

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

**OFFICER-INVOLVED SHOOTING – 002-21**

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

Central                                      1/21/21

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

Officer A                                      2 years, 3 months  
Officer B                                      2 years, 3 months  
Officer C                                      1 year, 11 months  
Officer G                                      4 years, 6 months  
Officer H                                      4 years, 6 months  
Officer I                                      4 years, 2 months

**Reason for Police Contact**

Officers responded to a radio call of a man with a gun. Officers located the Subject, who was holding a firearm in his right hand. The Subject pointed the firearm in officers' direction, resulting in an Officer-Involved Shooting (OIS).

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

Male, 41 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 23, 2021.

## **Incident Summary**

Witnesses A and B were security guards assigned to a downtown Los Angeles building. They observed the Subject holding what appeared to be a handgun and called 911.

Numerous officers responded, including Officers A through H.

After calling 9-1-1, Witness A advised Witness B about the Subject's presence and his observations. Shortly thereafter, Witness B went outside to get a quick view of the Subject. According to Witness B, his intentions were to locate the Subject and lock the business door.

Witness B located the Subject on the sidewalk just north of the door. Witness B observed the Subject retrieve a handgun from his jacket pocket and hold it in his left hand. According to Witness B, the handgun appeared to be broken, as if it had been run over by a car. He then observed the Subject remove the top portion of the gun. According to Witness B, "And then when he took the top part off, that's when I knew it was a gun, and then he put it back together."

As captured on security video, the Subject was holding a dark object resembling a handgun and transitioning it back and forth between his hands. Additionally, the Subject repeatedly reached into his pockets and appeared to make hand gestures toward a business window, as if communicating with someone inside. The investigation determined that the business was closed at the time of the incident and there were no patrons or employees inside of the location.

At approximately 1621:11 hours, the Subject walked south on the east sidewalk. As he did so, the Subject held the handgun in his right hand with the muzzle pointed toward the ground. The Subject continued walking south, until he was out of camera view.

As the Subject walked south, Witness B noted that he appeared to be talking to himself and believed that the Subject could be suffering from mental illness. According to Witness B, he heard the Subject repeatedly say that he was sorry and didn't want to do it.

The Subject walked east and Witness A rotated the security camera, locating the Subject standing on the sidewalk in front of another business. Using his right hand, the Subject removed the handgun from his right jacket pocket and began moving it up and down. As he did so, an unidentified citizen walking a dog looked in the Subject's direction and began running east on the sidewalk. The Subject then placed the handgun back into his right jacket pocket.

At approximately 1623:16 hours, the Subject began walking east on the north sidewalk. As captured by security video, Witness B followed the Subject from a distance. As the Subject approached the next street, a black sedan was parked along the north curb, northwest of the Subject's location. As captured on security video, the Subject

removed the handgun from his right jacket pocket with his right hand and pointed it in a southwesterly direction toward the sedan. He then lowered the handgun, pointed the muzzle toward the sidewalk and continued walking east.

As captured by security video, the Subject walked to the southeast corner. He then turned east into the alley out of camera view.

At approximately 1626:06 hours, Witness B called 9-1-1 and reported his observations. Approximately six minutes elapsed between the initial 9-1-1 call made by Witness A and the call made by Witness B.

While en route to the call, Officer B broadcast to CD and inquired if the Person Reporting (PR) could still see the Subject. Communications Division directed the officers to stand by while they obtained further information.

At approximately 1627:09 hours, Officers E and F were the first unit to arrive at scene. Officer F broadcast that their status and location (Code Six) in the area. Shortly thereafter, Officers C, D, G, and H arrived at scene. Upon their arrival, the officers began searching the area for potential suspects. The aforementioned units all initially responded to the wrong area due to an error by Communications Division (CD). The investigation determined that Officers G and H did not go Code Six upon arrival.

Meanwhile, CD contacted Witness A, who advised where the Subject was last seen walking. Communications Division broadcast that information to the responding units.

At approximately 1629:46 hours, CD broadcast, the Subject's description and last known location.

Shortly thereafter, Officer B advised CD they were Code Six in the area. Although Officer B broadcast the officers' Code Six location, CD erroneously broadcast it. The distance between the two locations was approximately 0.2 miles.

Officers A and B noted that the suspect descriptors were the same on both radio calls and opined that the calls were related. Officer B advised CD that they would handle the call and responded to the location with emergency lights and siren (Code Three).

The investigation determined that CD erroneously identified the unit designations. In addition, CD erroneously broadcast that Officers F and E were already Code Six at the call.

Meanwhile, Officers C, D, E, F, G, and H heard the broadcast for the second radio call and began driving in that direction.

According to Officer H, he/she and Officer G were driving south, when they were flagged down by Witnesses A, B, and another security guard who was never identified. Officer G parked along the east curb and made contact with Witnesses A and B through his/her open driver's side window.

Witness A identified himself as the PR and advised Officers G and H where he had last observed the Subject walking and that he entered south the east/west alley behind another building. Officer H advised CD that they were Code Six with the PR. Additionally, Officer H broadcast to the responding units where the Subject was last seen.

As captured on BWV, Witness B advised Officer G that the Subject was brandishing a handgun in an aggressive manner. As Officer G was communicating with the witnesses, Sergeant A pulled alongside their police vehicle. Sergeant A initiated contact with Officer H through his/her open driver's side window and asked if there was confirmation that the Subject was armed with a gun.

Officer G asked the witnesses if the Subject was armed with a gun. The unidentified security guard advised the officers that the Subject was armed with a black and brown colored handgun. Officer G relayed that information to Sergeant A.

After speaking with the witnesses, Officers G and H continued driving south. As they did so, both officers deactivated their BWV and Digital In-Car Video System (DICVS). Officers G and H then turned east and began searching the area for the Subject.

Officers G and H drove into the east/west alley then negotiated a southbound turn. At approximately 1637:17 hours, Officer H broadcast that they were Code Six.

As they continued south, Officers G and H each observed the Subject standing on the east side of the alley, armed with a handgun. According to Officer G, the Subject was holding a handgun with both hands, near his naval area, with the muzzle pointed in a westerly direction. According to Officer G, he/she advised his/her partner, "Oh [expletive]. There's a gun." According to Officer H, the Subject was holding the handgun in his right hand at waist level. According to Officer H, he/she and Officer G did not communicate their observations with one another. Officer H assumed that Officer G had the same view of the Subject that he/she did.

