time that I stopped and exited the vehicle to the point where she was opening the door, it was from my perspective, it was I had to engage at that moment without giving a warning to prevent her from entering the location. Giving a warning would [have resulted in her going] into the store and I didn't have the time to shoot."

According to Officer C, after he/she fired, "She [the Subject] already went into the business. I'm not going to blindly shoot into the location. So I shoot my one shot. She goes inside. I lose sight of her at that point. Just we just hold secure on the door and wait for additional resources to get there."

According to Witness D, she was standing on the northwest corner when she observed the Subject walk past her. Simultaneously, Witness D heard a siren as she observed a patrol vehicle pull up. Witness D heard one of the police officers, "Saying to stop walking." Witness D then heard the Subject say, "I'm not [expletive] stopping." Witness D observed the Subject pull out a black pistol, from her left breast area, and shoot at the officers.

As described by Witness D, "I honestly don't remember [how many times the Subject fired]. I just remember her shooting her -- her shooting at the cops first because that's when the cops started firing back."

Force Investigation Division investigators determined that Witness D was standing approximately twenty-nine feet from the Subject when she fired at the officers. Force Investigation Division investigators also determined that Witness D was approximately seventeen feet away from Officer F's bullet path as Officer F fired at the Subject.

Force Investigation Division investigators interviewed Witness E. According to Witness E, he was standing on the northeast corner. While talking on his phone, Witness E observed the Subject, wearing a white or beige dress, crossing the street as he simultaneously heard emergency sirens. Witness E observed a police vehicle pull up and heard three gunshots. After hearing the gunfire, Witness E observed the police vehicle's door open and an officer exited holding a pistol. Witness E then heard the officer telling the Subject to get on the ground. A second police vehicle arrived as Witness E heard three more gunshots.

The Force Investigation Division investigation revealed the Subject ran into the business where the OIS culminated. At the time of the incident, the business was open; however, due to the COVID-19 protocols that were in place, the front glass entry door was open, but a metal security gate was closed and locked to control customer entry. Six individuals who were inside the location at the time were identified. Three were partial witnesses to the incident. The additional three individuals did not hear or see anything.

Several other officers and supervisors responded and assisted. The Subject surrendered immediately after the OIS and was not struck by the officers' gunfire. Her handgun was recovered on the sidewalk near her arrest.

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	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A, B, C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A, B, C (Two Occurrences), D, E (Service Pistol and Shotgun), and F's (Two Occurrences), drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officer F's lethal use of force to be In Policy. The BOPC found Officer C's lethal use of force to be Out of 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 subject 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 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.

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, subjects of a use of force and fellow officers:

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

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

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

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

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

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

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial

risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

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

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

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

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

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation 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/hers 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 – Officers A, B, C, D, E, and F each had discussed tactical plans with their respective partners and discussed tactical scenarios prior to responding to this incident. After the OIS, Officers A, C, D, E, and F communicated and then developed a plan, organized an arrest team consisting of lethal cover, less-lethal force options, and a designated handcuffing officer to take the Subject into custody.

Assessment – Although Officers C, D, E, and F were not assigned as the primary officers to the initial radio call, they assessed through the comments of the radio call that the primary unit could potentially need their assistance. Officers E and F were hailed by Witness A. Based on their interaction with Witness A, the officers determined that he was contacting them regarding the Subject. Witness A then directed the officers to Witness C, and Witness C then directed the officers to the Subject. Locating the Subject, Officer F assessed the need for additional Department personnel and broadcast a request for backup, prior to attempting to detain the Subject. Following their backup request, Officers E and F attempted to detain the Subject; however, the Subject ignored Officer F's commands to stop and continued walking northbound. The Subject then turned and faced officers, pointed a handgun in the officers' direction, and fired her handgun towards Officers E and F. Officers E and F assessed the imminent deadly threat the Subject presented to

themselves and to the public and drew their service pistols, utilizing their police vehicle's ballistic door panels for cover. Officer F discharged a total of three rounds at the Subject from his/her service pistol. As Officer F discharged each round, he/she assessed the Subject's actions, as well as his/her background. Officer F stopped discharging his/her service pistol when he/she determined the Subject no longer presented an imminent threat of death or serious bodily injury. Officer F assessed his/her need for a more expedited response from responding officers and upgraded the backup request to an "officer needs help" call.

