

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

OFFICER-INVOLVED SHOOTING – 047-20

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

Topanga 10/15/20

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

Officer A 11 years, 6 months

Reason for Police Contact

Officers contacted the Subject, a trespass suspect who was inside a hotel room and refused to open the door. After several unsuccessful attempts to have the Subject unlock and open the door, the officers utilized a key and bolt cutters to bypass the door lock and chain lock, allowing them to slightly open the door. The Subject used her body weight against the door to deny entry to the officers. As the officers continued to communicate with the suspect, the Subject reached around the partially opened door and pointed a handgun at the officers, which resulted in an Officer-Involved Shooting (OIS).

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

Female, 51 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, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on August 31, 2021.

Incident Summary

On Wednesday, October 15, 2020, at approximately 00:49 hours, Los Angeles Police Department (LAPD) Communications Division (CD) Emergency Board Operator (EBO) received an emergency call for service from the Subject. According to the Subject, “a violent and crazy” person was armed with a gun and was banging on the window of her hotel room.

At approximately 00:58 hours, CD assigned the “possible ADW suspect” radio call to Officers A and B.

At approximately 01:09 hours, Officers A and B arrived at the radio call. According to Officer A, he/she placed them at scene via the Mobile Digital Computer (MDC). Shortly after arriving, Officer A and Officer B activated their Body Worn Video (BWV). According to Officer A, when he/she and his/her partner arrived on scene, they were met by Officers C and D, who had arrived just prior.

Shortly after Officers A and Officer B arrived, a hotel employee, Witness A, exited the building and made his way toward the officers. Officer B’s BWV depicted him/her asking Witness A if any guest had reported seeing someone with a gun. According to Witness A, no guest reported seeing anyone with a gun; however, a hotel guest, Witness B, informed him that he had been locked out of his room by a female guest of his. Witness A further stated that he wasn’t aware if Witness B possessed any weapons.

According to Officer A, he/she and Officers B, C, and D formulated a plan to approach the hotel and make contact with a possible suspect. Once they made contact with Witness B, Officer A and Officer B would be contact and hands-on while Officer C and Officer D would provide cover.

Officer B instructed Witness B to keep his hands where the officers could see them and exit the building. Witness B stood up from the couch he was sitting on inside the hotel lobby and walked over to the officers. Officer B placed Witness B into handcuffs. After Officer B conducted a pat-down search of Witness B, Officer A informed Witness B that they received a radio call and the caller had stated that he had seen someone who had been in possession of a gun. After initially denying that he was having any problems with a female, Witness B admitted to the officers that a female he recently met locked him out of his hotel room. Witness B also advised officers there were no weapons in the hotel room.

According to Witness B, at approximately 0100 hours, he left the hotel room and drove to a nearby 7– Eleven to buy something to eat while the Subject remained in the room. When he returned to the hotel room, he could not gain access into the room. After several attempts to unlock the door with his key, he walked to the front lobby and spoke with the hotel employee. After advising the hotel employee that his room key would not unlock the door, they both walked to his hotel room and tried the key several more

times. Eventually, it was discovered that the deadbolt lock had been engaged from inside the room, which was the reason the door would not unlock. As Witnesses A and B were attempting to open the door, the Subject called 911 and stated there was a man with a gun banging on her window.

Officers A, B, C, and D conducted a follow-up to the room. Officer B's BWV captured the interaction between the officers and the Subject. According to Officer B's BWV, officers spoke with the Subject for approximately seven minutes through the hotel room door. During that time, the Subject refused to open the door when they identified themselves as police officers. As captured on Officer B's BWV, the Subject was asked on three separate occasions if she needed help and she said, "No, I'm fine."

According to Officer A, there was no evidence to support that an Assault with a Deadly Weapon occurred, or that any other crime had been committed. At approximately 01:47 hours, the officers walked to the hotel lobby, and Officer A informed Witness A that they were unable to convince the Subject to exit the hotel room; however, she did state that she would leave in the morning. Officer A advised Witness A to call the police should he need further assistance.

At approximately 0216 hours, Witness A called CD and inquired if the same officers that recently left the hotel could return. At approximately 0217 hours, CD contacted Officers C and D via the police radio and requested they return to the hotel. CD further explained, that according to Witness A, he would advise the officers how to bypass the door lock and gain entrance into the hotel room.

According to Officer A, he/she and Officer B returned to the hotel, and he/she placed the officers at scene via the Mobile Digital Computer (MDC). When Officer A and Officer B arrived, Officers C and D were already at scene speaking with Witness A in the parking lot. Officer D's BWV depicts Witness A telling officers that his General Manager wanted the Subject removed from the hotel room because she was not a registered guest and was trespassing. According to Witness A, he was instructed by his General Manager on how to bypass the electronic door lock, so he could provide the instructions to the police. After receiving instructions from Witness A on how to bypass the door lock with a manual key, Officer's A, B, C, and D conducted a follow-up at the room.

According to Officer B's BWV, the officers arrived at the room at approximately 0229 hours. As captured on Officer B's BWV, Officer B inserted the key but was unable to unlock the door. Officer A stepped in and was successful in unlocking the door.

As Officer A pushed the door open, it suddenly stopped due to the chain lock being engaged. Officer B attempted to disengage the chain lock but was unsuccessful. The door suddenly slammed closed due to someone pushing it from the inside of the room.

Approximately 42 minutes elapsed from the time the officers left the hallway to the front of the room during the first call, to their return for the second call. The officers

successfully opened the door; however, they did not identify themselves as police officers until four seconds after the Subject slammed the door shut. Officer A was asked if they issued a “knock or announce” before trying to use the key. According to Officer A, “I don’t recall if we -- I think we knocked maybe once or twice. I could be wrong. And then we used the key, but we didn’t get a response until we actually used the key and opened the door and then the door got kicked shut.”

