

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

**OFFICER-INVOLVED SHOOTING – 054-13**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Foothill	6/30/13		
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<b>Officers(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Sergeant A	18 years, 8 months
Officer A	4 Years, 6 months
Officer B	2 years, 10 months
Officer C	7 years, 7 months
Officer D	7 years
Officer E	7 years

**Reason for Police Contact**

Officers responded to a “shooting victim” call, located the subject, and an OIS occurred.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 34 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 Los Angeles Police Department Command Staff presented the matter to the Chief 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 June 10, 2014.

## **Incident Summary**

The Subject walked into an employee-only area of a store, located in a shopping center. He was confronted by an employee and told he was not allowed in the employee-only area. The employee saw that the Subject was holding a handgun. The confrontation was captured on surveillance video.

The Subject exited the store and approached Witness A from behind as Witness A walked south on a walkway, toward an Automated Teller Machine (ATM), located at the southeast portion of the shopping center. As Witness A was walking, the Subject fired a single round from his handgun, striking Witness A's right shoulder. The attack was unprovoked and random.

Witness A walked into a pizza restaurant and asked for help. An employee dialed 911.

Meanwhile, the Subject approached another random pedestrian and asked him if he wanted to get shot.

Witnesses B and C, were inside a discount store, located one store south of the pizza restaurant, with their child. Witness C was near the checkout area when she heard a single gunshot from outside the store, near the pizza restaurant. Witness C looked out the store window and observed the Subject walk past, toward a major boulevard, with his right hand underneath the front of his shirt.

Witness C, Witness B and their child exited the store and entered their vehicle. As Witness B drove and prepared to exit onto the major boulevard, they observed the Subject standing on the north sidewalk of the major boulevard with his right hand underneath his shirt, near a Metro bus.

Witness C, the front passenger, dialed 911 on her cellphone, as Witness B drove east on the major boulevard, in order to maintain a visual of the Subject, so as to apprise the 911 operator of the Subject's location. Witness B negotiated a left turn onto a side street. He then negotiated a U-turn, and stopped his vehicle on the side street, facing south towards the major boulevard. Witness C and Witness B continued to monitor the Subject, who stood near the bus. As Witness C and Witness B sat in their vehicle, they observed Officers B and C enter the shopping center. Witness B drove onto the major boulevard toward the shopping center to alert the responding officers of the Subject's location.

During her layover, Witness D, parked her bus beside the north sidewalk, between the shopping center and the side street. As Witness D sat inside the bus, she looked out through the windshield and observed the Subject walk onto the center of the major boulevard and pace around, west of the bus. The Subject then returned to the north sidewalk and walked east toward the rear of the bus.

Officers A and B responded to the radio call of Witness A being shot. The comments of the radio call indicated that Witness A was inside the pizza restaurant.

Officers A and B arrived at scene and parked their marked black and white police vehicle in the parking lot of the shopping center, near the restaurant. Officer A entered the restaurant and contacted Witness A. Officer A broadcast for another officer to respond to his location and assist.

Officer B remained outside the restaurant and spoke to Witnesses B and C, who drove up in their vehicle. Witness C informed Officer B that the Subject was observed walking east on the major boulevard, with hands inside his pants pockets, possessing a possible gun.

Upon obtaining the information from Witness C and Witness B, Officer B ran to the north sidewalk of the major boulevard and scanned to his left in an attempt to locate the Subject. Officer B did not observe the Subject and returned to the pizza restaurant as Officer C was arriving to assist. Officer B asked him to search for the Subject, who had been observed running back and forth on the major boulevard, holding his waistband, possibly possessing a hand gun. After briefing Officer C, Officer B returned to the pizza restaurant to obtain any additional information from Witness A.

After obtaining information from Officer B, Officer C drove out of the shopping center parking lot onto the major boulevard and drove in search of the Subject.

As he drove east on the major boulevard, Officer C looked to his right and observed the Subject, who matched the description provided by Officer B, standing on the south sidewalk, in front of a large apartment complex. Officer C and the Subject made eye contact as Officer C drove past him. He observed the Subject reach into his waistband with his right hand, causing him to conduct a U-turn and unsnap his service pistol holster.