As Officers C and D arrived on scene, they observed the Subject firing her handgun towards Officers E and F and assessed the imminent deadly threat to the officers. In response, Officers C and D drew their service pistols.

Officers A and B arrived after the Subject fled into the business. The Subject subsequently exited the business and complied with the officers' commands. Assessing the available resources, Officers A, C, D, E, and F formed an arrest team consisting of lethal cover, less-lethal cover, and a designated handcuffing officer, and took the Subject into custody without further incident.

As Sergeant A assessed the incident, he/she observed blood on the Subject's leg. Due to the nature of the incident, Sergeant A ensured the Subject was assessed and treated by LAFD personnel. Assessing the need to preserve the crime scene, Sergeant A directed officers to leave the Subject's handgun in place and directed uninvolved officers to complete Field Interview (FI) cards for potential witnesses.

Time – After locating the Subject, Officer F utilized the time afforded to request backup units. After the Subject exited the business where the OIS occurred, officers ordered her into the prone position. With the Subject in the prone position, Officers B, E, and F deployed to Officers C and D's police vehicle. The Subject's position and the officers' proximity to each other afforded officers the time to formulate a tactical plan and designate roles before approaching the Subject.

Redeployment and/or Containment – As the Subject fired her handgun at Officers E and F, the officers utilized their police vehicle's ballistic door panels as cover. Following the OIS, Officer C broadcast that the Subject was inside of the business and directed responding officers to establish a perimeter to contain the area. Officers A and E broadcast a recommended direction of travel and coordinated a path for responding officers. With the Subject contained in the front vestibule of business, Officers B, E, and F deployed from the cover of their police vehicles to Officers C and D's police vehicle, using it as cover while formulating a tactical plan.

Other Resources – By requesting a backup, Officer F summoned additional officers, a supervisor, and an Air Unit to his/her location. Following the OIS, Officer F requested help, summoning a more expeditious response from officers, supervisors, and the Air Unit. To obtain a tactical advantage over the Subject,

Officer E deployed a shotgun. To ensure there were less-lethal force options, Officer C deployed his/her TASER and Officer B deployed his/her 40mm LLL.

Lines of Communication – Locating the Subject, Officer F advised CD of his/her location and requested a backup unit. This broadcast advised officers and supervisors of Officer F's location and status as well as his/her need for additional resources. As Officers E and F approached the Subject, Officer F advised his/her partner where to stop the police vehicle. Officer F then told the Subject to stop. After the Subject fired at officers, Officer E ordered Witness D to leave the area for her safety. Arriving at scene, Officer C advised Officer D that the Subject was "shooting" at officers. Following the OIS, officers communicated with the Subject, ordering her to surrender. When the Subject surrendered, officers ordered her into the prone position where the Subject remained while officers formulated a tactical plan.

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

1. Tactical Vehicle Deployment

During this incident, Officers E and F attempted to conduct a pedestrian stop on a potentially armed suspect prior to the arrival of additional officers. As the police vehicle was approaching the Subject, Officer F opened his/her passenger side door, remained seated, and directed the Subject to "stop right there" and "face the wall." When the police vehicle stopped, Officer F exited the police vehicle, remained behind his/her passenger side ballistic door panel, and told the Subject to, "face the wall." Officer E remained seated in the driver's seat. The Subject stated that she would not stop and continued walking. According to Officer F, his/her police vehicle stopped approximately 20 feet from the Subject. The FID investigation determined that the police vehicle stopped within 18 to 20 feet from the Subject. Officer F felt Officer E put the police vehicle in reverse and sat back down. Officer F stood back up and told Officer E to "cut off" the Subject. The Subject turned and pointed her handgun at the officers, firing her handgun in the officers' direction. In response, Officer F drew his/her service pistol and took cover behind his/her police vehicle's ballistic door panel. Officer E also exited the police vehicle and drew his/her service pistol.

Based on the totality of the circumstances, the BOPC determined that Officers E and F's actions were not a deviation from approved Department tactics and training.