Officer C stated, “We might need those cutters.” Witness A, who was standing by at the end of the hallway, left momentarily, retrieved bolt cutters and provided them to Officer A to cut the chain lock.

According to Officer A’s BWV, at 0233:28 hours, Officer B unholstered his/her TASER as Officer A cut the chain lock. The Subject utilized her body weight to keep the door from opening all the way. A portion of the Subject’s body was visible through the slightly opened door. Officer B told the Subject, “We’re going to tase you if you try to fight us.” Officer A told the Subject to, “Listen, open the door now, back up now so nobody gets hurt, do it now!” The Subject responded with, “No, cause you’re not cops [expletive].” At 0233:42 hours, the Subject stated, “You’re not forcing me to shoot Brennan.”

Approximately eight seconds later, the Subject reached around the slightly opened door and pointed a semi-automatic pistol at the officers. According to Officer A, as soon as the gun came around the door, he/she was looking straight down the barrel.

According to Officer A’s BWV, at 0233:50 hours, the officers yelled, “[W]hoa!, fire!, gun!, gun!, gun!, gun!” Officer A lowered his/her body position and quickly moved to his/her left, while he/she attempted to close the door, but was unsuccessful.

According to Officer A, as he/she moved to his/her left, his/her intent was to “get out of the way” of the line of fire of the Subject’s pistol, and away from the door; however, his/her rearward momentum was impeded by a portion of a perpendicular wall that extended approximately 20 inches from the door to the connecting hallway wall. Officer A was asked if the wall “stopped his/her momentum” from moving to his/her left and Officer A responded, “Yeah. I would say that I was leaning most of my weight on that wall at that point [...] And then I think I was just stopped by that and that’s what was next to me and that’s what stopped me and then now it’s -- that’s where I’m at.”

According to Officer A, he/she could not see the Subject or the gun, but he/she said, “At that point, I drew my weapon because I thought she was going to shoot me at that point.” Officer A further said, “I believe she was behind the door and now acquiring a better target on me and maybe acquiring a shooting stance.”

According to Officer A, in explaining the reason he/she moved to his/her left, “I kind of dove and ducked to the left side of the door and leaned on the wall and might have pulled the door towards me a little bit to kind of block the gun from being able to be manipulated.”

According to Officer C's BWV, at 0233:52 hours, Officer C placed both his/her hands on Officer A's right side and pushed him/her toward the left side of the entry door. Officer C stated that he/she pushed Officer A because, "I was scared, so I backed off and drew my gun out. And as I was backing out, I was pushing Officer A down, because I saw the barrel was up." Officer C stated that he/she unholstered just prior to the OIS because he/she was able to see the suspect with a gun. He/she further stated that he/she did not fire his/her pistol because, "I redeployed after seeing the pistol as it was aimed in my direction, so I had to get to a safe location. And once I was at the safe location, I did not have a line of sight towards the suspect."

According to Officer D's BWV at 0233:53 hours, Officer B unholstered his/her pistol with his/her right hand, while holding his/her TASER in his/her left hand and backed away from the door.

According to Officer A's BWV, at 0233:54, he/she fired his/her first of three shots at the Subject. According to Officer A, he/she fired his/her first round through the door where he/she believed the Subject to be standing. After firing his/her first shot, there was no reaction from the Subject leading Officer A to believe she was still behind the door in a firing position. According to Officer A, he/she fired a second round because he/she believed, "She was going to fire at me and hurt me, kill me." According to Officer A, there was no indication from the Subject that the threat had gone away, and he/she believed the Subject was still behind the door, armed with a gun, and still preparing to shoot him/her. For this reason, according to Officer A, he/she fired a third round through the door. After firing a third round, the hotel room door swung open which allowed Officer A to see the Subject running into the hotel room bathroom and out of view. According to Officer A, he/she fired three rounds in what he/she believed was a fraction of a second, but his/her shots were controlled. Each time he/she fired a round, he/she would assess for a split second before firing again.

According to Officer D, "I heard three gunshots approximately three gunshots. Don't know if it was from her, from [Officer A]. At that point I had drawn out my weapon because I heard gunshots. I was too far away to be effective with my weapon, so I reholstered and I started communicating. I put out the help call."

According to Officer A, he/she took a position of cover outside of the door and attempted to communicate with the Subject. He/she ordered the Subject to exit the hotel room with her hands up, but she refused to do so. He/she was advised by Officer C that there was a handgun inside the entryway of the hotel room on the floor. Officer A was concerned that if the Subject complied with his/her commands and began to exit the hotel room, she would have access to the firearm and possibly rearm herself. Officer A made the decision to step into the room, put his/her left foot on top of the gun and move it behind him/her, into the hallway.

According to Officer D's BWV, at 0234:01 hours, as Officer A continued to communicate with the Subject, Officer D utilized his/her hand-held radio and broadcast the following, "Shots fired officer needs help, shots fired officer needs help!"

CD immediately repeated the broadcast. Officer D then requested a shield.

According to Officer D's BWV, at 0236:36 hours, Officer D requested a Rescue Ambulance (RA) to respond to the location and standby due to the Subject possibly needing medical attention.

At approximately 0238 hours, numerous officers and supervisors arrived on scene, including Sergeants A and B.

Approximately one minute later, Officer E and his/her partner also arrived on scene. Officer E, equipped with a Ballistic Shield, entered the hotel and also approached the group of officers attempting to contain the Subject.

After identifying that there were no other supervisors on scene, Sergeant A began to assemble an entry team to enter the hotel room and take the suspect into custody. Sergeant A delegated lethal and less-lethal responsibilities to officers assigned to the entry team. He/she designated Officer A as lethal, Officer B as less-lethal with the TASER, another officer as less-lethal with the beanbag shotgun, and Officer E to deploy the Ballistic Shield and provide cover for the entry team. He/she also requested four officers as an arrest team with helmets.