After negotiating the U-turn, Officer C stopped his police vehicle facing west, in the number two westbound lane, northeast of the Subject's position. Officer C opened the driver door, unholstered his service pistol and held it in both hands. He planted his left foot onto the street, as half of his body remained on the driver seat. The Subject raised a black handgun and fired one round at Officer C. Officer C heard the sound of a pop from near the front of his police vehicle and felt possible fragments land onto his arms and neck area; however, he was not injured.

Officer C pointed then fired approximately four continuous rounds through the driver door window opening, from a distance of approximately 77 feet.

Officer C stopped shooting as he lost sight of the Subject when he ducked in between parked vehicles. Officer A ran around the trunk and redeployed to the passenger side of his police vehicle for better cover. He then opened the front passenger door and positioned himself behind it.

The Subject appeared from between the parked vehicles and fired an unknown number of rounds at Officer C. Officer C fired approximately six rounds from an approximate

distance of 92 feet. The Subject took cover between the parked vehicles and Officer C immediately requested help.

As the Subject held the handgun in his right hand, he attempted to climb over an iron gate into the apartment complex. Officer C believed that the Subject appeared to be searching for a hostage. He screamed at the Subject that he would pursue him, causing him to stop his efforts in climbing the gate.

The Subject refocused his attention on Officer C and fired an unknown number of rounds at him, impacting the street near him and causing asphalt debris to fly up into the air.

After informing Officer B of the Subject's whereabouts, Witness B drove out of the shopping center and east onto the major boulevard, as Witness C spoke with the 911 operator. Witness B stated he drove his vehicle behind Officer C. Witness B observed Officer C suddenly negotiate a U-turn and exit his police vehicle as Witness B drove past him. Upon exiting his vehicle, Witness B heard Officer C state something to the Subject. Witnesses B and C then observed the Subject standing on the south side of the street, with a handgun in his right hand. As Witness B continued driving east, he looked in his vehicle rear view mirror and observed the Subject hold his handgun at chest level, pointing it in the direction of Officer C. Witness B then heard approximately 20 gunshots but did not observe the shooting, as he turned left onto the side street and stopped his vehicle. Witness B remained where he had stopped his vehicle, later driving away north on the side street after the Subject was handcuffed by officers.

Witness B advised the Subject appeared to be on a suicide mission. He saw the Subject pacing in the street. Witness B believed the Subject may have been on drugs. Witness B also believed the Subject was waiting for the officers because he had sufficient time to leave, after shooting Witness A, and he made no attempt to hide.

Officer B heard Officer C's help call broadcast, then heard six to eight gunshots. Officer B yelled out and alerted Officer C, who then ran out of the pizza restaurant.

Officers A and B ran south onto the north sidewalk of the major boulevard, near the corner of the ATM. Officer A looked to their left and observed the Subject standing in the middle of the major boulevard, approximately 260 feet away, holding a pistol.

Officers D and E were responding to the radio call. While en route, Officers D and E heard Officer C broadcast that shots had been fired and he needed help. As Officer D drove onto the major boulevard, and approached the Subject, Officer C alerted him to the Subject's presence.

Officer D observed the Subject standing in the center of the major boulevard, approximately 171 feet away. Officer D exited his vehicle and took cover behind the opened driver door.

Officer E exited the police vehicle, unholstered his service pistol and took cover behind the opened front passenger door.

Officer A stood a few feet south of the ATM machine on the major boulevard, and fearing that the Subject would shoot at him, his partner or anyone else, Officer A unholstered his service pistol, held it in a two-handed grip and pointed it at the Subject.

The Subject then fired an unknown amount of rounds from his pistol at the officers. Officer A then fired three rounds at the Subject.

Officer B took the position that Officer A vacated and observed the Subject reposition himself behind parked vehicles along the south curb. Officer B observed the Subject point the handgun at his direction. Officer B fired three rounds at the Subject from an approximate distance of 264 feet. Upon Officer B discharging his final round, he observed the Subject turn away.

As the Subject fired at least one round in the direction of Officers D and E, Officer D fired eight rounds from an approximate distance of 171 feet. Officer D ceased firing because the Subject moved out of his view.

