

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

OFFICER-INVOLVED SHOOTING – 018-19

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	4/30/19		
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Officer(s) Involved in Use of Force	Length of Service
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Officer C	16 years, 10 months
Officer D	9 months
Officer H	2 years
Officer I	6 years, 11 months
Officer K	10 years
Officer L	10 years, 11 months
Officer P	25 years, 8 months
Officer O	7 years, 8 months
Officer U	10 years, 1 month

Reason for Police Contact

Officers responded to a radio call of a “415 Man with a Gun.” The comments of the call indicated that the Subject was a male, under the influence of alcohol and possible narcotics, standing on top of a vehicle, talking to himself and waving a handgun. As the officers arrived at scene, the Subject pointed a handgun at the officers and fired several times in their direction, resulting in an Officer-Involved Shooting (OIS). The Subject then proned himself behind the open driver’s side door of the vehicle parked in his driveway. Approximately five minutes later, the Subject pointed the handgun at the officers, resulting in a second OIS.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 47 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 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 April 7, 2020.

Incident Summary

On the date of this incident, Witness A was inside her residence, which was located across the street from the Subject's residence. Witness A heard a noise outside that she believed to be someone breaking into her father's truck. Witness A walked outside to see what was causing the noise and observed the Subject, standing on top of his vehicle. According to Witness A, the Subject was talking to himself, had a gun in his right hand, and a tequila bottle in his left hand. Witness A called 911 and advised Communications Division (CD) of her observations. CD broadcast the call on the police radio as a "415 man with a gun," and provided officers with information provided by Witness A.

Officers A and B acknowledged the radio call and responded. The officers' patrol vehicle was equipped with Digital In-Car Video System (DICVS), and it was activated due to their emergency (Code Three) response, however did not capture the OIS.

Officers C and D notified CD via their in-car radio they were responding and backing the primary unit. Officers C and D's patrol vehicle was equipped with DICVS, however it was not activated due to their Code Two response.

Air Support Division Officers E (Pilot) and F (Tactical Flight Officer) advised CD that they were responding to the radio call and requested a description of the Subject via the police radio. Shortly thereafter, Officer F advised CD they were over the call. Officer F broadcast the Subject's description and that he was standing on a two-door vehicle. Officer F further broadcast the Subject's description and stated he had a beer bottle in his right hand. Officer F requested that CD contact Witness A to find out where the Subject put the handgun. CD advised Air Support that the Subject put the handgun in his pants.

Officer C drove toward the location and as the officers approached the Subject's location, Officer F simultaneously broadcast that the Subject appeared to be getting into his vehicle and that the driver's door was open. Further, the Subject had just placed something in his right hand. Officer F then broadcast, "Officer needs help, shots fired" and that the Subject was firing at the officers.

According to Witness A, she was standing inside of her front door area and observed the Subject waving a gun around in his right hand. Witness A stated she was approximately 80 steps away from the Subject, and the street was well lit by

streetlights and lights outside of both her and the Subject's residence. Witness A stated she was on the phone with a dispatcher when the Subject started shooting. Witness A observed the Subject shoot at the police car when the officers were still inside of their vehicle. Witness A stated that the Subject fired 4-5 times before she ran inside of her house.

According to Officer F, the Subject was standing behind the open driver's side door of the vehicle backed into the driveway, when he/she observed the Subject lift his T-shirt, remove a handgun from his waistband, and fire approximately four rounds in the direction of the officers. Officer F observed this through his/her binoculars. According to Officer E, he/she also observed the Subject shooting in the direction of the officers.

According to Officer C, he/she continued in the direction of the Air Unit's light. Officer C stated that once he/she observed the Subject, he/she stopped the vehicle. Officer C stated that the Subject was in front of his residence and looked in their direction. According to Officer C, it looked like the Subject yelled something, raised his right hand, and began shooting. According to Officer C, he/she was about to exit the vehicle and simultaneously put it in park when the officers started receiving rounds. Knowing that the car wasn't in park, Officer C decided to sit back in the car and returned fire.

Officer C stated he/she unholstered his/her weapon because the Subject was shooting at him/her, so Officer C believed that deadly force would be justified in stopping that threat. Officer C stated that he/she saw debris in front of him/her and believed the car was getting hit, so in fear for his/her safety, he/she returned fire. Officer C stopped the vehicle and fired five rounds from his/her pistol from a seated position inside of the vehicle. Officer C stated that upon firing the first round, he/she had a sight picture and was finding the threat. Officer C believed that when firing the next four rounds, he/she observed that the Subject was upright, his hand was up, and once he went down and out of Officer C's view was when he/she stopped firing and tried to get out of the vehicle.

According to Officer C, he/she was not able to place the police vehicle in park, however, his/her right foot was on the brake and the vehicle was at a complete stop when he/she fired his/her pistol. The investigation determined that Officer C fired five rounds from his/her pistol from an approximate distance of 40 feet.

Officer C was equipped with BWV; however, he/she did not activate his/her BWV at any time during this incident. According to Officer C, he/she normally activates his/her BWV upon arrival at radio calls, however, was unable to do so during this incident since he/she immediately engaged the Subject upon arrival.

According to Officer D's BWV, when he/she and Officer C arrived, Officer D immediately exited the police vehicle and stood next to passenger side of the vehicle, in between the vehicle and the open door. As Officer D exited the vehicle, he/she unholstered his/her pistol and held it in a two-handed grip and fired five rounds from a

standing position. Officer C was captured in a seated position in the driver's seat of the police vehicle, firing five rounds from his/her pistol.

Officer D was equipped with BWV, which activated immediately after the OIS. Officer D's BWV did not capture the audio portion of the OIS.

According to Officer D, he/she unholstered his/her handgun because he/she had the reasonable belief that the situation could escalate to a point where deadly force might be justified, and the Subject was shooting at him/her and at his/her partner. Officer D believed he/she fired four rounds from his/her pistol from approximately 20-25 feet. Officer D stated he/she stopped firing when he/she could no longer see the Subject and then broadcast an officer needs help request.

The investigation determined that Officer D fired five rounds from his/her pistol from an approximate distance of 44 feet.

Immediately after Officers C and D stopped firing, Officer F broadcast that the Subject was in a prone position underneath the car and to use caution. Officer F broadcast that the Subject was at the driver's side of the vehicle with the gun in his right hand and not to approach.

Below is an account of each of the responding officers' actions and their reasoning for the Use of Deadly Force during the second OIS which occurred approximately five minutes following the initial OIS involving Officers C and D. It does not represent the sequence in which the officers discharged their weapons since the shooting happened simultaneously. The officers at scene had their BWV activated at the time of the OIS. Based on Officer D's BWV, the second OIS was eight seconds in duration. The officers' cameras captured the audio of the event, but based on the angle of their cameras, and the cover utilized, they did not provide a view of Subject's actions immediately prior to or during the OIS.

Officers G and H were driving a black and white police vehicle, equipped with DICVS, however it was not activated due to their Code Two response. According to Officer G, he/she heard Officer H advise CD they had arrived at their location (Code Six).

According to Officer H, he/she unholstered his/her pistol because he/she heard his/her partner say, "They're shooting." Officer H stated he/she exited his/her vehicle. Officer H unholstered, pointing his/her gun in the general direction of the house and assessed, but could not see the Subject. Officer H stated he/she did observe Officer D fire at least one round.

According to Officer H, he/she and Officer G redeployed behind a parked vehicle on one side of the street, across the street from Subject's location. Once Officer H redeployed, he/she was able to see the Subject, laying in a prone position with a gun in his right hand. Officer H gave the Subject commands to drop the gun. Officer H stated

his/her BWV did not capture him/her giving those commands due to the fact that he/she gave those commands during the first two minutes of the video.