2. Building Entries

After the Subject was taken into custody, Officer C drew his/her service pistol and approached the business believing that the Subject's handgun could still be inside the business. Officer C stated, "So she put her hands out the door. So,

this tells me she threw the gun in the store.” Approaching the business, Officer C conducted a visual inspection of the business’ interior through the front doors’ broken glass. Gaining the attention of people inside the business, Officer C had the people unlock and open the metal security gate. Officer C stated, “I do go inside the store. I canvas for the gun looking for it...but I just can’t find it.” Officer C would later be directed to the handgun’s location outside of the business on the sidewalk.

Based on the totality of the circumstances, the BOPC determined that Officer C’s actions were not a deviation from approved Department tactics and training.

- The BOPC also considered the following:
 - **Tactical Planning** – Over the course of three-and-a-half-years, Officers E and F have been assigned as partners on a regular basis. During that time, the officers discussed the tactics they would employ involving foot pursuits, vehicle pursuits, contact and cover, and how they would handle situations involving armed suspects. However, as it related to pedestrian stops from a police vehicle, Officers F believed the passenger officer (Officer F) would exit the police vehicle first and be contact to allow the driver officer more time to exit the police vehicle. Officer E believed the passenger officer (Officer F) was designated cover and communications while the driver (Officer E) would be the contact officer. Officers E and F were reminded of the importance of a coordinating and confirming tactical plans to reduce confusion during a critical incident.
 - **Emergency Vehicle Operations** – As the Subject did not respond to Officer F’s commands to stop and continued to walk northbound, Officer E placed the police vehicle’s transmission in reverse. When the Subject discharged her handgun at the officers, Officer E exited the police vehicle and drew his/her service pistol, leaving the vehicle’s transmission in reverse. When the police vehicle began to slowly roll backwards, Officer E feared that it would injure Officer F. To maintain control of his/her police vehicle, Officer E placed his/her right hand on the steering wheel while holding his/her service pistol in the same hand. Once Officer E applied the brakes, stopping the police vehicle, he/she holstered his/her service pistol and placed the police vehicle’s transmission into park.
 - **Tactical Communication** – After discharging his/her third and final round, Officer F observed the Subject discard her handgun; however, Officer F did not communicate his/her observation to Officer E or responding officers until after the Subject was taken into custody.
 - **Tactical Vehicle Deployment** – As Officer C arrived at scene, he/she observed Officers E and F’s police vehicle parked in the southbound lanes. Officer C continued driving north past Officers E and F’s police vehicle and stopped his/her police vehicle in the northbound lane at an oblique angle to the west curb. As

Officer C was bringing his/her police vehicle to a stop, a red sedan was traveling south in the painted center median, impeding Officer C's northwesterly progress.

- **Code Six** – As Officers C and D arrived on scene, at approximately 1423:51 hours, Officer F was engaged in an OIS with the Subject. At approximately 1424:34 hours, after engaging in an OIS with the Subject him/herself, Officer C broadcast his/her location and status. Investigators from FID determined that because CD was repeating Officer F's help call, Officer C's broadcast was blocked. As such, CD records do not indicate Officers C and D going Code Six at the incident until 1457 hours.
- **Simultaneous Non-Conflicting Commands** – As Officer C was providing commands to place the Subject into a high-risk prone position, Officers D and F also gave commands to the Subject.
- **Handcuffing Techniques** – As the arrest team approached the Subject where she lay in a prone position, Officer D advised the other officers in the arrest team that he/she was going to go "hands on." As Officer D prepared to handcuff the Subject, he/she removed his/her handcuffs from his/her handcuff pouch prior to establishing three points of contact with the Subject's arm.
- **Searches of Arrestees** – After handcuffing the Subject, a male officer conducted a pat search of the Subject's front and rear waistband area for weapons despite a female officer being available to conduct the search. At the time she was arrested, the Subject was wearing a one-piece wedding style dress with no pockets.

The FID investigation revealed that despite a search at scene, a live 9mm cartridge fell from the Subject's person at Central CPS.

