

Incident Summary

On August 19, 2019, Witness A and Witness B asked their adult grandson, Witness C (a Los Angeles School Police Officer), to assist them with speaking to the police. At approximately 1550 hours, they met with Officer A, at the front desk of the police station. According to Witness C, Officer A assisted him with calling Communications Division (CD) from the front desk. Witness C told the operator that Witnesses A and B were the legal owners of the residence and that the Subject had illegally locked them out. Witness C advised that Witness A and Witness B would be standing by around the corner. The operator told Witness C that officers would call them upon their arrival.

At 1556 hours, partner Officers B and C, were dispatched to the location to keep the peace. While en route to the incident, they were provided additional information, including the description of the Subject. At 1619 hours, Officer B placed their unit Code Six via their MDC, as Officer C parked their police vehicle along the south curb, one house west of the location of the radio call.

Officers B and C entered the enclosed courtyard through the pedestrian gate and walked toward a small set of steps leading to the front door. Officer B watched the doors, windows and side gates as they approached the residence. Officer C planned to speak to the PR (Person Reporting) of the radio call prior to formulating a tactical plan. Before reaching the steps, the Subject opened the door and stood outside the threshold. The officers positioned themselves offset from each other with Officer B south of the Subject and Officer C southeast of the Subject. From the base of the steps, the officers asked the Subject if he had called the police. The Subject advised he had not and asked if they were responding to his home security alarm. When questioned by the officers, the Subject stated he lived in the residence with his parents, who were currently at work. Officer C contacted CD and inquired if the PR wished to meet. Communication Division advised the officers that the PR was en route, while they continued speaking with the Subject for approximately five minutes.

Note: Most of the initial conversation between the officers and the Subject addressed the Subject's belief that the officers were there for an alarm activation. At one point, the Subject volunteered to accompany the officers to a neighbor's house so that he could use the neighbor's phone to call his father regarding the alarm.

At 1628 hours, Witness A arrived at his residence. Officer C spoke with him near the pedestrian gate to the courtyard, while maintaining a view of the Subject and his partner. Officer B stayed with the Subject, so Officer C could interview Witness A without the Subject interrupting or overhearing the conversation. The Subject appeared nervous and insisted on speaking with his father. Officer B adjusted his position to maintain a view of Officer C, while speaking with the Subject. Both officers stated that there was nothing about the Subject's appearance or demeanor that indicated he was armed.

Note: According to Witness B, after leaving the station, she and Witness A parked in an alley located one or two blocks south of their residence and waited for the officers to contact them. Witness B indicated that Witness A was later called by a police officer and asked to meet at their residence. She did not accompany her husband because she was fearful and called a neighbor to pick her up. Witness B did not witness the ensuing OIS.

Witness A advised Officer C that his family could not enter their house because the Subject was threatening them. Witness A said, "...and he is carrying a gun. I don't know if he has it with him or not, I'm sure he does. If not, I can tell you roughly where it's at. If not, I would like to have you guys search for it." Officer C asked if the Subject had ever used the gun against them. Witness A replied, "He has shown it to us...Uh, well pointed it at us a couple of times." Witness A advised that the Subject had his own room, which was locked, and that he did not have access to it. Officer C again asked where the Subject's gun was located. Witness A stated that he did not know if the Subject had the gun with him or if it was in his room. He added that the Subject usually carried the gun on his person "near his stomach."

Officer C asked Witness A if the Subject had been previously arrested to determine if he could legally possess a firearm. Witness A told him the Subject had served 15 years in prison for Attempted Murder, he/she realized the Subject was a felon and was prohibited from possessing a firearm.

Officer C then gestured for Witness A to remain where he was, while Officer C focused his/her attention on the Subject. Officer C walked back to the porch to inform his/her partner of what Witness A had told him/her and to form a plan as to how they were going to handle the incident. Upon joining his/her partner, Officer C asked the Subject to step down from the porch. Officer C chose not to draw his/her pistol at that point in an attempt to de-escalate the situation and gain compliance from the Subject. Officer C's plan was to order the Subject to face away from them once he complied with his/her direction.

Officer C planned to unholster his/her pistol and request a backup and a supervisor once he/she had the opportunity to advise his/her partner what Witness A had told him/her.

The Subject did not respond to Officer C's request to step down off the porch and instead began calling to his father, who had walked up to the bottom of the porch steps near the officers. Approximately five seconds after asking the Subject to step off the porch, Officer C leaned over to Officer B and stated, "Apparently, he said that he (the Subject) has a firearm." The Subject appeared to have observed the officers' interaction and immediately stepped back inside the threshold of the residence while saying, "Gentleman, don't come in."

Note: According to Officer C, he/she whispered the above statement to his/her partner. It is unknown if the Subject overheard the officers communicating with each other.

Officer B said, "Witness A, wait, wait, Witness A (referring to the Subject)..." Officer B told investigators he/she was attempting to keep the Subject from going inside the residence and potentially arming himself. Witness A told the officers they had his permission to enter his residence. The Subject then reached into his right front waistband area with his right hand and removed a concealed handgun from beneath his sweatshirt. The Subject raised the handgun toward the officers and Witness A, while stepping behind the partially closed front door and stated, "Okay, if you want me gentleman, come in." The Subject then fired one round in their direction. In response to the Subject's actions, both officers unholstered their pistols and simultaneously returned fire, while Witness A ran to the garage area for cover.

Officer B - Volley One

Officer B observed the Subject remove the handgun from his waistband. Before he/she could give the Subject commands, the Subject raised the pistol and pointed it in their direction, while closing the front door. Officer B immediately perceived the Subject's actions as a deadly threat and unholstered his/her pistol to a two-handed grip, while he/she stepped to his/her right. Officer B stated, "I side stepped to create that -- some distance from my partner just in case my partner gets hit. At least now he has to re-aim towards my area, and it gives me a little more time to react and address the threat. Or vice versa, if he [the Subject] decides to go for me first, now my partner has some time to actually address the threat..." Officer B indicated that due to the speed at which the incident unfolded, he/she did not have time to alert his/her partner that the Subject was armed. However, Officer B believed his/her partner made the same observations he/she did because he/she (Officer C) drew his/her pistol and reacted at the same time.