According to Officer H's BWV, Officer H stood next to the passenger side door of a parked vehicle and held his/her pistol in a two-handed grip, with his/her hands above the roof of the vehicle. Officer H fired three rounds from his/her pistol at the Subject. According to Officer H, he/she observed the Subject holding the gun in his right hand in a pistol grip with his palm down and moved it slightly from left to right. Officer H believed that the Subject was getting ready to shoot at one of the officers, so he/she believed he/she fired two shots to defend himself/herself and other officers. The investigation determined that Officer H fired three rounds from his/her pistol from an approximate distance of 58 feet.

According to Officer G's BWV, he/she arrived at scene and exited his/her police vehicle. Officer G unholstered his/her pistol and approached Officers C and D's police vehicle along the front passenger side, behind Officer D and Officer H.

According to Officer G, upon arrival while still in his/her police vehicle, he/she heard approximately three to four shots, and observed at least one muzzle flash coming from Officer C's pistol. Officer G indicated he/she unholstered his/her weapon based on the radio call of a man with a gun. According to Officer G, he/she redeployed to one side of the street behind a parked vehicle. Once he/she redeployed, Officer G observed the Subject on the ground in a prone position, next to the driver's side door holding a gun in his/her right hand.

According to Officer G's BWV, a voice was heard asking, "Do we have a designated shooter over here?" Officer G did not know who asked the question but believed it was a supervisor.

According to Officer G, the Subject moved his gun up and down a couple of times. Officer G stated he/she had sights on the Subject and put his/her finger on the trigger, but he/she did not shoot because in his/her mind a supervisor had assigned a designated shooter, and he/she did not deem the situation to be an imminent threat. Officer G stated officers to both the left and the right side of him/her fired their weapons, but he/she was unable to identify who the officers were. The investigation determined that Officer G did not fire his/her pistol.

Officer J and K were driving a black and white police vehicle, equipped with DICVS which was activated due to their Code Three response, however, did not capture the OIS. According to Officer K, he/she advised CD they were at scene via the Mobile Digital Computer (MDC).

According to Officer J's BWV, he/she arrived at scene and exited the police vehicle. Officer J ran up to a parked vehicle along the curb, close to the Subject's location, next to the driver's side of Officer C's police vehicle. Officer J unholstered his/her pistol and held in the low-ready position. Officer J stated he/she unholstered his/her pistol

because he/she believed there was an active shooter and as such, the situation could escalate to deadly force.

Officer J stated he/she considered going back to his/her police vehicle and retrieving his/her police rifle because the Subject was behind cover and concealed. Officer J observed that Officer A was at scene and equipped with a rifle. Officer J stood next to Officer C and asked if they should call the Subject out. Officer J inquired if there was an alley behind the Subject's residence because he/she wanted to set up containment.

According to Officer J, he/she heard one gunshot followed by multiple gunshots during the second OIS. Officer J was unable to see the Subject at the time of the second OIS and did not fire his/her pistol during the incident. The investigation determined that Officer J did not fire his/her pistol.

According to Officer K's BWV, he/she arrived at scene, exited the police vehicle, and unholstered his/her pistol. Officer K ran past two police vehicles up to where Officer C was standing. Officer K held his/her pistol in a two-handed grip in the low-ready position.

Officer K stated he/she unholstered his/her pistol based on the tactical situation, which he/she had a reasonable belief that the situation would escalate to deadly force. Officer K stated it was a man with a gun call and heard the Air Unit advising of shots being fired and officers needing help.

According to Officer K's BWV, he/she redeployed several times. Officer K moved behind a vehicle parked on the grass area adjacent to the sidewalk, close to the Subject's location. Officer K then moved behind Officers C and D's police vehicle, prior to standing next to the passenger side of another vehicle that was parked along the curb. Officer K held his/her pistol with a two-handed grip, with his/her hands above the front windshield area of the vehicle.

According to Officer K, he/she observed the Subject lying on his stomach with a pistol in his right hand. Officer K stated he/she could see the Subject taking a position as far as concealing himself and trying to make himself the smallest target possible. According to Officer K, the Subject had a position of advantage on the officers. Officer K could see that the Subject was moving his weapon around and at the same time looking in his/her direction, as well as all the other officers. Officer K stated that based on his/her training and experience, somebody who just tried to kill a police officer, who is still armed with a gun, who is looking at officers directly in front of him/her, Officer K believed the Subject was assessing the target at that time. Officer K stated that the Subject flicked his gun up in his/her direction and then quickly dropped it back down. Officer K made the comment that if the Subject raised the gun again, "take the [expletive] shot." Officer K stated that each officer had to make his/her decision, but that he/she was not going to let the Subject kill him/her or any other officer.

According to Officer K's BWV, Officer K fired nine rounds from his/her pistol at the Subject. Officer K stated he/she fired because the Subject pointed his weapon in his/her direction. Officer K stated he/she also heard numerous other gunshots. Whether they were officers or the Subject engaging them, he/she believed they were being engaged. Officer K stated he/she fired additional shots and assessed. The Subject was still facing towards the officers and had the gun raised up in Officer K's direction and he/she continued firing. Officer K stated that following his/her final shot, he/she assessed the situation. Officer K noticed that the Subject's face was now slumped down. Officer K stated the Subject still had the gun in his right hand, however, with the flick of the wrist, the Subject could have been right back up on target. According to Officer K, he/she believed he/she fired approximately five shots and assessed in between each round. The investigation determined that Officer K fired nine rounds from his/her pistol from an approximate distance of 59 feet.

Officer I and L were driving a black and white police vehicle equipped with DICVS, and it was activated due to their Code Three response, however it did not capture the OIS.

According to Officer I's BWV, he/she arrived at scene and parked his/her police vehicle. Officer I exited his/her police vehicle, unholstered his/her pistol, and ran on the sidewalk. Officer I stopped in front of a vehicle that was parked on the sidewalk. The vehicle was parked one house away from the Subject's location. Officer I held his/her pistol in a two-handed, low-ready position. Officer I unholstered his/her pistol due to the comments of the call and that it was a tactical situation where deadly force would be justified.

Officer I redeployed to one side of the street and stood next to the rear passenger quarter panel of a parked vehicle parked along the curb. According to Officer I's BWV, multiple gunshots were heard, however, the camera view was obstructed due to the fact that Officer I was standing to the rear of the vehicle.

According to Officer I, he/she leaned against the car and held his/her pistol in a two-handed grip. Officer I observed the Subject on the ground in a prone position, holding a pistol in his right hand. Officer I stated he/she believed that the Subject was going to shoot at him/her. Officer I observed that the Subject adjusted his hand, and he/she did not want to wait any longer before the Subject shot at him/her and/or another officer. Officer I stated that as soon as the Subject lifted his gun toward his/her direction he/she returned fire and took cover behind the car. Officer I stated that when he/she observed a muzzle flash coming from the Subject's direction, he/she fired again.

Officer I believed he/she fired his/her weapon at the Subject before the Subject fired at him/her, however Officer I did not know if he/she was the first officer to fire his/her weapon during the second OIS. Officer I believed he/she fired two rounds. The investigation determined that Officer I fired four rounds from his/her pistol from an approximate distance of 57 feet.

According to Officer L's BWV, he/she arrived at scene and exited his/her vehicle. Officer L retrieved his/her shotgun from the trunk of his/her police vehicle and ran. Officer L chambered a round and stood next to the passenger side door of Officers C and D's police vehicle. Officer L asked where Officer B was located and then redeployed to the side of the street and stood next to the passenger door of a parked vehicle.

Officer L stated he/she deployed his/her shotgun because as he/she was approaching the target location, the Air Unit requested a help call for shots fired. According to Officer L, his/her shotgun was loaded to patrol ready, with four rounds in the magazine tube. Prior to the OIS, he/she conducted a selective slug roll out by ejecting the buck shot round that was in the chamber and chamber loaded a slug round. Officer L stated the reason he/she inserted the slug round was because he/she knew there were barriers between himself/herself and the Subject. Officer L believed that the slug round would be more effective if the Subject stated to shoot at him/her and other officers.