According to Officer A's BWV, prior to making entry into the hotel room, Officer A ordered the Subject to show her hands, but she wouldn't comply. According to Officer A, he/she wanted to utilize the ballistic shield to locate the Subject because she began to communicate less, and he/she was contemplating if the Subject was bleeding and possibly losing consciousness. Officer A was concerned that the Subject was in need of medical attention and the officers needed to render aid.

According to Officer A's, BWV, at 0240:33 hours, the entry team led by Officer E entered the hotel room utilizing the ballistic shield as cover. Officer E used the ballistic shield to pin the Subject against the bathroom sink. Officer A used a firm grip on the Subject's left wrist and guided it behind her back and Officer B used a firm grip on the Subject's right wrist and guided it behind her back. Officer D completed handcuffing the Subject.

After the Subject was taken into custody, Sergeant A and Sergeant C identified the involved officers and determined that Officer A was the only officer that had fired his/her weapon during the OIS. The Subject was then transported to a local hospital with a minor gunshot wound.

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 A	Yes	Yes	Yes	N/A	N/A
Officer B	Yes	Yes	Yes	N/A	N/A
Officer C	Yes	Yes	Yes	N/A	N/A
Officer D	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	Yes	Yes
Sergeant A	Yes	Yes	Yes	Yes	Yes
Sergeant B	Yes	Yes	Yes	Yes	Yes
Sergeant C	Yes	Yes	Yes	Yes	Yes

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 Sergeants A and C's, along with Officers A, B, C, D, and E's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

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

D. Lethal Use of Force

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

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with

the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes 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 principle 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, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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), stating 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:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a Subject and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force

may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;

- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims,

witnesses, subjects, suspects, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial

risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “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 test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation Techniques

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

(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her/hers 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.

Officers A and B had been working together for approximately one month. According to Officer A, every time he/she is introduced to a new partner, he/she advises them the type of primary and backup weapon he/she carries, along with the type of ammunition he/she uses. According to Officer B, he/she and Officer A discussed contact and cover roles and lethal and less-lethal responsibilities. Officer B stated that the roles may change at any time due to circumstances and the nature of the radio calls.

After Officer A was involved in the OIS, Officer D broadcast a help call and requested a ballistic shield. Officer D requested an RA to respond to stand-by in the event medical aid was required for the Subject and later requested an officer with a less-lethal force option. Prior to making entry into the room, Officer A identified him/herself as lethal cover and designated Officers B and D as the arrest team.

Sergeant A began tactical planning while enroute to the help call and ensured that a patrol rifle was requested. In addition, Sergeant A was monitoring the radio frequency and was aware that a request was made for less-lethal force options and a ballistic shield. Arriving at scene, Sergeant A attempted to identify the involved officers and began assigning officers lethal and less-lethal roles. When Officer E

arrived with the ballistic shield, he/she was assigned to be the point officer with the ballistic shield to provide cover for the entry team.

Assessment – After Officer A utilized bolt cutters to bypass the chain lock, he/she observed a handgun pointed in his/her direction from the opening of the doorway. Believing the Subject was targeting him/her with her handgun, Officer A drew his/her service pistol and an OIS ensued. After Officer A discharged his/her first round, he/she assessed the situation and determined the threat was still present, causing him/her to discharge a second round. Officer A assessed the effectiveness of his/her second round and determined the level of threat he/she perceived had not changed, causing him/her to discharge a third round. Officer A assessed and observed the Subject retreat from the door to the bathroom. Officer A observed the Subject's handgun on the entryway floor near the door and determined that the Subject could access it. Officer A determined that it was safer to remove the handgun from the room rather than allow the Subject to rearm herself.

Arriving on scene, Sergeant B determined there was an excess of officers inside the hotel, and she re-deployed the officers to the hotel's exterior. Arriving with Sergeant B, Sergeant A determined there were no additional supervisors at scene and assumed the role of Incident Commander (IC). Sergeant A was briefed by the officers and learned that the Subject may have been struck by an officer's round. Sergeant A verified that an RA had been requested and that officers were communicating with the Subject to de-escalate the situation and convince her to surrender. While Sergeant A could not see the Subject prior to entering the room, based on the Subject's voice, it sounded like she needed medical aid.

Time – When Officers A, B, C, and D re-responded to the hotel to remove the Subject from the room, they immediately began to unlock the door before re-identifying themselves as police officers and communicating with the Subject. When the Subject refused to open the door and/or leave the room, the officers did not take additional time to request a supervisor, additional units, or additional resources such as the Mental Evaluation Unit (MEU).

After the OIS, Officers A, B, C, and D contained the room and waited for additional resources to arrive before entering. When additional units arrived, the officers and supervisors were briefed, a plan was developed, and roles were designated prior to entry.

Redeployment and/or Containment – When the Subject produced a handgun from behind the door, Officer A “dove” and “ducked” to avoid being shot. After the OIS, Officers A and C deployed to the left and right side of the doorway, respectively, using the doorways as cover. Recognizing that if the Subject exited the room it would create a crossfire issue between him/herself and Officer C, Officer A directed Officer C to re-deploy to his/her (Officer A's) side of the doorway.

Arriving on scene, Sergeant B re-deployed excess officers to the exterior of the hotel to contain the location. When officers handcuffed the Subject, Sergeant A determined that the ballistic shield was no longer needed and redeployed Officer E to the bedroom area where he/she identified a closet that had to be cleared.

Other Resources – During this incident, Officers C and D responded to the hotel twice. During both occasions, Officers A and B responded as an additional unit. After the OIS occurred, Officer D broadcast a help call to gather additional resources, requested an officer to respond with a shield, and requested an RA to stand by.