In fear for his/her life, Officer B believed he/she fired three to four rounds at the Subject's center body mass from an approximate distance of 20 feet. When Officer B stopped firing and lowered his/her pistol to assess, he/she observed that the front door was closed, and the Subject was no longer visible.

Officer C - Volley One

Officer C also observed the Subject remove a handgun from his waistband and point it at them with his right hand. In response to that threat, Officer C moved backward and unholstered his/her pistol to a two-handed grip. Officer C heard a gunshot, observed smoke emanating from the barrel of the Subject's handgun and believed the Subject had fired at him/her. While continuing to step backward, Officer C believed he/she fired six or seven rounds at the Subject's center body mass. He/she fired those rounds from an increasing distance of approximately 17 to 25 feet.

Officer C indicated that when he/she started firing, the left side of the Subject's body was obscured behind the front door. As the Subject continued to close the door, his handgun remained outside and pointed toward him/her. Officer C continued to fire at the Subject by estimating his location based on the location of the Subject's handgun. Officer C stated he/she assessed while firing and stopped firing when he/she no longer observed the Subject's weapon and saw that the door had completely closed.

Immediately after firing and while still moving backward, Officer C broadcast, "Shots fired, officer needs help." Officer C exited the courtyard and took cover behind a brick/stucco wall that was connected to the pedestrian gate and broadcast again.

Note: Witness A believed that the Subject first fired at him and then at the officers. When the Subject's pistol was ultimately recovered, it was found to contain a discharged cartridge case in the chamber and a fully loaded magazine containing 10 rounds of ammunition. Additionally, a fired bullet was recovered from the porch area that was determined to have been fired in the Subject's pistol. There was no physical or video evidence to support that the Subject fired more than once during this incident.

After firing, Officer B brought his/her pistol to a low-ready position with his/her index finger on the frame. Officer B could no longer see the Subject inside the residence and moved south in the courtyard, while simultaneously directing Officer C to move back. As Officer C took cover outside the courtyard, Officer B redeployed west, within the courtyard, and sought cover on the south side of the garage with Witness A. Officer B then directed Witness A to jump over the west fence of the courtyard to prevent him from being shot by the Subject.

As Witness A jumped over the fence into the neighboring yard, Officer B heard the Subject say, "Pa" and then observed the Subject on the west fence in the rear yard of the residence next door. Officer B believed the Subject was attempting to access the roof of the residence and gain a tactical advantage. Officer B redeployed from the south side of the garage and joined Officer C [on the sidewalk] behind the wall near the pedestrian gate. Officer B told Officer C that the Subject might be on the roof and directed him/her to move west and check for the Subject.

Note: Witness A stated that as he was climbing over the fence, he heard the Subject say, "Pa," and believed the Subject fired a second shot at him. Witness A then ran south across the street. The officers did not report hearing a gunshot at that time and the investigation did not identify any video or physical evidence to support that the Subject fired at Witness A a second time.

Officer C remained unholstered and moved in a southwest direction from the north sidewalk onto the street. Officer C stated he/she moved into the street in order to use [parked] vehicles as cover and to create distance from the residence, because he/she feared the Subject might fire at them through the windows. Officer C suddenly

observed the Subject running west on the north sidewalk and onto the street with the pistol in his right hand. While running, the Subject turned counterclockwise and from under his left armpit, pointed his pistol in a southeast direction back at him.

Note: The investigation was not able to establish how the Subject exited his residence. However, security video from a home nearby captured the Subject moving south along the west side of the residence before jumping a fence and entering the front driveway. Additional video footage from this security system captured images of Witness A walking south on the same driveway. As the Subject comes into view, Witness A can be seen fleeing into the street with the Subject running behind him holding the pistol in his right hand.

Officer C - Volley Two

According to Officer C, while the Subject ran west on down the street, he continued pointing the pistol at him/her. In response to the Subject's actions, Officer C utilized a two-handed grip and fired 11 rounds at him from an increasing distance of approximately 38 to 97 feet. Officer C indicated that as he/she fired his/her last shot, the Subject began turning clockwise, away from him. Officer C assessed and observed the Subject was no longer pointing the handgun at him/her. The Subject stumbled moments later and fell in the street. Officer C lowered his/her pistol and observed it was out of ammunition with the slide locked back. He/she then saw the Subject running toward the north sidewalk and lost sight of him near a sport utility vehicle that was parked along the north curb.

Officer C believed the Subject continued running west but attempted to confirm his direction to broadcast that information to responding units. As Officer C ran west, he/she conducted an out-of-battery speed reload by ejecting the empty magazine from his/her pistol and loading a full magazine.

Note: Officer C believed he/she fired eight or nine shots at the Subject and indicated he/she fired in pairs, assessing between each pair of shots. A review of Officer C's BWV determined he/she fired four shots in rapid succession, followed by a brief pause, then seven additional shots.

Officer B - Volley Two

According to Officer B, he/she observed the Subject west of him on the north sidewalk. The Subject had the pistol in his hand and was running toward Witness A, who was on the south side of the street. Officer B observed the Subject raise the pistol and point it in a southeast direction, toward Officer C and Witness A. Officer B raised his/her pistol, focused on the front sight and targeted the left side of the Subject's chest and torso.

While utilizing a two-handed grip, Officer B fired three shots at the Subject from an approximate distance of 71 feet. When Officer B stopped firing and lowered his/her

weapon to assess, he/she observed the Subject fall, get up, and run west down the street.

Officer B noted that the Subject had already attempted to cause serious bodily injury or death on two occasions and believed it was necessary to follow him in order to stop his actions. Officer B moved along the north curb of the street and used parked vehicles for cover, while Officer C ran west on the south side of the street. Officer B lost sight of the Subject and sought cover behind a black pick-up truck parked along the north curb of the street. While behind the truck, Officer B conducted a tactical reload.

Officer C - Volley Three

Meanwhile, as Officer C approached the sidewalk near the southeast corner, he/she observed the Subject waiting for him/her on the north sidewalk. According to Officer C, the Subject was holding his pistol with two hands while pointing it directly at him/her. While moving backward, Officer C utilized a two-handed grip and fired seven rounds at the Subject from an increasing distance of 118 to 129 feet.