According to Officer L, once he/she redeployed, he/she observed the Subject lying on the ground in a prone position. Officer L observed a bottle in the Subject's left hand. Officer L was in a kneeling position with his/her right knee down on the ground and his/her left leg against the parked vehicle. Officer L took a kneeling position to expose less of himself/herself while still being able to see the Subject. Officer L requested that officers give commands using the Public Address (PA) system. Officer L stated as he/she was watching the Subject, he/she observed the Subject pointing a silver handgun in his/her direction. Officer L believed that the Subject was going to kill him/her, so he/she fired one round.

Officer L stated he/she was not positive which officers fired to his/her right or to his/her left. Officer L also stated he/she heard gunshots in both directions but could not indicate how many rounds he/she heard. The investigation determined Officer L fired one round from his/her shotgun from an approximate distance of 57 feet.

Sergeant A was driving a black and white police vehicle and requested that CD assign him/her to the call. According to Sergeant A, he/she responded to the call Code Two and upgraded his/her response to Code Three when he/she heard the Air Unit broadcast that an OIS occurred. Sergeant A's patrol vehicle was equipped with DICVS which was activated, however did not capture the OIS.

According to Sergeant A's BWV, he/she arrived at the scene and exited his/her police vehicle. Sergeant A parked his/her vehicle and approached the passenger side of Officers C and D's police vehicle, and broadcast that he was Code Six. Sergeant A contacted the officers and was briefed by Officer D that they were the first unit to arrive and that the Subject shot at them. Additionally, Sergeant A was advised that there were too many officers on the sidewalk. Sergeant A approached the officers on the side of the street, close to the Subject's location, and told them to redeploy because there was crossfire.

According to Sergeant A, he/she did not unholster his/her pistol at any time during this incident.

Police Officers N and O were driving a black and white police vehicle equipped with DICVS, which was activated due to their Code Three response however did not capture the OIS.

According to Officer N's BWV, he/she arrived at scene and parked his/her police vehicle. Officer N exited the police vehicle and ran up and stood behind the passenger side of Officers C and D's police vehicle.

Officer N unholstered his/her pistol due to the nature of the radio call and knew that the situation may escalate to the point where deadly force may be used. According to Officer N's BWV, after approximately two minutes, he/she redeployed to the side of the street, directly across from the Subject's location, and stood behind Officer O who stood next to the passenger side of a parked vehicle. According to Officer N, he/she remained unholstered and pointed his/her pistol toward the ground when he/she redeployed behind the passenger side of the parked vehicle. Officer N was unable to see the Subject. Officer N stated he/she heard a single gunshot in the distance. Shortly after, Officer N heard other officers near him/her returning fire. Officer N stated he/she did not observe who fired their weapon during the incident and was unable to tell how many rounds were fired. The investigation determined that Officer N did not fire his/her pistol.

According to Officer O's BWV, he/she arrived at scene, exited the police vehicle, deployed his/her shotgun, and chambered a round. Officer O approached the passenger side of Officers C and D's police vehicle and redeployed to the side of the street where he/she stood along the passenger side door of a parked vehicle. According to Officer O, he/she carried his/her personal shotgun in his/her police vehicle, loaded to patrol ready, with four rounds in the magazine tube. Officer O believed he/she carried six rounds of slug ammunition on the side saddle of the shotgun.

According to Officer O, he/she observed the Subject with a silver, semi-automatic gun in his right hand and it pointed in his/her direction. As the weapon was moved in his/her direction, Officer O heard shots being fired. Officer O believed he/she was being fired upon and fired one round at the Subject to stop the threat. Officer O believed one round was fired from the Subject, and he/she heard seven to twelve shots being fired from both his/her right and left sides.

According to Officer O, after he/she fired a single round from his/her shotgun, he/she chamber loaded a slug round. Officer O stated he/she did this in case the Subject started shooting again because the slug round would be more effective to stop a threat. The investigation determined that Officer O fired one round from his/her shotgun from an approximate distance of 57 feet.

Officers P and Q were driving an unmarked police vehicle that was not equipped with DICVS. According to Officer P's BWV, he/she arrived at scene and exited the police vehicle. Officer P parked and deployed his/her patrol rifle from the trunk of the police vehicle and loaded a round into the chamber. Officer P ran up to the passenger side of Officers C and D's police vehicle. Officer P advised other officers that he/she was equipped with a rifle. Officer P stood behind the front open passenger side door of the police vehicle, with his/her patrol rifle pointed in the direction of the Subject's vehicle.

Officer P stated that he/she deployed his/her patrol rifle because he/she knew that the Subject was behind his vehicle trying to take a position of advantage. Officer P stated he/she knew that the rifle would be an effective weapon because it could penetrate metal. According to Officer P, his/her patrol rifle was carried unloaded in the police vehicle. Officer P retrieved the rifle and chambered one round from his/her 30-round capacity magazine, which was loaded with 28 rounds.

According to Officer P, the Subject was in a position of advantage in a prone position, facing the officers, and utilized his/her vehicle for cover. Officer P stated that he/she knew the Subject had already fired at officers and was a risk to the community. Officer P stated that at one point in time, he/she could see what appeared to be a weapon in the Subject's right hand and the reflection of the light coming off of it. Officer P knew from the Air Unit broadcast that the Subject had a gun in his right hand. According to Officer P's BWV, he/she stood next to the open passenger door, behind the engine block of Officers C and D's police vehicle. Officer P fired four rounds from his/her patrol rifle in the direction of the Subject.

Additionally, Officer P stated that he/she was continuously watching the Subject's actions and when Officer P heard a shot, he/she fired four rounds at the Subject. Officer P also heard other officers nearby firing at the Subject. Officer P stated he fired because he/she knew that the Subject had shot at the officers and knew the Subject was armed with a gun and failed to comply with commands to drop the weapon. Officer P believed that the Subject was trying to kill one of the officers to his/her right and himself/herself, so Officer P fired four rounds.

Officer P stated that when he/she fired, he/she was using his/her rifle optic system and could only see the Subject's arm and aimed toward where the Subject was located. The investigation determined that Officer P fired four rounds from his/her patrol rifle from an approximate distance of 48 feet.

According to Officer Q's BWV, he/she arrived at scene and exited his/her vehicle. Officer Q deployed his/her patrol rifle from the trunk of the police vehicle, loaded a round into chamber, and ran up to the passenger side of Officers C and D's police vehicle. Officer Q advised other officers at the scene that he was equipped with a rifle.

According to Officer Q, his/her patrol rifle was carried unloaded in the police vehicle. Officer Q retrieved the rifle and chambered one round from his/her 30-round capacity magazine, which was loaded with 28 rounds.

Officer Q stated he/she deployed his/her patrol rifle due to the nature of the call and the fact that there were already shots fired and knowledge that the Subject was willing to shoot at the police. Officer Q believed that the rifle would be a superior weapon to what the Subject might possess. According to Officer Q's BWV, he/she stood next to the rear passenger tire of Officers C and D's police vehicle when he heard multiple shots being fired.

According to Officer Q, he/she heard one gunshot coming from further away from where he/she stood, followed by multiple gunshots. Officer Q stated that the single gunshot came from the position of where the Subject was located. Officer Q redeployed to one side of the street where he/she stood along the rear passenger side of a parked vehicle. The investigation determined that Officer Q did not fire his/her patrol rifle during this incident.

Police Officers R and S were driving a black and white police vehicle. The officers' patrol vehicle was equipped with DICVS, and it was activated due to their Code Three response; however, it did not capture the OIS.

According to Officer R's BWV, he/she arrived at scene and parked his/her vehicle. Officer R exited his/her police vehicle and donned his/her ballistic helmet. Officer R ran up to Officer C's location and stood along the driver's side of Officers C and D's police vehicle. Officer C advised Officer R that the Subject was under the vehicle in the driveway. Officer R unholstered his/her pistol and held it in a two-handed grip, pointed in the direction of the Subject's residence.