According to Officer G, it was not feasible to place the police vehicle into reverse and redeploy, because he/she feared losing sight of the Subject.

Officer G stopped their police vehicle, facing in a southeasterly direction. Officer G estimated that he/she parked approximately 15-20 feet north of the Subject, to give them distance from the Subject and afford them more time. Officer G then exited the vehicle and utilized the driver's side door as cover. The investigation determined that Officer G actually stopped their vehicle approximately 50 feet from the Subject.

As Officer G exited the vehicle, he/she unholstered his/her pistol with his/her right hand and activated his/her BWV. According to Officer G, "I unholstered because I thought the situation could escalate to the point where I [would have to use] deadly force because he had a firearm."

As captured on BWV, Officer G held his/her pistol in a two-handed shooting position, with the muzzle pointed toward the Subject. Officer G ordered the Subject to, "Put it down," multiple times, but the Subject did not comply with the commands. According to Officer G, the Subject said something; however, it was unintelligible. Officer G then yelled to the Subject, "Put that [expletive] down bro. Put that [expletive] down bro." The Subject did not comply. According to Officer G, he/she utilized the profanity to show the Subject that the situation was serious.

Almost simultaneously, Officer H opened the passenger side door of the vehicle. While seated in the vehicle, Officer H broadcast that the officers were out with the possible suspect, gave their location, and reported that the Subject was armed with a handgun. According to Officer H, he/she advised CD that they were holding the Subject at gunpoint and believed that he/she broadcast a back-up request. A review of the frequency determined that Officer H did not broadcast that the Subject was being held at gunpoint, nor did he/she request a back-up.

In response to Officer H's broadcast, CD then broadcast, "Any unit in the vicinity, [...] is requesting back-up, air unit and a supervisor, north/south alley [...] on an armed suspect."

In response to Officer H's broadcast, multiple units responded to their location including Officers A, B, C, D, E, and F. Sergeant B and Officers I, J, and K also responded.

Meanwhile, as captured on BWV, Officer H unholstered his/her pistol with his/her right hand, exited the vehicle, and activated his/her BWV. He/she then transitioned his/her pistol into a two-handed shooting position, with the muzzle pointed toward the Subject. Officer H articulated that he/she unholstered his/her pistol, "Because the tactical situation was going to lead to it escalating to deadly force. So since he [the Subject] had the handgun out, I was in fear for my safety and for my partner's safety and just circumstances of the situation."

Officer H ordered the Subject to, "Put it down." The Subject did not comply with his/her commands.

Officer H transitioned his/her pistol into a one-handed shooting position and retrieved his/her radio with his/her left hand. As captured on BWV, Officer H broadcast, "All units respond southbound from the alley." The investigation revealed that Officer H's aforementioned broadcast was not heard on the frequency. A review of the frequency determined that his/her broadcast was stepped on by one of the responding units.

As captured on Officer H's BWV, the Subject stood next to the east wall of the location of occurrence and repeatedly moved his right arm in an up and down motion. Officer G continued giving the Subject commands and ordered him to, "Put it down. Put it down or you're gonna get shot." The Subject did not comply with the commands.

Simultaneously, Officer E drove east toward the location. According to Officer E, there was heavy vehicular traffic and he/she was unable to negotiate a northbound turn into the alley. Therefore, Officer E stopped their vehicle in the street, just west of the alley. Officer F exited and negotiated his/her way around the front of their police vehicle while Officer E remained inside the car. As captured on BWV, Officer F jogged in a northerly direction across the street, toward the driveway of the alley.

Officer G yelled, "Hey, get out of the way, get out of the way" and motioned with his/her left hand, directing Officer F to redeploy west. As he/she did so, Officer G held his/her pistol in his/her right hand, with the muzzle pointed toward the Subject. Officer F then positioned him/herself on the north sidewalk, west of the alley, and sought cover behind a structure. Once traffic cleared, Officer E negotiated a northbound turn toward the mouth of the alley.

According to Officer G, "Eventually the firearm -- the muzzle of the firearm was pointed in my direction, which I perceived as an imminent threat of, you know, death or serious bodily injury, and I need to protect myself and my partner from dying or getting shot." In defense of their lives, Officer G fired two rounds at the Subject, in a southeasterly direction, from an approximate distance of 49 feet. The Subject remained standing after both rounds were fired.

According to Officer G, he/she did not observe any citizens or officers within the Subject's background at the time of the OIS. Officer G added that the Subject's background consisted of a building and the south driveway of the alley.

According to Officer G, he/she recalled seeing an officer approaching the alley subsequent to the OIS, and he/she directed the officer to move away to avoid a potential crossfire situation. A review of Officer G's BWV determined that he/she directed Officer F to get out of the way prior to the OIS.

The investigation determined that Officer E was still seated in his/her police vehicle on the south driveway of the alley at the time Officer G fired both rounds.

Officer E was still seated in the vehicle when Officer G fired both of his/her rounds; however, Officer E had exited and taken cover when Officer H fired his/her round. Officer F was behind cover during all three shots. Neither officer was wearing his/her ballistic vest.

As Officer E pulled into the mouth of the location of occurrence, his/her BWV captured the sound of two gunshots. Officer E immediately placed his/her vehicle into park, exited the vehicle, and ran west on the north sidewalk. Officer E positioned him/herself on the sidewalk behind Officer F.

According to Officer H, he/she heard the gunshots coming from his/her left and initially was unsure if they were coming from the Subject or his/her partner. Therefore, Officer H briefly ducked and sought cover behind his/her vehicle door. As he/she did so,

Officer H briefly lost sight of the Subject. As Officer H stood back up, he/she observed the Subject in the same position, still holding the handgun in his right hand.

According to Officer H, the Subject raised his right arm to waist level and pointed the handgun in the officers' direction. According to Officer H's BWV, he/she ordered the Subject to "Put it down." The Subject then raised his right arm as he held the gun.

In defense of his/her life, Officer H fired one round at the Subject, in a southeasterly direction, from an approximate distance of 50 feet. The Subject was struck by gunfire and fell to the pavement, landing on his left side. As he fell, the Subject dropped the firearm, which landed on the pavement just west of his torso.

