

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

OFFICER-INVOLVED SHOOTING – 046-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
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Hollenbeck 5/20/13

Officer(s) Involved in Use of Force	Length of Service
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Officer A	11 years, 6 months
Officer B	8 years, 8 months

Reason for Police Contact

Officers A and B observed the Subject riding a bicycle without required lights. The Subject fled through an alley and pointed a weapon at Officer B, resulting in an OIS.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 18 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 May 13, 2014.

Incident Summary

Plainclothes Police Officers A and B were on patrol. Officer A was driving their marked black and white police vehicle, preparing to negotiate a left turn, when Officer A observed a bicyclist, (the Subject) traveling towards them. The Subject was wearing a black hooded sweatshirt, red and white plaid shorts, black knee-high socks and black gloves. The Subject was also riding the bicycle one-handed while holding the left side of his front waistband area with his right hand.

Note: According to Officer B, he wanted to investigate why the Subject was speeding on a bicycle not obeying any traffic laws with no bike light, wearing oversized clothing and wearing gloves.

According to Officer A, the Subject was pedaling with his left hand on the handlebar and his right hand on his waistband. Officer A believed that the Subject was either attempting to arm himself or discard contraband from his person prior being contacted.

Note: The bicycle was not equipped with a headlight, and the Subject was riding during hours of darkness, in violation of California Vehicle Code (CVC) 21201(d)(1). Officers A and B decided to conduct a traffic stop on the Subject for the CVC violation and for a possible curfew violation.

After making visual contact with the officers, the Subject negotiated a quick right turn and headed through an alleyway. According to Officer B, the officers activated both of their side spotlights as they followed the Subject.

Note: The officers did not activate their vehicle's emergency lights or siren as they followed the Subject.

The Subject negotiated another quick right turn, into a second alley and began to accelerate away from the officers. According to Officer B, the Subject looked backward over his shoulder several times as he attempted to elude the officers. Officer B also indicated that from the moment they entered the alley, he and Officer A discussed that the Subject was possibly armed.

According to Officer A, he accelerated and caught up with the Subject, who jumped off the bicycle, abandoning it in the middle of the alley, and attempted to run away from the officers.

Note: Officer B believed that the Subject either fell off his bicycle or accidentally crashed into the west side wall of the alley.

Officer B advised Officer A that he was going to broadcast their location upon arriving at the scene. However, when the Subject got up from the ground, he held onto his front waistband area, leading Officer B to believe that he was armed with a weapon.

Therefore, Officer B did not want to look down for the microphone and take his eyes off of the Subject.

Note: According to Officer B, his primary focus was to make sure that the Subject did not shoot at them while he was riding the bicycle. Officer B wanted to make sure that he could exit from his vehicle as soon as possible, knowing that he had a microphone on his vest.

Officer A was unable to brake and stop the momentum of his police vehicle, and unintentionally ran over the abandoned bicycle with the left front tire of the black and white. As their police vehicle came to a stop, Officer B exited the passenger side of the police vehicle and initiated a foot pursuit. Officer B ordered the Subject to stop, shouting, "stop police", at least two separate times. According to Officer B, the Subject ignored his commands and continued running.

Meanwhile, Officer A reversed his police vehicle, dislodged the bicycle from the undercarriage of the vehicle, and joined Officer B in the foot pursuit, trailing approximately 10 to 15 feet behind Officer B.

According to Officer B, approximately 10 yards into the foot pursuit, the Subject motioned his right hand across his body and removed a revolver from his left front waistband area. As he continued to run away, the Subject pointed the revolver upside-down and backward over his right shoulder, in the officers' direction. Officer B observed the large barrel of the revolver, slowed down his pursuit and shouted out, "gun, gun," while simultaneously unholstering his pistol.

In fear for his life, Officer B fired 10 rounds while on the move from a decreasing distance of approximately 15 to five feet. During the officer-involved shooting (OIS), Officer B ordered the Subject to drop the weapon several times, but that met with negative results. Officer B continued to fire his pistol at the Subject as he moved closer. According to Officer A, he did not fire because Officer B was standing in front of him at the time and, as Officer A moved over, the Subject fell to the ground and Officer B stopped firing.

Note: Detectives interviewed several witnesses who provided varying accounts of what they heard at the time of the shooting, specifically the timing of the gunfire. All had differing accounts, with some describing the gunfire as rapid, quick, or in succession; while others described there being a pause during the shooting.

Note: There were no civilian witnesses who visually witnessed the shooting take place.