As the Subject walked south in the street, he looked in the direction of Officers D and E, and fired an unknown number of rounds in their direction. Officer E fired approximately two rounds from an approximate distance of 232 feet. Officer E then redeployed behind his police vehicle and rapidly fired approximately ten rounds from an approximate distance of 244 feet. Officer E ceased firing as the Subject positioned himself between parked vehicles along the south curb.

Due to their belief that the Subject may run into a nearby apartment building and barricade himself or take a hostage, Officers E and D redeployed.

After arriving near parked vehicles along the south curb, Officers D and E walked east in the street, as Officer B followed on the sidewalk.

Sergeant A arrived at the major boulevard when he heard a broadcast of the Subject's position in between vehicles. Sergeant A stopped his marked black and white police vehicle, on the major boulevard. He exited his police vehicle and unholstered his service pistol. He observed Officers D and E nearby and asked them about the Subject's position. They pointed east and Sergeant A observed the Subject, facing away, in the middle of the street holding a handgun in his right hand, waving and pointing the handgun in a southeast direction.

Sergeant A also observed two police vehicles to the east and recognized a potential crossfire issue. Sergeant A directed Officers D and E to redeploy to the south sidewalk. Meanwhile, Officer F who had also responded to assist, retrieved his Police Rifle (PR) from the trunk of his vehicle. He chambered a round and returned to the open front passenger door of his police vehicle. The Subject continued to walk back and forth between the street and sidewalk, without complying with the officers' commands.

As he stood behind the open front passenger door of his police vehicle, Officer A observed three or four officers near Sergeant A's police vehicle which was southwest of his position. Officer A stated the Subject faced west as he stood in the middle of the street and had turned his back toward Officer A as he held his handgun by his right side. Officer A heard officers directing the Subject to drop his weapon. Due to the potential for crossfire, Officer A ran in a southeast direction to redeploy behind the trunk of Officer F's police vehicle. Officer F provided cover with his PR.

Officer D took a position of cover behind the left rear bumper of a parked commercial van. He observed the Subject reappear on the street with the handgun in his right hand. Officer D directed the Subject to drop the handgun he held by his side. The Subject did not comply and, due to Officer D's belief that the Subject may continue to fire his weapon at officers or civilians, Officer D fired approximately five rounds from a distance of approximately 167 feet. He assessed after firing each round. According to Officer D after firing his final round, the Subject collapsed onto the street.

Officer B continued walking east on the sidewalk and took cover behind the passenger side engine block of the parked Chevrolet commercial van. Officer B heard Officer C direct the Subject to put his handgun down. Officer B observed the Subject holding onto the handgun and not complying. Officer B believed that the Subject would kill people; therefore, he fired eleven rounds at the Subject from an approximate distance of 154 feet.

After Officer C redeployed behind Officer F's vehicle, Officer E observed the Subject face their direction and point his handgun at them. Due to the continued threat of death, Officer E rapidly fired five rounds from an approximate distance of 155 feet. Officer E stopped shooting due to the Subject collapsing onto the street and no longer posing a threat.

Sergeant A walked east on the south sidewalk and arrived at the van in front of Officers C and D. Sergeant A then recognized that a sufficient number of weapons were pointed at the Subject. In order to control the incident, Sergeant A repositioned himself behind Officers C and D.

As the Subject continued waving and pointing the handgun, other officers directed the Subject to drop his handgun and get down.

The Subject was non-compliant, as far as the officers' direction. Within moments, Sergeant A observed Officers C and E discharge their service pistols at the Subject and he also heard additional gun shots being fired from behind and to the left of his position, until the Subject collapsed onto the street.

According to Officer A, he stopped his police vehicle facing southeast, approximately 30 feet west of the parked MTA bus. As the Subject turned toward his direction, Officer A exited his vehicle, took cover behind the opened driver door and unholstered his service pistol. Officer A observed the Subject holding a pistol, which had not gone to slide-lock. Officer A heard unknown officers directing the Subject to drop the weapon and then

heard gunshots. Officer A observed the Subject raise his gun and point it in a southwest direction toward Officers B, D and E's position on the south sidewalk of the major boulevard, so Officer A fired four rounds from his service pistol from an approximate distance of 124 feet. The Subject turned away from Officer A, facing in a south or southeast direction as he held his handgun alongside his body with the muzzle facing the ground. Although the Subject turned away, Officer A feared that the Subject would continue to shoot at officers or civilians, since he had stopped and started shooting at officers several times. In addition, the Subject was not complying with commands to drop his weapon. Therefore, Officer A took a deep breath and fired one round, targeting the Subject's back, and causing the Subject to fall onto the street.