Responding to the help call, Sergeant A ensured that a patrol rifle had been requested. Arriving at scene, Sergeant A ensured that the entry team was equipped with a ballistic shield and directed four additional officers to retrieve their ballistic helmets for an arrest team. Once the Subject was taken into custody and the scene was safe, Sergeant A requested that Firefighter/Paramedics (FF/PMs) enter the hotel to treat the Subject.

Lines of Communication – When Officers A, B, C, and D re-responded to the room, they immediately began to unlock the door before re-identifying themselves as police officers and communicating with the Subject.

Observing the Subject produce a handgun from around the door, Officer A warned the other officers of the danger by stating, “Whoa, fire, gun, gun, gun!” After the OIS, Officer A attempted to communicate with the Subject to obtain her cooperation and for her to surrender, but she refused. After the OIS, Officer D broadcast a help call. Officer D then updated his/her broadcast, providing a unit designation and location. When Sergeant A arrived, Officer D briefed him/her on the incident. Sergeant A noted that Officer A was attempting to communicate with the Subject and that he/she had clarified with the other officers regarding what their roles were prior to entering the room.

The BOPC noted that while Officers A, B, C, and D did not initially know the Subject was armed with a handgun, it would have been preferred that the officers had communicated with the Subject before attempting to unlock the door and entering the room (prior to the OIS). The BOPC also noted that it would have been preferred that the officers had requested a supervisor when the Subject closed and blocked the door before attempting to unlock the door and enter the room. The BOPC acknowledged that Sergeant A was faced with a dynamic and fluid situation; therefore, her ability to gather further information was difficult upon learning the Subject was possibly injured as a result of the OIS and the need to render medical aid became a priority.

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

1. Cover Officer/Ballistic Shield Protocols

While attempting to unlock the door to the room, Officer B stood in front of the door. Realizing the door was secured with a chain lock, Officer B reached between the door and the frame, unsuccessfully attempting to disengage the chain. When the Subject blocked the door with her body, Officer B stood in front of the door, placing him/herself in a tactically disadvantageous position.

The BOPC acknowledged that prior to the OIS, this incident was a misdemeanor trespassing violation. The BOPC also acknowledged that despite the comments of the original radio call, there were no indications that the Subject was armed with a handgun. The BOPC further acknowledged that while Officer B stood in front of the door prior to the OIS, he/she was attempting to unlock the door or attempting to persuade the Subject to exit the room. The BOPC opined that the officers responded to the second radio call as a continuation of the first radio call, which influenced their tactics.

After the OIS, the Subject dropped her handgun on the ground as she fled to the bathroom. Seizing the opportunity to seize the Subject's handgun, Officer A moved from cover, placed his/her foot on the Subject's discarded handgun, and slid it out of the room as he/she moved back to cover.

The BOPC noted that Officer A's actions of moving the Subject's handgun out of the room de-escalated the incident and prevented the Subject from rearming herself with the handgun. The BOPC also noted that Officer A moved quickly to remove the handgun.

Prior to the entry team moving into the room, Officer E utilized a ballistic shield as portable cover while verifying the Subject's location and physical condition. Prior to the team moving into the room, Officer A designated him/herself as the lethal cover officer. Officer A directed Officer E to move towards the Subject and "press her up against the wall." With his/her service pistol holstered, Officer E walked towards the Subject, holding the ballistic shield with two hands. As Officer E reached the threshold of the bathroom door, the ballistic shield contacted the Subject's body. Officer E continued to move into the bathroom, pinning the Subject between the ballistic shield and the bathroom wall/counter. Officer E held the Subject against the wall/counter as Officers A and B holstered their service pistols and handcuffed the Subject. When Officers A and B holstered their service pistols, their actions left the team momentarily without the benefit of lethal cover.

The BOPC noted that during the Use of Force Review Board (UOFRB) for this case, a Subject Matter Expert (SME) from the Tactics Unit, Training Division, discussed the deployment of the ballistic shield and its training. According to the SME, while the Department does not teach utilizing the ballistic shield in the exact manner Officer E utilized it during the incident to pin the Subject, the

training does cover ballistic shield retention techniques that are similar in execution, specifically during the retention of the ballistic shield. The SME did note that officers are taught to generally hold the ballistic shield with one hand and their service pistol with the other hand.

The BOPC discussed Officer E holding the ballistic shield with both hands, as opposed to having his/her service pistol drawn; however, as used here, it would not have been advisable for Officer E to hold his/her service pistol due to the close proximity to the Subject and that it was believed that the Subject was not armed during the approach. The BOPC also discussed that when interviewed, Officer E did not appear to understand that the shield is “ballistic.” The BOPC did consider that at the time of this incident, Officer E was a probationary police officer with limited field experience and may have been confused by the term “ballistic.” The BOPC also considered that a senior officer, Officer A, guided and oversaw Officer E’s deployment of the ballistic shield. The BOPC further considered that there while there was no Department policy that specifically addressed the use of the ballistic shield to push the Subject and pin her between the shield and a controlling agent, that use of the ballistic shield in this manner was reasonable during this specific instance. The BOPC noted that when presented with tactical challenges, officers were expected to utilize the tools at their disposal to resolve incidents.

Based on the totality of the circumstances, the BOPC determined that Officers A, B, and E’s actions were not a deviation from approved Department tactics and training.