- **Situational Awareness (Tactical Communications)** – As the arrest team approached the Subject, Officer B, who was equipped with the 40mm LLL, and not delegated a position in the arrest team, remained in his/her/her position near the police vehicles. According to Officer B, he/she was still able to utilize the 40mm LLL from his/her location if he/she needed to. Officer B knew the comments of the radio call indicated that the Subject was in possession of a handgun but was unable to determine if the Subject still had the handgun in her possession.
- **Unsecured Equipment** – The FID investigation revealed that Officer B downloaded and placed the 40mm LLL on the front passenger seat of his/her police vehicle, as opposed to securing it in the police vehicle's locking rack. Officer B then left the police vehicle's doors ajar while he/she searched the Subject.

- **Protocols Subsequent to a Categorical UOF** – When Sergeant A obtained Officer F’s PSS, both his/her and Officer F’s BWVs were still activated. In addition, Sergeant A did not ask Officer F all nine required PSS questions, nor did he/she provide Officer F with the pre-PSS admonition. According to Sergeant A he/she conducted the limited PSS by asking only the questions pertinent to “preservation of life.”
- **Medical Treatment/Rendering Aid** – According to the FID investigation, at 1441:39 hours, after observing blood on the Subject’s leg, Sergeant A directed an officer to request the LAFD to respond and assess the Subject. At 1444:15 hours, LAFD personnel arrived at scene. Firefighter Paramedics and EMTs assessed the Subject. While the Subject had abrasions to her chin and leg, she had not complained of pain and refused care. When asked how she sustained the injury to her leg and chin, the Subject stated she had fallen. LAFD determined the Subject’s vital signs were stable and cleared the scene.

According to the FID investigation, at approximately 1630:56, LAFD responded to Central CPS when it appeared that the Subject may be suffering from narcotics toxicity. The Subject was transported by RA to the hospital and treated by a doctor. According to the Subject’s medical records, the Subject advised medical staff that she had consumed methamphetamines and alcohol and she fell without losing consciousness, sustaining abrasions to her chin and leg. The record further indicated that the Subject’s vital signs were stable, and she was medically cleared to be booked into police custody.

Non-Medical Face Coverings – The investigation revealed Department personnel were not wearing non-medical face coverings at scene, for health and safety concerns related to the Coronavirus.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

After careful consideration of the listed topics, the BOPC found Officers A, B, C, D, and F’s tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer F**

First Occurrence

According to Officer F, as the Subject turned to look at the officers, she rotated her upper body in the officers' direction and pointed a "black object" at them. Officer F recalled that the Subject's upper torso was turned facing him/her and Officer E, while her hips were still facing north. Officer F stated, "That's when I saw her turn around, saw the handgun in her hand, and she fired a round." Officer F "saw the smoke" and "heard the sound." Because the Subject had "shot" at Officer F, he/she was "in fear for my [Officer F's] safety." In response, Officer F unholstered his/her service pistol and sought cover behind his/her police vehicle's ballistic door panel.

Second Occurrence

During the FID investigation, Office F's BWV footage appeared to depict him/her holstering his/her service pistol after the OIS and then drawing his/her service pistol a second time. After discharging the third and final round from his/her service pistol, Officer F briefly holstered his/her service pistol as he/she utilized his/her police radio to broadcast, "Shots fired, officer needs help," before drawing his/her service pistol for a second occurrence. Officer F did not recall holstering or drawing his/her service pistol a second time; however, he/she opined that if he/she had, it was due to the ongoing tactical situation involving an at-large suspect who had just discharged her handgun towards Officer F and his/her partner.

- **Officer E**

Service Pistol

According to Officer E, as he/she and Officer F arrived on scene they observed the Subject walking northbound. As he/she and Officer F attempted to contact the Subject, she turned, produced a handgun, and fired in the officers' direction. Officer E feared for his/her life and his/her partner's life. Officer E stated, "It was hard to believe that she was like shooting at us." Believing that he/she would have to use deadly force "to stop the threat," Officer E unholstered his/her service pistol.

Shotgun

As Officer E drew his/her service pistol, he/she felt the police vehicle move in reverse. To maintain control of his/her police vehicle, Officer E reentered the vehicle, applied the brakes, holstered his/her service pistol, and placed the police vehicle's transmission into park. After placing the police vehicle's transmission in park, Officer E observed that the Subject "was already walking northbound."