Officer H was cognizant that there was a police vehicle south of the officers' location at the time of his/her OIS; however, he/she did not see any officers in the area. According to Officer H, the Subject's background at the time of the OIS was a wall.

Following the OIS, the Subject remained on his left side; however, he was constantly moving his arms and legs. According to Officer G, the handgun was lying within a few inches of the Subject. Officer G continued giving commands to the Subject and ordered him to get away from the gun.

At approximately 1638:01 hours, Officer I arrived at the OIS scene. As he/she approached the scene, Officer I heard approximately three gunshots. According to Officer I, he/she was initially unsure who was firing, but knew the shots came from Officers G and H's location. Officer I broadcast a help call and parked his/her vehicle behind Officer G's vehicle. Officer I then exited the vehicle and activated his/her BWV.

As captured on BWV, Officer I jogged toward the passenger side of Officers G and H's vehicle. According to Officer I, he/she observed the Subject lying on the ground next to a firearm. Officer I unholstered his/her pistol and positioned him/herself just west of Officer H.

Officer I held his/her pistol in a two-handed shooting position and pointed the muzzle toward the Subject. As captured on DICV, the Subject began to sit up. Officer I ordered the Subject to, "Get on the ground, get on the ground. Don't you touch that gun. We will shoot you."

As captured on DICV, the Subject reached across his torso with his right arm, grabbed the firearm and tossed it in a westerly direction. It landed in the drainage gutter, approximately 10 feet west of the Subject.

Officer I advised CD that he/she was Code Six with Officers G and H and broadcast an additional help call. While waiting for additional resources to arrive, Officers G, H, and I continued giving commands to the Subject. Officer G ordered the Subject to place his arms out to his side multiple times.

At approximately 1638:50 hours and 1639:16 hours, Officer H's BWV captured Officer I holding his/her pistol pointed in the direction of Officer H. Due to the angle of the camera, it was unclear if the muzzle covered Officer H. According to Officer I, he/she did not know if he/she covered Officer H with the muzzle of his/her pistol the first time but stated that he/she did not cover Officer H with the muzzle of his/her pistol the second time.

At approximately 1638:55 hours, Officer H holstered his/her pistol and retrieved the shotgun from the rack in the center console of the officers' vehicle. As captured on BWV, Officer H chambered a round and held the shotgun in a two-handed shooting position, with the muzzle pointed toward the Subject. According to Officer H, he/she transitioned to a shotgun because he/she believed the Subject may have additional weapons concealed within his backpack.

At approximately 1638:51 hours, Officers C and D arrived at scene. Upon their arrival, they positioned themselves with Officer G, behind the driver's side door of his/her vehicle. As captured on BWV, Officer D unholstered his/her pistol upon exiting the vehicle. He/she then ran to Officer G's vehicle while holding his/her pistol in his/her right hand.

Officer G informed Officers C and D that the Subject's handgun was in the middle of the street.

Shortly thereafter, Officers A and B arrived at scene, followed by Officers J and K. Officer A positioned him/herself on the passenger side of the vehicle with Officers H and I. As he/she did so, Officer I pointed in a southerly direction and advised him/her that the Subject's handgun was in the middle of the gutter. Officer A asked Officer I if there was a shield at scene, and Officer I advised that there was not. Officer A broadcast to CD and requested a unit with a shield.

At approximately 1639:12 hours, Officer A's BWV, captured him/her holding his/her pistol at chest height, pointed in the direction of Officer H. Due to the angle of the camera, it was unclear if the muzzle covered Officer H.

According to Officer K, he/she believed that he/she unholstered his/her pistol when he/she arrived at scene. The investigation determined that he/she did not unholster his/her pistol during this incident.

At approximately 1639:54 hours, Officer I's BWV captured him/her broadcast a request to, "Get an RA rolling," however, the broadcast was not captured. Shortly thereafter, at approximately 1639:59 hours, an Air Unit arrived over the scene and began broadcasting the officers' position to responding units. Officer I advised the Air Unit that the Subject was possibly struck by gunfire and that a Rescue Ambulance (RA) should be requested. The Air Unit then requested an RA to stage nearby.



At approximately 1640:00 hours, Sergeant B arrived at the OIS scene. He/she approached the contact team and asked, "What do we got?" Officer A advised Sergeant B that a contact team was ready; however, they were waiting on a shield to arrive. Officer A then advised Sergeant B about the Subject's handgun.

Sergeant B verified that there was a shotgun deployed and directed Officer J to retrieve a trauma kit. Officer A's BWV captured him/her discussing tactics with the officers at scene and begin to identify roles for a contact/arrest team. A contact/arrest team was formed and assignments were given.

At approximately 1642:03 hours, Sergeant B broadcast an additional request for an RA. He/she requested the RA to stage standby until officers apprehended the Subject. Sergeant B directed the contact team to render aid to the Subject once he was taken into custody.

At approximately 1643:23 hours, Sergeant B broadcast to CD and requested an estimated time of arrival for the shield. Sergeant B was informed that a shield was at scene; however, it was south of their location. Sergeant B did not want the officer with the shield to approach from the south, because it would create a potential crossfire situation. Sergeant B said he/she needed the unit with the shield to approach southbound.

According to Sergeant B, the Subject was moving around a lot and not following officers' commands. Sergeant B was concerned that the Subject may have been shot and didn't want him to bleed out. Sergeant B decided to approach the Subject without the shield, so the officers could take him into custody and render aid. According to Sergeant B, although he/she did not declare him/herself as the Incident Commander (IC), he/she believed the officers at scene all knew he/she was the IC.

At approximately 1644:00 hours, the contact team made their approach.

As captured on BWV, Officer I did not holster his/her pistol prior to unholstering his/her TASER. There was a brief moment when Officer I was holding his/her pistol in his/her right hand and TASER in his/her left hand. The length of time that Officer I was simultaneously holding his/her TASER and his/her firearm was approximately one second. Both were pointed toward the ground during that time.

Sergeant B directed Officer D to stand over the Subject's gun and advised him/her not to pick it up. Officer D holstered his/her pistol and positioned him/herself just west of the firearm.