2. Back-up Unit Request

Because the Subject was not a registered guest, and she was refusing to vacate Witness B’s room, hotel employee Witness A determined the Subject was a trespasser. Witness A contacted CD to have Officers C and D return to the hotel and remove the Subject from the room. Because the chain lock was engaged, officers were unable to fully open the door. Officer B unsuccessfully attempted to disengage the chain by reaching his/her hand between the door and the frame. As officers were assessing the chain lock, the Subject forcefully closed the door from inside the room. After the chain was cut, the Subject blocked the door with her body, preventing officers from opening it fully. To persuade the Subject to open the door, Officer B unholstered his/her TASER, directed the laser sight’s red dot in the doorway, and stated, “We’re going to tase you if you try to fight us.” Officer A advised the Subject to, “Listen, open the door now, back up now so nobody gets hurt, do it now!” The Subject responded with, “No, cause you’re not cops [expletive]!” The Subject then stated, “You’re not forcing me to shoot Brennan.” Approximately eight seconds later, the Subject reached around the slightly opened door and pointed a handgun at the officers. The Subject continued to block the door until the OIS occurred. Prior to the OIS, none of the officers – Officers A, B, C, nor D – requested additional resources or a back-up.

The BOPC noted that prior to the OIS, Officers A, B, C, and D were responding to a misdemeanor trespass violation. While officers have discretion regarding when and how to request additional resources, based on the ongoing tactical situation, the BOPC felt it would have been preferred and tactically advantageous for Officers A, B, C, and D to broadcast a back-up request given the Subject's resistance, coupled with her obvious mental state, as evidenced by her statements to officers prior to entry. The BOPC considered that given the time that passed between the first and second radio call, additional individuals could have joined the Subject in the room, placing officers at a tactical disadvantage. While given the size of the room, four officers who were already present would have been sufficient to enter the room, prior to the OIS. The BOPC would have preferred that Officers A, B, C, and D had requested a back-up and a supervisor when the Subject refused to open the door. Once the OIS occurred, the officers correctly requested help.

Based on the totality of the circumstances, the BOPC determined that Officers A, B, C, and D's actions were not a deviation from approved Department tactics and training.

3. Tactical Disengagement/Tactical Planning

During the first radio call, Officers A, B, C, and D attempted for several minutes to communicate with the Subject, but she was making "non-sensible" and "irrational" statements. Based on their belief that no crimes had occurred, the officers did not conduct further police activities.

Upon their second response, officers met with Witness A, who provided officers with a pass key to the room. According to Witness A, hotel management wanted the Subject removed from the property; however, a Private Persons Arrest (PPA), was not offered nor requested. Officers advised Witness A that they would not force the Subject out of the hotel room; at that time, officers did not believe a crime had been committed. Also, prior to the OIS, officers did not coordinate a tactical plan.

Using the key Witness A provided, Officer B tried but was unable to unlock the door. Using the same key, Officer A managed to unlock the door; however, because the chain lock was engaged, the door opened only partially; Officer B extended his/her hand between the door and the frame to disengage the chain lock. As officers were assessing the lock, the Subject forcefully closed the door from inside the room. In response, officers utilized bolt cutters to bypass the chain lock. While waiting for the bolt cutters to arrive, Officer B stood directly in front of the door as Officer A attempted to communicate with the Subject.

Prior to unlocking the door, Officers A, B, C, and D did not knock on the door, identify themselves as police officers, or request that the Subject to open the

door. Prior to the OIS, officers did not request a supervisor to respond to scene. After the chain lock was cut, officers continued to their attempts to enter the room as the Subject blocked the door with her body. After the OIS, officers redeployed to cover and waited for additional units and resources.

Arriving on scene, Sergeant A identified that he/she and Sergeant B were the first supervisors on scene. Sergeant A was briefed by the officers and began to assemble an entry team to enter the room and take the Subject into custody. Neither Sergeant A nor Officers A, B, C, nor D contacted the Mental Evaluation Unit to see if the Subject had prior contacts for mental health issues.

The BOPC discussed that it would have been preferred that Officers A, B, C, and D had requested and sought the advice of a supervisor prior to forcing entry into the Subject's hotel room. The BOPC noted concerns that none of the officers identified themselves prior to forcing the door open. The BOPC was also concerned that Officer B extended his/her hand between the door and the frame to disengage the chain lock. The BOPC noted that the officers responded to the same location and that their familiarity of the incident from their first response influenced their actions during the second response. The BOPC opined that the officers were treating their two responses to the incident as one single incident involving the dispute with the hotel occupants. The BOPC would have also preferred that Sergeant A had reduced the intensity of the incident and gathered additional information, provided a more detailed brief to Sergeant C, and conducted a more thorough initial assessment, which would have afforded Sergeant A the ability to remove Officer A from the entry team.

Based on the totality of the circumstances, the BOPC determined that while Sergeants A and C, along with Officers A, B, C, and D's actions could have been improved, they were not deviations from approved Department tactics and training.

4. Barricaded Suspect

Officers did not have information to indicate that the Subject was armed with a handgun prior to their attempts to enter the room. As officers were attempting to gain entry to the room, the Subject pointed a handgun in their direction from behind the door. After the OIS, the Subject dropped her handgun on the floor in front of the door and ran into the bathroom. To prevent the Subject from rearming herself, Officer A slid the Subject's handgun out of the room. Officer A believed there was nothing to indicate the Subject had additional weapons and that she was probably unarmed at that point. Despite repeated requests, the Subject refused to surrender. When Sergeants A and B arrived on scene, Sergeant B established exterior containment while Sergeant A oversaw the tactical operation. Sergeant C arrived as the tactical plan was beginning to be implemented.

In this case, the BOPC considered several factors as they relate to barricaded suspects. The BOPC considered that after the OIS, the door to the room was open, allowing officers access to the Subject without having to force entry. The BOPC also considered that while the officers did not know if the Subject had additional weapons, the Subject's handgun was in custody, reducing the possibility that she was armed. The BOPC also considered that the Subject may require medical aid, as it was likely that she had been shot and her physical condition appeared to be deteriorating. The BOPC further considered that prior to the entry team entering the room, officers utilized a ballistic shield as cover to observe and to verify the Subject's location as well as her physical condition. When the team entered the room, the ballistic shield was used as a physical barrier between the Subject and the officers.