Officer R stated that he/she unholstered his/her pistol because he/she believed the situation may escalate to a point where deadly force may be justified. Officer R stated that he/she could not see the Subject from his/her position. A short time later, Officer R heard shots fired and stated the volley was rapid and lasted two to three seconds. Officer R believed approximately 20 shots were fired and could not identify which officers were shooting. Officer R stated an unknown supervisor requested officers with helmets to position themselves on the side of the street to form an arrest team, so he/she redeployed to the side of the street. The investigation determined that Officer R did not fire his/her pistol during this incident.

According to Officer S's BWV, he/she arrived at scene, exited his/her vehicle, and donned his/her ballistic helmet. Officer S walked up to the sidewalk area, behind a vehicle that was parked in the apron of the driveway across the street from the Subject's residence. Officer S stated that he/she did not unholster his/her pistol at any time during this incident because he/she was not in a position where there was an immediate threat to him/her, and he/she was not able to see the Subject.

Officer S stated he/she was on one side of the street, and there was a minimum of five officers using a vehicle as cover. Officer S was focused on looking at the house and

heard rounds being fired. The investigation determined that Officer S did not fire his/her pistol during this incident.

Officers T and U were driving a black and white police vehicle equipped with DICVS and approached the location. Their DICVS captured headlights of vehicles facing east and the sound of multiple gunshots at the time of the second OIS.

According to Officer U, he/she and Officer T were end of their watch but were working overtime. They logged off and uploaded their DICVS and Officer U downloaded his/her rifle and their 40mm Less-Lethal Launcher. They were enroute to another location when they responded to the help call.

According to Officer T's BWV, he/she arrived at scene and exited the police vehicle. Officer T ran along the sidewalk and stopped next to the passenger side of a parked vehicle. Officer T unholstered his/her pistol, held it in a two-handed grip, and pointed it in the direction of the Subject's location.

Officer T stated that he/she unholstered his/her pistol because there was a substantial risk that the tactical situation could lead to deadly force. Officer T was aware that the Air Unit put out a help call and that shots had already been fired at the officers. According to Officer T's BWV, he/she stated that he/she did not have eyes on the Subject. Officer U stated that the Subject was under the car. The OIS occurred shortly thereafter.

According to Officer T, he/she heard one gunshot, followed by a volley of gunshots. Officer T was unable to estimate how many gunshots he/she heard and did not know where the first gunshot came from. Officer T observed casings from Officer U's rifle in front of him/her and based on that, he/she believed Officer U was firing his/her rifle. Officer T believed Officer U fired four to six rounds.

Officer T stated he/she did not fire his/her weapon because he/she did not have eyes on the Subject. The investigation determined that Officer T did not fire his/her pistol during the incident.

According to Officer U's BWV, he/she arrived at scene and exited the police vehicle. Officer U deployed his/her patrol rifle from the trunk of his/her police vehicle. Officer U approached along the sidewalk and loaded a round into the chamber. Approximately two houses away from the Subject's residence, Officer U moved to the curb and stood on the passenger side rear quarter panel of a parked vehicle. Officer U pointed his/her patrol rifle toward the Subject's vehicle.

According to Officer U, his/her patrol rifle was carried unloaded in the police vehicle. Officer U retrieved the rifle, seated a magazine in the magazine well, and chambered one round from his/her 30-round capacity magazine, which was loaded with 28 rounds.

Officer U stated that he/she deployed his/her patrol rifle because the Subject had already fired at officers, and he/she wanted to get a better advantage over the Subject.

Officer U stated that he/she was across the street from the target location and could observe the Subject. The Subject was in a prone position underneath a vehicle in the driveway with a handgun in his right hand. Officer U observed the Subject low-crawling around his vehicle. According to Officer U, it looked like he was trying to find a target or officers to shoot. Officer U observed the Subject extend his arm out, fire a round at officers, and he/she then returned fire with his/her rifle between ten to fifteen rounds at the Subject.

According to Officer U, he/she assessed through his/her rifle optic and continued to fire until the Subject was no longer moving. Officer U stated that he/she was not sure how long the pause was, but believed it was probably less than a second looking through the sights. During this time, Officer U stated that he/she could still hear shots and observed the Subject with his arms extended. According to Officer U, he/she stopped firing once he/she observed that there was blood coming out of the Subject's upper body and that he was no longer moving.

According to Officer U's BWV, he/she fired 13 rounds, paused for two-seconds, then fired two additional rounds from his/her patrol rifle. Shortly thereafter, Officer U yelled out, that the Subject was down.

According to Officer U, his/her rationale for firing the last two rounds was that it appeared the Subject was still trying to acquire another target and that the Subject still had his arm extended. Officer U stated that he/she stopped firing when he/she observed that the Subject was no longer moving. The investigation determined that Officer U fired 15 rounds from his/her patrol rifle from an approximate distance of 71 feet.

A news media helicopter was overhead and captured a portion of the incident including the second OIS.

Force Investigation Division (FID) detectives served a search warrant to obtain the video footage from the media outlet. According to the aerial footage, the Subject was captured in a prone position next to the rear tire, behind the open driver's side door of the vehicle parked in the driveway. The footage depicted the actions of the Subject after the first OIS with Officers C and D. The Subject was holding a handgun in his right hand and a glass bottle in his left hand. The Subject's body was facing in a direction with his right arm extended forward along the ground and the barrel of the handgun pointed in a southerly direction. The Subject lifted his head up and down several times and on approximately three occasions, used a twisting motion and pointed the handgun from a sideways position to a forward position in the direction of the officers.

Sergeant B was driving a black and white police vehicle, equipped with DICVS, which was activated due to his/her Code Three response, however, it did not capture the OIS.

According to Sergeant B's BWV, he/she arrived at scene and broadcast via his/her police vehicle radio that he/she was Code Six and exited his/her vehicle. As Sergeant B exited his/her police vehicle and walked toward the Subject's location, he/she instructed all the officers in that area to put their helmets on. Sergeant B then ran when numerous shots were heard. Sergeant B immediately took cover behind the trunk of a parked police vehicle.

According to Sergeant B's BWV, he/she approached Sergeant A and asked what kind of assistance he/she needed. Sergeant B advised all officers at scene to put on their helmets via his/her handheld radio and verified with the Air Unit that the Subject was no longer moving.

Sergeant C responded to the help call and activated his/her DICVS due to his/her Code Three response, however, it did not capture the OIS. Sergeant C removed a ballistic shield from the trunk of his/her vehicle and ran. Shortly after arriving, Sergeant C turned around and ran back toward his/her vehicle. Sergeant C turned around and ran again toward the scene. Sergeant C arrived and met with Sergeant B, behind the passenger door of the police vehicle parked near Officers C and D's police vehicle. Sergeant C again ran back to his/her police vehicle to get his/her ballistic helmet and returned to Sergeant B's location. Sergeant C then moved up to the passenger side of Officers C and D's police vehicle where he/she remained until the incident had been resolved (with a Code Four broadcast). Sergeant C approached the Subject's residence and assisted with the identification of involved and percipient officers.

Sergeant D responded to the help call. According to Sergeant D's BWV, he/she arrived at scene and parked his/her police vehicle. Sergeant D activated his/her DICVS due to his/her Code Three response, however, did not capture the OIS. Sergeant D removed a ballistic shield from the trunk of his/her vehicle and approached the OIS scene. Sergeant D met with Sergeant B who was kneeling next to a patrol vehicle close to Officer C and D's vehicle. Sergeant B briefed Sergeant D of the Subject's location. Sergeant D utilized the police vehicle's PA system and gave the Subject commands in English to drop the gun and slowly walk out of the driveway with his hands up.

Sergeant E was driving a black and white police vehicle equipped with DICVS, and although it was activated due to his/her Code Three response, it did not capture the OIS.