Officer C stated he/she fired while backing up to use a parked vehicle behind him/her as cover. When Officer C stopped firing, he/she observed smoke coming from the Subject's pistol and believed the Subject was shooting at him/her. Officer C took cover behind a silver Honda sedan that was parked along the south curb.

Witness D stated he was in his driveway when he heard gunfire and observed the Subject running west. Witness D observed the Subject stop on the north sidewalk, directly across the street from him, holding what appeared to be a silver or chrome, .38 caliber handgun in his left hand. Witness D observed the Subject pull the trigger and fire two or three rounds in an easterly direction. Witness D believed the Subject was firing at an officer that he later observed following the Subject.

Witness A stated he ran behind the officers as they traveled west. He observed the Subject fire at the officers approximately three or four times and stated the officers returned fire an equal number of times.

Note: The investigation did not identify and video or physical evidence to support that the Subject fired at Officer C while the Subject stood on the north sidewalk.

Officer C - Last Round

While standing near the passenger side of the silver Honda, Officer C observed the Subject turn and run west on the north sidewalk. While the Subject continued running, Officer C observed a shiny object he/she believed was the Subject's pistol, coming from underneath his left armpit. Officer C believed the Subject was pointing his pistol at him/her again and fired one additional round at the Subject from an approximate distance of 143 feet.

Note: The zoomed image above depicts the Subject's position at the approximate time Officer C fired his/her final shot.

The Subject continued to run west. Officer C eventually lost sight of the Subject and believed he turned north. In an effort to establish containment, Officer C ran to the southeast corner, to determine the Subject's direction of travel for responding units.

Officer B remained positioned behind the black pick-up truck as Officer C fired his/her final shots at the Subject. After reloading his/her pistol, Officer B lost sight of the Subject. He/she followed Officer C west, while continuing to use (parked) vehicles and trees as cover.

Officer B joined Officer C on the southeast corner, where they both utilized palm trees as cover. Officer C believed the Subject ran north. The officers remained at the southeast corner until responding units arrived.

Unbeknownst to the officers, the Subject unlawfully entered the corner residence through an unlocked front door. Witnesses E, F, and G were present in the home with four children whose ages ranged from three to sixteen. They did not know the Subject, nor had they seen him before.

According to Witness E, she observed the Subject enter her home with a gun in his hand. The Subject told her, "Don't worry. I'm not going to shoot you." The Subject asked her to hide him because the police were chasing him. Witness E told the Subject to get out and yelled to Witness F that the Subject had a gun.

According to Witness F, he heard gunfire and armed himself with a 12-gauge, pump-action, shotgun and Witness G armed himself with a 9mm handgun. When Witness F observed the Subject standing in the hallway in front of his bedroom door, he racked the shotgun, prompting the Subject to state, "Don't shoot, don't shoot." Witness F described the Subject's handgun as a black .22 caliber "automatic" with a long barrel. Both men ordered the Subject out of the residence and into the backyard. According to Witness G, they repeatedly ordered the Subject to drop his handgun. The Subject did not comply and kept his pistol next to his chest, pointed downward. Once outside, they ordered the Subject out of the backyard and into the adjacent alley on the north side of their property. According to Witness G, the Subject appeared to have an injured arm and struggled to climb over the wall but continued to maintain possession of his pistol.

Partner Officers D and E responded Code Three and in trail with other members of their unit including, Sergeant A.

Air Support Division helicopter also responded to the help call and spotted the Subject in the alley.

Officers D and E arrived in the area with the other units. As they approached, Officer E removed his/her seatbelt and lowered the windows to his/her vehicle. Officer D noted

that the air unit did not specify which side of the street the subject was on. He/she looked to the west side but did not observe a subject.

At 1634:54 hours, Officer B, who was still with Officer C broadcast the Subject's description. Officer E indicated he/she heard that broadcast as he/she looked to his/her left (east) and observed the Subject in the alley. As Officer E maneuvered past a maroon sedan, he/she observed the Subject look west in their direction before extending his right arm and pointing a handgun at them. Officer D also observed the Subject look in their direction while pointing a dark colored pistol at them. Officer D said the Subject assumed a shooting stance with his arms extended out at shoulder level.

At 1635:04 hours, Officer D can be heard on his/her BWV saying, "He has a gun!" He/she then exited his/her front passenger door, unholstered his/her pistol, and while utilizing a two-handed grip, fired one round at the Subject from an approximate distance of 95 feet. He/she stopped firing because the Subject fell to the ground and was no longer holding the pistol. Officer E stated that he/she exited the police vehicle, stood behind the driver's door and unholstered his/her pistol. It was later determined that the Subject had been struck on the right side of the chest and the Subject was later pronounced deceased at the scene. No other injuries were reported aside from the Subject's.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer F	Y	Y	Y	NA	NA
Officer G	Y	Y	Y	NA	NA
Officer H	Y	N*	Y	NA	NA
Officer I	Y	N*	Y	NA	NA
Officer J	Y	N*	Y	NA	NA
Officer K	Y	N*	Y	Y	Y
Officer L	Y	Y	Y	NA	NA
Officer M	Y	N*	Y	Y	Y
Officer N	Y	N*	Y	NA	NA
Officer B	Y	Y	Y	NA	NA
Officer C	Y	Y	Y	NA	NA
Officer O	Y	N*	Y	NA	NA
Sergeant A	Y	N*	Y	NA	NA
Officer P	Y	N*	Y	NA	NA
Officer A	N	N	N	NA	NA
Officer Q	Y	N*	Y	NA	NA
Officer R	Y	Y	Y	Y	Y
Officer E	Y	N*	Y	NA	NA
Officer S	Y	N*	Y	NA	NA
Officer T	Y	Y	Y	NA	NA
Officer U	Y	Y	Y	NA	NA
Officer V	Y	Y	Y	NA	NA
Officer W	Y	Y	Y	NA	NA
Officer X	Y	Y	Y	NA	NA

Officer Y	Y	N*	Y	NA	NA
Officer Z	Y	N*	Y	NA	NA
Officer AA	N	N	Y	NA	NA
Officer D	Y	N*	Y	NA	NA

** These officers responded from non-field duties at an area police station and thus were not required to have their BWVs in stand-by mode until they initiated their response. The officers' BWV devices were activated in a timely manner upon leaving the station. As such, the reduced buffer times noted here do not indicate violations of applicable BWV policy.*

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, along with Officers D and E's Tactics to warrant a Tactical Debrief. The BOPC found Officers C and B's Tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

The BOPC found Officers C, B, D, and E's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers B and D's lethal use of force to be In Policy. The BOPC found Officer C's lethal use of force (Rounds 1-16 and Rounds 19-25) to be In Policy. The BOPC found Officer C's rounds 17,18, and 26 to be Out of Policy, Administrative Disapproval.