The Subject fell to his knees while still holding the revolver in his right hand. After falling to his knees, the Subject threw the revolver with his right hand into the rear yard of a residence before collapsing onto the ground. According to Officer B, he stopped firing

when the Subject hit the ground, but the gun was still pointed in his direction. Officer B recalled that as he fired his last round, the Subject was able to fling the gun overhead.

In the interim, Officer A had unholstered his pistol when he heard Officer B shout out, "Gun," but did not fire because he did not observe the Subject pointing his gun in the officers' direction. According to Officer A, his view of the Subject was obscured by Officer B, who was in front of him. During the OIS, Officer A quickly moved to the west side of the alley toward what he perceived as cover. Officer A was approximately 10 feet behind Officer B when his partner began firing his service pistol.

Officer A observed the Subject throw an object over the fence and into a rear yard as he was falling to the ground. Officer A assumed it was the gun but was unsure. After the Subject threw the object, he collapsed onto the ground.

Officer B broadcast to Communications Division (CD), that he needed help and that shots had been fired. Officers A and B then maintained their positions while awaiting the arrival of responding units.

Note: Sergeant A arrived and requested a Rescue Ambulance (RA).

Note: The Subject was handcuffed by assisting officers. Due to the Subject's injuries, both wrists were handcuffed in front of his body.

Los Angeles Fire Department (LAFD) personnel arrived on scene and observed the Subject lying on his right side on the ground in the alley. Firefighter/Paramedics A and B conducted an assessment of the Subject's injuries and noted that he had multiple gunshot wounds (GSWs). As the Subject was neither conscious nor breathing and had no pulse and showed no signs of life, paramedics pronounced death.

Subsequent to the incident, Officer C responded and heard an unidentified officer say that the Subject had tossed the gun into the rear yard just west of their location. Officer C walked to the front door of the residence where he believed the weapon may be located. Officer C received permission to search the yard and located a weapon lying on the ground, a short distance from the alley.

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, by a 3 to 1 vote, made the following findings:

A. Tactics

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

B. Drawing/Exhibiting

The BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer A's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

- **Tactical Communication**

Upon his initial observation, Officer B did not advise Officer A of his observation or belief that the Subject could possibly be armed with a handgun.

Officers are expected to continuously communicate with one another and Communication Division (CD), thus enhancing their tactical awareness and effectiveness. The success of any tactical operation is greatly increased when officers communicate their observations and additional information obtained while working together.

In this circumstance, Officer A drove northbound, while Officer B observed the Subject holding the left side of his waistband with his right hand. It was during this time that Officer B concluded the Subject was possibly in possession of a handgun. Officer B recalled that the Subject was riding a bicycle holding it with one hand, which is unsafe. According to Officer B, the Subject was holding the left side of his waistband with his right hand which is a very common tactic used by gang members to conceal items and not allow their gun to fall off when they're riding oversized bicycles and wearing oversized clothing.

In Officer B's second interview, he clarified the above statements regarding his initial observations the Subjects actions. According to Officer B, a significant number of gang members typically run from the police without any weapons, just to taunt officers and to establish themselves as true gang members who defy the law.

According to Officer A, he did not realize the Subject was holding the handlebar with his left hand and holding his left waistband area with his right hand until the officers followed the Subject into the alley. It was during this time that Officer A believed the Subject was possibly armed with a handgun or in possession of contraband.

Officer B's initial observations and opinion, if verbalized to Officer A, may have caused the officer to tactically approach this incident differently. The importance of effective communication can never be understated. The constant exchange of information plays a critical role in the development and execution of any tactical plan, and yet it is often not given during tactical incidents.

All pertinent information obtained by officers involved in a critical incident, when feasible, should be shared with other involved or potentially responding officers to ensure they are aware of this information in order to make timely and informed decisions. The BOPC took into consideration the distance the officers followed the Subject northbound in the alley, approximately 150 yards before the Subject stopped riding his bicycle. Officer B recalled that the alley was about 200 yards long, which is almost the length of a block. About 150 yards into the alley, the Subject either fell or crashed into the west wall in the alley.

Based on the totality of the circumstances, the BOPC determined that the officers' actions did not substantially deviate from approved Department tactical training.

- **Code Six Broadcast**

Officers A and B attempted to initiate a stop of a bicyclist without advising CD of their status and location.

Note: According to Officer B, based on previous conversations with his partner, it was predetermined that the passenger officer, Officer B, would broadcast if feasible.