Police Officer M responded to the Help Call with Sergeant E. According to Sergeant E, he/she believed he/she activated his/her BWV when he/she responded to the incident by pressing it twice. While at scene Sergeant E observed that his/her BWV was not activated, and immediately activated it at that time. Upon activating his/her BWV, Sergeant E stated, "My body camera did not activate. Activated now."

According to Sergeant E's DICVS, he/she arrived at scene and exited his/her vehicle. Sergeant E ran until he/she saw officers along with Sergeant A and Sergeant C, standing next to a parked vehicle. Sergeant E saw officers standing on the parkway area between the sidewalk and parked vehicles on one side of the street. Sergeant E did not observe any supervisors on the other side of the street and immediately proceeded to that area to provide supervisory oversight to those officers.

According to Sergeant E, he/she observed the Subject on the ground with his/her head with a weapon in his right hand. At that point, Sergeant E heard a volley of gunshots and could not tell what officers were involved in the OIS but observed muzzle flash and could see gunpowder in the air.

According to Sergeant A's BWV, Sergeant E arrived at Officers C and D's police vehicle and the second OIS occurred six seconds after Sergeant E walked up to the police vehicle.

According to Sergeant A's BWV, Sergeant A was standing close to the rear passenger side of Officers C and D's police vehicle when the second OIS occurred.

According to Sergeant A's BWV, he/she walked from Officers C and D's police vehicle and told the officers who were near the OIS location to put their weapons down because too many officers had guns drawn. Sergeant E requested Los Angeles Fire Department (LAFD) personnel to stage nearby.

According to Officer D's BWV, Officer C asked Officer D "Did you shoot? How many?" Officer D replied, "Yes, approximately four." Officer C stated, "I think I got like three maybe four."

Sergeant E developed a plan for a contact and cover team to approach the Subject. The team consisted of Officers D, O, P, Q, R, U and others equipped with a ballistic shield. According to Sergeant E, he/she stated the team approached into the driveway and contacted the Subject. Immediately after the contact team approached the Subject, Officer R moved to the corner of the residence to provide cover to one side. Officer Q moved to a different corner of the residence to provide cover to the other side.

According to Officer O's BWV, the contact team entered the driveway. The Subject lay in the driveway in a prone position. The Subject was armed with a pistol in his right hand and his index finger on the trigger. The Subject was bleeding and not moving.

Officer U placed his/her right foot on top the Subject's gun and then transitioned his/her foot on top of the Subject's right wrist. According to Officer U, he/she stepped on the Subject's right wrist and placed enough weight so that if the Subject was still alive, he could not move his hand or pull the trigger.

Officer D attempted to handcuff the Subject when Officer O stated, "Get his right hand off the gun." Officer O reached down and removed the pistol from Subject's right hand. Officer O moved the pistol approximately four feet away from the Subject and placed it on the ground in the driveway, and stated, "Alright. Got it."

According to Officer O, he/she moved the Subject's gun because the Subject's finger was alongside the trigger, and he/she felt he/she needed to move it for precautionary safety measures. Sergeant E stated that in his/her opinion, based on his/her experience, the Subject appeared to be deceased.

After the contact team approached the Subject and broadcast a Code Four at the location, Sergeant B began separating the officers who were involved in the OIS.

According to Officer D's BWV, Sergeant B was standing facing Officer C and stated, "So do me a favor. You and your partner talk real fast, and then we're gonna give you a [Public Safety Statement.] Officer C turned around and walked away and Officer D followed him/her and asked, "Did you deactivate?" Sergeant B turned toward Officer D and asked, "Wait, are you off? Are you on?" Officer D stated, "I'm turning off now." Sergeant B stated, "Okay." Sergeant B's statement was cut off at this time when Officer D deactivated his/her BWV.

According to Officer D, he/she met with Officer C and discussed the process of how the OIS investigation would be handled. Officer D stated that his/her partner asked him/her some of the questions on the public safety statement questionnaire and advised that they would be separated. Officer D stated he/she thought Officer C asked him/her those questions, "to prepare me -- for the actual Public Safety Statement sort of in a -- in a P-1 to T.O. mentorship relationship kind of way."

According to Sergeant B, he/she observed Officer D to be visibly shaken at scene and did not believe that Officer D was comprehending anything that Sergeant B was saying. Sergeant B stated that he/she was concerned for Officer D. Sergeant B wanted to make sure that Officer D understood the FID process.

According to Officer C, Sergeant B directed him/her to talk to Officer D. Officer C checked on Officer D's well-being and asked him/her how many rounds he/she fired. Officer C discussed the investigative process with Officer D and advised him/her they would be separated, interviewed back at the station, and brought back to the scene. Officer C did not talk to Officer D or any other officers about the entire incident.

Sergeant B separately obtained Public Safety Statements from Officers C, D, H, I, and K. Sergeant D separately obtained Public Safety Statements from Officers L, O, and U. Sergeant F obtained a Public Safety Statement from Officer P.

Several Metropolitan Division Officers responded to the help call, cleared the residence, and detached structure in the rear yard for any additional victims or Subjects.

The residence was cleared, and no additional victims or Subjects were located.

Los Angeles Fire Department, Rescue Ambulance (RA) received the alarm to respond to the location. LAFD paramedics subsequently determined the Subject to be dead.

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 Sergeant A's tactics to warrant a finding of Administrative Disapproval. The BOPC found Sergeants B and E's, along with Officers C, D, G, H, I, J, K, L, N, O, P, Q, T, and U's and tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officer s C, D, G, H, I, J, K, L, N, O, P, Q, T, and U's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officers C, D, H, I, K, L, O, P, and U's (rounds 1-4) use of lethal force to be In Policy. The BOPC found Officer U's lethal use of lethal force, (rounds 5-15) to be Out of Policy.

Basis for Findings

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

value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

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), 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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject’s actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation 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. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

Tactical De-Escalation

- 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 – Officers C advised Officer D that due to the nature of the radio call, to consider cover during the incident. Once containment was established at the incident, Sergeant A, the first supervisor at scene, should have taken a more active role in developing and communicating a tactical plan with the officers. Sergeant E arrived at scene approximately six seconds prior to the second OIS, thus he/she had minimal time to plan with the officers. Sergeant E assembled a contact team, which included a ballistic shield, and planned the approach to take the Subject into custody. Sergeant E also planned for medical treatment and requested LAFD to preemptively stage near the location pending the need for emergency medical treatment.

Assessment – Officers C and D utilized fire control, assessing between each round to determine when the Subject no longer presented an immediate threat. Officer V realized that officers were at a tactical disadvantage and recommended that Sergeant A redeploy them due to their proximity to the Subject. Multiple officers continually assessed the Subject's actions and communicated them to the officers around them. The deployment of magnified optic sights by Officers P allowed for more effective assessment of the Subject's actions.

On the other hand, the BOPC noted that Officer U was in the best tactical position to observe the Subject's actions. Further, his/her Patrol Rifle was equipped with magnified optics. Officer U's position and optics would have allowed him/her the opportunity to more effectively assess the ongoing threat presented by the Subject. Consequently, Officer U's fire control caused the BOPC significant concern.

Time – The Subject initiated and rapidly escalated the incident, firing his handgun at Officers C and D upon their arrival. Officers C and D returned fire to protect themselves from the Subject's deadly threat. After the initial OIS, Officers C and D maintained a position of cover and directed officers to stay back from the Subject to

avoid placing them in immediate danger. Additionally, responding officers maintained a position of cover and attempted to communicate repeatedly with the Subject. By using parked vehicles as cover and by maintaining their distance from the Subject, the officers who responded to the incident attempted to gain additional time to safely resolve the incident.