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), which states 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 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 Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

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.

In this case, Officers B and C responded to the call of a family dispute. The officers contacted the Subject, and his father, Witness A at the front porch of the residence. While the officers conversed with the Subject and Witness A, the Subject removed a handgun from his waistband and fired at the officers, resulting in an Officer-Involved Shooting (OIS). The Subject fled the residence and ran west where additional OISs occurred. While still armed, the Subject entered an occupied residence. The occupants armed themselves with firearms and ordered the Subject out of their home and into a rear alley. While in the alley, the Subject pointed his handgun at responding officers, resulting in a final OIS.

Planning – Officers C and B had previously discussed tactical situations, service pistol and back up pistol capabilities, identified their utilization of radio earpieces to enhance their tactical communication, and had identified roles of contact and cover and the possibility of interchanging these roles as a situation developed, on their prior shift together; however, they had not held a similar discussion on their current shift as they both believed they were each the cover officer for the incident. Their plan for this radio call was to contact Witness A, determine the circumstances that lead to the radio call from Witness A, and then create a tactical plan from the information received. However, Officers C and B disregarded the comments of the radio call to contact Witness A upon arrival and instead proceeded directly to the location where the Subject was located. In addition, as the incident progressed, and Officer C became aware the Subject was a convicted felon, in possession of a handgun, and had pointed it at Witness A, Officer C planned to not request

additional resources, and not draw his/her service pistol, and instead provided commands to the Subject prior to informing Officer B of the very real risk and threat.

The BOPC noted, Officers C and B lack of a detailed plan lead to a cascading effect in the incident from start to finish. Once the incident rose to the level of a deadly force incident, Officers C and B initially communicated with each other to redeploy and be vigilant that the Subject may be attempting to gain a tactical advantage against them; however, as the situation proceeded and additional OIS occurrences took place, the officers became reactionary and did not communicate with each other or develop a specific plan on how to proceed. This incident would have benefitted from additional planning while Officer C and B were initially enroute, once they arrived on scene, and as it unfolded.

Officers D and E were academy classmates and had been partners for approximately five years. Officer D planned each day before starting their shifts, they discussed tactics including contact and cover and de-escalation.

Sergeant A had begun developing a plan as he/she was enroute to the request for additional personnel. Once he/she arrived, Sergeant A took control of the scene and directed officers to maintain their positions as he/she planned for the containment of the additional residence where additional possible subjects armed with a handgun and shotgun had been observed. As the additional subjects were detained, Sergeant A planned and organized an arrest team with designated roles and assignments to take the Subject into custody.

Assessment – When Officers C and B received the radio call, Officer B read the comments of the call to Officer C. Officers made a plan to meet with Witness A prior to establishing a tactical plan, in doing so officers failed to assess the comments of the call which directed officers to contact Witness A who was not at the residence as they arrived. The officers instead responded to the residence, where they were met by the Subject. Officers C and B assessed that the Subject was the subject of the radio call and decided they needed to contact Witness A to determine the reason they had been called to the scene. When Witness A arrived on scene, Officer C met with him/her and became aware of the threat the Subject posed. Officer C evaluated the information and believed that if he/she advised Officer B to leave the Subject, he/she would risk Officer B exposing his/her back to the Subject.

Officer C decided because of the rapport officers had built with the Subject, to approach Officer B and the Subject and attempt to gain the Subject's compliance. As Officer C joined his/her partner, followed by Witness A, he/she provided direction to the Subject and soon after informed Officer B that the Subject was in possession of a handgun. Officers maintained their positions and provided commands to the Subject and while doing so the Subject exposed, drew, and fired his handgun towards officers. Officers C and B assessed their position and redeployed to areas of cover and concealment and continuously assessed their positions and further redeployed in order to set up containment on the residence while informing

additional personnel of their needed assistance. The officers assessed after they discharged their service pistols during and after each volley. During the officer's volleys of fire, Officer C observed his/her service pistol had gone to slide lock and was out of ammunition. In order to continue addressing the threat, Officer C conducted an out-of-battery speed reload and continued to engage the Subject. Officer B also assessed after his/her second volley and made the decision to deploy behind cover and conduct a tactical reload with a fully loaded magazine to better be prepared for the Subject should the situation arise again for him/her to utilize deadly force upon the Subject. When officers ultimately lost sight of the Subject they held their position, gained cover, and attempted to establish further containment.

The BOPC noted that Officer C did not have sufficient situational awareness of the threat posed by the Subject while he/she discharged Rounds 17, 18, and 26. During the discharging of those rounds, Officer C would have greatly benefitted from either conducting an assessment or conducting a more effective assessment of the situation.

The BOPC noted Officers C and B failed to assess the comments of the radio call which lead to officers contacting the Subject prior to meeting with Witness A, and in doing so eliminated their basic plan of meeting with the PR and developing a more detailed tactical plan from the information provided. Officer C failed to assess the danger the Subject placed on him/herself, Officer B, and Witness A when provided information that the Subject was a convicted felon, was in possession of a handgun, and had pointed the handgun at Witness A and his wife.