The BOPC would have preferred that prior to entering the room, Sergeant A had determined which officer had discharged their service pistol and provide that information to Sergeant C. The BOPC would also have preferred that prior to entering the room, Sergeant A or Sergeant C had consulted with Metropolitan Division and/or the MEU. The BOPC noted that although Sergeant C was present, he/she arrived as Sergeant A and his/her officers were initiating their tactical plan. According to Sergeant C, he/she did not have information to determine whether the Subject was a barricaded suspect. The BOPC also noted that Sergeant A considered the possibility of a barricaded suspect, but with the Subject's handgun removed from the room, he/she determined the Subject was probably unarmed.

Based on the totality of the circumstances, the BOPC determined that Sergeants A and C, along with Officers A, B, C, and D's actions were not a deviation from approved Department tactics and training.

- The BOPC also considered the following:

Holding Service Pistol in One Hand and Equipment in the Other – When the Subject reached around the door, pointing her pistol at Officer A, Officer B was holding his/her TASER in his/her left hand. Responding to the deadly threat, Officer B unholstered his/her service pistol with his/her right hand while maintaining his/her TASER in his/her left hand.

Use of Force Warning (TASER) – When the Subject blocked and refused to open the door for officers, Officer B provided a partial use of force warning to the Subject by stating, "We're going to tase you if you try to fight us."

Shooting Through Intermediate Barrier – Believing the Subject was targeting him/her with her handgun from behind the door, Officer A discharged a total of three rounds from his/her service pistol, through the door, aiming where he/she believed the Subject was standing.

Radio Communications (Incomplete Broadcast) – Immediately after the OIS, Officer D broadcast a help call; however, he/she did not broadcast his/her unit designation or location. When prompted by CD to identify him/herself, Officer D broadcast his/her unit designation and location.

Handling of Firearms – After the Subject discarded her handgun on the floor, Officer A extended his/her left leg into the room, placed his/her left foot on the handgun, and slid it into the hallway. Officer A moved the handgun to prevent the Subject from rearming herself.

Non-Medical Face Coverings (Personal Protective Equipment) – During this incident, Department personnel were observed not wearing Non-medical Face Coverings, as directed by the BOPC of Police on May 20, 2020, for health and safety concerns related to the coronavirus.

Basic Firearms Safety Rules – Just prior to entering the room with the entry team, Officer A momentarily covered his/her left arm with his/her service pistol.

Protocols Subsequent to a CUOF – During this incident, Sergeant A allowed Officer A to proceed as the entry team's designated lethal-cover officer. Sergeant A also allowed Officer A to handcuff the Subject. At the time, there were sufficient officers to assume Officer A's place on the team. It should be noted that prior to the team's entry into the room, Sergeant A had not identified which officers discharged their service pistol(s).

Incident Commander Declaration – The OIS occurred at approximately 0233 hours. At approximately 0238 hours, Sergeants A and B were the first supervisors to arrive on scene. While Sergeant A assumed the role of IC, neither he/she nor Sergeant B declared themselves as the IC. Sergeant C arrived on scene at approximately 0240 hours. At approximately 0241 hours, the Subject was taken into custody. At approximately 0318 hours, Sergeant C declared him/herself as the Incident Commander (IC).

- 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 are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that 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 officers to discuss individual actions that took place during this incident.

Command and Control

Following the OIS, Officers A and C deployed to the left and right side of the doorway, respectively, using the doorways as cover. Officer A directed Officer C to broadcast a help call. Recognizing that if the Subject exited the room that it would create a crossfire issue between him/herself and Officer C, Officer A directed Officer C to re-deploy to his/her (Officer A) side of the doorway. Officer A also directed Officer D to request a ballistic shield. Officer A communicated with the officers that he/she was lethal cover and ensured that a less-lethal officer had been designated. Officer A communicated his/her plan with Officer E and provided Officer E with instructions for entering the room to take the Subject into custody.

The BOPC noted Officer A's initiative in taking command and control of the incident as a senior officer at scene preceding the OIS by directing the other officers and re-affirming the designated roles of the entry team officers.

The actions of Officer A exercising command and control after the OIS until Sergeant A arrived on scene were consistent with Department training.

Sergeants A and B were the first supervisors to arrive on scene after the OIS and prior to taking the Subject into custody. Sergeant A recognized there were no other supervisors on scene prior to his/her arrival and gathered information and started assigning roles to the officers. Although there were sufficient personnel at scene, Sergeant A did not identify Officer A as the involved officer initially and allowed Officer A to remain as the designated cover officer on the arrest and entry team. When officers handcuffed the Subject, Sergeant A determined that the ballistic shield was no longer needed and redeployed Officer E to the bedroom area, where he/she identified a closet that had to be cleared.

Sergeant A obtained a PSS from Officers B, C, and D and began monitoring them.

Sergeant B recognized there were too many officers in the hallway, so he/she directed some of those officers to set up exterior containment around the location. Prior to the entry team making entry, Sergeant B exited the hotel and began organizing and assigning roles to the additional responding resources, while Sergeant C remained inside with Sergeant A. Sergeant B re-deployed excess officers outside to contain the hotel's exterior.

Sergeant C responded to the Help call and discovered Sergeants A and B were already at scene. Recognizing Sergeant A was already coordinating a tactical plan, Sergeant C advised Sergeant A of his/her presence and that he/she was available if necessary. Sergeant A was making the tactical decisions and Sergeant C followed Sergeant A and the officers into the hotel room. Sergeant A remained with the officers conducting the arrest, and Sergeant C entered the room to support Sergeant A in the event he/she was needed. Sergeant C broadcast that the incident had been resolved (Code Four) after the Subject was brought out from the bathroom in

handcuffs. After the Subject was taken into custody, Sergeant C separated Officer A, obtained a Public Safety Statement (PSS), and admonished Officer A not to discuss the incident.