As the contact team neared the Subject, Officer I ordered him not to move multiple times and the contact team stopped just north of the Subject. As captured on BWV, the Subject was lying on his left side with his right arm raised in the air. The Subject's left hand was out by his side, resting on the pavement and his backpack was still strapped to his body.

Officer I held his/her TASER in a two-handed shooting position and pointed it toward the Subject. Officer I yelled, "Don't move," and then directed the Subject to lie on his stomach. Although the Subject did not move, he did not follow Officer I's command to lie on his stomach.

As captured on BWV, Officer B stated, "Okay, let me get him into custody." Officer B approached the Subject and straddled his legs. Using his/her right hand, Officer B grabbed the Subject's right elbow area. Officer B then repositioned his/her right hand from the Subject's elbow to his right wrist and placed his/her left hand on the Subject's back. According to Officer B, his/her goal was to place the Subject's right arm behind his back so he/she could take him into custody.

Although Officer B was assigned as part of the arrest team, he/she did not don protective gloves prior to touching the Subject.

Officer B recalled grabbing the Subject's right arm/wrist with both hands. A review of his/her BWV determined that he/she initially grabbed the Subject's right arm/wrist with his/her right hand only.

According to Officer B, the Subject began to scream loudly, clenched his fists and began pulling his arm away. Officer B indicated that the Subject was pulling his right arm inward, toward his torso/waistband area. Officer B was cognizant that the Subject had not yet been searched for weapons and was concerned that he may still be armed.

Officer C approached the Subject's left side and placed his/her right hand on the Subject's back and his/her left hand on the Subject's backpack. Officers B and C placed the Subject onto his stomach. As he laid on his stomach, the Subject's left arm was tucked underneath his body. Officer C grabbed the Subject's left upper arm with his/her left hand and attempted to pull it behind his back. According to Officer C, the Subject grabbed onto the front of his own shirt and resisted his/her efforts.

The Subject then rolled back onto his left side and tucked both knees in toward his abdomen area. Officer A grabbed the Subject's right forearm with his/her left hand and the Subject's right elbow area with his/her right hand. Together, Officers A and B were able to pull the Subject's right arm behind his back. Officer B directed Officer C to take control of the Subject's left arm.

Meanwhile, Officer I positioned him/herself just south of the Subject's head and holstered his/her TASER. Officer I leaned forward and placed both of his/her hands on the Subject's backpack. As he/she did so, his/her TASER fell out of his/her holster and landed on the pavement west of the Subject's head. Officer I repositioned his/her right hand onto the Subject's left shoulder and picked up his/her TASER with his/her left hand. Officer I then fully inserted his/her TASER into his/her holster and secured it with the retention hood.

As captured on BWV, Officer D briefly walked away from his/her assignment of guarding the Subject's firearm as the arrest team was taking him into custody. Officer D walked south of the arrest team and watched as the Subject was apprehended.

Officer K was standing just west of the arrest team as they were attempting to take the Subject into custody. As captured by BWV, Officer K ordered the Subject to stop resisting multiple times and to give up his arm; however, the Subject did not comply with the commands.

Using his/her right hand, Officer A grabbed the Subject's right forearm and held his arm behind his back. As he/she did so, Officer B grabbed the Subject's right wrist with his/her left hand. Officer B then retrieved his/her handcuffs with his/her right hand and handcuffed the Subject's right wrist.

After securing his/her TASER, Officer I placed both hands on the Subject's left shoulder area and applied bodyweight to hold the Subject down. According to Officer I, the Subject began jerking his head back and forth. As captured on his/her BWV, Officer I placed his/her right hand on the left side of the Subject's face/head.

According to Officer I, he/she was concerned that the Subject was going to injure his head on the asphalt. Officer I added, "I also felt that with his head jerking back and forth, he was going to cause injury to his head on the asphalt. So with the palm of my right hand, I put my palm around his temple -- his right temple/forehead area, and I placed -- I placed my -- his head on the ground to keep him from moving back and forth."

After handcuffing the Subject's right wrist, Officer B gripped the handcuff chain with his/her right hand. Officer B then stated, "Grab this cuff. Grab this [expletive] cuff." Officer A then grabbed onto the handcuffs with his/her right hand and Officer B let go. Officer B then grabbed the Subject's left forearm with both hands and pulled his left arm behind his back. Together, Officers A and B handcuffed the Subject's left wrist.

Once the Subject was taken into custody, Officers A and B conducted a search of his front and rear waistband area.

At approximately 1645:08 hours, Sergeant B broadcast that the Subject was in custody and requested that the RA respond to their location. Officers B and C assisted the Subject into a standing position, at which time the Subject began screaming and informed the officers that his leg was broken and he could not walk. Sergeant B directed Officers B and C to place the Subject into a seated position. Officers B and C then assisted the Subject to the ground and placed him onto his left side.

Officer J brought a trauma kit to the scene and placed it on the ground just north of the Subject. Officer B knelt beside the Subject and utilized his/her pocket knife to cut the straps of the Subject's backpack. As he/she did so, Officer C straddled the Subject's legs to prevent him from kicking.

Once the backpack was removed, the officers began checking the Subject for injuries and asked him if he was shot. The Subject informed the officers that he was shot on his left leg. Officer B then utilized his/her knife to cut the Subject's left rear pant leg. The officers visually inspected the Subject's left leg; however, they did not observe any visible injury.

The Subject was transported to the hospital where he received additional treatment for a gunshot wound to his pelvic area. Officer A accompanied the Subject to the hospital.

The Subject's firearm was subsequently determined to be a replica.

**BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION
Sgt. B	No	Yes	Yes	Yes
Sgt. A	Yes	Yes	Yes	N/A
Sgt. C	Yes	Yes	Yes	N/A
Officer K	Yes	Yes	Yes	Yes
Officer F	No	Yes	No	Yes
Officer J	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes
Officer G	Yes	Yes	Yes	Yes
Officer B	No	Yes	Yes	Yes
Officer I	Yes	Yes	Yes	Yes
Officer A	Yes	Yes	Yes	Yes
Officer C	No	Yes	Yes	Yes
Officer D	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 Officer I's tactics to warrant a finding of Administrative Disapproval. The BOPC found Sergeant B's, along with Officers A, B, C, G, and H's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

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

## **C. Non-Lethal Use of Force**

The BOPC found Officers A, B, C, and I's non-lethal use of force to be In Policy.