As Officers D and E were enroute to the call, they assessed the radio broadcasts being transmitted by the air unit as well as Officer B and as they neared the location they slowed their police vehicle down and continued to process additional broadcast information which lead them to locate and identify the Subject as they approached him in the alley. Officer E utilized the limited time to assess the Subject's body position and attempted to position the police vehicle to be utilized as cover while Officer D observed the Subject in possession of a handgun, which was being pointed at him/herself and his/her partner. Officer D assessed the situation and discharged one round from his/her service pistol to stop the threat. After Officer D discharged the round, he/she assessed and observed the Subject drop the handgun and fall to the ground. Officers D and E then redeployed to access more ideal cover as they communicated with the Subject.

When Sergeant A arrived, he/she assessed the scene and directed personnel to hold their positions as an ongoing tactical situation in an adjoining location needed to be addressed prior to approaching the Subject and taking him into custody.

Time – Officers C and B were afforded time while enroute to the radio call to create a tactical plan and designate roles which include contact and cover. Based on the comments of the call, the officers had decided to meet with Witness A prior to formulating a more detailed plan on how to proceed with the incident. However,

officers disregarded their plan and proceeded directly to the residence and ultimately to the Subject.

Once Officers C and B initiated contact with the Subject and established a rapport with him, Officer C utilized time to contact CD and thereafter met with Witness A where he/she determined multiple crimes had taken place and identified the threat the Subject placed on he/her and his/her partner. Officer C was again afforded with time to request additional resources and await their response; however, Officer C proceeded to attempt to gain the Subject's compliance with just him/herself and his/her partner.

The BOPC noted Officer C and B were faced with no exigency in responding to the radio call and were afforded with time to develop a more specific tactical plan and assess the comments of the radio call. It was also noted that Officer C had the time to request additional personnel to assist him/herself and Officer B when he/she was made aware of the threat the Subject posed. Furthermore, when Officer C informed Officer B that the Subject had been in possession of a handgun officers continued to stand between the pillars connected to the residence which reduced the time they had to react by not utilizing distance and the cover available.

Sergeant A utilized his/her time enroute to the radio call to listen to radio broadcasts and plan for the incident. Upon his/her arrival, he/she maximized time to slow down, control the situation, identify and contain threats, and gather additional resources prior to making contact and detaining the Subject.

Redeployment and/or Containment – As Officers C and B observed the Subject reach for, draw, point, and fire his handgun at officers, Officer C redeployed back away from the Subject while shooting his/her service pistol as Officer B redeployed behind a column attached to the residences' front porch as he/she fired his/her service pistol. When the Subject closed the front door to the residence, Officer C redeployed out of the front courtyard of the residence and onto the sidewalk as Officer C redeployed in front of the residences' garage. Upon hearing the Subject and believing the Subject was attempting to obtain a tactical advantage on officers and get on the roof, Officer B redeployed and joined his/her partner in front of the residence in order to triangulate on the house and establish containment as they utilized the residences wall and parked vehicles for cover. As officers assessed the scene and requested additional resources, the Subject emerged from a neighboring property and ran onto the street, removing the cover provided to Officer C. Officers engaged in additional OIS occurrences and continuously redeployed to address the Subject and communicate with the responding resources the Subject location as they attempted to establish containment.

The BOPC noted that Officer C and B would have benefited from redeploying to cover and creating distance when they became aware the Subject had been in possession of a firearm. The BOPC also noted that Officer B was without the full benefit of the information provided by Witness A to Officer C. The BOPC was critical

of Officer C not redeploying to cover as he/she believed the Subject was firing upon him/her and as his/her service pistol went to slide lock and while conducting an out-of-battery speed reload.

After Officer D discharged his/her service pistol, Officers D and E redeployed from their patrol vehicle to a large concrete wall which provided optimal cover as the Subject was contained in the alley where he was shot and laying on the ground.

Other Resources – Upon determining the Subject was the subject in the radio call, Officer C utilized CD to contact and direct Witness A to meet with him/herself and Officer B. When Witness A arrived, Officer C gathered additional information regarding the threat the Subject posed to officers as well as Witness A. Officer C informed Officer B of the threat and attempted to gain the compliance of the Subject. the Subject disregarded officers' commands and removed a handgun from his waistband and fired it at officers. In response, officers returned fire and upon completion of the first volley of fire, Officer C broadcast a help call, which included the request for additional personnel, a supervisor, and an airship. Officers C and B's lack of additional resources prior to re-engaging the Subject resulted in a delayed response in personnel at scene prior to and during the deadly force incidents.

The BOPC noted that Officers C and B's tactical response would have benefited from requesting additional resources once Officer C became aware of the threat the Subject posed to officers and Witness A instead of having waited until the OIS to do so.

Sergeant A utilized the airship and the additional personnel at scene for communication as well as to secure the scene prior to taking the Subject into custody. Sergeant A also requested and utilized the additional safety equipment of the ballistic shield prior to the arrest team approaching the Subject who was potentially a continued threat to officers.

Lines of Communication – Officer B read the comments of the radio call to Officer C wherein they discussed and developed a plan to initially meet with Witness A prior developing a more in-depth plan on how to further approach the incident. During the course of the incident and due to the rapidly evolving situation when Officers C and B observed the Subject was in possession of a handgun, they were unable to provide commands due to C's violent actions.

Immediately following the initial OIS incident, Officer B verbalized for Witness A to jump over a fence in an attempt to remove him from the scene and out of harm's way while Officer C communicated with CD the officers' need for additional resources and immediate assistance. As Witness A was jumping over the fence, Officer B briefly observed the Subject on fencing and heard his movements which lead him/her to believe the Subject was attempting to acquire a tactical advantageous position on officers and climb to the roof of the residence. Officer B redeployed and communicated with Officer C of the Subject's actions and the belief

he may be on the roof. While in front of the residence, officers continued to communicate with each other and when the Subject emerged from a neighboring residence they communicated the Subject's location to each other. As the event unfolded the communication between officers diminished but was re-established when the Subject's whereabouts became unknown and Officer B verbalized with Officer C to relocate to cover as additional personnel arrived on scene

The BOPC noted that Officers C and B conducted limited communication in developing their initial plan which they ultimately disregarded, resulting in officers contacting the Subject prior to meeting with Witness A and forming their tactical plan. The BOPC continued to note the lack of communication between the officers, especially when Officer C became informed the Subject may be in possession of a handgun. Furthermore, Officers C and B did not effectively communicate with each other while they each conducted reloads of their service pistols.

