

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

**OFFICER-INVOLVED SHOOTING – 039-13**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off (X)</b>	<b>Uniform-Yes ( ) No (X)</b>
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Central	05/01/13		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Detective A	14 years, 10 months
Officer C	9 years, 10 months
Officer D	15 years, 8 months

**Reason for Police Contact**

Officers on their way to work observed multiple people fleeing from a convenience store where the Subject was threatening people with a revolver and shooting inside the location. Officers heard the shots being fired from the street, confronted the Subject and an officer-involved shooting (OIS) subsequently occurred.

<b>Subject</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 55 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 suspect 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.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on March 25, 2014.

## **Incident Summary**

The Subject, a male, 55 years of age, entered a local convenience store and confronted an unidentified male customer inside the store. After a brief verbal exchange, the Subject pulled a revolver from his clothing and pointed it at the unidentified male customer.

**Note:** The incident was captured on the store video surveillance system. Witness A was standing outside the market when the Subject confronted the male. According to Witness A, he had known the Subject since childhood and knew that the dispute between the Subject and the other male was related to the other male having stolen money from the Subject the previous day. No Investigative Report documenting the Subject as a crime victim for that incident was found.

During this time, Detective A was driving a black Sports Utility Vehicle (SUV) to report for duty at a local police station. Detective A stopped his vehicle at a red light in the far left lane in front of the convenience store. Detective A was attired in plain clothes, with his badge concealed inside his front pants pocket. His service pistol was carried in a holster on his right hip.

**Note:** Detective A was not wearing a ballistic vest, or any additional police equipment, as he was traveling to the police station to start his scheduled watch assignment for the day.

Sergeant A and Police Officers A and B, who were part of a federal task force, were driving in a black minivan and were stopped directly behind Detective A's vehicle.<sup>1</sup>

Witnesses B and C, driving in a grey sedan vehicle, were stopped directly behind the minivan containing Sergeant A and Officers A and B.

Metropolitan Division Mounted Unit Police Officers C and D, driving a silver vehicle, were stopped behind the sedan containing Witnesses B and C. The officers were waiting to make a left turn en route to the police station. The officers were attired in plain clothes. Officer C's pistol and badge were concealed by his clothing. Officer D's badge was affixed to his uniform shirt hanging in the rear seat area, and his pistol was inside a holster wedged between the front seats of the vehicle. Officer D was the driver and Officer C was the passenger. All of the windows of the vehicle were completely closed.

**Note:** Officers C and D were not wearing ballistic vests, or any additional police equipment, as they were traveling to the police station to start their scheduled watch assignment for the day.

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<sup>1</sup> The officers were attired in plain clothes and were en route to the station to deliver a case file.

Detective A observed numerous unidentified people running out of the front entrance of the convenience store. The people appeared scared and ducked down for their safety as they exited the store. Detective A allowed his vehicle to roll forward slowly toward the intersection and rolled down his driver's side window to get a clearer view inside the market.

The glass front doors of the market were completely propped open, which allowed an unobstructed line of sight into the market.

Detective A heard an unknown number of muffled popping sounds he believed were gunshots emanating from inside the market.

Detective A observed the left side of the Subject's body, wearing a grey-colored shirt, as he stood inside the market. The Subject held a blue-steel revolver with both hands, pointed in a southeasterly direction inside the market as Detective A heard the popping sounds. The Subject stood approximately 7 feet from the front entrance, and appeared to utilize a display case for cover and a shooting platform.

**Note:** Detective A was unsure if the Subject fired his revolver, or if someone else had fired a weapon inside the store. The investigation revealed the Subject fired two rounds at the unknown male he confronted inside the store.

Detective A believed the Subject was shooting at a person or persons inside the store and feared they could be killed. Detective A, while still seated in his vehicle, unholstered his service pistol from the holster on his right hip. In the immediate defense of the patron(s) lives, Detective A twisted his upper torso to the left, utilized a two-handed shooting grip, and fired approximately six to seven rounds at the Subject through the open window of the driver's door from a distance of approximately 29 feet.

**Note:** Detective A believed his foot was on the brake pedal as he shot at the Subject. Detective A did not identify himself as a police officer prior to firing at the Subject due to the rapid sequence of events.