Believing it would afford him/her a “tactical advantage” over the Subject, Officer E deployed his/her shotgun in the event there was an additional OIS.

The BOPC conducted a thorough evaluation of the reasonableness of Officers E and F’s (two occurrences) drawing and exhibiting of their service pistols and of Officer E’s exhibition of the shotgun.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers E and F, when faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer E’s (service pistol and shotgun) and Officer F’s (Two Occurrences) drawing and exhibiting of a firearm to be In Policy.

- **Officer D**

According to Officer D, as he/she and Officer C arrived on scene, he/she observed the Subject holding “what appeared to be a firearm inside her left hand.” Officer D exited the police vehicle and drew his/her service pistol because he/she heard “two gunshots” and was in “fear” for his/her and Officer C’s safety. Officer D “felt the situation could escalate to the point where deadly force could be justified.”

- **Officer C**

First Occurrence

According to Officer C, as he/she and Officer D arrived on scene, he/she observed the Subject facing Officers E and F, holding a handgun with her arm “punched out.” Officer C heard and saw the Subject fire her handgun towards Officers E and F; Officer C believed that he/she and his/her partners were “pretty much in a fight for our life.” Officer C “immediately” placed his/her police vehicle’s transmission into park, exited his/her police vehicle, and drew his/her service pistol as he/she observed the Subject running towards the business.

Second Occurrence

According to Officer C, after the Subject was taken into custody, he/she drew his/her service pistol prior to entering the business. Officer C believed the Subject’s handgun was still inside of the business but did not know if there were additional suspects inside as well.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C and D, when faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC Officers C (two occurrences) and D's drawing and exhibiting of a firearm to be In Policy.

- **Officer B**

According to Officer B, he/she and his/her partner were responding to a radio call for a robbery suspect but decided to bypass the radio call's location when he/she heard "the officers put out a backup, which got upgraded to a help call." Arriving at scene, Officer B drew his/her service pistol, believing that "due to the type of situation," and the information provided in the comments of the radio call, that the situation "might escalate to the point where deadly force may be necessary." Officer B knew that the incident generated "multiple calls" involving a "211 suspect who may be armed with a firearm."

- **Officer A**

According to Officer A, as he/she was responding to the armed robbery investigation, the incident was upgraded to a backup first, then a help call. Officer A formed the opinion that the Subject had potentially "barricaded herself in one of the businesses." As Officer A arrived at the scene, he/she drew his/her service pistol as he/she believed that "the tactical situation may escalate to the point where deadly force may be justified." According to Officer A, "an officer's decision to draw or exhibit their firearm is based on the tactical situation and the officers' reasonable belief that the tactical situation may escalate to the point 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, when faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point 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.

Accordingly, the BOPC found Officers A, B, C (Two Occurrences), D, E (Service Pistol and Shotgun), and F's (Two Occurrences), drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

- **Officer F** – (pistol, three rounds)

Background - The OIS occurred during daylight, at approximately 1423 hours. The intersection where the incident occurred is controlled by 4-way traffic signals. This section of the street is an undivided, four-lane roadway that runs north and south,

through a business district. The street measures approximately sixty-nine feet from curb to curb. Adjoining the roadway, along the east and west side, are concrete sidewalks. The west sidewalk measures approximately sixteen feet wide. Officer F's background at the time he/she discharged his/her service pistol was several buildings. One business consisted of a single-story concrete commercial business with glass windows and doors. A single employee was inside at the time of the OIS. The business where the Subject hid consisted of a concrete, two story commercial business with glass windows and doors. The business was equipped with a closed and locked metal security gate behind the entrance doors within the front entrance of the building. Six people were inside at the time of the OIS.

Officer F described his/her background as a "business and there's also residential lots and apartments." Officer F recalled that other than Witness D, there was "no pedestrian traffic" and "nobody else visible was in the background." Officer F added that there was limited vehicular traffic in the area as he/she discharged his/her service pistol.