## **D. Lethal Use of Force**

The BOPC found Officers G and H's lethal use of force to be In Policy.

## **Basis for Findings**

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

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

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

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody

allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

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

**Use of De-Escalation Techniques:** It is the policy of this Department that, whenever 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.

Officers G and H responded for a radio call of “415 man with a gun.” Speaking with witnesses and the PR, Officers G and H were advised that the Subject was brandishing a black and brown handgun in an aggressive manner. Officers G and H were also advised of the Subject’s last known location. Locating the Subject,

Officers G and H observed him holding a handgun. When commanded to drop the handgun, the Subject did not comply, instead pointing the handgun in the officers' direction. It was subsequently determined that the Subject's handgun was a replica. Based on the circumstances of the incident, detaining the Subject was appropriate and within Department policies and procedures.

**Planning** – According to Officers G and H, they had been partners for approximately three years and routinely discussed tactics and engaged in tactical planning. According to Officer G, as the driver officer, he/she was designated the lethal cover officer. According to Officer H, as the passenger officer, he/she was designated as the communications officer as well as having the responsibility for less-lethal options should the need arise. Following the OIS, Officer A and Sergeant B developed/communicated a tactical plan, designated roles, and ensured officers had a medical kit to aid the Subject pending LAFD's arrival.

**Assessment** – Hearing the second radio call involving the Subject, Officers A and B opined it was related to the first call the Subject generated. Locating the Subject, Officers G and H observed him in possession of a handgun. Assessing the situation, Officer G stopped a safe distance from the Subject, exited his/her police vehicle, and drew his/her service pistol. Officer H assessed the situation, broadcast their location, and advised CD that the Subject was armed with a handgun. Assessing the gravity of the broadcast, CD upgraded the call to a back-up. Prior to discharging their rounds, both officers assessed their background. Officer H attempted to advise responding personnel to respond south at the location of occurrence; however, his/her transmission was stepped on by another unit. Arriving at scene, Officer I heard gunfire and assessed the need for a more immediate response from Department personnel. In response, Officer I upgraded the back-up request to an "Officer Needs Help" call. As additional Department personnel arrived, each officer assessed the tactical situation and utilized the police vehicles' ballistic doors and engine block as cover while formulating a tactical plan to apprehend the Subject. Arriving at scene, Sergeant B assessed the situation and broadcast a request for a ballistic shield. After being advised that the ballistic shield would only be available after a delay, Sergeant B determined that the Subject required immediate medical aid and that officers could safely apprehend him without a shield.

**Time** – Locating the Subject, Officers G and H utilized cover and distance to create time. The officers used this time to broadcast their location, inform CD that the Subject was armed with a handgun, and communicate with the Subject to drop his/her handgun. After the OIS, Officers G and H remained behind cover as additional Department personnel arrived. Officers G, H, and the additional responding units continued to utilize this cover to create time as they developed a tactical plan to apprehend the Subject.

**Redeployment and/or Containment** – During the incident, officers established a perimeter to contain the incident from additional community members and limit the Subject's route of escape. Arriving at scene, Officers E and F left their police vehicle

and deployed to cover; their police vehicle contained the south entrance of the alley. Additionally, as additional Department personnel arrived, they deployed from their respective police vehicles, utilizing Officer G and H's police vehicle as cover while formulating a tactical plan.

**Other Resources** – Officer H broadcast that he/she and Officer G had located the Subject and confirmed that the Subject was armed with a handgun. In response, CD initiated a back-up request to gather additional resources, which included additional officers, a supervisor, and an air unit to their location. Upon Officer I's arrival and hearing gunfire, Officer I upgraded the back-up request to an "Officer Needs Help" call to expedite the arrival of the additional resources to their location. Officers G, H, and I awaited the arrival of the additional personnel, resources, and a supervisor and then created a tactical plan utilizing a shotgun, less-lethal tools, emergency medical equipment, and attempted to obtain a ballistic shield prior to their tactical approach upon the Subject.

**Lines of Communication** – Officers G and H had been partners for approximately three years, routinely discussed tactics, and engaged in tactical planning prior to their shift. As Officers G and H gathered additional information from the witness/PR, Officer H provided the information to CD. Locating the Subject, Officer H advised CD of their location and that the Subject was armed. Exiting his/her police vehicle, Officer G commanded the Subject to drop his handgun. Officer H attempted to broadcast a safe direction of approach for responding units, but his/her transmission was stepped on. After the OIS, Officers G, H, and I commanded the Subject not to reach for his handgun and to roll onto his stomach. As additional Department personnel arrived at the scene, Officer A and Sergeant B developed and communicated a tactical plan with officers at scene.

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

### **1. Basic Firearm Safety Rules**

According to the investigation, Officer H's BWV captured Officer I's index finger intermittently on the trigger of his/her service pistol and alongside the trigger/guard. According to Officer I, as he/she arrived at the back-up location, he/she heard gunshots but was unsure where the gunfire was coming from. Officer I parked behind Officer G and H and ran to their police vehicle. Arriving at the passenger side of Officer H's police vehicle, Officer I sought cover behind the front passenger door as he/she stood to Officer H's right. Officer I observed the Subject on the ground with a handgun "right next to" him (the Subject). Officer I was concerned that the Subject may reach for the handgun, arming himself. Unable to see the Subject's left hand, Officer I was also concerned that the Subject may have had additional weapons. Additionally, the Subject was ignoring officers' commands to lay on his stomach and not to reach for the handgun. Believing that the Subject may arm himself, leading to a deadly force

situation, Officer I came up on target, placing his/her index finger on the trigger of his/her service pistol. Officer I observed the Subject reach for, grab, and throw the handgun away from his person. Officer I removed his/her finger from the front of the trigger, resting it on the side of the trigger/trigger guard; per Officer I, his/her index finger was not “hugging” the trigger. As officers did not know if the Subject had additional weapons in his possession, Officer I opined there was still a possibility that the situation could rise to the level of deadly force.