The purpose of a Code Six is to advise units in the area of the officers' location and the nature of field investigations, should the incident escalate and thus necessitate the response of additional personnel. That being said, officers must be afforded some discretion in determining the appropriate time to initiate a Code Six notification. In this case, Officers A and B had already determined the passenger officer, Officer B, would broadcast if feasible. As such, Officer B had the initial responsibility for informing CD of the officers' current status and location.

Oftentimes, officers are required to balance officer safety considerations against the need to make a timely Code Six notification to CD. Department tactical training allows for immediate officer safety concerns to supersede a broadcast to CD. Upon exiting the vehicle, Officer B indicated his intent was to conduct a Code Six

broadcast. However, based on the Subject's actions, Officer B was unable to safely follow through on the aforementioned broadcast.

Officer B recalled that his primary focus was on the Subject. Officer B wanted to keep his eyes on the Subject, believing that he was armed. Officer B did not want to lower his eyes in order to locate his radio in order to broadcast their location. According to Officer B, his primary focus was to make sure the Subject did not shoot at them while he was riding that bicycle, in addition to being able to exit from the vehicle as soon as possible. Officer B also knew that he had a microphone on his vest which he could use once he exited the vehicle.

Officer B further recalled that the reason he did not go Code Six, specifically, at that moment was because his main focus was to preserve his own life in that sense that the Subject's actions indicated he was acting like somebody who could have been armed.

The prearranged roles of partner officers are not absolute and at any given time an officer's predetermined role may change depending on the circumstances; therefore, the continual evaluation of the current situation should dictate an officer's actions and decision-making process, when feasible, during a critical incident.

The BOPC recognized that the incident was rapidly unfolding and both officers had to make decisions and take action with little time to do so. Accordingly, it was reasonable for Officers A and B to focus on the Subject and safely driving the police vehicle, respectively, at the time. Therefore, Officers A and B's actions were reasonable under these circumstances.

In conclusion, although Officer A or B's decision to not broadcast a Code Six location substantially deviated from approved Department tactical training, it was justified by the circumstances.

- **Foot Pursuit Broadcast**

Officers A and B did not initiate a foot pursuit broadcast while pursuing the Subject on foot.

The effectiveness of a foot pursuit is enhanced when an appropriate foot pursuit broadcast is given to enable additional resources to respond in a timely manner. The broadcast will enable a coordinated response and enhance the effectiveness of the tactical operation. In this circumstance, the investigation estimated that Officer B chased the Subject on foot for approximately 35 to 40 feet.

Note: According to the investigation, the Subject fell to the ground approximately 42 feet north of where his bicycle came to rest.

The Board of Police Commission recognized that both officers were faced with a multitude of tasks in a short period of time. Officer B began running after a possible armed subject, as Officer A completed operating the police vehicle, exited the vehicle and followed on foot. The BOPC further noted that Officer B intended to broadcast the foot pursuit and went so far as to make an overt statement of his plan to Officer A. However, as Officer B exited the police vehicle he observed the Subject running with his right hand over his left waistband area, and was focused on the possibility of dealing with an armed subject.

According to Officer B, it was a fluid situation -- taking just seconds for him and Officer A to progress to the alley. Officer B was thinking that if the Subject was armed, it would take him less than a half a second to turn around and shoot at him. Officer B knew that the biggest target was his vehicle and many officers have been killed while still in their cars. Officer B also knew that if the Subject turned around and fired, he was going to shoot at his vehicle. According to Officer B, his primary focus was on being able to remove his seat belt and have his hand ready on the door to be able to exit that vehicle and redeploy to cover if, in fact, the Subject was armed.

According to Officer A, when his partner exited the vehicle, he had already rolled over the bicycle. Officer A placed the car in reverse to back off of it. Officer A recalled that through the windshield, he could see Officer B already running after the Subject. Officer A knew that his partner was going to initiate the foot pursuit, so he guided the vehicle to the left of the alleyway. Officer A placed the car into park and opened the door. Officer A did not have enough room to exit the vehicle without adjusting sideways and then coming out around the driver's door, which delayed him. Officer A cleared the front of the vehicle, and the shooting started. Officer A recalled that his concern was to catch up to Officer B and then start broadcasting, but he wanted to get the closest distance possible.

The roles of the primary and secondary officers in a foot pursuit are not absolute and at any given time an officer's predetermined role may have to change from primary officer to secondary officer; therefore, the concept of effective communication via a radio broadcast should only be secondary to imminent officer safety issue.

