

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

**OFFICER-INVOLVED SHOOTING – 012-20**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Hollenbeck	4/15/20		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	25 years, 4 months
Officer B	12 years, 7 months

**Reason for Police Contact**

Uniformed officers were working in Hollenbeck Division when they heard multiple gunshots. The officers then observed two suspects running toward their position. One of the suspects was armed with a pistol, which he pointed in the officers' direction, resulting in an Officer-Involved Shooting (OIS).

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
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Subject: Male, 20 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; 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 March 2, 2021.

## **Incident Summary**

Uniformed Officer B, driver, and Officer A, passenger, were assigned to conducting crime suppression in Hollenbeck Division due to a recent uptick in gang-related shootings. The officers were in a dual purpose, silver Sport Utility Vehicle (SUV).

Officers A and B had been assigned to a specialized division for four and one-half years and ten years, respectively. During their tenure at the specialized division, they had been assigned the same platoon and at the time of this incident they had been assigned as partners for approximately two months. As platoon members they participated in divisional training and more specifically, as partners, they routinely discussed tactics. They covered topics such as PATROL, contact and cover and foot pursuits and often debriefed their own incidents as well as critical incidents in and around the Department.

At approximately 2300 hours, the officers were travelling north in their patrol SUV. Both officers had their windows down. Upon approaching the intersection, Officers A and B heard what they believed to be multiple gunshots. According to Officer B, he/she heard approximately six to eight gunshots, while Officer A believed he/she heard approximately five gunshots.

According to the officers, at the time of the gunshots they were unable to see who was shooting or what was occurring. The closed business on their left (west) had a six-foot six-inch high perimeter fence comprised of corrugated metal while the closed business on their right (east) had a perimeter fence comprised of chain link fencing with vehicles parked within the property. Both businesses had their fence lines adjacent to the sidewalks, thereby hindering the officers' views to the east and the west.

As Officer B stopped the police vehicle at the south edge of an intersection, he/she and Officer A looked to their left (west) and saw two males (Subjects 1 and 2) on the south sidewalk running in their direction. According to Officer B, he/she saw two people lying on the ground beyond the two males running in his/her direction, while Officer A saw one person down on the ground.

According to both officers, based on the totality of hearing the gunfire, followed by seeing potential victims lying on the ground and two potential suspects running away from those victims, they believed that a shooting had just occurred.

Officer B placed his/her vehicle in park and immediately identified that Subject 1 was running with a pistol in his hand. According to Officer B, although he/she was not positive, he/she believed the pistol was in Subject 1's left hand. Believing that a gang-related shooting had just occurred, and the armed suspects of that shooting were running directly at him/her, Officer B unholstered his/her pistol with his/her right hand as he/she remained seated in the police vehicle. He/she considered opening his/her door and stepping out; however, he/she quickly discarded that idea as he/she believed in doing so, he/she would not have any cover as Subject 1 and Subject 2 were running directly at him/her. Officer B brought his/her pistol across his/her body towards his/her

driver's side window. He/she acquired a two-handed grip as he/she twisted his/her body to the left toward Subjects 1 and 2.

Simultaneously, as Officer B was unholstering his/her pistol, Officer A opened his/her passenger side door and exited the police vehicle. Officer A stepped out adjacent to a vehicle parked facing north along the east curb and immediately observed a male seated in the driver's seat. According to video surveillance, Officer A moved north toward the front bumper and across the front of that vehicle to the sidewalk before the vehicle immediately drove off eastbound out of sight.

Officer A redeployed to the right rear corner of his/her police vehicle and now clearly identified Subjects 1 and 2 near the southwest corner. Officer A saw that Subject 1 was running with a pistol in his hand; although, he/she could not remember which hand. Believing that a shooting had just occurred and that Subjects 1 and 2 were suspects in that shooting, Officer A unholstered his/her pistol with his/her right hand.

According to the officers, the encounter with Subjects 1 and 2 occurred almost immediately after hearing the initial gunshots. As a result, neither officer had a chance to communicate with each other about what they were hearing or seeing, they did not have a chance to broadcast any information to Communications Division, or to identify themselves or give any verbal commands to the suspects.