According to the investigation, on two instances, Officer H’s BWV captured Officer I point his/her service pistol to his/her left. According to Officer I, during the first instance, he/she canted his/her service pistol as he/she turned to look over his/her shoulder to see if anyone was behind him/her. Officer I explained that the alley contained doors and parked vehicles, which led him/her to believe that anyone could access the alley. Officer I further explained that he/she knew he/she did not have rear cover officers at that point. Officer I opined that he/she did not cover Officer H with the muzzle of his/her service pistol as he/she looked over his/her shoulder.

According to Officer I, during the second occurrence he/she “sidestepped” towards Officer H’s police vehicle to better utilize the passenger door as cover. While maneuvering his/her service pistol around the door’s window frame, he/she “canted” his/her service pistol to the left and “drew back out” through the open passenger side window. Officer I explained that he/she “canted” his/her service pistol to avoid striking the window frame. Per Officer I, he/she did not cover Officer H with the muzzle as he/she maneuvered his/her service pistol. Due to the angle of Officer H’s BWV camera, the video footage does not depict whether Officer I’s muzzle covered Officer H at any point.

The BOPC considered the facts and circumstances surrounding Officer I’s intermittent placement of his/her index finger on and near the trigger of his/her service pistol during this incident. Regarding the first instance, the BOPC noted that when Officer I came up on target, placing his/her index finger on the trigger of his/her service pistol, he/she believed that the Subject’s actions, specifically reaching for his/her handgun, may have led to an imminent deadly force situation. Based on the video footage, it appears that Officer I may have intended to shoot during the first instance but made a last second decision not to discharge his/her firearm when the Subject threw his handgun. Generally, when an officer places his/her finger on the trigger of his/her service pistol, it is in the instance before he/she presses the trigger, as he/she has made the decision to discharge his/her firearm. While he/she did not specifically articulate that he/she intended to shoot, Officer I did articulate his/her belief that he/she may have to use deadly force.

Regarding the subsequent instances, Officer I opined there was still a possibility that the situation could rise to the level of deadly force. While the BOPC acknowledged that Officer I was faced with a stressful situation, there was

nothing to indicate that during the subsequent instances, Officer I intended to discharge his/her firearm. While the BOPC noted Officer I's explanation that his/her index finger was not "hugging" the trigger but resting on the side of the trigger/trigger guard, this is not consistent with the Basic Firearms Safety Rules and Department Tactical training which instructs officers to maintain their index finger alongside the frame of their service pistol until their sights are aligned on target and the officer intends to shoot.

Firearm safety is critical. Placing your finger on the trigger merely because a situation may rise to the level of deadly force is not consistent with the Basic Firearms Safety Rules and increases the chances for an unintentional discharge. The BOPC would have preferred that Officer I had kept his/her finger away from the trigger of his/her service pistol and alongside the frame until his/her sights were aligned on his/her target, and he/she intended to shoot.

During the BOPC's review the BOPC also noted that on two occasions, Officer I canted his/her weapon to his/her left. The BOPC also noted that Officer I began donning protective gloves prior to holstering his/her service pistol. While based on the video footage, it does not appear that Officer I allowed his/her muzzle to cover Officer H; it demonstrated a lack of muzzle discipline.

Based on the totality of the circumstances, the BOPC determined that Officer I's actions were a substantial deviation, without justification, from approved Department tactics and training.

## **2. Emergency Vehicle Operations**

According to the investigation, Officer A drove south on a north one-way street, with his/her siren and emergency lights activated, for approximately 157 feet, behind Officer C's police vehicle. According to Officer A, prior to turning southbound, he/she "cleared the intersection" and followed an additional marked black and white police vehicle southbound. Per Officer A, there was only a "light amount of traffic," and he/she proceeded to the help call with "due regard" for public safety.

The BOPC assessed Officers A and C's decision to travel against traffic on a one-way street. The BOPC noted that when responding Code Three, officers can violate certain traffic laws, provided they do so with due regard for their safety and the safety of the public. The BOPC also balanced the danger to the public and Department personnel with Officers G and H's need for an expedited response.

The BOPC noted that at the time they drove south, Officers A and C were responding to an "Officer Needs Help" call with shots fired. The BOPC also noted that as Officers A and C were responding to the incident, the Air Unit advised officers not approach northbound, to avoid crossfire.

The BOPC noted that prior to turning south, Officers A and C assessed the intersection, which they described as having minimal traffic. The BOPC further noted that as they traversed south, Officers A and C slowed their speed and utilized their respective partner officers to navigate traffic.

The BOPC opined that the distance Officers A and C traveled was minimal and that the officers drove with due regard, at that point. The BOPC also opined that Officers A and C's actions, when balancing the danger to the public and the need to aid their fellow officers, were prudent and reasonable.

Based on the totality of the circumstances the BOPC determined that Officers A and C's were a substantial deviation with justification from approved Department tactics and training.

The BOPC also considered the following:

- **Radio Codes/Procedures** – Observing the Subject in the alley armed with a handgun, Officer H broadcast his/her location and advised that the Subject was armed; however, he/she did not request back-up units. Approximately 11 seconds after Officer H's broadcast, CD initiated the back-up request.

Arriving at scene, Officer I heard gunfire. In response, Officer I broadcast an "Officer Needs Help" call but did not include his/her location. Approximately 28 seconds later, Officer I advised CD he/she was Code Six with Officers G and H and broadcast an additional "Officer Needs Help" call.

- **Crossfire** – After advising CD of the Subject's location, Officer H broadcast, "All units, respond southbound from the alley"; however, Officer H's broadcast was not transmitted across the frequency. Responding to block the southern entrance to the location of occurrence, Officer F exited his/her police vehicle and approached the entrance on foot. Recognizing a possible crossfire situation, Officer F immediately redeployed to cover. Entering the entrance to the location of occurrence, Officer E also recognized a possible crossfire situation and heard gunfire. Officer E immediately deployed from his/her police vehicle to cover, joining Officer F. Using his/her handheld police radio, Officer F advised units to respond southbound only on the location of occurrence street.
- **Cover versus Concealment** – As Officers E and F redeployed west, they sought cover behind a tarp covered chain linked construction fence that protruded from a building located on the northwest.
- **Simultaneous Non-Conflicting Commands** – Prior to his apprehension, Officers G, H, and I provided the Subject multiple simultaneous non-conflicting commands.