Detective A observed the Subject cringe and appear as if he had been struck by the gunfire. The Subject backed out of the store exposing his left side while turning and partially facing Detective A. Detective A believed he then opened the driver's door with his left hand, as he placed the transmission into park with his right hand while holding his pistol. Detective A exited the vehicle for a tactical advantage, fearing the Subject would approach him while he was still seated inside.

Detective A observed the Subject turn his torso to the left and point the handgun at him in his right hand. Detective A feared the Subject was acquiring him as a target to shoot him. Detective A, in defense of his life, utilized either a one or two-handed shooting grip and fired approximately two to three additional rounds at the Subject from a distance of approximately 17 feet.

**Note:** The investigation revealed Detective A fired a total of ten rounds. Detective A, however, was uncertain if he was standing outside his vehicle when he fired his pistol. Detective A believed he may have held his pistol in his right hand and fired through the open window, or fired as he opened the driver's door while exiting the vehicle.

Video footage from a convenience store surveillance camera pointed toward the corner depicts Detective A firing all of his rounds while seated inside his vehicle.

Sergeant A and Officers A and B observed people exiting the market in a panicked state and Detective A firing his pistol from inside his vehicle. Almost immediately, Sergeant A heard more shots being fired from behind him and ordered the driver, Officer A, to drive their vehicle immediately out of the area to avoid being in a crossfire.

**Note:** Sergeant A knows Detective A personally and recognized him as a Department employee; however, he was concerned that if the officers exited their vehicle attired in plainclothes and without police identification, Detective A might have perceived them as a threat.

Sergeant A did not see who was shooting behind him.

Officer A drove around the right side of Detective A's vehicle, made a left turn, and parked the vehicle near the rear entrance of the police station.

**Note:** After the shooting had ceased, Sergeant A and Officers A and B returned to the scene to assist officers in protecting and securing the crime scene.

Officers C and D heard approximately 12 gunshots rapidly fired in two separate volleys, and believed at least two different weapons were being fired. Officers C and D observed glass shattering from the window of the market and believed the gunshots were coming from the market. Both officers communicated with each other that shots were being fired and they needed to exit their vehicle. Officer D believed there were at least two shooters, possibly firing at each other. Officer C told Officer D he believed they were being fired upon. Officer C observed the Subject running quickly toward them with a handgun in his hand. Officer C shouted "gun" several times, and believed Officer D also observed the Subject armed with a handgun.

Officer D removed his service pistol from his holster wedged between the front seats of the vehicle in response to the shots fired as he exited from the driver's side door. Officer C unholstered his pistol in response to observing the Subject being armed as he exited from the passenger side door.

According to Officer D, as he stood by the open driver's side door, he observed numerous people running toward them and told Officer C to look for a suspect. While holding his pistol in a two-handed low-ready position, Officer D observed the Subject running toward him holding a gun in his right hand with the muzzle pointed in an easterly direction.

The Subject turned his head and looked in the officers' direction. The Subject then turned his upper torso to the left toward Officer D, pointing the muzzle of the gun in his direction. Officer D, fearing for his life and that the Subject was about to shoot him, utilized a two-handed shooting stance at the edge of the open driver's door and fired approximately two to three rounds at the Subject from a distance of approximately 13 feet.

Officer D observed the Subject continue to run down the sidewalk holding the gun, and observed several unidentified people running directly in front of the Subject. Officer D heard people screaming and yelling and observed bodies lying on the ground, leading him to believe that the Subject had already shot someone. Officer D feared the Subject was about to shoot a person running in front of him.

Officer D, in defense of life, fired approximately three to four additional rounds at the Subject from a distance of approximately 19 feet. As he fired, Officer D turned his torso toward the Subject to track him as he ran. According to Officer D, the Subject ran approximately 15 feet and then fell to the sidewalk. After firing his last round, Officer D redeployed from the driver's side to the passenger side of the vehicle by moving around the front of the vehicle.

**Note:** Officer D fired a total of six rounds. According to Officer D, he did not have time to identify himself as a police officer. Officer D did not hear Officer C firing his pistol until after his final shots were fired.

After firing his last rounds at the Subject, Detective A retrieved his police radio from inside his vehicle. Detective A broadcast a "Shots Fired, Officer Needs Help" call and his location on the police radio. He heard several gunshots; however, Detective A did not fire additional rounds at the Subject because there were a large number of people in his background. Detective A moved to the rear of his vehicle to maintain visual contact of the Subject as he ran east on the sidewalk.

