

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

OFFICER-INVOLVED SHOOTING – 023-18

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

Topanga 4/9/18

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

Officer B 3 years, 4 months
Officer C 3 years, 4 months

Reason for Police Contact

Topanga Patrol Division officers attempted to conduct a traffic stop on the driver of a stolen vehicle. The Subject led officers in a vehicle pursuit followed by a foot pursuit. The Subject produced a handgun and fired at the officers, resulting in an Officer-Involved Shooting (OIS).

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

Subject: Male, 29 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 March 5, 2019.

Incident Summary

Patrol Division uniformed Police Officer A advised Communications Division (CD) that he/she had received a LoJack Stolen Vehicle Recovery System alert. The stolen vehicle had been reported stolen approximately 36 minutes earlier.

In response to Officer A's broadcast, Patrol Division uniformed Police Officers B (driver) and C (passenger) and Sergeant A responded to the area and began looking for the vehicle.

Unless otherwise noted all broadcasts were made over Topanga Base Frequency.

Sergeant A broadcast that the stolen vehicle was possibly "cold plated" and that Sergeant A had lost sight of it in a business parking lot. Approximately a minute later, Officer A observed the vehicle and broadcast a request for a backup unit, an Air Unit, and a supervisor. Officer A broadcast that the license plate on the vehicle and that he/she was following the vehicle. Additionally, Officer A broadcast that the vehicle contained a single male occupant (the Subject) with a shaved head. Sergeant A joined the other police vehicles (referred to as a "following") moments later and declared him/herself the Incident Commander (IC).

As Officers B and C arrived behind Officer A's vehicle, they advised CD and then took over as the primary unit in the following. While the Subject prepared to make a left turn, Officers B and C observed the Subject furtively reaching toward the passenger side of the vehicle.

On Officer B's Body Worn Video (BWV), he/she can be heard telling Officer C, "[the Subject] is reaching for stuff" and advised Officer C to broadcast that information. As they continued driving, Officer C attempted to broadcast a request for an additional unit because of the Subject's furtive movements.

The attempted broadcast was captured on Officer C's BWV; however, the transmission was not received because other broadcasts were occurring at the time.

Officer C broadcast that they were driving, and Air Support Division (ASD) Police Officer D, Tactical Flight Officer (TFO), and Police Officer E (pilot), broadcast that they were over the following. Sergeant A requested a second police vehicle to take over as secondary in the following. Moments later, Topanga Patrol Division uniformed Police Officers F and G joined the following as the secondary unit.

With resources now in place, Officer C broadcast that they were going to attempt to make a high risk stop once the Subject turned. As the Subject turned, Officer B activated his/her vehicle's emergency lights and siren to conduct the stop. Officer A remained present in the area. The Subject failed to yield and accelerated as he/she continued driving. Officer C broadcast that they were in pursuit. Moments later, Sergeant A directed the officers via radio to initiate tracking.

A Vehicle Pursuit Report was completed in relation to this incident. On October 28, 2018, the pursuit was classified as In Policy-No Action.

The pursuit continued for a short period, until the Subject was observed abandoning his vehicle in an alley and hid in vegetation on the side of the alley, while his stolen vehicle continued to roll across the street. Tactical Flight Officer D broadcast that the Subject was a male and provided a description. Tactical Flight Officer D then started to assist officers with setting up a perimeter.

After traveling approximately half a block, Officer B made a U-turn and observed an unidentified male stopped in his vehicle pointing toward the mouth of the alley. Officer B drove back to the mouth of the alley. Officers B and C observed the Subject approximately 15 feet away in a crouched position, hiding in vegetation on the side of the alley. On Officer B's BWV, he/she can be heard stating to Officer C, "Oh he is right here, he is right here." The Subject matched the description as described by the Air Unit and was holding a black and red soft-sided cooler in front of him. The Subject looked in the officers' direction and ran into the alley. Upon exiting their vehicle, Officer B yelled, "Hey come here, come here." Despite those commands, the Subject continued running and then turned in the alley. Officer C issued similar commands.