- **Downloading Equipment** – According to the investigation, Officer H did not remove the round from the chamber of his/her shotgun prior to securing it in his/her police vehicle’s storage rack.
- **Safety Belts** – According to the investigation, Officer C unfastened his/her safety belt while canvassing for the Subject. Responding to the subsequent back-up and help requests, Officer C attempted to fasten his/her safety belt but experienced a malfunction that prevented him/her from applying the seatbelt.
- **Universal Precautions** – According to the investigation, Officer B did not don protective gloves prior to making physical contact with the Subject.
- **Simultaneously Holding Service Pistol/TASER** – According to the investigation, Officer I did not holster his/her service pistol prior to unholstering his/her TASER; thus, there was a point when Officer I was holding his/her service pistol in his/her right hand while simultaneously holding his/her TASER in his/her left hand.
- **Non-Medical Face Coverings** – The investigation revealed that Officers A and H were not wearing non-medical face coverings at scene.
- **Maintaining Control of Equipment** – According to the investigation, prior to initiating physical contact with the Subject, Officer I did not fully insert his/her TASER into its holster, resulting in his/her TASER falling to the ground near the Subject.
- **Profanity** – During this incident, Officers B and G utilized profanity.

### **Command and Control**

- Responding to a “help call”, “shots fired” broadcast, Lieutenant A requested Metropolitan Division, Special Weapons and Tactics Unit through CD. Prior to Lieutenant A’s arrival, a Code Four was broadcast. Arriving at scene, Lieutenant A declared him/herself as the Incident Commander. Lieutenant A began separating the involved and witnessing officers, ensured that inner/outer perimeters were established, and requested additional supervisors to assist in separation and monitoring of involved Department personnel. Lieutenant A directed Department personnel to canvass the area for additional victims and witnesses and to preserve evidence. Lieutenant A also established a Command Post with a separate tactical radio frequency for the incident.

Sergeant C was nearby when a radio call was broadcast of a man with a gun. When the call was upgraded to a “Shots Fired, Officer Needs Help call,” Sergeant C responded Code Three. Arriving at scene, Sergeant C cleared the area to allow ingress and egress for traffic. Directed to Officer G, Sergeant C



separated, monitored, admonished, and obtained Officer G's PSS. Sergeant C subsequently transported Officer G to the local police station.

Sergeant B was nearby when he/she heard a radio broadcast of a "415 man with a gun." Due to the nature of the call, Sergeant B responded to the scene. Arriving at scene, Sergeant B met with the involved officers. Prior to approaching the Subject, Sergeant B requested an RA to standby pending the Subject's apprehension. Sergeant B also ensured that a tactical plan was developed/communicated and that roles were established, including officers with a medical kit to aid the Subject pending the RA's arrival. While a ballistic shield was not readily available, Sergeant B attempted to obtain one prior to approaching the Subject. Based on his/her experience as an EMT, Sergeant B elected to approach the Subject without the ballistic shield due to the need to render immediate medical aid. With the Subject in custody, Sergeant B directed Department personnel to secure the crime scene and preserve evidence. Sergeant B identified and separated Officers G and H. Sergeant B also collected Officer H's BWV, admonished and obtained his/her PSS, and transported Officer H to the Central Area CPS.

The BOPC determined that the actions of Lieutenant A and Sergeants B and C were consistent with Department training.

- 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.

In conducting an objective assessment of this case, the BOPC determined that Officer I's tactics substantially deviated, without justification, from Department policy and training, requiring a finding of Administrative Disapproval. The BOPC also determined that Officers A, B, C, G, and H, along with Sergeant B's tactics, did not deviate from approved Department tactical training.

The BOPC found Officer I's tactics to warrant a finding of Administrative Disapproval. The BOPC found Sergeant B's, along with Officers A, B, C, G, and H's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- **Officer H**

### **Service Pistol**

According to Officer H, he/she observed the Subject walking towards the location of occurrence holding a black, subcompact handgun. Fearing for his/her safety and his/her partner's safety and believing that the situation was "going to lead to" deadly force, Officer H unholstered his/her service pistol.

### **Shotgun**

According to Officer H, after the OIS, the Subject fell to the ground. As officers were providing commands to the Subject, the Subject picked up his handgun and threw it. Because the Subject, who had not been searched, could have been in possession of additional weapons, Officer H holstered his/her service pistol and retrieved the shotgun from his/her police vehicle's rack. Officer H chose to deploy the shotgun because it was a "superior weapon system."

- **Officer G**

According to Officer G, he/she observed the Subject holding a handgun. Officer G feared for his/her life and believed there was a possibility that the Subject could shoot or kill him/her. Believing that the situation could escalate to the point where he/she "had" to use deadly force, Officer G unholstered his/her service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers G and H, 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 G's and H's drawing and exhibiting of a firearm to be In Policy.

- **Officer I**

According to Officer I, as he/she arrived on the scene, he/she heard "shots" being "fired." Having observed a "weapon in less than arm's" reach of the Subject, Officer I unholstered his/her service pistol. After an arrest team was established, Officer I briefly holstered his/her service pistol to don protective gloves. After donning protective gloves, Officer I unholstered his/her service pistol while the arrest team formulated a plan to apprehend the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers I, 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 I's drawing and exhibiting of a firearm to be In Policy.

- **Officer C**

According to Officer C, he/she responded to a radio call of a man with a gun that was upgraded to a help call. Because he/she did not know if the Subject had another handgun, or if the "situation was going to get worse," Officer C unholstered his/her service pistol. Observing an approaching crowd, Officer C holstered his/her service pistol while closing a fence to secure the scene. After closing the fence, Officer C unholstered his/her service pistol because the Subject had not been apprehended and may have had additional weapons.

- **Officer B**

According to Officer B, he/she was aware that a possible assault with a deadly weapon had just occurred. Because the Subject had not been searched and may have had additional weapons, a situation may have presented itself where deadly force was needed. In response, Officer B unholstered his/her service pistol.