The BOPC took into consideration that Officer A never lost sight of Officer B during the foot pursuit. Additionally, Officer A's maximum distance from Officer B during the foot pursuit was approximately 15 feet in an alleyway that was illuminated by multiple lighting sources. Officer A was inside their police vehicle when Officer B initially ran after the Subject; however, the limited time he spent inside of the vehicle did not hinder his ability to render aid to Officer B.

Based on the distance of the foot pursuit, and the actions of the fleeing Subject, Officers A and B's substantially deviation from Department training was justified in order to effectively focus on the unfolding life threatening situation.

- **Pursuing an Armed Subject/Apprehension vs. Containment**

Officers A and B were in apprehension mode of a possible armed subject as they chased the Subject on foot.

Officers must continuously evaluate their tactics while involved in a foot pursuit of a Subject. Furthermore, upon realizing that a Subject is potentially armed, officers should generally transition into a containment mode to gain the tactical advantage. In this circumstance, Officers A and B pursued the Subject on foot, when Officer B observed the Subject holding his right hand over his left waistband area, as if he was in possession of a handgun.

Based on the Subject's actions, it would have been prudent for Officers A and B to continue their actions in containment mode. However, due to the short distance of the foot pursuit during a rapidly unfolding incident, this would have made Officers A and B's ability to transition from apprehension mode to containment mode a difficult action to safely manage. According to Officer B, when he sees that somebody is armed with a handgun, for his safety and the safety of everybody else in the community, he would go into containment mode if he saw a handgun.

In conclusion, in any foot pursuit, the inherent risks must be weighed against what will be gained by engaging in a foot pursuit. The BOPC acknowledged that consideration must be given to a stressful and rapidly unfolding dynamic incident. Given these circumstances, coupled with the short distance of the foot pursuit, the BOPC found that Officers A and B's tactics substantially deviated from established Department tactical training; however, their actions in this incident were justified.

- **Handcuffing**

Officers A and B utilized outstanding tactics by waiting for additional resources to arrive prior to approaching and handcuffing a subject armed with a firearm at the conclusion of the OIS.

It is not unusual for an armed subject to have more than one firearm or other deadly weapon on their person, which could cause serious bodily injury or death. The officers were in a dark alley with limited lighting resources. Coupled with being in an area that was tactically unsafe, maintaining strict contact and cover roles until the arrival of responding units was a tactically sound decision. Once the Subject was on the ground and incapacitated after sustaining multiple gunshot wounds, time was on the officers' side. Officers A and B realized additional resources were responding and would have a tactical advantage if an additional unit assisted with the handcuffing process.

The BOPC commended Officers A and B for their tactical awareness immediately following a life-threatening incident. Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements

could be made, oftentimes, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents. Therefore, the topic of handcuffing will be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Rescue Ambulance Request

Officer B broadcast the request for help and Sergeant A arrived on scene approximately 4 minutes later. Sergeant A broadcast a request for a Rescue Ambulance approximately 10 seconds later. The topic of requesting medical treatment will be discussed during the Tactical Debrief.

2. Watch Commander Response to a CUOF incident

Sergeant B, the Area Watch Commander, was contacted and notified of the OIS; however, he did not respond to the scene. Although the BOPC noted that there were three supervisors who arrived at the scene of the incident shortly after the help call was broadcast, proper supervisory oversight by the Watch Commander is a vital component in the management of a critical incident and as such, the Incident Commander should be fully qualified to manage the complexity of each incident. However, in this case, a check with the Commanding Officer of Hollenbeck Patrol Division staff revealed that Sergeant B was unable to respond to the OIS due to light duty restrictions.

- 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, it was determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, the most appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

In conclusion, the BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B made a determination to stop and detain the Subject for a curfew violation or a vehicle code violation. Officers A and B illuminated the Subject with their vehicle side spotlights, at which time the Subject fled on his bicycle northbound in the alley. The Subject fell or jumped off his bicycle, abandoned the bike in the

roadway and ran northbound. Officers A and B initiated a foot pursuit when the Subject produced a handgun, resulting in both officers drawing their service pistols.

Officer B recalled that the Subject was running on foot holding the left side of his waistband. Officer B began to pursue the Subject on foot and approximately ten yards into the run, the Subject removed with his right hand a revolver with a big barrel. At that point, Officer B unholstered his weapon believing the situation could escalate to the use of deadly force.