The officers perceived the cooler to be a gym style bag. The cooler is hereafter referred to as a bag.

Officers B and C went in foot pursuit of the Subject and chased him in the alley with Officer C in the lead and Officer B positioned a few feet behind and to the right of Officer C. As the officers pursued the Subject on foot, they shouted commands in an effort to get the Subject to stop running. The officers heard the Subject say, "No," in response to their orders. Officer C stated he/she was trying to de-escalate the situation by giving the Subject various commands and that this has worked in prior foot pursuits.

As the officers continued in the alley, they remained in close proximity and offset from each other. Officer C indicated that they were in apprehension mode and that he/she assumed the role of the contact officer. Officer C explained that if the officers had lost sight of the Subject, or if he had jumped a wall or a fence, they would have transitioned to containment mode. Officer C said that they remained in apprehension mode, because they were close enough to apprehend the Subject and backup was coming.

Officer C stated that if he/she had known the Subject was armed with a firearm, Officer C would have backed off, communicated with his/her partner, and set up a perimeter for containment. Officer B also advised that if he/she had known the Subject was armed, he/she would not have chased the Subject, and would have set up a perimeter and had the Air Unit track his movement.

Tactical Flight Officer D broadcast that the Subject had his hands in his waistband and to use caution.

Officers B and C reported hearing TFO D's broadcast. Officer C believed the Air Unit advised "Watch out, guys. He's reaching for something in the bag."

As the Subject fled to the alley, he held his bag in front of him, with the strap over his left shoulder. Officer C observed the Subject look over his left and right shoulder as he ran, which caused Officer C to believe that the Subject was attempting to ascertain the officers' location. Officers B and C observed the Subject reaching into the bag. On his/her BWV, Officer C was heard communicating to Officer B, "He is going to try grab for something." Officer B acknowledged hearing this communication.

As they reached one end of the alley, the Subject slowed his pace and the officers closed the distance. Officer C stated he/she did not know why the Subject had slowed down or what he was attempting to pull out of the bag. Officer C estimated he/she came within 5-8 feet of the Subject. The Subject pulled out a stainless steel 38 caliber revolver from the bag, turned to his left and faced the officers. The Subject held the revolver with a two-handed grip, pointed it in the officers' direction, and fired.

Officers B and C immediately unholstered their pistols. Officer C indicated that he/she dropped to the ground to avoid being struck by gunfire. Officer B also fell and at the time of the incident believed it was as a result of tripping, but later attributed it to being shot in the leg. As the officers returned fire, the Subject initially fell to the ground and then rose to a seated position and again pointed his revolver at them. During the OIS, the Subject rose to his hands and knees and attempted to get up while still holding his weapon. As the officers continued to engage the Subject, he lost control of the revolver and collapsed to the ground.

Below is an account of each officer's specific actions during the OIS and their reasoning for the Use of Deadly Force. It does not represent the sequence in which the officers discharged their weapons:

Officer C stated that when he/she was approximately 5-8 feet from the Subject, he/she observed the Subject pull an object from the bag that he/she did not immediately identify. When the Subject turned, Officer C observed the barrel of a revolver pointed at his/her face. Officer C stated that he/she remembered being shot at. Officer C stated he/she unholstered while standing, because Officer C believed the Subject's actions posed an immediate deadly threat. To avoid being shot, Officer C slid feet first onto the ground and landed on his/her right elbow and side. Officer C heard the Subject continue to fire and rolled from his/her right to his/her left side.

A review of Officer C's BWV determined that immediately after sliding to the ground and while on his/her right side, he/she held his/her pistol in his/her right hand with his/her index finger on the trigger. The slide of his/her pistol was in the rearward position. It could not be determined if the slide position was a result of Officer C firing his/her pistol or due to another unknown factor.

While on his/her left side, Officer C observed the Subject pointing the revolver at Officer B. With a two-handed grip, Officer C attempted to fire his/her pistol at the Subject. When it failed to fire, Officer C retracted the slide with his/her left hand, again assumed a two-handed grip, and fired at the Subject from an approximate distance of 33 feet.