During the investigation, 26 independent civilian witnesses were identified. The majority saw all or portions of the OIS and were interviewed. There were also several security surveillance cameras operational in the shopping center area. Although none caught the shooting of Witness A or the actual OIS on tape, several recorded the Subject armed with a handgun prior to the arrival of the police.

### **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 and Exhibiting of a weapon 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 vote of 3 to 1, made the following findings.

#### **A. Tactics**

The BOPC found Sergeant A's and Officers A, B, C, D and E's tactics to warrant a Tactical Debrief.

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

The BOPC found Sergeant A's and Officers A, B, C, D and E's drawing and exhibition of a firearm to be in policy.

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

The BOPC found the use of lethal force by Sergeant A and Officers A, B, C, D and E to be in policy.

## **Basis for Findings**

### **A. Tactics**

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

#### 1. Tactical Communication/ Broadcast of an Armed Subject

In this instance, Officers A and B did not conduct an initial crime broadcast regarding a possible armed shooting subject.

Officers are provided discretion regarding the appropriate time to conduct a crime broadcast. By providing a detailed description of the subject and the last known direction, the possibility of apprehending the subject is enhanced.

#### 2. Tactical Deployment

Officer A directed Officer C, a single officer unit, to search the surrounding area for an armed subject.

The success of any tactical operation hinges on effective communication and the subsequent allocation of resources to address the problem. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack. In this circumstance, Officer A directed Officer C to canvass the area for the Subject. It would have been tactically prudent to have Officers A and C search for the Subject thus enhancing their operational effectiveness.

#### 3. Tactical Vehicle Deployment

Officer C drove his police vehicle past the Subject, who was believed to be an armed Assault with a Deadly Weapon (ADW) subject.

Officers are afforded discretion while positioning their vehicles to address an armed subject.

The BOPC considered Officer C's decision to drive past the Subject upon the initial attempt to detain him. Consequently, it was determined that, although it is generally discouraged, in this unique circumstance, it was reasonable, based on the fact that a pedestrian is highly mobile and can evade detention of officers. In this circumstance, Officer C placed his police vehicle in a position that gave him the greatest tactical advantage.

In conclusion, the BOPC determined that Officer C's decision to drive past the Subject in order to effectively position his car, did not represent a substantial deviation from approved Department tactical training.



#### 4. Crossfire

During the incident, numerous officers were positioned in possible crossfire locations.

Officers should not discharge their firearms under conditions wherein bystanders or officers are in a crossfire position that could cause death or possible injury. Officers must continuously strive to maintain the tactical advantage and adjust their tactics to avert any crossfire situations.

Inevitably, when multiple officers are faced with a subject that is on the move and the officers are also moving, crossfire becomes a potential factor. Although it is evident that crossfire was a factor in this incident and could have resulted in dire circumstances, the officers maintained an exceptional level of situational awareness.

Therefore, the BOPC determined that based on the totality of the circumstances, the officers did not represent a substantial deviation from approved Department tactical training.

#### 5. Utilization of Cover

Sergeant A and all of the officers utilized effective cover while involved in an armed confrontation with the Subject.

Officers are encouraged to utilize effective cover to minimize their exposure and enhance their tactical effectiveness when dealing with armed subjects. In this circumstance, the officers, along with Sergeant A, continuously adjusted their positions and utilized available cover while confronting the Subject. As a result, their efforts were effective in stopping the Subject as he continued his armed assault.

#### 6. Command and Control

Sergeant A arrived at the location and immediately assumed an effective role as it pertains to Command and Control. As such, Sergeant A is to be commended for his oversight and leadership while managing an incident involving an armed subject.

The success of a tactical operation hinges on effective leadership. The Incident Commander (IC) directs the tactical response and therefore oversees the operational objectives and ensures a successful resolution to the tactical incident.

As the tactical incident unfolded, Sergeant A recognized the crossfire situation and advised officers to redeploy to the south sidewalk.