According to Officer B, Subject 1 was running toward him/her and looking directly at him/her as he began to raise what Officer B believed was his left hand holding the pistol and pointed it in his/her direction. At about this time, Subject 1 turned to run south on the west sidewalk. However, according to Officer B, Subject 1 ran south and looked back toward him/her (Officer B) with his arm extended out as he continued to point the pistol at him/her. Seeing that Subject 1 was armed with a pistol and believing he had the proclivity to use it, Officer B believed that Subject 1 was intent on shooting him/her. In immediate defense of his/her and Officer A's life, Officer B fired two rounds at Subject 1 in a southwesterly direction from an approximate distance of 30 feet. Officer B aimed at Subject 1's upper torso; however, both fired projectiles missed Subject 1 and impacted the corrugated metal fencing beyond him.

Officer B's BWV was turned off at the time of the OIS. According to Officer B, it had been his/her practice to shut down his/her BWV after an activation to ensure it had stopped recording. He/she would then immediately turn the camera to the "on" position. Prior to the OIS, Officer B had the camera shut down. At the time of the OIS, Officer B did not have time to immediately activate his/her camera, as the events unfolded rapidly. After the OIS, Officer B powered on the BWV and activated the camera; therefore, his/her video did not have a two-minute buffer and did not capture the OIS.

According to Officer A, as Subject 1 turned the corner and ran south, Subject 1 was moving his arms in a running/pumping motion with the pistol in his hand. However, Officer A believed Subject 1 was intent on shooting at him/her when he (Subject 1) raised the pistol toward him/her (Officer A). At that moment, in immediate defense of

his/her life, he/she fired one round in a southwesterly direction at Subject 1's center body mass from an approximate distance of 32 feet. The fired projectile missed Subject 1 and impacted the corrugated metal fencing located beyond him.

According to Officer A, he/she believed he/she fired his/her pistol at Subject 1 from a position near the rear corner panel of his/her police vehicle as he (Subject 1) was running south on the sidewalk.

An analysis of physical evidence at the crime scene determined that Officer A was further south of the rear corner panel of his/her police vehicle. This analysis could not identify Officer A's exact position as being in the street or on the east sidewalk at the time he/she fired his/her pistol at Subject 1.

Officer A's BWV was powered on at the time of the OIS; however, upon exiting the vehicle his/her camera was dislodged from its carrier. The BWV camera fell onto the street. Officer A noticed his/her BWV camera had fallen off when he/she attempted to activate the camera. Officer A believed he/she attempted to activate the camera just after he/she fired his/her pistol.

Subjects 1 and 2 continued to run south concealed behind vehicles parked along the west curb. Officer A broadcast the "Officer needs help, shots fired" call and requested an RA (Rescue Ambulance).

Officers C and D were one of the first units to respond to the scene. Officer C approached Officer A, who directed him/her to Victim A and Victim B. Both victims were approximately 150 feet west, laying on the south curb and sidewalk area of the cross street.

Both Officers A and B advised responding officers that the victims were on the cross street while the suspects were last seen running south. Officers A and B established a perimeter for the outstanding suspects. The perimeter encompassed an approximate four block area.

Sergeant A arrived and separated Officers A and B, and obtained a Public Safety Statement (PSS) from Officer B. Sergeant B arrived and obtained a PSS from Officer A.

An Air Support Division unit responded to assist with managing the perimeter and providing aerial support.

Sergeant C arrived on the scene and broadcast and established him/herself as the Incident Commander. A Command Post (CP) was established.

Once the perimeter was established, additional resources were requested. Metropolitan Division K9 units responded to the scene to conduct a search for the suspects. Officer E led one of the established K-9 search teams. After a systematic search, Subject 1

was located. Subject 1 moved back and forth from the roof of the residence, to an adjacent storage container.

Officer F verbalized with Subject 1 to surrender, as he was surrounded by officers as well as the K9 police dogs. After approximately 15 minutes of verbalizing with Subject 1, he surrendered to Officer G who was atop the storage container. Subject 1 stepped onto the container from the roof. Officer G assisted in lowering Subject 1 to the ground; Officer F took him into custody without incident.

Los Angeles Fire Department personnel arrived at scene and transported Victims A and B to the hospital for multiple gunshot wounds. Victim B succumbed to his injuries and was pronounced deceased at the hospital.