Officer C did not have an independent recollection of retracting his/her slide prior to firing from his/her left side. Officer C did not know if he/she fired a round prior to his/her slide moving out of battery or what may have caused that to have occurred. Officer C's pistol held one round in the chamber and 17 rounds in the magazine. Seventeen expended cartridge cases recovered at the scene were identified as being fired from his/her pistol. One live 9mm cartridge was recovered adjacent to Officer C's firing position. It was not determined at what point the live round was ejected from Officer C's pistol.

Officer C transitioned from his/her left side to a seated position with his/her feet extended in front of him/her and continued to fire at the Subject. A review of the officers' BWV determined that after going to the ground, the Subject transitioned to a seated position, while pointing the revolver at the officers with a two-handed grip. While holding the revolver in his right hand, the Subject turned to his left and attempted to stand. As the officers continued to fire, the Subject again fell to his hands and knees with the revolver in his right hand. The Subject then fell forward onto his chest and lost control of his revolver, causing it to fall to the ground and land several feet from his body. The Subject placed his arms under him and pushed his upper body up from the ground before again falling to his chest and bringing his arms under him.

Officer C fired his/her last round and his/her pistol went into slide lock. Officer C fired a total of 17 rounds in rapid succession. Officer C believed the Subject fired 2-6 rounds at the officers during the OIS.

Officer C believed the Subject was still holding the pistol in his right hand when he/she fired his/her last round. Officer C believed that the rounds that he/she was shooting at the Subject had no effect until the last round. According to Officer C, that's when the Subject stopped moving and still had direct possession of the firearm. Officer C believed that between all the rounds he/she fired, the Subject was still trying to shoot at him/her and Officer B.

Officer B observed the Subject reaching in the bag and turning to his left, while punching out with the revolver. Officer B observed the Subject fire at Officer C and saw his/her partner go down. Officer B feared that his/her partner had been killed and unholstered his/her pistol, while stepping to his/her right to keep the Subject from pin pointing his/her location. Officer B stated that as the Subject pointed the revolver at him/her and began to fire, Officer B was struck in the left leg, fell to the ground, and onto his/her back.

Simultaneously, the Subject also went to the ground and landed on his back with his feet stretched toward the officers. The Subject immediately sat up and again pointed the revolver at the officers.

Officer B assumed a seated position with his/her legs extended in front of him/her toward the Subject. While using a two-handed grip, Officer B began firing at the Subject's center body mass from an approximate distance of 39 feet. Officer B continued to assess and fire as the Subject got to his hands and knees. Officer B stated that although he/she no longer observed the Subject pointing the revolver at him/her, Officer B believed if the Subject were allowed to get up, he would continue to shoot at the officers. Officer B indicated he/she stopped firing when he/she observed the Subject no longer moving and noticed that the revolver was lying on the ground approximately two arm lengths away from the Subject. The investigation determined that Officer B fired a total of nine rounds

Pilot Officer E handled broadcasts from the Air Unit for the remainder of the incident. Pilot Officer E requested two Rescue Ambulance (RA) units, one for the Subject and one for Officer B. Officer E then directed additional units to the officers' location in the alley.

After the officers fired their final rounds, the Subject laid motionless in a face down position, with the revolver located approximately three feet away from him. As the officers stood up, Officer B felt pain in his/her left knee and communicated to Officer C that he/she had been shot. Officer B attempted to broadcast, "shots fired, officer needs help." The broadcast could be heard on Officer B's BWV; however, it did not go out over Topanga Base Frequency due to a simultaneous broadcast from CD.