After redeploying, the Subject walked northbound into the middle of the street, thus creating another crossfire situation. Sergeant A advised officers to redeploy and maintain containment on the subject and eliminate any possible crossfire situation.

Following the handcuffing of the Subject, Sergeant A assessed and immediately controlled the incident. Sergeant A requested a RA for the Subject and requested that 10 supervisors respond to monitor and separate the involved and percipient officers. In addition, Sergeant A directed responding resources to contain the OIS scene and the location of the initial shooting involving the Subject at the walkway, adjacent to the pizza restaurant.

In conclusion, the BOPC considered the dynamic and evolving nature of this incident, and understand that often supervisors are placed in a situation that requires them to take immediate action, therefore becoming directly involved. From the onset of Sergeant A's arrival and until the culmination of the incident, Sergeant A took overall command of the incident.

## 7. Fire Control/Fire Discipline

In this instance Officers A, B, C, D and E collectively fired 65 rounds during the incident involving the Subject.

Officers involved in a rapidly unfolding dynamic incident should assess their application of lethal force and should be encouraged to shoot no faster than their combat accuracy can be maintained. In conclusion, the BOPC considered the number of rounds fired during the incident, particularly those fired by officers with a large round count. Although each officer clearly articulated an objectively reasonable circumstance that influenced their decision to fire, consideration was given to the total number of rounds fired over the course of three minutes.

In this incident, Officer B fired eight rounds, while Officers A, C, D and E fired 10 rounds or more. While the BOPC believed that the number of rounds fired by each officer was reasonable under the unique circumstances involved, the BOPC believes the involved officers can improve regarding fire control. That increased effectiveness and professional development through continuous improvement is essential to the Categorical Review and Tactical Debrief process.

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

After a thorough review of the incident, the BOPC determined that the identified area for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the

appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC found Sergeant A's and Officers A, B, C, D and E's tactics to warrant a tactical debrief.

## **B. Drawing/Exhibiting**

- In this instance, Officer C responded to a radio call. Upon arrival, Officer C was informed by Officer A that a witness reported the Subject was last seen walking on a major boulevard and provided a description. Officer C drove eastbound on the major boulevard, when he observed a man on the south side of the street matching the Subject's description. Officer C conducted a U-turn and observed that the Subject raised his right arm, pointed a handgun in Officer C's direction, and fired one round. Believing his life was in imminent danger, Officer C drew his service pistol.

Officers A and B were conducting the shooting investigation when they heard gunshots followed by an "officer needs help" broadcast. Officers A and B deployed on the north sidewalk of the major boulevard. Fearing for their safety, they drew their service pistols.

While responding to the radio call, Officers D and E heard Officer C's "officer needs help" broadcast. Consequently, Officers D and E exited their vehicle and drew their service pistols.

Soon thereafter, Sergeant A arrived at the location. Based on the possibility of great bodily injury or death, Sergeant A drew his service pistol.

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

Therefore, the BOPC found Sergeant A's, along with Officers A, C, B, D and E's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A** – (pistol, 8 rounds)

**First Sequence of Fire** - Three rounds in a southeasterly direction from approximately 270 feet.

Officer A observed the Subject standing in the middle of the street raising both of his arms and pointing a handgun in his direction. In defense of his life, Officer A fired three rounds at the Subject.

**Second Sequence of Fire** - Five rounds in a southeasterly direction from approximately 124 feet.

Officer A drove his police vehicle onto the major boulevard in a southeast direction toward the Subject. Officer A exited his police vehicle and perceived that the Subject intended to engage the officers at the location. Consequently, Officer A fired five rounds at the Subject to stop his actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the Subject's action of pointing a handgun and firing in his direction posed an immediate threat of serious bodily injury or death. Therefore, the BOPC determined that both sequences of fire and applications of lethal force were reasonable and within Department policy.

- **Officer B** – (pistol, 16 rounds)

**First Sequence of Fire** - Three rounds in a southeasterly direction from approximately 264 feet.

After Officer A redeployed to his police vehicle, Officer B assumed his position on the north sidewalk of the major boulevard near the ATM. Officer B observed the Subject on the south sidewalk of the street firing in his direction. Consequently, Officer B fired three rounds at the Subject.