### **Body Worn Video (BWV) and DICVS Policy Compliance**

<b>NAME</b>	<b>TIMELY BWV ACTIVATION</b>	<b>FULL 2-MINUTE BUFFER</b>	<b>BWV RECORDING OF ENTIRE INCIDENT</b>	<b>TIMELY DICVS ACTIVATION</b>	<b>DICVS RECORDING OF ENTIRE INCIDENT</b>
Officer A	No	No*	Yes	N/A	N/A
Officer B	No	No	No	N/A	N/A

\* Officer A's BWV device was powered on at the time of the incident and, as such, would have captured the full 2-minute buffer period had it been activated during the incident. However, the device was dislodged from Officer A's uniform as he/she exited the police vehicle and was never activated.

### **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 and B's tactics to warrant a finding of Tactical Debrief.

#### **B. Drawing and Exhibiting**

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

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

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

## **Basis for Findings**

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized 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. 4, 2020, Policy on the Use of Force - Revised.)

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

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

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

**Use of De-Escalation Techniques.** It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a Subject and enable an

officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

**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.

**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. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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.

**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*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

## 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 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** – Prior to the date of this incident, Officers A and B were assigned partners who had been working together for approximately two months. Prior to their partnership, Officers A and B were assigned to the same platoon for approximately three years. Officers A and B discussed tactical concepts over the course of their partnership. Officer A stated those discussions included the “four C’s of tactics” which are “control, containment, communication, and coordination.”

Additionally, Officers A and B discussed tactics as it related to the immediate defense of their lives and another tactical concept known as BALKS, which Officer A stated was an acronym for “background, age, last resort, knowledge, and seriousness of the crime.” On the date of this incident, Officers A and B had discussed the importance of ensuring their BWV devices were always powered. The BOPC noted that unbeknownst to Officers A and B, they had unexpectedly arrived at the scene during the commission of a homicide in which Subject 1 was involved. This sudden encounter limited the opportunity for Officers A and B to pre-plan their response to this specific incident. However, when Subject 1 ran towards Officers A and B while pointing a handgun at them, as described by Officers A and B, Officers A and B worked cohesively. Officer A described how he/she understood his/her role in the incident as one of cover and that he/she needed to secure the scene as his/her partner, Officer B, addressed the threat that Subject 1 posed to them both.

The BOPC noted that Officers A and B articulated the numerous tactical conversations which took place during their two-month partnership as well as their three year assignment to the same platoon in which they trained together. Officer B stated that only “seconds, milliseconds” had gone by from the time they heard the gunfire to the time Subject 1 ran in their direction while pointing a handgun at Officers A and B. However, Officer A was able to develop a plan based on previous training with Officer B, wherein he/she became the cover officer, clearing the nearby area of other possible suspects and gaining a better position, as Officer B addressed



the threat created by Subject 1 and discharged his/her service pistol to protect him/herself and Officer A. The BOPC opined that Officers A and B, given little time to plan, utilized previous training and experience to address the threat in a manner which minimized the risk to themselves and utilized the limited time they had.

**Assessment** – While Officers A and B were approaching the intersection they heard the sound of possible gunfire. Officers A and B assessed the source of the gunfire to determine its location. As Officers A and B approached and stopped at the intersection, they looked west. Officers A and B observed two men running in their direction. Officers A and B also observed, just beyond the two men running, two bodies lying on the ground. This continual assessment, along with their knowledge of the area as it pertained to high crime and gang activity, allowed Officers A and B to conclude that a possible gang shooting had occurred.

Officer B assessed his/her positioning within his/her police vehicle and determined he/she was in a disadvantageous position from which he/she could not move. Officer B stated that he/she would have walked directly into the path of Subject 1 were Officer B to exit his/her police vehicle to obtain a position of advantage. Officer B maintained his/her position in the driver seat to engage Subject 1.

Officer A exited the front passenger seat of his/her police vehicle to acquire a position of cover. Officer A assessed his/her options and utilized the cover of a vehicle parked along the east side of the street, parallel and to east of his/her police vehicle. Officer A crossed the front bumper of the parked vehicle and walked towards the east side of the vehicle in order to obtain a better visual of Subjects 1 and 2. However, Officer A continued to assess and observed a male seated in the driver seat of the parked vehicle. The male fled the scene in the vehicle once Officer A walked past the vehicle. Officer A again assessed and determined that he/she needed to re-gain a position of cover and walked towards his/her police vehicle where he/she was able to address the threat created by Subject 1.