According to Officer F, immediately after the Subject "fired a round," he/she ducked behind the police vehicle's ballistic panel door. Officer F aimed at the Subject's "center mass" through the partially open police vehicle window. The Subject was still pointing her handgun at Officer F when he/she discharged his/her first round at her. After she discharged her first round, the Subject appeared "surprised" that officers would respond to her deadly force with deadly force. Officer F observed that the Subject appeared stationary and that she remained "facing" him/her. Because the Subject was still facing and pointing her handgun in Officer F's direction, Officer F "still believed she was a threat" when he/she discharged his/her second round from his/her service pistol towards the Subject. Officer F was unsure if the Subject had discharged a second round from her handgun but still perceived her as a deadly threat. The Subject was still holding her handgun and "was still in the same general area." In response, Officer F discharged a third round from his/her service pistol. Officer F opined that the Subject discarded her handgun and ran north, either as he/she was discharging his/her third round or immediately after he/she discharged his/her third round.

The Bullet Pathway Analysis report identified a perforating impact located on the hood of Officers E and F's police vehicle. The associated pathway, identified as Pathway A, was consistent with a bullet travelling from north to south, west to east, and approximately level.

According to the FID investigation, when the Subject discharged her first round from her handgun, Officer E was placing the police vehicle's transmission into reverse as Officer F was adjusting his/her position in the police vehicle's passenger seat. The Subject had failed to stop walking as directed and Officer E was attempting to adjust the police vehicle's position. As a result, Officer F discharged his/her first round from a semi-seated position in the front passenger seat of the police vehicle. After Officer F discharged his/her first round, the police vehicle began to roll backwards.

In response, Officer E reentered his/her police vehicle, with his/her service pistol in his/her right hand. To maintain control of his/her police vehicle, Officer E placed his/her right hand on the steering wheel while holding his/her service pistol in the same hand. Once Officer E applied the brakes, stopping the police vehicle, he/she holstered his/her service pistol and placed the police vehicle's transmission into park.

During his/her FID interview, when asked by FID investigators if he/she assessed after each round he/she discharged, Officer F replied, "Yes sir, I did." When asked if he/she felt that his/her partner's life and his/her life were in jeopardy, Officer F replied, "Yes sir." Officer F recalled observing Witness D "sitting up against the wall" and the Subject walking past her. Officer F observed Witness D "immediately run southbound" away from the location when the Subject discharged her handgun at officers. The FID investigation determined that Witness D was standing approximately twenty-nine feet from the Subject when the Subject fired at the officers. The investigation also determined Witness D was approximately seventeen feet away from Officer F's bullet path as he/she fired at the Subject.

According to the FID investigation, at 1423:52 hours, Officer F discharged his/her first round from his/her service pistol. At 1423:54 hours, Officer F discharged the second round from his/her service pistol towards the Subject. At 1423:56 hours, Officer F discharged his/her service pistol for a third and final time. Officer F discharged his/her first round 3.111 seconds after the Subject discharged her first round. The Subject discharged her second round 0.642 seconds after Officer F discharged his/her first round. Officer F discharged his/her second round 0.935 seconds after the Subject discharged her second round. Officer F discharged his/her third and final round 1.82 seconds after he/she discharged his/her second round.

The BOPC conducted a thorough review and analysis of the proportionality, reasonableness, and necessity of Officer F's use of lethal force. The BOPC noted the Subject's actions prior to Officer F's use of lethal force. The BOPC also considered Officer F's background when he/she discharged his/her service pistol. The BOPC noted that the FID investigation determined that the sole pedestrian, Witness D, was approximately seventeen feet away from Officer F's bullet pathway as he/she fired at the Subject. The BOPC took into consideration that the Subject escalated the incident when she produced a handgun, pointed the handgun in the officers' direction, and fired a total of two rounds at Officers E and F, striking the hood of the police vehicle where Officer E was still seated in the driver's seat and Officer F was crouching next to the passenger seat. Officer F looked in the Subject's direction where he/she observed the Subject continuing to point the handgun in his/her and Officer E's direction. In defense of his/her and Officer E's lives, Officer F discharged three rounds in a controlled and disciplined manner, from his/her service pistol, as he/she assessed prior to and between each discharged round. Officer F ceased firing when he/she determined the Subject no longer posed an imminent threat of serious bodily injury or death. The BOPC also noted that

during the chaotic incident, unbeknownst to Officer F, the Subject had fired the second round from her handgun. The BOPC determined that Officer F's use of force was reasonable, necessary, and proportional to the threat posed by the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer F would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be proportional, objectively reasonable, and necessary.