**Note:** According to Detective A, he moved to the front driver's side of the minivan behind him for cover as he monitored the Subject running east on the sidewalk. Sergeant A stated that they drove away from the scene as Detective A was firing his pistol from inside his vehicle.

Video footage from the convenience store showed the minivan driving away from the scene approximately 12 seconds after Detective A stopped firing his pistol, and was not available for cover as Detective A believed.

According to Officer C, as he exited the vehicle, he immediately identified himself as a police officer and ordered the Subject several times to drop the gun. The Subject continued to approach the officers on the sidewalk at a quick pace.

**Note:** Officer C believed Officer D also gave orders to the Subject at the same time, but he did not know what Officer D said. Officer D stated he never gave orders to the Subject until after the OIS when the Subject was lying face down on the sidewalk.

As Officer C stood by the passenger door, he did not have a clear view of the Subject because Officer D was blocking his view and was in his line of fire.

**Note:** Officer C believed that Officer D moved from the driver side door around the front of the vehicle to the passenger side for cover. Officer D stated that he did not move around to the passenger side until he had fired his last rounds and the Subject had fallen to the ground.

Officer C started to move toward the trunk area of the police vehicle to make space for Officer D's redeployment. As Officer C moved to the trunk area he heard gunshots and believed that the Subject was shooting at them. When he reached the trunk area, Officer C saw the Subject holding a black revolver in his right hand and was pointing the handgun at him and Officer D. The Subject was positioned directly south of Officer C on the sidewalk.

In defense of their lives, Officer C fired a short volley of rounds at the Subject as he still held the gun in his right hand pointed in their direction. Officer C held his pistol in a two-handed shooting stance and fired the rounds at the Subject from a distance of approximately 19 feet.

Officer C stopped shooting and quickly assessed as the Subject continued to move east on the sidewalk. The Subject went down to his knees and continued to point the revolver at the officers with his right arm positioned across his chest. Officer C continued to hear gunshots and believed the Subject was still shooting at them.

In defense of their lives, Officer C fired another short volley of rounds at the Subject while holding his pistol in a two-handed shooting stance from a distance of approximately 27 feet. Officer C fired a total of seven rounds at the Subject.

According to Officer C, when the Subject stopped moving, he or Officer D ordered the Subject to drop the gun, but the Subject failed to comply and fell forward on top of the gun.<sup>2</sup>

**Note:** Officer C saw the Subject fall to a prone position with both hands tucked under his body. Officer D saw the Subject fall to a prone position with his right arm tucked under his body with the handgun.

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<sup>2</sup> Detective A did not observe Officers C and D firing at the Subject.

Neither officer was aware that the revolver fell from the Subject's possession and slid on the sidewalk where it came to rest approximately 20 feet away from the Subject's body and in front of a hotel.

Officer D ordered the Subject to move his arms out to the side, but the Subject did not respond to the command.

Detective A, who was at his vehicle, holstered his pistol, broadcast his location and an "OIS, Robbery in Progress" call on the radio.

**Note:** Witness D believed Officers C and D fired shots at the Subject as he was lying on the sidewalk. Officer D stated the Subject was standing as he fired his last rounds before falling to the sidewalk. Officer C stated the Subject was on his knees in an upright position as he fired his last rounds before falling forward. Officers C and D were re-interviewed regarding this issue and neither officer believed they shot Subject while he was lying on the sidewalk.

The Autopsy Report indicated three of the ten gunshot wounds to the Subject's body had downward trajectories.

**Note:** The Coroner's autopsy examination identified two gunshot wounds with back-to-front and upward trajectories. Given the relative positions of the officers and the Subject, these injuries are consistent with the Subject having been shot as he was falling to the ground, or while he was on the ground.

**Note:** Video evidence shows the Subject running toward, then past, Officers D and C's vehicle. The Subject is holding a handgun as he does so. The video shows the officers exiting their vehicle and pointing their weapons in the Subject's direction. After continuing to run a short distance away from the officers, the Subject can be seen to fall, and the officers continued to point their guns in his direction. One muzzle flash can be seen emanating from Officer C's pistol momentarily after the Subject has fallen to the ground and continues to move.