Officer A recalled that he deployed out of the vehicle and as he ran around the car and by the bicycle, he approached Officer B, heard Officer B yell out "gun," and then began to fire rounds. Officer A deployed his weapon in fear for his partner's safety and for his own safety due to the fact the Subject had a weapon and Officer B advised him accordingly.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers A and B, while faced with a Subject removing a handgun from his waistband would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

- In this circumstance, Officer B was pursuing the Subject northbound through the alley when the Subject removed a handgun from his waistband and pointed it over his shoulder at Officers A and B. Officer B recalled that at that point, the Subject removed a gun from the left side of his waistband with his right hand and through his arm Officer B was able to see the barrel of the gun. According to Officer B, that is what triggered his fight or flight response when he saw the barrel coming out of the Subject's waistband.

Consequently, Officer B fired 10 rounds at the Subject to stop his actions. Officer B recalled that the Subject removed the gun with his right hand from the left side of his waistband. Officer B was able to see the big barrel. According to Officer B, he knew it was a revolver because both spotlights were on the Subject at this point. According to Officer B, the Subject removed the weapon and brought it up in Officer B's direction while still running. Officer B, believing that his life and the life of his partner were in serious jeopardy of death, discharged his firearm at the Subject.

According to Officer B, when firing his first round, the barrel of the Subject's weapon was pointed at him. Officer B recalled believing that he was in danger of serious bodily injury or death that could result from the barrel being pointed at him and truly

believed that the Subject was going to fire his gun directly at him, which could kill him.

Officer B fired his weapon in rapid succession. Officer B recalled shooting at the Subject, but the Subject did not drop the weapon. Officer B recalled that he continued firing his weapon until the Subject stopped pointing his weapon at him. According to Officer B, his last shots were fired simultaneously as the Subject was throwing the handgun. Officer B recalled that simultaneously when he was shooting his last round, the Subject was throwing his weapon over the fence. Officer B recalled that the incident seemed to last an eternity, but the shooting went down in seconds.

According to Officer A, he was trailing behind Officer B, when he heard Officer B yell, "gun" followed by Officer B firing his service pistol approximately seven or eight consecutive rounds. Officer A recalled that it was within seconds. It was just a consecutive volley of rounds and in fast succession.

Officer A drew his service pistol, moved in a northwesterly direction to obtain a better vantage point of the Subject and recalled the Subject falling to the ground and Officer B stopped firing. According to Officer A, as the Subject dropped down to his knees, he observed an object fly into the air westbound over the wall. Officer A assumed it was the gun, but he was not sure.

Note: There were a total of 17 witnesses that were interviewed during this investigation. Twelve witnesses indicated they heard one continuous firing sequence during the OIS. However, the witnesses' accounts varied in the speed during that sequence of fire. Five witnesses heard more than one sequence of fire at varied speeds. Of the five witnesses that were awoken by the shots being fired, one heard more than one sequence of fire.

The BOPC was fully aware that there were discrepancies in the accounts and recollections of both witnesses and officers. The facts support that the Subject possessed a handgun, which he discarded at the conclusion of the foot pursuit. Based on evidence and statement(s) he likely did so by throwing it overhand, pointing the handgun in Officer B's direction. Accordingly, Officer B reasonably perceived a deadly threat and reacted to it.

However, in consideration of some of the concerns that are at issue in this case, the BOPC considered well-established research into what happens to an officer during a lethal force encounter. Consequently, the BOPC understood that officers can fire several rounds after the objective cessation of a deadly threat due to the time it takes an officer to recognize the change of conditions or cessation of the threat. Additionally, the memory and recall of officers and others can be impacted due to the stress of a lethal force encounter. Officers may not recall details of an incident or remember them in order.

In this case, the BOPC also acknowledged the discrepancies in the statements of witnesses and gave them due consideration. The BOPC understood that witness accounts are often inconsistent based on various environmental and/or human factors.

The totality of the circumstances in this case supports that an officer with similar training and experience as Officer B would reasonably believe the Subject's actions of removing a handgun from his waistband and pointing it in the direction of Officers A and B represented an imminent threat of serious bodily injury or death, and therefore the use of lethal force would be reasonable. The sequence of rounds fired and positioning of the subject at the time the fatal rounds were fired cannot be determined to a certainty. The BOPC took into consideration the time it takes for an officer to stop discharging his rounds in an OIS that occurred within seconds, while on the move at a decreasing distance. In conclusion, in considering all the evidence and supporting research, the BOPC found that the preponderance of the evidence supports a finding that Officer B's lethal use of force was objectively reasonable and in policy.