Officer C moved toward Officer B, ejected his/her empty magazine, and conducted an out of battery speed reload. As the officers walked toward the Subject, Officer B ejected his/her magazine that possessed eight live cartridges and conducted an in-battery speed reload. Officer B believed the Subject was deceased and used non-verbal communication with a head nod to indicate that Officer C should handcuff him. Officer C stated that based on prior conversations, he/she (Officer C) knew it was his/her responsibility as the passenger officer to handcuff the Subject. Upon reaching the Subject, Officer C holstered his/her pistol, placed his/her left knee on the Subject's buttocks, and handcuffed the Subject, while Officer B provided cover with his/her pistol held in a low-ready position.

Patrol Division uniformed Police Officer H witnessed the OIS. Officer H stated that he/she monitored the tracking of the Subject on his/her radio and traveled through the alley. As Officer H passed the alley, he/she observed a person at one end of the alley matching the Subject description. Officer H drove in the alley at an approximate speed of 40 miles per hour.

Officer H did not have his/her DICVS or BWV activated as he/she traveled in the alley. When interviewed by investigators, Officer H relayed mistaken observations as

determined by a review of Officers B and C's BWV. Officer H stated that when he/she first observed the officers, he/she believed they were close to the Subject in the alley, and he/she did not perceive that they were in foot pursuit. Officer H believed the officers moved around the Subject with their guns unholstered. Officer H observed the Subject turn to his left with his hands down by his stomach area and saw the Subject and the officers go down with puffs of white smoke between their positions. Officer H attributed the smoke to gunfire, but he/she did not hear shots being fired. Officer H stated that prior to the OIS, he/she observed the Subject with a backpack, but at the time of the OIS, Officer H did not see a weapon in the Subject's hand or hear him fire. Officer H estimated the shooting stopped approximately two to three seconds before the Subject came to a complete stop near the officers.

Sergeant A stated that during the foot pursuit, he/she drove to possibly assist in setting a perimeter or direct a use of force if one occurred. Sergeant A heard five to six gunshots and stopped close to the alley to avoid a crossfire. Sergeant A conducted a quick peak prior to entering the alley and observed the Subject down with Officers B and C covering him. It appeared to Sergeant A that the Subject was deceased. Upon learning that Officer B had been shot in the leg, Sergeant A instructed Officer C to take him/her to Officer H's vehicle, which was in the alley close to their location.

At the vehicle, Officer C placed his/her hobble on Officer B's left thigh and used it as a tourniquet, prior to Officer B sitting in the front passenger seat of the vehicle. While waiting for paramedics, Officer C flushed Officer B's gunshot wound with water, so the responding paramedics could better assess the wound. Upon doing so, Officer C observed a bullet fragment lodged in Officer B's knee.

When interviewed by investigators, Officer B indicated he/she did not observe a fragment or foreign body in his/her knee, and he/she was not aware of any item being removed from his/her knee by rescue personnel or hospital staff.

Officer H began to drive Officer B in the alley to meet the responding RA unit, but Sergeant A advised him/her to stop and remain in the alley. Officer H then backed up a short distance, stopping his/her vehicle close to its original location over some of the officers' expended cartridge cases.

Sergeant A stated that because Officer B had been shot, Officer B's medical attention was his/her primary concern, and Sergeant A did not instruct the officers not to discuss the incident. At Sergeant A's direction, Officer I guarded the revolver that was on the ground next to the Subject.

While waiting for the RA to respond, Officers C and H attended to Officer B. Sergeant A intermittently checked on the condition of the officers and inquired as to the status of the RA, while simultaneously directing officers to set up the crime scene.

Officer H indicated he/she asked Officer B questions to keep Officer B talking and to keep his/her mind preoccupied. Officers B, C, and H discussed portions of the OIS from

each of their perspectives. The discussion was recorded on their BWVs and the statements made were consistent with their investigative interviews. Additionally, prior to being monitored, Officer H marked the location of expended cartridge cases in the alley with field interview cards, and Officer C pointed out the location of expended casings and their ejected pistol magazines on the ground. A review of the officers' BWV determined the evidence was not moved or manipulated.

Los Angeles Fire Department personnel were dispatched to the scene of the OIS. Paramedics began treating Officer B for the gunshot wound to his/her left knee area.