Officer D asked Officer C if he observed any additional suspects or people injured, and if he was okay. The officers noticed a large, verbally hostile crowd gathering on the sidewalk behind them. Officer D told Officer C to cover the Subject with his pistol, as he intended to broadcast a "Shots fired, Officer Needs Help" call.

Officer D entered the police vehicle, broadcast the help call and requested a rescue ambulance (RA) unit for the Subject. Officer D holstered his pistol in the holster that was lying on the passenger seat, and then attached the holster to his belt. Detective A approached Officer D, identified himself as a police officer, and asked if he and Officer

C were okay. Detective A told Officer D he had also been involved in an OIS with the Subject but did not discuss the incident further.

Officer C told Officer D he did not hear a response to the radio broadcast and believed the transmission may not have been received. The officers opened the trunk of their vehicle to locate their police radios. Officer D was unable to locate his radio so Officer C retrieved his radio from the trunk and gave it to Officer D to make a second broadcast.

Officer D made the second broadcast and requested additional units for crowd control. Additional units arrived at the scene and detained several individuals as possible suspects pending further investigation.

**Note:** Video surveillance from inside the convenience store depicts that during this time, the unidentified male concealed a pistol in a backpack he carried. He then hid the backpack inside the beverage cabinet on the north wall of the market. As responding officers ordered people to exit the market, the male complied, exited the store, and then ran north on Wall Street out of sight. Officers did not give chase as they were unaware at the time that the male had been armed with the pistol.

Detective B arrived at scene, unholstered his pistol and took cover behind the police vehicle with Officers C and D. Officers C and D informed him that the Subject had a handgun under his body. Uniformed Officer E approached Detective B and told him he would cover the Subject at gunpoint while Detective B handcuffed the Subject. Detective B holstered his pistol, approached the Subject, and handcuffed him. Detective B conducted a visual search of the Subject. Detective B rolled the Subject over and looked at the Subject's front torso and the sidewalk beneath his torso, but did not observe a handgun. Officer C holstered his pistol.

Los Angeles Fire Department personnel arrived, found the Subject lying in a prone position on the sidewalk, and determined the Subject to be dead at the scene.

During this time, a large hostile and verbally abusive crowd gathered around the shooting scene, and reports of officers receiving rocks and bottles from hostile members of the crowd were received. At this time, the Incident Commander at the scene, Deputy Chief A, assessed the situation and determined it was necessary to remove the Subject's body to ensure the safety of the officers and maintain the integrity of the crime scene.

**Note:** Video evidence indicates that there were a number of people in the street immediately following the OIS. Numerous police officers quickly responded to the scene and the street was quickly cleared. The video does not show any of the numerous officers on scene appearing to react to any violence from the crowd.



## **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). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

### **A. Tactics**

The BOPC found Detective A and Sergeant A's, along with Officers A, C, and D's tactics to warrant a Tactical Debrief.

### **B. Drawing/Exhibiting**

The BOPC found Detective A's, along with Officers C and D's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Detective A's, along with Officers C and D's lethal use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:
  1. Use of Cover

Officer C exited the police vehicle and deployed behind the open driver's side door, utilizing the door for cover as he scanned the crowd in an attempt to locate a potential suspect. As Officer C did not immediately identify the Subject as the armed suspect, the Subject continued to run on the sidewalk, effectively closing the distance to Officers C and D. With the tactical situation unfolding rapidly, the Subject ran eastbound past the officers' vehicle and Officer C was left without cover. After Officer C engaged the Subject and the Subject collapsed to the sidewalk, Officer C redeployed to the passenger side of their police vehicle.

As officers' actions are dictated by the actions of the suspect, the BOPC noted Officer C had minimal time to redeploy once he identified the Subject as an armed suspect; those actions were reasonable under the circumstances, and did not substantially or unjustifiably deviate from approved Department tactical training.

## 2. Tactical Vehicle Redeployment

Upon observing the driver in the SUV in front of them firing into the market and hearing gunfire erupt from behind them, Sergeant A directed Officer A to drive forward and stop the vehicle around the corner on the street.