Redeployment and/or Containment – Arriving on scene before responding ground units, the Air Unit updated officers on the Subject’s location. After being fired upon by the Subject, unprovoked, Officers C and D established containment on the Subject. The additional responding officers established containment of the Subject, who remained inside of the front area of the property, still maintaining control of his handgun. Officers continuously assessed their deployment and some officers redeployed during the incident. Multiple officers redeployed from a vehicle on the north curb to the south side at the direction of Sergeant A. Officers T and U were the farthest away from the Subject and were the only unit to approach the location travelling from their direction, thus allowing for containment of the Subject from the east and giving them a distinctive vantage point.

Other Resources – Officers C and D attempted to utilize the illumination of the night sun by the Air Unit to locate the Subject. Additional units responded to the incident, including personnel from Metropolitan Division. Additionally, the Air Unit provided situational awareness from their unique position to the patrol units, with relevant updates as to the actions and the physical position of the Subject.

Less-lethal options were considered and deployed by multiple officers during the initial phases of the incident. Officer W initially began to deploy a Beanbag Shotgun during the incident, but due to the Subject firing at responding officers, Officer W decided not to deploy the Beanbag Shotgun. Officer X initially deployed a 40mm Less-Lethal Launcher (LLL) but placed the 40mm LLL on the ground due to the high level of danger posed by the Subject who had fired at officers and who remained armed with a handgun. These less-lethal force options remained available to officers, however the Subject continued to remain armed with his handgun during the incident, ignored verbal commands to de-escalate, and refused to surrender.

Lines of Communication – Throughout the incident, the officers utilized open lines of communication while faced with challenges including the distance between the officers and the Subject, as well the noise emitted from the Air Unit. Officers coordinated with the Air Unit, which initially broadcasted its observations of the Subject, informing the arriving officers of the position of the Subject. Officers also communicated with those in their close proximity while establishing containment. Officer H attempted to communicate with the Subject, ordering him to drop the handgun twice prior to the second OIS. After the second OIS, Officer U informed the other officers at scene that the Subject was “down” at the location.

While the BOPC recognized that Sergeant A was faced with a limited amount of time to establish control over the incident, the BOPC was critical that during the approximately three minutes that Sergeant A was at scene before the second OIS, Sergeant A did not open lines of communication to establish basic yet critical control over personnel, specifically related to reducing the number of those officers deploying lethal force options. Furthermore, Sergeant A did not declare himself/herself as the Incident Commander or establish roles, such as Designated Cover Officers (DCO), less-lethal force options, or a communication officer.

The BOPC noted that due to the rapidly unfolding nature of this incident, the initial responding officers had limited time to react to the deadly actions of the Subject. Despite being fired upon as they approached the dimly lit area where the Subject was positioned, Officers C and D acted quickly and contained the Subject, preventing him from accessing and endangering the larger community. Additionally, the responding units were required to make decisions that balanced the safety of the community, their own welfare, and containment of a dangerous Subject.

- During the review of the incident, the following Additional Tactical Debriefing Topics were noted:

1. Tactical Vehicle Deployment

Officer C stopped the police vehicle adjacent to the driveway where the Subject, who was armed with a handgun, was located.

When arriving at an emergency radio call, the positioning of the police vehicle is critical for providing officers a tactically advantageous position.

In this case, as Officer C was driving the police vehicle, he/she used the Air Unit's night sun to help guide him/her to the location. This caused Officer C to perceive that he/she was being directed to a location further down the street. Numerous vehicles were parked on both sides of the street which afforded the responding officers' cover and limited concealment. During Officer C's approach, both he/she and Officer D were receiving updated information from both CD and the Air Unit. The Air Unit had located the Subject and were giving updates on his actions and location which was next to his vehicle behind the gate to the property. Once Officer C observed the Subject, he/she stopped the police vehicle and immediately came under gunfire.

The BOPC considered that while the Air Unit's night sun was an aid illuminating the area, the circular movement of the Air Unit during the orbit over the location also caused shadows and the angle of the night sun to change. Based on the totality of the circumstances, the BOPC determined that while identified as an area for improvement, Officer C's vehicle deployment was not a substantial deviation from approved Department tactical training.

2. **Fire Control / Fire Discipline** (Substantial Deviation – Officer U; Rounds 5-15)

The investigation revealed that the Subject fired at initial responding officers and subsequently, while still armed with a handgun, pointed it at officers at scene. In response to the deadly threat, Officer U fired 13 rounds in approximately six seconds and then paused for approximately two seconds before firing two additional rounds.

Officers who are involved in a rapidly unfolding dynamic incident should continually assess their application of lethal force.

In this case, Officer U reasonably believed that he/she was faced with a deadly force situation. When Officer U observed the Subject extend his/her arm out and perceived that the Subject fired a round, Officer U fired his/her Police Rifle to address the lethal threat. The BOPC considered several factors in evaluating the reasonableness of Officer U's use of lethal force. The BOPC recognized that the tactical situation was dynamic, and that Officer U reasonably believed that the Subject presented an imminent threat to him/her and the officers at scene. The BOPC also considered that Officer U had an optimal angle to observe the Subject's actions, as he/she was positioned with an unobstructed view of the Subject, as well as three times magnification optics that provided him/her an enhanced sight picture of the ongoing threat. The rapid rate with which Officer U fired his/her Patrol Rifle at the Subject however, exceeded his/her ability to reasonably assess whether the Subject continued to be a deadly threat.

Based upon the totality of the circumstances, the BOPC determined, that during this specific tactical situation, Officer U's lack of continued assessment, fire control, and fire discipline, while firing rounds 5-15 from his/her Patrol Rifle, was not reasonable and was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 1. **Maintaining Control of Equipment** – The investigation revealed that as Officer C exited his/her police vehicle, Officer X's side handle baton fell to the ground, and he/she did not retrieve it before running down the street. Officer X was reminded of the importance of maintaining control of his/her equipment.
 2. **Beanbag Shotgun Manipulations** – The investigation revealed that Officer W chambered a round in the beanbag shotgun while he/she was seated inside his/her police vehicle and still enroute to the location. The officer was reminded that chambering a round in a moving vehicle may lead to an increased possibility of an unintentional discharge of the shotgun.

3. Basic Firearms Safety Rules – The investigation revealed that Officer G briefly allowed the muzzle of his/her service pistol to cover Officer D's back during the incident. Additionally, the investigation revealed that Officer R momentarily allowed the muzzle of his/her service pistol to cover officers in the contact team as they were approaching the Subject. Even though this incident was dynamic and fluid in nature, both officers were reminded to remain mindful of the Department's Basic Firearm Safety Rules at all times.

4. Tactical Communication – The investigation revealed that Sergeant A was the first supervisor at scene and did not declare himself/herself as the incident commander. In addition, Sergeant A assumed that Sergeant E would be overseeing the officers along the curb without communicating a plan with Sergeant E to actually do so. Sergeant A was reminded of the importance of effective communication during a tactical incident to provide critical basic direction, reduce possible confusion, and improve operational success.

The investigation revealed that Officers O and R though not specifically designated to be a part of the contact team, self-deployed as part of the contact team which approached the Subject. Officers O and R did not advise the contact team that they were making the approach as part of the team. The coordination of officers during the approach of a Subject was important. Officers O and R were reminded of the importance of effective communication during a tactical incident to reduce possible confusion and improve operational success.

5. Non-Conflicting Simultaneous Commands – The investigation revealed that several officers gave simultaneous commands to the Subject after the second OIS. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

6. Stepping on Limbs – The investigation revealed that when the Subject was being taken into custody, Officer U stepped on the Subject's right wrist to control Subject's hand which was still holding the handgun. Officer U was reminded that stepping on a Subject's limb can cause an officer to become off balance and may generally reflect unfavorably in the public's perception when doing so.

7. Exigent Warrantless Searches – The investigation revealed that officers under the supervision of Sergeant F entered the Subject's residence to search for additional victims and Subjects involved in the shooting incident. Based upon the officers' and supervisors' belief that there was possibly an injured victim inside and an exigent circumstance existed, the BOPC believed the entry and search was reasonable and met the legal standard of an exception to the search warrant requirement.