Therefore, the BOPC found Officer F's lethal use of force to be In Policy.

- **Officer C – (pistol, one round)**

Background - According to the FID investigation, Officer C's background at the time he/she discharged his/her service pistol was the business the Subject ran into, a concrete, two story commercial business with glass windows and doors which had a locked and closed metal security gate behind the entrance doors. Six people were inside of the location at the time of the OIS.

According to Officer C, arriving on scene, he/she had observed the Subject with her arm outstretched, holding a handgun, firing at officers. Officer C considered several factors, including, but not limited to, the fact that the Subject was suspected of multiple armed robberies, that she had shot at officers, and was armed with a handgun. In response, Officer C discharged one round from his/her service pistol at the Subject's "center mass" as she opened the door, to prevent her from entering the business, "putting all those people inside the store's lives in danger," and potentially creating a "hostage situation." After discharging his/her service pistol, Officer C assessed, determined that the Subject had entered the business, and discontinued firing his/her service pistol; Officer C, was "not going to blindly shoot into the location." Prior to discharging his/her round, Officer C was aware of a single vehicle in front of him/her as he/she drew out his/her service pistol, but also observed that there were no other vehicles on the road, and that the sidewalk was clear of pedestrians. Officer C assessed that he/she had a "clear, unobstructed view" of the Subject as he/she discharged his/her service pistol from an approximate distance of "60 feet."

According to the FID investigation, as Officer C exited his/her police vehicle, a red, early model, 4-door sedan was driving southbound in the center dividing lane past Officer C's position. Officer C raised his/her service pistol with a two-handed grip and pointed it in a north-westerly direction, over the roof of the red vehicle as it came to a stop. Officer C discharged one round, over the roof of the red vehicle, in the direction of the business. After he/she discharged the round, Officer C stated, "We got a hostage."

The FID investigation determined that Officer C discharged his/her round 2.518 seconds after Officer F discharged his/her third and final round. The FID

investigation also determined that all six rounds fired during this incident occurred within 9.018 seconds.

The BOPC conducted a thorough review and analysis of the proportionality, reasonableness, and necessity of Officer C's use of lethal force. The BOPC noted the Subject's actions prior to Officer C's use of lethal force. The BOPC considered that Officer C drove into an active OIS, where he/she observed the Subject firing her handgun towards Officers E and F. The BOPC also considered that Officer C observed the Subject fleeing into an open business, which he/she believed to be occupied by people. However, the BOPC was critical of the fact that Officer C discharged his/her round at the Subject after she had discarded her handgun. And while Officer C was not aware that the Subject had discarded her handgun and believed that she was still armed when she entered the business, Officer C did not observe the handgun in the Subject's hand when he/she discharged his/her round.

The BOPC discussed Officer C's decision to utilize lethal force, as well as his/her background, when he/she discharged his/her service pistol. According to Officer C, he/she utilized lethal force to prevent the Subject from possibly taking hostages or harming people he/she believed to be inside of the business. The BOPC discussed the balance between the danger the Subject could potentially create to people as she entered the business, compared to risk Officer C posed by discharging his/her service pistol in the direction of a location that he/she believed to be occupied. The BOPC further discussed the distance between Officer C and the Subject when he/she discharged his/her service pistol. The BOPC conducted a thorough detailed analysis of the interior surveillance video from the business and concluded that the Subject had already entered the vestibule area of the business by the time Officer C's discharged round struck the location's door.

The BOPC concluded that at the time Officer C discharged the round from his/her service pistol he/she was responding to what he/she believed could possibly occur, as opposed to what was actually occurring. The mere possibility or fear that the Subject may present a danger to people inside of the location did not present a situation where there was an imminent threat of serious bodily injury or death.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, would not have reasonably believed that the Subject's actions, at the time Officer C discharged his/her round, presented an imminent threat of death or serious bodily injury or that the use of deadly force would be proportional, objectively reasonable, and necessary.

Therefore, the BOPC found Officer C's lethal use of force to be Out of Policy.

Accordingly, the BOPC found Officer F's lethal use of force to be In Policy and Officer C's lethal use of force to be Out of Policy.