The BOPC noted that Officers A and B heard gunfire and quickly realized they were being faced with an armed suspect running in their direction. The BOPC noted Officers A and B had little time to assess, but were still able to assess their positions, available cover, victims on the ground, the suspects' actions, and from that, determined that a possible gang shooting had just occurred. The BOPC also noted Officers A and B's assessments during and after they discharged their service pistols. Officer B discharged two rounds and assessed that Subjects 1 and 2 had continued running and were out of Officer B's sight. Officer A discharged one round and assessed. Officer A articulated his/her observations and stated that Subjects 1 and 2 were both out of his/her sight.

Once the K-9 search team located Subject 1, Officers F and G conducted assessments of the tactical incident. Subject 1's position, movements, and actions were assessed. The K-9 search team coordinated with each other and took Subject 1 into custody without incident.

**Time** – Officer B stated “seconds, milliseconds” had passed from the time he/she heard gunshots to the time Subject 1 was pointing a handgun in his/her direction. Officer A observed Subject 1 running toward him/her, while holding a handgun, shortly after Officer A had observed people lying on the ground. Officer A’s attempt to gain distance between him/herself and Subject 1 provided him/her with additional time to assess the situation.

The BOPC noted Officers A and B’s time to react to the incident was limited due to Subject 1’s actions as he ran towards the officers while armed with a handgun, as described by Officers A and B. However, the BOPC noted Officers A and B utilized the limited time they had in order to address the threat posed by Subject 1 in an effective and controlled manner.

**Redeployment and/or Containment** – Officers A and B both attempted to redeploy to improve their cover. However, each was met with obstacles. Officer B could not safely redeploy without placing him/herself in Subject 1’s path. Officer A attempted to acquire cover, but after he/she began to utilize another vehicle as cover, the vehicle drove away. After Officers A and B addressed the threat, which Subject 1 presented, they each began setting up a perimeter in order to direct responding units to points of containment.

The BOPC noted Officer B’s articulation for being unable to redeploy to a better tactical position. Had Officer B exited his/her vehicle, he/she possibly would have stepped into Subject 1’s path. Officer B would have been closing the distance between him/herself and Subject 1, giving him/her less time to react. The BOPC noted this would not have been an optimal way to utilize redeployment and acknowledged Officer B’s thorough assessment of his/her options for redeployment. The BOPC noted that Officer A described his/her redeployment as he/she exited his/her police vehicle to seek cover from a parked vehicle. The BOPC acknowledged Officer A also created distance by redeploying and therefore provided him/herself more time to react.

The BOPC also noted that Officers A and B were attempting to utilize the tactic of containment during this incident. The BOPC discussed Officers A and B’s restraint in not initiating a foot pursuit. The BOPC noted that because of the officers’ restraint, they were able to provide aid to both victims who had just been shot and request a Rescue Ambulance for them both.

A containment perimeter was established. Once Subject 1 was located by the K-9 search team, the search team redeployed to establish a position of tactical advantage on Subject 1. The K-9 search team took Subject 1 into custody after redeploying their positions.

**Other Resources** – Immediately after the OIS occurred, Officer A holstered his/her service pistol and retrieved his/her handheld radio. Officer A began broadcasting to

Communications Division (CD) and requested additional resources to respond to the location. Officer A requested a supervisor, as well as officers to begin setting up a perimeter. Officer B began advising responding officers that the two people down on the ground were victims and requested Rescue Ambulances for the victims.

The BOPC noted that Officers A and B did not have the opportunity to request resources before the OIS, but they did request resources when practicable. Officers A and B requested additional units to respond as well as supervisors and a Rescue Ambulance for both victims. After a perimeter was established, personnel from the K-9 unit located Subject 1 and took him into custody.

**Lines of Communication** – During their time training and working together, Officers A and B had extensive conversations about past tactical scenarios. Due to this incident rapidly unfolding, Officers A and B relied on their previous training and assumed their respective roles of contact and cover. After the OIS, Officers A and B established communications with CD and responding officers. Officers A and B notified responding officers that the people lying on the ground were victims of a shooting and not the suspects. Officers A and B also ensured the responding supervisors were briefed on the incident and communicated their involvement in the OIS. The BOPC noted that while communication is paramount, tactics and scene safety were also a high priority in this incident. The BOPC noted that as soon as practicable, both officers immediately began communicating with each other and to CD immediately after the OIS.