The BOPC discussed the involvement of Sergeants A, B, and C during the incident. The BOPC would have preferred that one of the three sergeants had declared themselves as Incident Commander earlier in the incident in order to facilitate and coordinate the response of arriving resources and communication within the incident. Sergeant B recognized exterior containment was not in place and upon seeing Sergeant A assume the incident commander responsibilities on the interior, Sergeant B assumed responsibility for setting up the containment on the exterior with the responding resources. In addition, the BOPC considered Sergeant C's arrival and noted that by the time he/she arrived at Sergeant A's location, the officers had already entered the doorway of the room. The BOPC discussed that Sergeant A was tactically involved in the incident and proactive in designating roles as officers arrived, along with approving of the entry of the arrest team into the Subject's hotel room. Sergeant A was monitoring the officers' actions and implementation of the tactical plan in order to render medical treatment to the Subject, who was believed to have suffered an injury.

The actions of Sergeants A, B, and C were consistent with Department supervisory training.

Therefore, the BOPC found Sergeants A and C's, along with Officers A, B, C, D, and E's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

• Officer C (First Occurrence)

According to Officer C, he/she believed Officer B was in a "vulnerable position" while standing in front of the door to the room; Officer C unholstered in the event the Subject opened the door and presented a "deadly" threat. Officer C believed the Subject was possibly mentally ill and based on his/her training and experience, Officer C believed that people with mental illness and/or drug addiction sometimes arm themselves with improvised weapons for "self-defense." In addition, Officer C did not know if anyone had entered the room aside from the Subject between the officers' first and second response.

The BOPC conducted an evaluation of the reasonableness of Officer C's first occurrence of drawing and exhibiting his/her service pistol. The BOPC discussed Officer C's articulation for drawing his/her service pistol while Officer B was standing in front of the door. The BOPC considered Officer C's concerns that the Subject was possibly suffering from a mental illness or under the influence of a narcotic and may attempt to injure an officer. The BOPC also noted that Officer C did not know if others had joined the Subject in the room between police responses. The BOPC

noted that based on the circumstances surrounding this incident, it was reasonable for Officer C to believe at that point it may be necessary to use deadly force.

Based on the totality of circumstances, the BOPC determined that an officer with similar training and experience as Officer C, 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.

- **Officer C (Second Occurrence)**

According to Officer C, he/she heard the Subject “mention” a “gun” and observed a handgun pointed in his/her direction, positioned between the doorframe and the door. Officer C, just prior to the OIS, was able to see that the Subject had a handgun.

- **Officer A**

According to Officer A, as he/she and Officer B were attempting to push the door open, Officer A observed a “black semi-auto pistol” come from around the door which “rotated” and “covered” him/her and Officer B. Officer A yelled out, “Gun!” Officer A lowered his/her body position and quickly moved to his/her left, placing his/her “shoulder into the doorframe” while he/she unsuccessfully attempted to close the door. Officer A stated he/she “unsnapped the hood” of his/her holster and “came straight out,” moving into a “two-handed grip” with his/her service pistol. Officer A drew his/her service pistol because the Subject “pointed a gun directly at” his/her head and he/she believed the Subject was “going to shoot” him/her and that a “shooting was eminent [sic].”

- **Officer B**

According to Officer B, he/she unholstered his/her service pistol because he/she observed the “muzzle” of a “black metal gun” protruding from behind the door and heard Officer A “scream,” “Whoa, gun,” followed by the sound of rounds being discharged.

In this case, the BOPC conducted an evaluation of the reasonableness of Officers A and B’s drawing and exhibiting, along with Officer C’s second drawing and exhibiting. The BOPC noted that while Officer A was attempting to open the door, the Subject pointed a handgun in the direction of the officers. The BOPC noted that based on the Subject’s actions, it was reasonable for Officers A, B, and C to believe it may be necessary to use deadly force.

Based on the totality of circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, and C, 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 A and B's drawing and exhibiting of a firearm, along with Officer C's second drawing and exhibiting of a firearm to be In Policy.

- **Officer D**

According to Officer D, after Officer A cut the door chain with the bolt cutters, the "muzzle of a gun" came out from behind the door. Officer D heard, "Gun," redeployed towards a wall, and heard three gunshots; Officer D was unsure whether the gunshots came from Officer A or from the Subject. To protect him/herself from the deadly threat, Officer D unholstered his/her service pistol. Believing he/she was "too far away to be effective" with his/her service pistol, Officer D holstered and broadcast a "Help" call.

The BOPC conducted an evaluation of the reasonableness of Officer D's drawing and exhibiting. The BOPC noted Officer A's warning about a deadly threat to the officers as he/she observed the handgun come from around the partially opened door, followed by the sound of gunfire. The BOPC discussed that it was reasonable for Officer D, based on the circumstances, to believe the incident had escalated to the point where it may be necessary to use deadly force.

Based on the totality of circumstances, the BOPC determined that an officer with similar training and experience as Officer D, 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 Officer D's drawing and exhibiting of a firearm to be In Policy.

- **Officer E**

According to Officer E, after exiting the bathroom, he/she observed a closed door to his/her right and believed it had not yet been "cleared." Believing there could be an additional threat, Officer E unholstered his/her service pistol to clear the area and ensure no one was behind the door. Another officer opened the door and Officer E cleared the area, which was a closet, then holstered his/her service pistol.

The BOPC conducted an evaluation of the reasonableness of Officer E's drawing and exhibiting. The BOPC noted that Officer E had observed a door within the hotel room that he/she did not believe was cleared of threats. The BOPC considered that while Officer E was aware that a shooting had occurred, he/she did not know if all suspects and/or weapons had been accounted for. Based on the circumstances, the BOPC noted that it was reasonable for Officer E to believe there could be a suspect secreted in the closet, and if confronted, the incident may escalate to the point where it may be necessary to use deadly force.