- **Command and Control**

In reviewing this incident, the BOPC acknowledged the rapidly unfolding and complexity of the events that transpired. While the BOPC did note multiple positive steps taken by individuals at scene, they were critical of the overall lack of assertive and proactive supervision, which could have reduced the number of shooters using lethal force.

The BOPC noted that all sergeants maintained their role as a supervisor and did not attempt to involve themselves directly in the application of force. It was noted that the sergeants maintained a supervisory role providing varied levels of direction to their subordinates instead of taking direct action themselves, thereby exercising some level of command and control. While this is within Department expectations, there were degrees of supervisory engagement, based on assignment and the traditional role of a supervisor, which was of concern to the BOPC.

Sergeant A arrived at the location in response to the radio call and was the first supervisor at scene. Sergeant A approached the primary officers and attempted to gain situational awareness by speaking with them. Sergeant A did not declare himself/herself as the Incident Commander (IC). Sergeant A continued to assess the deployed resources, walking back and forth between the several officers and instructed some officers to redeploy. After the second OIS, Sergeant A separated and monitored percipient witnesses at scene.

The BOPC was critical of Sergeant A's lack command and control over the scene, resulting in numerous officers deployed along the containment line and seven officers firing their weapons during the second OIS. The BOPC recognized the rapidly unfolding nature of the incident but determined that Sergeant A did not exert supervisory control over the incident which led to multiple officers in a position to deploy lethal force when the Subject pointed his weapon. The BOPC was critical of the lack of communication between Sergeant A and the officers who were deployed at the incident, as well as the minimal effort made to communicate with the Subject given the number of resources at the IC's disposal. Sergeant A spent a crucial amount of his/her time attempting to manipulate his/her handheld radio and establish communications with the Air Unit. The BOPC noted that multiple officers made statements that they were unaware or did not believe that a supervisor was present during the incident. The BOPC noted that while some officers assumed Sergeant A was the IC, there was uncertainty about who was in charge and that many of the officers were unaware that there was a supervisor at scene taking control. The BOPC did note that Sergeant A's actions after the second OIS to secure the crime scene were effective.

As a result, the BOPC determined that the lack of supervisory oversight exercised by Sergeant A immediately prior to the second OIS substantially deviated without justification from approved Department supervisory training, and thus warranted a Tactics finding of Administrative Disapproval.

- 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 areas identified 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.

The BOPC found Sergeant A's tactics to warrant a finding of Administrative Disapproval. The BOPC found Sergeants B and E's, along with Officers C, D, G, H, I, J, K, L, N, O, P, Q, T, and U's and tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer C, as he/she stopped his/her police vehicle, the Subject looked in the officers' direction, yelled something, raised his right hand and began shooting at them. Officer C was simultaneously attempting to put the police vehicle in park and exit his/her police vehicle when the officers started receiving rounds. Unable to place the vehicle in park, Officer C remained in the police vehicle and drew his/her service pistol.

According to Officer D, the Subject was standing behind a vehicle in the driveway, watching them and as the police vehicle came to a stop, the Subject raised a gun and started firing at them. Officer D exited the police vehicle and drew his/her service pistol.

According to Officer G, as they officers arrived at the location and parked the police vehicle, Officer G heard approximately three to four shots. Officer G exited his/her police vehicle, drew his/her service pistol, and attempted to locate the Subject while taking cover behind Officer D.

According to Officer H, as he/she and Officer G arrived at the location, Officer G stated, "They're shooting. They're shooting." Officer H heard at least one gunshot as he/she exited the police vehicle. Officer H drew his/her service pistol and pointed it in the general direction of the house where he/she believed the Subject to be located before taking cover.

According to Officer J, as his/her partner, Officer K, approached the location in their vehicle, Officer J could hear shots being fired. Officer J directed Officer K to stop the police vehicle, at which time, Officer J exited and located Officer C. Believing he/she was going to confront an active shooter; Officer J drew his/her service pistol as he/she approached and made contact with Officer C.

According to Officer J, after the second OIS, he/she holstered his/her service pistol and deployed a shotgun from Officer C's police vehicle. Officer J deployed the shotgun because he/she did not feel that his/her service pistol was the best weapon system after the second OIS.

According to Officer K, after the Air Unit broadcast that shots had been fired and an officer needed help, he/she exited his/her police vehicle, drew his/her service pistol and ran towards Officer C. Officer K could smell gun smoke as he/she approached Officer C, who told him/her to get back at which point, Officer K did his/her best to take cover behind an engine block of a parked car.

According to Officer I, he/she parked his/her police vehicle, exited and drew his/her service pistol. Officer I approached the officers, who were positioned behind a vehicle parked along the curb. Officer I drew his/her service pistol since it was a tactical situation where deadly force would be justified.

According to Officer L, as the officers were approaching, he/she heard the Air Unit broadcast a help call for shots fired. Officer L exited his/her police vehicle and retrieved his/her shotgun from the trunk of his/her police vehicle because he/she wasn't sure if a shotgun or a rifle was deployed. Officer L approached the passenger side of Officers C and D's police vehicle.

According to Officer N, he/she exited his/her police vehicle before he/she approached the passenger side of Officers C and D's police vehicle. Due to the nature of the radio call and that he/she felt the situation may escalate to the point where deadly force may be used, Officer N drew his/her service pistol.

According to Officer O, he/she exited his/her police vehicle, deployed his/her shotgun and approached the passenger side of Officers C and D's police vehicle. Officer O exhibited his/her shotgun because the Subject was armed with a handgun and due to the broadcast help call.

According to Officer P, as he/she and Officer Q responded to the help call, he/she knew that they were going to deploy their Patrol Rifles when he/she heard that the Subject was trying to hide behind his vehicle and take a position of advantage. When the officers exited their police vehicle, Officer P retrieved his/her Patrol Rifle because the Subject had already shot at officers and he/she knew the rifle round could penetrate through metal on the vehicle. Officer P observed an officer armed with a service pistol and asked him/her to relinquish his/her position at which time, Officer P took a position of advantage on the Subject, using the engine block of a vehicle as cover.

According to Officer Q, when he/she arrived, he/she deployed his/her patrol rifle because of the nature of this call, the fact that shots had already been fired, and

because he/she wanted to deploy a weapon system superior to what Subject may have had.

According to Officer U, as he/she exited his/her police vehicle, he/she retrieved his/her Patrol Rifle from the trunk before Officer U ran, taking a position of cover behind a vehicle parked along the curb. Officer U deployed his/her Patrol Rifle because the Subject had already fired at officers, and Officer U wanted to be out of the line of fire where he/she could safely return fire from a distance.

According to Officer T, he/she exited his/her police vehicle and followed Officer U. Officer T positioned himself/herself to the east of Officer U and drew his/her service pistol. Officer T drew his/her service pistol because the tactical situation could lead to deadly force based on the help call and the fact that shots had already been fired at the officers.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officers C, D, G, H, I, J, K, L, N, O, P, Q, T, and U's drawing and exhibiting of a firearm. The BOPC noted that the Subject's actions presented a potential deadly threat to the community and responding officers.

The BOPC conducted a diligent and individual assessment of each officer's articulation regarding their decision to use lethal force. The BOPC considered that Officers C and D responded to a radio call that indicated the Subject was armed with a handgun and upon their arrival, they immediately came under gunfire. Additionally, the officers who responded to the help call heard shots being fired or were made aware that the Subject was still armed with a handgun.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, D, G, H, I, J, K, L, N, O, P, Q, T, and U, 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 Officers C, D, G, H, I, J, K, L, N, O, P, Q, T, and U's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

FIRST OIS

- **Officer C** – (pistol, five rounds)

According to Officer C, the Subject produced a handgun, held it shoulder length, and fired. Officer C saw muzzle flash and debris in front of him/her and believed rounds were hitting his/her police vehicle. Officer C, in fear for his/her safety, returned fire, firing five rounds. Officer C continuously assessed after each round,

and saw the Subject was upright and that his/her hand was up. Officer C determined the Subject was no longer a threat when he/she lost sight of the Subject, so Officer C stopped firing and exited his/her police vehicle.