The BOPC also noted that Officers A and B adhered to current practice with regard to radio communication by broadcasting on a separate frequency of the police radio to avoid overloading Hollenbeck base frequency. However, doing so caused a delay in the response of Hollenbeck patrol units since information regarding the incident was relayed by CD between the two frequencies.

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

### **1. Code Six**

In this case, Officers A and B, while patrolling in their assigned area heard the sounds of what they believed to be gunshots coming from an unknown location. The officers were unsure of the exact location of the gunshots. According to Officers A and B, as they came to a stop just south of an intersection, they observed Subject 1 running in their direction as he pointed a handgun at them. This incident rapidly escalated as Subject 1 closed the distance and continued to point his handgun in their direction. Officers A and B discharged their service pistols to protect themselves from the imminent threat of serious bodily injury or death, but after firing, lost sight of Subject 1. After the OIS occurred, Officer A holstered his/her service pistol and broadcast his/her and Officer B's Code Six location.

The BOPC noted Officers A and B's actions leading up to the incident. Officers A and B were conducting crime suppression when they heard gunfire. Officers A and B, in their attempt to locate the source of the gunfire, observed victims on the ground and Subjects 1 and 2 running in Officers A and B's direction. Subject 1 was holding a handgun and began to point it at Officers A and B. The BOPC noted Subject 1's violent and aggressive actions toward Officers A and B, which caused them to fear for their lives. Both Officers A and B then acted in response to Subject 1, which resulted in an OIS. The BOPC noted that this incident rapidly and dynamically escalated for Officers A and B. The BOPC determined that as soon as it was practicable, the officers immediately made their location known by broadcasting it to CD.

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

## **2. Utilization of Cover**

Officer A exited his/her police vehicle, which was not equipped with ballistic panels, and sought cover from a nearby parked vehicle, on the east curb. Unbeknownst to Officer A, the vehicle contained a driver who quickly sped off after Officer A had redeployed to the east, passenger side of the vehicle.

UOFRB noted that this incident was dynamic and rapidly escalated for both involved officers. The UOFRB also noted it was unforeseeable that the driver of the parked vehicle was going to drive away.

The UOFRB noted that Officer A's attempt to gain better cover could have possibly left him/her in the street without the benefit of cover once the vehicle drove away. However, Officer A quickly remedied the problem by seeking cover in the area near the rear quarter panel of his/her police vehicle. The SME noted that there were several parked vehicles in the street which were between Officer A and Subject 1, which could have afforded Officer A cover.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, that Officer A's actions were not a deviation from approved Department tactical training.

## **3. Situational Awareness**

Upon observing Subjects 1 and 2 running towards Officers A and B, Officer A articulated that his/her subsequent reaction was to redeploy from his/her police vehicle to a position of cover prior to drawing his/her service pistol. Officer A exited the police vehicle and stepped out adjacent to a vehicle parked facing north along the east curb and immediately identified an unknown male seated in the driver's seat. According to a review of video surveillance conducted by FID

investigators, Officer A moved north towards the front bumper and across the front of that vehicle to the sidewalk. The vehicle then immediately drove out of sight to the east. According to Officer A, he/she redeployed to the right rear corner of his/her police vehicle, drew his/her service pistol, and became involved in an OIS.

The FID investigation determined that Officer A was further south of the rear corner panel of his/her police vehicle. The analysis conducted by FID investigators could not identify Officer A's exact position as being in the street or on the east sidewalk at the time he/she discharged his/her service pistol at Subject 1.

The BOPC considered Officer A's decision to complete his/her redeployment to cover prior to drawing his/her service pistol. The BOPC reviewed video evidence and Officer A's transcripts. Investigators from FID presented that Officer A's movements from exiting his/her police vehicle to moving to cover were rapid. Based on the totality of the evidence, FID investigators opined that Officer A's movements were completed in a few seconds. The BOPC also considered the rapid escalation of the incident and the few seconds of time afforded to Officer A to obtain full situational awareness of the incident. The BOPC determined that due to the totality of the investigation, Officer A's decision to redeploy and then draw his/her service pistol did not cause an unreasonable delay in his/her drawing of his/her service pistol.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were not a deviation from approved Department tactical training.