**Second Sequence of Fire** - Eleven rounds in a northeasterly direction from approximately 154 feet.

Officer B redeployed to the rear of a police vehicle that was positioned eastbound on the major boulevard. Officer B subsequently redeployed to the south sidewalk of the street after observing the Subject approximately 50 yards east of his location on the south sidewalk holding the handgun. Officer B observed that the Subject's handgun still had the ability to fire and surmised that his deadly behavior would continue. Consequently, Officer B fired eleven rounds at the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B would reasonably believe that the Subject's actions of pointing a handgun and firing in his direction posed an immediate threat of serious bodily injury or death. Therefore, the BOPC determined that both sequences of fire and applications of lethal force were reasonable and within Department policy.

- **Officer C** – (pistol, 10 rounds)

**First Sequence of Fire** - Four rounds in a southerly direction from approximately 77 feet.

Officer C observed the Subject point a handgun at him and fire a round. Officer C heard the sound of a pop from near the front of his police vehicle and felt possible fragments land on his arms and neck area. Consequently, Officer C fired four rounds from his service pistol to stop the Subject's actions.

**Second Sequence of Fire** - Six rounds in a southerly direction from an approximate distance of 92 feet.

After Officer C returned fire, the Subject ducked between two parked vehicles, which afforded Officer C time to redeploy to the passenger side of his vehicle and utilize the engine block as cover. The Subject again fired his handgun at Officer C, at which time he fired an additional six rounds from his service pistol at the Subject.

- **Officer D** – (pistol, 13 rounds)

**First Sequence of Fire** - Six rounds in a southeasterly direction from a perceived distance of approximately 171 feet.

Officer D exited the police vehicle, positioned himself behind the driver's side door and observed the Subject standing in the middle of the street with a handgun in his hand. Officer D observed the Subject fire at least one round in his direction. Consequently, Officer D fired six rounds at the Subject.

**Second Sequence of Fire** – Seven rounds in a northeasterly direction from approximately 167 feet.

After observing the Subject move to the south sidewalk of the major boulevard, Officer D believed the Subject may have been attempting to flee. As a result, Officer D redeployed to the south sidewalk.

Officer D observed the Subject walk to the middle of the street while holding the handgun down by his side. Officer D surmised that the Subject could potentially continue his deadly behavior. Consequently, Officer D fired seven rounds at the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D would reasonably believe that the Subject's action of pointing a handgun and firing in his direction posed an immediate threat of serious bodily injury or death. As a result, the BOPC determined that an officer with similar training and experience would reasonably believe that the Subject's prolonged actions of firing the handgun at numerous officers and civilians represented an immediate threat of serious bodily injury or death. Therefore, the

BOPC determined that both sequences of fire and applications of lethal force were reasonable and within Department policy.

- **Officer E** – (pistol, 18 rounds)

**First Sequence of Fire** - Two rounds in a southeasterly direction from approximately 232 feet

After turning eastbound on the major boulevard, Officer E heard Officer C advise, "That's him, That's him, Stop right there." Officer E subsequently exited the passenger door of the police vehicle and observed the Subject point his handgun and fire at him. Consequently, Officer E fired two rounds at the Subject.

**Second Sequence of Fire** – Ten rounds in a southeasterly direction from approximately 244 feet.

Officer E deployed to the rear of his police vehicle for better cover. Officer E observed the Subject fire his handgun in his direction and turn and continue to fire at Officer A. Consequently, Officer E fired 10 rounds at the Subject to stop his actions.

**Third Sequence of Fire** – Five rounds in a northeasterly direction from approximately 155 feet.

The Subject moved to the sidewalk, at which time Officer E redeployed to the south sidewalk of the street as well. Upon arrival, Officer E observed an unknown officer and Sergeant A utilizing cover behind a parked van. Officer E positioned himself near the officer and Sergeant A and observed the Subject walk into the street. The Subject then pointed a handgun in their direction. Consequently, Officer E fired five rounds at the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer E would reasonably believe that the Subject's action of pointing a handgun and firing in his direction posed an immediate threat of serious bodily injury or death. As a result, the BOPC determined that all three sequences of fire and applications of lethal force were reasonable and within Department policy.

In conclusion, the BOPC found Officers A, B, C, D and E's lethal use of force to be in policy.