Based on the totality of circumstances, the BOPC determined that an officer with similar training and experience as Officer 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 Officer E's drawing and exhibiting of a firearm to be In Policy.

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

C. Non-Lethal Use of Force

- **Officer E – Physical Force**

According to the FID investigation, the entry team, led by Officer E, utilized a ballistic shield for portable cover as they moved through the hotel room, into the bathroom.

According to Officer E, he/she utilized the ballistic shield to push the Subject into the bathroom, pinning her between the shield and the bathroom wall/counter. Officer E then exited the bathroom while Officers A, B, and D finished handcuffing the Subject.

- **Officer A – Firm Grip and Physical Force**

According to Officer A, after Officer E utilized the ballistic shield to “press” the Subject against the south bathroom wall, he/she could see the Subject's hands and observed she was “unarmed.” Officer A “re-holstered” his/her service pistol and utilized a firm grip on the Subject's left wrist and physical force to pull her left arm behind her back. Officer A held the Subject's left arm behind her back while Officer D handcuffed the Subject.

The BOPC conducted a thorough review and analysis of Officers A, B, and E's use of non-lethal force. The BOPC considered the proportionality and objective reasonableness of the force utilized. The BOPC also included consideration of the possibility that the Subject was a member of a vulnerable population, specifically suffering from mental illness. The BOPC noted that although the Subject had previously pointed a pistol at the officers, resulting in an OIS, Officers A, B, and E demonstrated considerable restraint when the Subject refused to surrender and when she refused to be handcuffed.

The BOPC also considered the manner in which Officer E used the ballistic shield to push the Subject into the bathroom and pin her against the wall; the BOPC compared to a device utilized to pin a suspect. The BOPC noted that as the entry team moved through the room, Officer E approached the Subject in a slow, controlled manner. Despite the ballistic shield's size and weight, Officer E managed to place it against the Subject's body without striking her. Officer E was then able to

compel the Subject to walk as he/she moved her to the wall. While the utilization of the ballistic shield in this manner should be considered on a case by case basis, in this case, the BOPC believed the ballistic shield was used effectively to provide officers with a physical barrier between themselves and the Subject as they controlled her movements until she could safely be handcuffed. The BOPC noted that the ballistic shield was not utilized to strike the Subject and was controlled in its deployment to push her.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, and E, while faced with similar circumstances, would believe that these same applications of non-lethal force would be objectively reasonable and proportional to overcome the Subject's resistance to being detained.

Therefore, the BOPC found Officers A, B, and E's non-lethal use of force to be In Policy.

D. Lethal Use of Force

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

According to the FID investigation, Officer A discharged three rounds in 0.847 seconds.

Background - The OIS occurred at the hotel, which was a multi-story structure consisting of multiple hotel rooms. The room at the location of the OIS was located on the first floor and measured 12 feet, 4 inches from north to south and 25 feet from east to west. The OIS occurred inside of the hotel at the entry of the room. At the time of the OIS, Officer A was standing in the hallway outside of the room and the Subject was standing inside of the room behind the door. Officer A's background was the room's interior and the door was an intermediate barrier between Officer A and the Subject.

According to Officer A, the Subject pulled her handgun back behind the door, out of his/her view. Officer A believed the Subject was targeting him/her with her handgun from behind the door. Utilizing a two-handed grip, Officer A discharged one round from his/her service pistol, through the door, aiming where he/she believed the Subject was standing. After firing his/her first shot, Officer A's assessment was that the Subject was still behind the door in a firing position. Officer A's assessment was based on his/her belief that there was no reaction from the Subject after he/she discharged his/her first round.

Officer A stated that prior to discharging his/her second round, he/she was thinking about his/her "family" and "kids" and made the decision to "fight out of this." Believing that the Subject was "going to fire" her handgun, and "hurt" or "kill" him/her, Officer A discharged a second round from his/her service pistol, through the door,

aiming where he/she believed the Subject was standing. Officer A stated that after discharging his/her second round there was no indication the “threat had gone away.” Believing the Subject was still behind the door, armed with her handgun, preparing to shoot him/her, Officer A discharged his/her third round through the door, aiming where he/she believed the Subject was standing. After Officer A discharged his/her third round, the door “swung open” and he/she could see the Subject “run into the bathroom,” out of his/her view; Officer A ceased firing his/her service pistol. Officer A stated his/her “shots were rapid but controlled.”

The BOPC conducted a thorough review and analysis of the reasonableness and necessity of Officer A’s use of deadly force. The BOPC considered the proportionality of the crime when deliberating over the application of deadly force in this case. The BOPC noted that Officer A was faced with the barrel of the Subject’s handgun and had no indication that the Subject had relinquished her pistol when Officer A began discharging rounds from his/her service pistol through the hotel room door. Officer A believed that the Subject shooting her handgun was imminent and that the Subject was acquiring a better target of Officer A from behind the hotel room door.

The BOPC opined that there was no opportunity for de-escalation by Officer A at that point. Officer A assessed between rounds as noted by his/her observation that he/she believed the Subject’s behavior was unchanged and she remained in possession of her handgun behind the hotel room door, exposing the officers to an imminent threat of serious bodily injury or death, and until the hotel room door was completely opened, none of the officers were aware the Subject had discarded her handgun. The BOPC concluded that Officer A’s decision to utilize deadly force was reasonable, necessary, and proportional in response to the Subject’s actions.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer A would believe the Subject’s actions presented an imminent threat of death or serious bodily injury and that the use of lethal force was proportional, objectively reasonable, and necessary.

Therefore, the BOPC found Officer A’s lethal use of force to be In Policy.