While Officer B was being placed on the gurney, Officer B's equipment belt was removed at LAFD's request. The equipment was not altered and was placed in the trunk of Officer H's vehicle, where it was later recovered by investigators. Officer B was transported to nearby hospital where he/she was treated and admitted.

Topanga Area Detective A responded to the scene of the OIS and was directed by Topanga Area Lieutenant A to accompany Officer B in the RA to the hospital. Officer B was not separated, monitored, ordered not to discuss the incident, or to provide a Public Safety Statement (PSS) prior to his/her transport to the hospital.

LAFD began a life status assessment on the Subject and found him unresponsive and suffering from a gunshot wound to the head. The Subject displayed no signs of life and was determined to be deceased.

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

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers B and C'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 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 suspect 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 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

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

1. Apprehension vs. Containment Mode

Containment of an armed suspect demands optimal situational awareness. The ability to maintain a tactical advantage is determined by an officer's ability to effectively communicate and continually assess a tactical situation, thus ensuring a coordinated effort and successful resolution.

In this case, Officers B and C were in apprehension mode of a suspect wanted for vehicle theft. There was no information broadcast or observed prior to the foot pursuit that would have led an officer of similar training and experience to identify that the Subject was armed. The BOPC did note that once the foot pursuit continued, the Subject was seen repeatedly reaching into a bag, and the officers did not fully recognize the cues that the Subject was possibly arming himself with a weapon.

The BOPC opined that it would have been preferable for Officers B and C to discontinue pursuing the Subject and set up containment when they observed him reaching into the bag. Though the officers were operating within Department policy, they did not perceive the Subject's actions as attempts to arm himself, and therefore, did not transition into containment mode. The BOPC considered the officers' lack of tenure and experience and determined that their actions were reasonable.

Based on the totality of the circumstances, the BOPC determined that Officers B and C's actions were reasonable and did not substantially deviate from approved Department tactical training.

- The BOPC also noted the following:

1. In-Battery Speed Reload

The investigation revealed that Officer B conducted an In-Battery speed reload following the OIS, discarding a magazine that contained eight live rounds. Officer B was reminded of the importance of retaining magazines containing significant numbers of cartridges during a tactical situation.

2. Bloodborne Pathogens

The investigation revealed that Officer C did not don protective gloves prior to handcuffing the Subject and was exposed to the Subject's blood.

These topics were to be discussed at the Tactical Debrief.

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

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

The BOPC found Officers B and C's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer B, he/she observed the Subject retrieve a silver revolver from the bag, spin to his left, and obtain a two-handed shooting grip. The Subject then fired a shot in Officer C's direction. Fearing that both Officers B and C would be shot, Officer B offset to his/her right side, fell to the ground, and simultaneously drew his/her service pistol.

According to Officer C, the Subject was approximately five to eight feet ahead of him/her when the Subject began slowing down. Officer C observed the Subject pull something out of the bag and turn towards Officer C, revealing the barrel of the gun. The Subject then took a shooting stance and shot the firearm towards Officer C.

Officer C observed smoke from the barrel of the gun. Fearing for his/her life, Officer C drew his/her service pistol and slid to the ground, to avoid getting shot in the face.

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

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

C. Lethal Use of Force

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

According to Officer B, as he/she fell onto his/her back, he/she observed the Subject collapsing onto the ground. Officer B maintained his/her service pistol in his/her right hand as he/she braced his/her fall with his/her left hand. Officer B then took a seated position and observed the Subject sitting up and pointing the weapon at him/her with a two-handed grip. Believing that the Subject had just killed Officer C, and that Officer B was also about to be shot, Officer B fired nine rounds from his/her service pistol at the Subject to stop the lethal threat.

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

According to Officer C, as he/she obtained a clear picture of the Subject from his/her side prone position on the ground, Officer C could hear the Subject shooting and observed the Subject pointing the handgun at Officer B. Fearing for Officer B's life, as well as for his/her own, Officer C fired seventeen rounds from his/her service pistol at the Subject to stop the lethal threat.

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

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