Officers D and E discussed directions while enroute to the call in a different division, outside of their assigned area. They discussed the subject description and status of the incident prior to their arrival. They continued to communicate with each other and responding personnel to tactically approach and ultimately apprehend the Subject.

Sergeant A effectively communicated with the airship, additional supervisors, and numerous officers at scene. Through Sergeant A's communication with personnel at scene he/she ensured locations were searched, teams were formed, and the apprehension of the Subject was reasonably accomplished.

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

- 1. Tactical Planning** (Substantial Deviation, without Justification – Officers C and B)

The investigation revealed that Officers C and B did not discuss contact and cover roles or develop a specific plan while enroute to the radio call. Furthermore, as the incident progressed Officers C and B failed to assess the information they received and formulate or communicate a plan on how to best approach the changing dynamics of the incident.

In this case, Officer B stated he/she had read the comments of the radio call to Officer C, which included for them to meet with the PR who had been illegally locked out of his own residence by the subject. Officers C and B developed a plan to meet with the PR and upon receiving additional information would then develop a tactical plan on how best to approach the incident. However, the officers responded directly to the residence and ultimately made immediate contact with the Subject, the subject, in contrast to their own plan.

The BOPC noted Officers C and B both had the opportunity to create and communicate a specific plan with each other while enroute and even as they arrived at the scene of the radio call. While the officers did create an initial plan to contact the PR and develop a more elaborate plan from there, they immediately diverted from their initial plan. The comments of the radio call requested the officers to contact the PR upon the officers' arrival and that the PR would be standing by their vehicle. The PR's phone number was included in the radio call. Had the officers met with Witness A prior to meeting with the Subject, per their initial plan, they could have used the information provided by Witness A to implement additional tactical de-escalation techniques. They would have had an opportunity to assess that the radio call was not simply an illegal lockout, but a more critical incident needed requiring a more detailed tactical plan, incorporating additional resources, containment, and effective communication between the subject and officers. The BOPC also noted that while the officers had discussed tactics during their prior shift together, they failed to engage in discussion on this shift and in particular this event which generated confusion to their designation of contact and cover roles.

Based on the totality of the circumstances, the BOPC determined that Officer C's and B's tactical planning substantially, and unjustifiably, deviated from approved Department tactical training.

2. Additional Unit Request (Substantial Deviation, without Justification – Officer C)

Officer C did not request additional resources when he/she was advised that the Subject was armed with a handgun. Witness A additionally advised Officer C that the Subject was a convicted felon for attempted murder and had recently pointed the handgun at Witness A and his wife. Officer C chose to not draw attention to the information he/she had received and instead approached the Subject and attempted to detain him with only the assistance of his/her partner.

In this case, the Subject was continuing to be cooperative and there was no exigency in immediately approaching and detaining him. Officer C had the time and opportunity to, at a minimum, request additional resources to the officers' location prior to making his/her approach and attempt to detain the Subject.

Based on the totality of the circumstances, the BOPC determined that Officer C's tactics substantially deviated, without justification, from approved Department tactical training.

3. Public Safety at Critical Incidents (Substantial Deviation, without Justification – Officers C and B)

In this case, after discovering the Subject was possibly armed with a handgun, Officer C walked away from Witness A and towards the Subject and his/her partner, Officer B. According to Officer C, he/she gestured to Witness A for him

to remain behind and not approach. Witness A instead followed behind Officer C. Officer C notified Officer B what information that Witness A had informed him/her of, yet both officers allowed Witness A to approach and verbally engage with the Subject, who was possibly armed with a handgun, and remain in close proximity to the incident.

Based on the totality of the circumstances, the BOPC determined that Officers C's and B's actions substantially deviated, without justification, from approved Department tactical training.

4. Tactical Communication (Substantial Deviation, without Justification – Officer C)

The investigation revealed that Officer C did not effectively communicate with Officer B of the possible possession of a firearm by the Subject, nor was a plan created implemented or communicated. Furthermore, the officers engaged in limited communication between themselves as they became involved in multiple OIS occurrences.

In this case, Officer C was informed by Witness A that the Subject was in possession of a handgun. Officer C proceeded to walk back to where Officer B and the Subject were conversing and provided the Subject with commands to further exit the residence prior to alerting Officer B of the information that he/she had received. When asked by Officer B if there were any issues or new information obtained from Witness A, Officer C informed him/her there were no issues. After the Subject ignored Officer C's commands, Officer C notified Officer B that the Subject may be in possession of a handgun. According to Officer C he/she chose not to draw his/her service pistol in order to de-escalate the situation and instead preferred to attempt to gain compliance from the Subject. Officer C additionally stated he/she did not call his/her partner back to his/her location as he/she did not want Officer B's back turned towards the Subject. Additionally, as the incident escalated into a deadly force incident, the officers conducted minimal communication between themselves while they followed the Subject, engaged in additional OIS occurrences and conducted both tactical and in-battery reloads of their service pistols.

Based on the totality of the circumstances, the BOPC determined that Officer C's lack of tactical communication placed both officers at a tactical disadvantage and forced the officers to be reactionary to the Subject's actions. As such, Officer C substantially deviated, without justification, from approved Department tactical training.

5. Utilization of Cover (Substantial Deviation, without Justification – Officer C)

Upon learning that the Subject was possibly armed with a handgun, Officer C approached the Subject and did not fully utilize the cover that was available, nor did he/she advise his/her partner to seek cover.

In this case, Officer C was informed by Witness A that the Subject was a convicted felon for attempted murder, was in possession of a handgun, and had pointed the handgun at Witness A and his wife on prior occasions. The BOPC noted that a parked vehicle and pillars were available as cover for Officer C. Instead of utilizing cover and alerting Officer B to do the same, Officer C approached the front porch area and attempted to detain the Subject prior to informing his/her partner. After the Subject failed to follow Officer C's commands, Officer C advised Officer B that Witness A had informed him that the Subject was possibly in possession of a handgun. However, even after making this notification, both officers continued to stand in the open air and not utilize cover. It was only after the Subject produced a handgun and fired it at the officers that they redeployed behind cover. In addition, after his/her second volley of fire, Officer C did not seek cover that was available to him.