- **Officer A**

According to Officer A, he/she had arrived at an incident of a 415 man who had brandished a gun. Believing that the situation might escalate to the point where deadly force may be justified, Officer A unholstered his/her service pistol. According to the investigation, Officer A briefly holstered his/her service pistol while directing additional Department personnel as they arrived at the scene. Because the Subject was still laying on the ground near his/her handgun, Officer A unholstered his/her service pistol again.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, and C, 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, B, and C's drawing and exhibiting of a firearm to be In Policy.

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

### C. Non-Lethal Use of Force

- **Officer B – (4) Firm Grips, (2) Physical Force (1) Bodyweight**

According to Officer B, as the arrest team approached the Subject, the Subject was commanded to lay on his stomach and to not move. The Subject was unresponsive and began moving his arms and “jerking about.” Officer B advised the arrest team that he/she would go “hands on” to control the Subject. Officer B moved towards the Subject, applied bodyweight to the Subject’s lower legs and a firm grip to the Subject’s right arm **(Bodyweight – 1 and Firm Grip – 1)**.

Adjusting his/her grip, Officer B applied a two-handed grip to grab the Subject’s right arm. As Officer B was attempting to guide the Subject’s right arm behind his back, the Subject attempted to pull away. Due to the Subject being unsearched and possibly concealing further weapons, Officer B utilized physical force to guide the Subject’s right arm behind his back and apply a handcuff to the Subject’s right wrist **(Firm Grips 2, 3 and Physical Force 1)**.

Observing a member of the arrest team struggling with the Subject’s left arm, Officer B directed his/her partner to hold the handcuff attached to the Subject’s right wrist while he/she (Officer B) applied a firm grip on the Subject’s left arm. Officer B utilized physical force to guide the Subject’s left arm behind his back, handcuffing the Subject’s left wrist **(Firm Grip 4 and Physical Force 2)**.

- **Officer C – (2) Firm Grips (2) Physical Force (1) Bodyweight**

According to Officer C, he/she used physical force to assist Officer B while moving the Subject from his side to his stomach. Observing that the Subject was still resisting, Officer C utilized firm grips to hold the Subject’s left arm while using physical force to guide the Subject’s left arm behind his back **(Firm Grips 1, 2 and Physical Force)**. After the Subject was handcuffed, Officer C utilized body weight to control the Subject’s legs as officers searched his person and checked for injuries **(Bodyweight)**.

- **Officer A – (2) Firm Grips (1) Physical Force**

According to Officer A, the Subject was actively trying to keep his hand in front of his waistband. According to the FID investigation, Officer A utilized both hands to apply firm grips to the Subject’s right arm **(Firm Grips 1, 2)**. According to Officer A, he/she was able to utilize physical force and guide the Subject’s right arm behind his back **(Physical Force)**.

- **Officer I – (2) Bodyweight**

According to Officer I, after holstering his/her TASER, Officer I observed that the Subject was still “jerking” his head and beginning to “jerk” back and forth. To keep the Subject from injuring himself by hitting his head on the ground, Officer I placed his/her hands on the side of the Subject’s head and right shoulder (**Bodyweight 1, 2**).

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, and I, while faced with similar circumstances, would believe that these same applications of non-lethal force would be proportional and objectively reasonable to overcome the Subject’s resistance.

Therefore, the BOPC found Officers A, B, C, and I’s non-lethal use of force to be In Policy.

#### **D. Lethal Use of Force**

- **Officer G** – (pistol, two rounds)

Per the investigation, criminalists performed a bullet path analysis examination of the OIS scene and identified two impacts with two corresponding pathways. Impact A was a non-penetrating impact, located on the red pipe on the southeast wall of the location of occurrence. Impact B was a non-penetrating impact, located on the southeast wall of the location of occurrence. Both impacts were consistent with projectiles travelling from north to south, east to west, and in a downward direction; both impacts were attributed to Officer G’s rounds. A bullet fragment attributed to one of Officer G’s rounds was discovered by investigators on the south sidewalk of the street that intersects with the location of occurrence.

**Background and Scene Description** – The incident occurred during daylight hours at approximately 1638 hours, on the location of occurrence, just north of an intersecting street. The location of occurrence was a north/south street that resembled an alleyway. The surrounding area consisted of commercial businesses and multi-unit apartment buildings.

According to the investigation, Officer F deployed to cover prior to the OIS. According to the investigation, Officer E was seated in his/her police vehicle when Officer G discharged his/her rounds. Officer E deployed to cover prior to Officer H discharging his/her round. Officers E and F’s police vehicle did not sustain any impacts.

Exiting his/her police vehicle, Officer G, took cover behind the driver’s side ballistic door panel. Officer G commanded the Subject to drop his handgun; the Subject ignored Officer G’s commands. Assessing his/her background, Officer G noticed there was a building behind the Subject; Officer G did not see anyone else in his/her background. Officer G observed the Subject angle his body towards the officers as he pointed the muzzle of his handgun in the officers’ direction. Believing that the

Subject was going to shoot at him/her and/or his/her partner, Officer G discharged one round from his/her service pistol towards the Subject. After he/she discharged his/her first round, Officer G observed that the Subject was still in possession of the handgun, facing both officers, angled slightly more in the officers' direction. Still perceiving an imminent threat of death or serious bodily injury, Officer G discharged his/her second and final round. After discharging his/her second round, Officer G heard Officer H discharge one round from his/her service pistol and immediately observed the Subject fall to the ground. In response, Officer G discontinued his/her utilization of deadly force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer G 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 G's lethal use of force to be In Policy.

- **Officer H** – (pistol, one round)

**Background and Scene Description** – See above.

According to Officer H, he/she observed the Subject manipulating his handgun when he/she heard gunshots coming from Officer G's side of the police vehicle. Unsure of the gunfire's origin, Officer H lowered his/her position behind his/her police vehicle's ballistic door panel, temporarily losing sight of the Subject. Rising, Officer H observed that the Subject was in the same position, still moving around, still holding his handgun. Lifting his arm, the Subject pointed his handgun in Officers G and H's "vicinity." Assessing, Officer H observed that his/her background was a wall behind the Subject. Officer H also noted an unoccupied police vehicle at the end of the alley. Fearing that the Subject was going to "shoot" him/her, Officer H discharged one round from his/her service pistol towards the Subject; the Subject immediately fell to the ground. In response, Officer H discontinued using deadly force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer H 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 H's lethal use of force to be In Policy.