- **Officer D** – (pistol, five rounds)

According to Officer D, as he/she stepped out of the police vehicle, the Subject was shooting at the officers. Officer D believed he/she could be killed and fired four rounds from his/her service pistol at the Subject to stop the threat. Officer D conducted assessments as he/she was firing and stopped firing when the Subject was no longer visible.

SECOND OIS

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

According to Officer H, he/she believed that the Subject was looking at him/her. The Subject raised the handgun and pointed the muzzle towards Officer H and his/her fellow officers. Believing the Subject was about to shoot him/her or one of the officers, Officer H fired two rounds from his/her service pistol at the Subject to stop the threat. Officer H conducted assessments as he/she was firing and stopped firing when he/she observed that the Subject was not moving and bleeding.

- **Officer K** – (pistol, nine rounds)

Round One

According to Officer K, he/she observed the Subject holding a handgun while, in a tactical position on his stomach trying to conceal himself. Knowing that the Subject had engaged officers and tried to kill them, Officer K believed that Subject was assessing and looking for a target. Officer K observed the Subject point the handgun in his/her direction. Believing that the Subject was going to take a shot at him/her, Officer K fired one round from his/her service pistol at the Subject to stop the threat.

Rounds Two through Nine

According to Officer K, after firing his/her first round, he/she heard numerous gunshots and believed that he/she was being engaged by the Subject. Officer K fired additional rounds from his/her service pistol at the Subject. Officer K conducted an assessment and observed the Subject still facing towards officers with his/her handgun raised up in their direction. Officer K continued to fire additional rounds from his/her service pistol at the Subject until he/she observed the Subject's face was slumped down.

- **Officer I** – (pistol, four rounds)

Round One

According to Officer I, he/she observed the Subject laying on the floor holding a handgun with his right hand extended out. Officer I observed the Subject moving the handgun and looking at him/her. The Subject twisted his hand in an upward position as he lifted the handgun and pointed it at Officer I. In fear that the Subject was going to shoot him/her, Officer I squeezed up against the car to take cover and fired one round from his/her service pistol at the Subject to stop the threat.

Rounds Two through Four

According to Officer I, he/she conducted an assessment after firing the first round and observed a muzzle flash coming from the Subject's direction. Officer I fired his/her service pistol at the Subject to stop the threat before conducting an assessment. Officer I did not see much movement from the Subject, who was facing down not moving and believed he was no longer a threat.

- **Officer L** – (shotgun, one round)

According to Officer L, he/she observed the Subject point a silver gun in his/her direction. Believing that the Subject was going to kill him/her, Officer L fired one round from his/her shotgun at the Subject to stop the threat. Officer L conducted an assessment after firing the first round and felt there was no need to fire a second round.

- **Officer O** – (shotgun, one round)

According to Officer O, he/she observed the Subject with a silver semi-automatic pistol in his right hand. The Subject pointed the handgun in Officer O's direction, and he/she heard shots. Believing that the Subject was firing at him/her, Officer O, in fear for his/her life, fired one round from his/her shotgun at the Subject to stop the threat. After firing the first round, Officer O took cover to chamber the next round. When Officer O stood back up and conducted an assessment, he/she observed that the Subject appeared to be hit.

- **Officer P** – (rifle, four rounds)

According to Officer P, he/she was continuously watching the Subject's actions and heard a shot. Knowing that the Subject had already shot at officers and believing that the Subject was trying to kill one of the officers to his/her right or himself/herself, Officer P fired two rounds from his/her Patrol Rifle at the Subject to stop the threat. After firing the first two rounds, Officer P conducted an assessment and observed movement from the Subject. Believing that the Subject was trying to acquire a position of advantage to reposition and fire at the officers, Officer P fired two more rounds from his/her patrol rifle at the Subject to stop the threat. Officer P

assessed and stopped firing when he/she felt that the Subject was no longer a threat.

- **Officer U** – (rifle, 15 rounds)

Rounds One through Thirteen

According to Officer U, he/she observed the Subject in a prone position, underneath a vehicle in the driveway, low crawling, while holding a handgun in his/her right hand. The Subject looked like he was trying to find a target or officers to shoot when Officer U observed the Subject extend his arm out and fire a round at officers. Officer U fired between 10 to 15 rounds from his/her Patrol Rifle at the Subject to stop the threat. Officer U paused and continuously looked through his/her sights while conducting an assessment.

Rounds Fourteen and Fifteen

According to Officer U, he/she paused and continuously looked through his/her sights conducting an assessment. Officer U still heard shots and observed the Subject with his head to the side, attempting to acquire another target. Officer U fired two additional rounds at the Subject to stop the threat. Officer U conducted an assessment and observed that the Subject was no longer moving.

In this case, the BOPC conducted a thorough review of the investigation. During their review, they took into consideration that the Subject was armed and began the encounter with the first two responding police officers by attempting to murder them. The Subject fired his handgun at Officers C and D as they approached the location, striking their police vehicle.

Additionally, the Subject subsequently took a position of advantage by concealing herself behind the open driver's door of his vehicle in a prone position while still holding a handgun. The incident rapidly escalated due to the Subject's actions. The BOPC considered the minimal amount of time the officers had to make decisions, the training and experience possessed by the officers and the imminent threat posed by the Subject to the officers and the community. The BOPC noted the lighting at scene and the position of the Subject, along with the officers' position, in their evaluation.

The BOPC noted that each officer articulated their perception of an immediate threat, when the Subject, armed with a handgun, pointed it in the direction of the officers. Each of the officers specifically articulated their reasons for the use of lethal force which was to defend themselves and the other officers at scene. The BOPC also considered that each of the officers conducted assessments of the rounds fired and their effectiveness.

The BOPC took into consideration that Officer P's vantage point allowed him/her to be in a position to see the Subject's handgun and that it was reasonable for Officer P to perceive that it was being pointed at the officers on the curb. Officer P's Patrol Rifle had a magnified optic sight mounted on it, allowing him/her to have a magnified view of the incident. Additionally, Officer P articulation was reasonable given the circumstances as he/she perceived them and based on information from the subsequent investigation.

The BOPC noted that, based on his/her positioning, Officer U had an optimal angle and line of sight of the Subject. Officer U had the ability to observe the Subject's actions through his/her Patrol Rifle mounted optic that provided magnification. The BOPC noted that Officer U continued to observe the handgun in the Subject's hand and continued to fire to stop the threat. During the Use of Force Review Board, the Department's Subject Matter Expert for the Patrol Rifle Program presented that during Patrol Rifle training, officers are trained to fire during various drills and shooting sequences. The training includes a sequence of four rounds fired to the body section of a target, with continuous assessment, and a change of target location to the head to simulate that the rounds were ineffective in stopping a deadly threat. Other drills with assessments between rounds are also trained. Officer U articulated that in his/her assessment, looking through the optic, he/she perceived an imminent threat to the officers positioned directly south of the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, D, H, I, K, L, O, P, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer U (Rounds 1-4) would reasonably believe Subject's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer U, when firing rounds 5-15, would have exercised greater fire control and conducted a continuous assessment while discharging his/her Patrol Rifle to determine if the Subject's actions still presented an imminent threat of death or serious bodily injury. As such, Officer U's lethal use of force (Rounds 5-15) would not be objectively reasonable.

Therefore, the BOPC found Officers U (Rounds 1-4), and Officers C, D, H, I, K, L, O, and P's lethal use of force to be In Policy.

In addition, the BOPC found Officer U's lethal use of force (Rounds 5-15) to be Out of Policy.