In this case, Officer C continued to follow the Subject as he continued west on down the street, after his/her second volley of fire. Officer C followed the Subject while remaining in the middle of the street. He/she bypassed available cover afforded to him/her from parked vehicles on both sides of the street. Officer C additionally maintained his/her position on the street as he/she discovered his/her service pistol had depleted all of its ammunition and was in slide lock and he/she made no attempt to redeploy behind cover as he/she completed an out-of-battery speed reload.

Based on the totality of the circumstances, the BOPC, and the Chief concurred, that Officer C's decision to disregard cover during his approach with the Subject, to not inform Officer B to utilize cover, and also his/her inadequate use of available cover during his/her exchange of lethal force with the Subject, were a substantial deviation, without justification, from approved Department tactical training.

Additional Tactical Debrief Topics

- 1. Front Desk Procedures** – Officer McDermott was assigned as the desk officer when Witness A, Deadira the Subject and Ariel the Subject responded to Mission Community Police Station. Officer McDermott assisted them with calling CD from the front desk regarding a possible family dispute and illegal lockout incident. Officer McDermott did not relay information gleaned from speaking with Witness A to CD or to the responding unit that may have assisted Officer C and B in the incident

- 2. Situational Awareness** – As Officers C and B arrived at the southeast corner, they were unaware of their direction of travel and had to utilize a cellular phone for assistance.

Officer E did not place the police vehicle in park upon their arrival at scene and drew his/her service pistol as he/she exited the police vehicle. Officer E transitioned his/her service pistol from his/her right hand to his/her left hand momentarily while he/she placed the police vehicle in park.

- 3. Code-Six** – Officers D and E did not place themselves Code-Six as they arrived at scene. They had just started their shift and were preparing their police vehicle and personal equipment when the “Officer Needs Help” call was broadcast. Due to a Mobile Digital Computer (MDC) malfunction and a request by the air unit to keep the frequency clear, Officers D and E were not able to place themselves Code-Six via the MDC and did not broadcast their Code-Six status upon arrival. In addition, the investigation revealed Sergeant A placed himself Code-Six approximately four minutes after he/she arrived at scene. Sergeant A had also just started his/her shift when the help call broadcast was made. Based on the air unit’s requested for units to remain off the air, Sergeant A delayed his/her Code-Six status broadcast.

- 4. Protocols Subsequent to a Categorical Use of Force** – The investigation revealed that Sergeant A utilized Officer D, an involved officer, in the arrest team to take the Subject into custody.

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 Sergeant A, along with Officers D and E’s Tactics to warrant a Tactical Debrief. The BOPC found Officers C and B’s Tactics to warrant a finding of Administrative Disapproval.

A. Drawing and Exhibiting

Officer B

According to Officer B, he/she drew his/her service pistol because he/she observed the Subject lift his shirt which exposed a handgun in the Subject's waistband. The Subject then removed the handgun from his waistband and pointed it towards the officers.

Officer C

According to Officer C, he/she drew his/her service pistol because he/she had been informed by Witness A that the Subject was a convicted felon for attempted murder and may be in possession of a handgun. After he/she relayed the information to Officer B, the Subject became agitated, reached for his waistband with his right hand where he produced, drew, pointed the handgun at Officers C and B, and fired it at the officers.

Officer D (Two Occurrences)

First Occurrence

According to Officer D, he/she responded to an officer needs help call, where there were shots fired and he/she knew the subject was in the area. Officer D drew his/her service pistol because he/she had reason to believe that the situation could have escalated to the point where deadly force could be justified.

According to Officer D, he holstered his/her service pistol in order to apply personal protective equipment to his/her hands after he/she was designated the handcuffing officer as part of the arrest team.

Second Occurrence

According to Officer D, he/she drew his/her service pistol for the second occurrence as he/she and the arrest team approached the Subject to take him into custody. Officer D stated the Subject's firearm was directly next to the Subject and believed he was still a possible threat.

Officer E

According to Officer E, as he/she drove to the help call, he/she observed the Subject had a handgun pointed straight in his/her and Officer D's direction. In response, Officer E exited his/her police vehicle and drew his/her service pistol.

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Officers C, B, D, and E's Drawing/Exhibiting. The BOPC noted that the Officers C

and B responded to a radio call of a “family dispute” that escalated to the point where the subject produced a handgun and fired it at officers. In response, officers drew their service pistols to protect themselves and others from the immediate threat of serious bodily injury or death created by the subject. Officers D and E responded to the incident and observed that the Subject was 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, B, D, and E, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers C, B, D, and E’s Drawing/Exhibiting to be In-Policy.

Lethal Use of Force

- **Officer B** – Duty weapon, seven rounds fired in two volleys.

Volley One - Four rounds, in a northerly direction from an approximate distance of 20 feet.

According to Officer B, he/she observed the Subject lift his shirt which exposed a handgun in the Subject’s waistband. the Subject withdrew the handgun from his waistband, raised the handgun and pointed it towards the officers. Officer B discharged four rounds at the Subject because he/she was in fear the Subject could cause serious bodily injury to him/herself, his/her partner, and the Subject’s own father.

The BOPC determined that all of the rounds of Officer B’s First Volley of fire to be reasonable as Officer B was presented with an imminent threat of death or serious bodily injury.

Volley Two - Three rounds, in a westerly direction from an approximate distance of 71 feet.

According to Officer B, as he/she is positioned near the front of the residence he/she observed the Subject on the sidewalk a few houses west of their location, still in possession of the handgun. the Subject raised the handgun and pointed it at the direction of Witness A. Officer B believed the Subject was a threat to him/her, to his/her partner, or Witness A and discharged his/her service pistol.

The BOPC determined that all of the rounds of Officer B’s Second Volley of fire to be reasonable as Officer B was presented with an imminent threat of death or serious bodily injury.

- **Officer C** – Duty weapon, 26 rounds fired in four volleys.