### **Additional Tactical Debrief Topics**

- **Coordination of a Tactical Incident Involving Multiple Divisions** – Officers A and B each broadcast a “help” call, that shots had been fired, and a requested a Rescue Ambulance over their specialized division's frequency. Officers A and B continued broadcasting on that frequency for the remainder of their broadcasts throughout the incident. Since the broadcasts were conducted on a separate frequency, Hollenbeck officers, who were on Hollenbeck base frequency, were unable to hear the information. Hollenbeck officers were temporarily unable to determine the location of the OIS and continued to request additional information over Hollenbeck base frequency. Officers were reminded to consider establishing a liaison officer or establish a shared tactical frequency to allow for simultaneous communications with personnel assigned to different frequencies.

The BOPC considered the current capabilities of Communications Division equipment and procedures, including simulcasting broadcasts on multiple frequencies and discussed the need to develop a standardized procedure relative to the use of tactical frequencies amongst personnel assigned to different frequencies.

- 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 are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that 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 personnel to discuss individual actions that took place during this incident.

In conducting an objective assessment of this case, the BOPC determined that the tactics utilized by Officers A and B did not deviate from approved Department tactical training.

The BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- **Officer A**

According to Officer A, as Officer B drove to the intersection, Officer A suddenly heard shots being fired west of him/her. Officer A leaned forward and believed he/she was in the "middle of a possible shooting in progress." Officer A observed that there were "people kind of down" on the ground and observed two persons "running towards" him/her, in an easterly direction. Officer A observed Subject 1 holding an object. Officer A looked at the object and observed the "outline of a handgun." Subject 1's arms were moving up and down in a running motion. Officer A observed the handgun coming up and being pointed in Officer A's direction. Officer A exited his/her police vehicle and, believing he/she needed to immediately defend his/her life, drew his/her service pistol. Officer A held his/her service pistol in a two-handed grip.

The BOPC conducted a thorough evaluation of the reasonableness of Officer A's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer A was traveling northbound when he/she heard gunshots emanating from an unknown location. Officer A leaned forward and looked west. Officer A observed what appeared to be bodies lying on the ground while Subject 1 was running in Officer A's direction. Officer A, while still seated in his/her police vehicle, observed the outline of a handgun, then quickly observed Subject 1 pointing the handgun in Officer A's direction. Officer A, believing he/she needed to immediately defend his/her life, drew his/her service pistol. Officer A drew his/her service pistol in response to Subject 1's actions. The BOPC noted the totality of Officer A's observations and situational awareness prior to his/her making the decision to draw his/her service pistol.

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

- **Officer B**

According to Officer B, while driving north he/she heard multiple "gunshots." Upon approaching the intersection, Officer B looked around and, while looking in a westerly direction, observed Subjects 1 and 2 running towards Officer B, in an easterly direction. Officer B observed Subject 1 holding a handgun in his left hand. Officer B also observed two other men lying on the ground, west of the intersection on the south sidewalk, and believed they were the victims of a "gang related shooting." Based on the "totality of the circumstances," Officer B believed that "the situation could potentially escalate where the use of deadly force could be justified." Officer B placed his/her police vehicle into park and drew his/her service pistol. Officer B utilized a two-handed grip and placed his/her finger along the frame.

The BOPC also conducted a thorough evaluation of the reasonableness of Officer B's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer B was driving northbound when he/she heard gunshots emanating from an unknown location. Upon looking west, Officer B observed two individuals lying on the ground while Subject 1 was running in Officer B's direction. Officer B believed a gang shooting may have taken place. Officer B observed Subject 1 pointing a handgun at Officer B. Officer B, believing the "situation could potentially escalate where the use of deadly force could be justified," drew his/her service pistol. The BOPC noted the totality of Officer B's observations and situational awareness prior to his/her making the decision to draw his/her service pistol.

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

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

- **Officer A – (pistol, one round)**

According to Officer A, he/she observed Subject 1 holding a handgun as Subject 1 was running in an easterly direction. As Subject 1 was running, Officer A observed