Initially, Sergeant A, along with Officers A and B, were unaware of the identity of the driver of the SUV. Additionally, the source of the gunfire behind them was also initially unknown. With Sergeant A in the front passenger seat, Officer A the driver seat, and Officer B seated in the rear passenger seat, each officer had a different perspective. However, as Officer A continued driving, at some point in time each officer stated they recognized the driver of the SUV as a police officer.

Officer A proceeded to park and all officers exited the minivan, with Officer B donning his ballistic vest and a Los Angeles Police Department raid jacket, and Sergeant A and Officer A positioning their Department badges in highly visible locations on their persons. By this time, Detective A's broadcast to Communications Division (CD) was heard over the Area base frequency and several officers from the police station nearby responded.

The BOPC recognized and appreciated the challenges associated with being presented with a spontaneous situation, a chaotic scene wherein gunfire was erupting from various locations. As such, it was reasonable for Sergeant A to believe they were in the line of fire and direct Officer A to redeploy. It should be noted that the decision to redeploy was made prior to Sergeant A and Officer A identifying the driver of the SUV as a police officer. Their decisions and actions were in response to a reasonably perceived threat. It was only after their vehicle was in motion that Sergeant A and Officer A recognized Detective A as an officer.

**Note:** Officer B's statements demonstrated his lack of involvement in the tactical decision making process. As such, the BOPC determined that Officer B's actions did not warrant a formal finding. Nevertheless, to enhance future performance and increase officer safety, Officer B was to attend the Tactical Debrief.

Recognizing Detective A as the minivan drove by, Sergeant A recalled thinking that he would be more of a hindrance if he was to exit the vehicle. He did not want to be perceived as another threat to Detective A. In addition, Sergeant A

believed that if the officers could put their police gear on they would be more of an assist to Detective A.

Granted when plainclothes officers take enforcement action, the potential for confusion and misidentification remains ever present. Plainclothes officers cannot assume that they will be readily recognized.

### 3. Command and Control

Sergeant A directed Officer A to redeploy the officers' vehicle, thereby removing his officers and himself from possible crossfire. Once the decision was made to redeploy, it would have been tactically prudent to begin broadcasting and coordinating as soon as possible, in an attempt to control the situation. Instead, Sergeant A directed his officers to stay out of the scenario so they were not confused.

The BOPC expects that supervisors take a leadership role, however, specific circumstances determine those actions. Although the BOPC was critical that Sergeant A did not ensure a broadcast of the unfolding tactical situation was made to CD, the BOPC realized Sergeant A was providing direction to Officers A and B, thereby providing appropriate command and control at the scene.

After taking into consideration the totality of the circumstances and Sergeant A's actions, the BOPC found that although there are areas for improvement and while Sergeant A's actions may have deviated from approved Department tactical training, those deviations were not substantial. These topics were to be discussed at the Tactical Debrief.

Also regarding this topic, a large crowd began to gather around the shooting scene and reports of officers receiving rocks and bottles from members in the crowd were received. With the tactical situation concluded, but the need for the crime scene to be managed and the safety of the officers in jeopardy, the Incident Commander at the scene, Deputy Chief A, made the determination that the Subject's body be removed. LAFD personnel transported the Subject's remains to the Los Angeles County Forensic Science Center. Based on the totality of the circumstances, the BOPC deemed this decision to be reasonable.

- The BOPC additionally considered the following:

#### 1. Code-Six

The first broadcast captured by CD was made by Detective A, followed shortly thereafter by a second broadcast made by Officer D. Sergeant A, along with Officers A and B, did not broadcast their status, location, or what had just transpired as they drove on the street. Upon exiting their vehicle and donning equipment which would more readily identify them as officers,

uniformed personnel were arriving to provide assistance. Although the BOPC understood gunfire was erupting in front of the officers' vehicle and to the rear, Sergeant A, along with Officers A and B, were reminded of the importance of a timely broadcast. The initial actions taken at any tactical incident prove invaluable in the ability to obtain a successful outcome.

## 2. Equipment

It appears Sergeant A and Officer A did not have their raid jackets. As noted, they were conducting administrative duties by delivering documents to the police station and were not involved in a tactical operation likely to have enforcement contact. These topics were to be discussed during 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.

After a thorough review of the incident, the BOPC determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

The BOPC found Detective A, Sergeant A, along with Officers A, C and D's tactics to warrant a Tactical Debrief and ensure the specific identified topics be covered.