Volley One (Rounds one through seven) - Seven rounds, in a northerly direction increasing approximate distance of 17 to 25 feet.

According to Officer C, the Subject became agitated, produced a handgun from his waistband, pointed the handgun and shot at the officers. Officer C stated he/she fired his/her service pistol to protect him/herself and others from serious bodily injury or death and to stop the threat.

The BOPC determined all the rounds of Officer C's First Volley of fire to be reasonable as Officer C was presented with an imminent threat of death or serious bodily injury.

Volley Two (Rounds 8 through 18) – Eleven rounds, in a westerly direction from an increasing approximate distance of 38 to 97 feet.

According to Officer C, he/she redeployed to the street and observed the Subject running west. Officer C stated the Subject was running with a handgun in his right hand. Officer C described the Subject holding the handgun under his left armpit, as he continued running and pointing the firearm in Officer C's direction. C stated he/she fired his/her firearm once again.

The BOPC determined that rounds 8 through 16 Officer C's Second Volley of fire to be reasonable as Officer C was presented with an imminent threat of death or serious bodily injury.

The BOPC was critical of the last two rounds of Officer C's Second Volley (Rounds 17 and 18). the Subject continued to run, turning his body away from Officer C, prior to stumbling and falling to the ground. The BOPC determined the Subject was no longer a threat when Officer C fired rounds 17 and 18. In addition, Officer C perceived he/she had discharged eight or nine rounds in pairs, while assessing between each pair of shots. A review of Officer C's BWV determined he/she discharged four rounds in rapid succession, followed by a brief pause, then seven additional rounds, stopping only when his/her service pistol went to slide lock.

Volley Three (Rounds 19 through 25) - Seven rounds in a westerly direction from an increasing approximate distance of 118 feet to 129 feet.

According to Officer C, the Subject turned around and presented the firearm again. Officer C observed smoke come from the barrel, assuming the Subject had fired another round towards him/her and his/her partner's direction. Officer C stated the Subject was waiting for him/her and pointing the firearm towards him/her and shot at him/her, which resulted in Officer C discharged his/her service pistol for the third volley until he/she realized he/she did not have enough cover. According to Officer

C, in fear for his/her life he/she stopped shooting and redeployed to find better cover.

The BOPC determined all the rounds of Officer C's Third Volley of fire to be reasonable as Officer C was presented with an imminent threat of death or serious bodily injury.

Volley Four (Round 26) – One round, in a westerly direction from an approximate distance of 143 feet.

According to Officer C, the Subject continued to run and once again, produced his firearm towards his/hers and his/her partner's direction. Officer C stated he/she observed a shiny object coming from underneath the Subject armpit which made him/her believe that the Subject was pointing the firearm towards them. According to Officer C he/she shot his/her final round and stopped shooting after he/she assessed the Subject's location.

The BOPC determined Officer C's Fourth Volley of fire (Round 26) to be unreasonable as the Subject appeared to be running away from Officer C at a distance of approximately 143 feet. The Subject actions and his distance did not present an imminent threat of death or serious bodily injury to Officer C, while Officer C's discharged round at that great of a distance presented a danger to the citizens living in that residential community.

Officer D – Duty Weapon, one round, in an easterly direction from an approximate distance of 95 feet.

According to Officer D, as he/she and Officer E approached the alley, the Subject was already drawn out with both arms, both hands pointing a firearm their direction. Officer D immediately unholstered due to the tactical situation. Officer D stated he/she feared for his/her life and feared for the life of his/her partner. In order to stop the threat, he/she discharged his/her pistol.

The BOPC determined Officer D use of lethal force to be reasonable as Officer D was presented with an imminent threat of death or serious bodily injury.

In this case, the BOPC conducted a thorough review of the investigation. During their review, they took into consideration that the Subject was an armed subject who escalated the encounter into a deadly force incident by withdrawing a handgun from his waistband, pointing it, and ultimately firing it at Officers C and B.

Additionally, the Subject continued to engage officers and point the handgun in the direction of officers and the Subject's own father, Witness A, as he attempted to evade apprehension. the Subject continued to escalate the situation by entering an unlocked and uninvolved residence where a family resided. The family forced the Subject out of their residence and over a wall in their back yard where the Subject

continued his dangerous and defiant manner by continuing to point his handgun in the direction of responding officers which lead to the final OIS incident.

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

The BOPC noted that after the initial OIS incident, Officers C and B redeployed and obtained cover from where they believed the Subject was located. The Subject spontaneously ran onto the sidewalk and street which significantly removed officers cover and again presented his handgun in the officer's direction wherein the action lead to an additional OIS between the officers and the Subject.

The BOPC was critical of Officer C's second volley of fire as they determined rounds 8 through 16 reasonable as Officer C was presented with an imminent threat of death or serious bodily injury; however, as the Subject continued to run and turn his body away from officers, the Subject was no longer constituted a threat. The BOPC took into consideration Officer C's perceived threat and lag time into consideration, but ultimately determined that Officer C's continuation of firing rounds 17 and 18 were unjustifiable as Officer C was no longer faced with the perceived threat. As the incident continued Officer C was faced with the Subject, who again displayed his handgun and in a shooting stance in the direction of Officer C. Officer C reasonably fired his/her service pistol an additional seven rounds at the Subject until Officer C feared for his/her life, discontinued firing and sought cover behind a nearby vehicle. Upon establishing cover Officer C unjustifiably discharged one final round at the Subject as he ran away from officers. While Officer C stated he/she assessed and was firing in pairs, the board deliberated and believed it was evident through analysis of the investigation and review of Officer C's BWV that there was deficient assessment when he/she discharged his/her service pistol.

Officers B and D

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

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

Officer C

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C when firing rounds 1 – 16 and rounds 19 – 25, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

Therefore, the BOPC found Officers C's use of lethal force (Rounds 1 – 16) and (Rounds 19 – 25) to be In Policy.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, when firing rounds 17, 18, and 26, would have believed that the Subject no longer posed a threat to the officer.

Therefore, the BOPC found Officer C's use of lethal force (Rounds 17, 18, and 26) to be Out of Policy, Administrative Disapproval.