Subject 1's handgun pointing in Officer A's direction, causing him/her to fear for his/her life. Officer A stated that he/she believed that the "suspect [was] going to fire at me or my partner." Officer A assessed to ensure he/she had a "good background" prior to discharging his/her service pistol. Officer A observed the background, which consisted of a parking lot. While standing on the east side of his/her police vehicle, Officer A raised his/her service pistol utilizing a two-handed grip and aimed at Subject 1's center mass. Officer A stated that "in immediate defense of my life and my partner's life," he/she discharged one round at Subject 1 to stop the threat that Subject 1 posed. Officer A assessed and observed that Subjects 1 and 2 had fled to an unknown location. Officer A determined there was no longer a threat; therefore, he/she ceased firing.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness and necessity of Officer A's use of deadly force. During their review, the BOPC considered Subject 1's actions. According to Officer A, Subject 1, after running from two bodies lying on the ground, held a handgun and brought it upwards, pointing it in the direction of Officers A and B. Subject 1 ran towards Officers A and B while pointing his handgun. Officer A redeployed to a better position of cover, but still observed Subject 1 pointing a handgun in Officers A and B's direction. Officer A believed Subject 1's actions presented the imminent threat of death or serious bodily injury and discharged one round at Subject 1. The BOPC noted that Officer A utilized lethal force to prevent serious bodily injury or death to both officers and that Officer A continued to assess after firing his/her round. Officer A observed Subjects 1 and 2 running away and ceased firing. The BOPC noted Officer A's articulation on his/her perception of an imminent threat and the necessity to utilize lethal force in order to protect his/her life and the life of Officer B. The BOPC also considered Officer A's assessment of Subject 1's actions after discharging his/her round and noted Officer A's fire control and discipline. Other force options, including the possible deployment of less-lethal munitions, were not practical due to Subject 1 pointing a handgun at Officers A and B. The BOPC also considered the environmental conditions when considering Officer A's use of lethal force. The BOPC noted it occurred during the hours of darkness with a low level of light in Officer A's background. Additionally, the BOPC considered that the incident was rapidly unfolding and dynamic, affording Officer A limited time to react.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, would reasonably believe Subject 1's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

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

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

According to Officer B, Subject 1 brought his/her handgun up and pointed it in Officer B's direction. Officer B believed Subject 1 had the "ability" and "opportunity"



to shoot Officer B and had already demonstrated that ability by shooting two other people. Officer B felt “very vulnerable” and believed he/she was going to be shot by Subject 1 as Subject 1 got closer to Officer B. Upon observing Subject 1 raise his handgun, Officer B moved his/her service pistol across his/her chest, towards his/her window, and turned his/her torso in a westerly direction.

According to Officer B, as Subject 1 ran, Subject 1’s body was still turned in a position that was facing Officer B and still pointing his handgun at Officer B. Officer B believed he/she could not exit his/her police vehicle since doing so would place him/her in the direct path of Subject 1. From a seated position within his/her police vehicle, Officer B utilized his/her service pistol to aim at Subject 1’s upper body, disengaged the thumb safety of his/her service pistol, and placed his/her finger onto his/her trigger. Officer B discharged two rounds at Subject 1. Officer B stated that he/she discharged the two rounds to, “protect myself and my partner (Officer A) from the - - the threat of imminent death or danger or serious bodily injury.” After he/she discharged the second round, Officer B could no longer observe Subjects 1 or 2.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness and necessity of Officer B’s use of deadly force. During its review, the BOPC considered Subject 1’s actions. According to Officer B, Subject 1, after running from two bodies lying on the ground, held a handgun and brought it upwards, pointing it in the direction of Officers A and B. Subject 1 ran towards Officers A and B while pointing his handgun at them. Officer B, unable to redeploy without placing him/herself in the path of Subject 1, believed Subject 1’s actions presented the threat of death or serious bodily injury and discharged two rounds at Subject 1.

The BOPC noted Officer B’s articulation regarding his/her perception of an imminent threat and the necessity to utilize lethal force in order to protect his/her life and the life of Officer A. Other force options, including the possible deployment of less-lethal munitions, were not practical due to Subject 1 pointing a handgun at Officers A and B. The BOPC considered the environmental conditions when considering Officer B’s use of lethal force. The BOPC noted it occurred during the hours of darkness with a low level of light in Officer B’s background. Additionally, the BOPC considered that the incident was rapidly unfolding and dynamic, giving Officer B little time to react. The BOPC also considered Officer B’s assessment of Subject 1’s actions after discharging his/her rounds and noted that Officer B demonstrated fire control and discipline. The BOPC noted that Officer B discharged two rounds and immediately assessed, ultimately ceasing fire once Subject 1 no longer posed an imminent threat of death or serious bodily injury.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B, would reasonably believe that Subject 1’s actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

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