## **B. Drawing/Exhibiting**

- Detective A was coming to a stop at a red light when he observed several people exiting the market at the corner. As he focused his attention on the front door of the market, Detective A observed the Subject pointing his handgun inside the market. Believing that the Subject was about to fire his handgun at people inside the store, Detective A drew his service pistol.

While seated in their police vehicle, Officers C and D heard shots emanating from an unknown source, resulting in both officers drawing their service pistols.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Detective A, along with Officers C and D, 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 Detective A, along with Officers C and D's drawing and exhibiting of a firearm to be in policy.

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

- **Detective A** (pistol, ten rounds)

#### First Sequence of Fire

Detective A observed multiple people running out of the convenience store, and he sensed that something bad was happening. Almost simultaneously, Detective A heard "pops, small muffled pops" that he believed were gunshots emanating from inside the market. The Subject then appeared armed with a handgun. Detective A observed the Subject inside the store using cover and a display case as a shooting platform. Believing that the Subject was shooting at people inside the store, Detective A fired at the Subject.

#### Second Sequence of Fire

As the Subject was "cringing," Detective A believed the Subject had been struck by his gunfire. The Subject began to exit the store and as he passed the threshold of the doorway, Detective A could see the barrel of his gun moving in Detective A's direction. Believing that the Subject was going to shoot him, Detective A fired again at the Subject.

The BOPC determined that it was objectively reasonable for Detective A to believe that the Subject, pointing a handgun inside the market, posed an imminent threat of death or serious bodily injury to the market patrons, especially after observing people running out of the market and hearing shots fired from within. Furthermore, as the Subject exited the market and pointed his handgun at Detective A, it was reasonable for Detective A to believe that the Subject posed an imminent threat of death or serious bodily injury to Detective A. Accordingly, an officer with similar training and experience under like circumstances would reasonably perceive the Subject's actions were consistent with a suspect engaging, or preparing to engage, patrons in the market.

In conclusion, the BOPC found Detective A's lethal use of force to be objectively reasonable and in policy.

- **Officer C** (pistol, seven rounds)

Officer C, seated in the front passenger seat, heard shots fired and glass windows shattering. Officer C and his partner communicated their observations to one another and Officer C believed someone was shooting at him and his partner. As Officer C exited the police vehicle, he observed the Subject running toward them

while armed with a handgun. The officers exited their vehicle and when Officer C got to the rear of his vehicle saw the Subject point the gun in their direction. In response, Officer C fired at the Subject as he moved down the sidewalk.

The BOPC determined that it was objectively reasonable for Officer C to believe that the Subject, pointing a handgun at Officer A and himself, posed an imminent threat of death or serious bodily injury to Officers A and C. Accordingly, an officer with similar training and experience under like circumstances would reasonably perceive the Subject's actions to be consistent with a suspect preparing to engage an officer.

In conclusion, the BOPC found Officer C's lethal use of force to be in policy.

- **Officer D** (pistol, six rounds)

Officer D, while seated in the driver's seat, heard what he believed to be multiple gunshots. Officers C and D communicated their observations to one another and Officer D attempted to identify the source of the gunfire.

#### First Sequence of Fire

Officer D observed the Subject with a gun in his hand looking in his direction. The Subject began turning toward Officer D and believing the Subject was going to fire at him, Officer D fired in the Subject's direction.

#### Second Sequence of Fire

Officer D assessed as he was shooting and observed the Subject continuing to run on the sidewalk while pointing his gun towards fleeing pedestrians. Officer D also observed individuals lying on the ground so he believed the Subject could have already shot someone. Fearing for lives of the pedestrians in front of the Subject, Officer D fired an additional three to four rounds at the Subject to stop his actions.

The BOPC determined that it was objectively reasonable for Officer D to believe that the Subject pointing a handgun at Officer C and himself, along with the fleeing pedestrians, posed an imminent threat of death or serious bodily injury to Officers C and D and the community at large. Accordingly, an officer with similar training and experience under like circumstances would reasonably perceive the Subject's actions to be consistent with a suspect preparing to engage an officer or fire on a group of fleeing citizens.

In conclusion, the BOPC found Officer D's lethal use of force to be in policy.