

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

**OFFICER-INVOLVED SHOOTING – 054-18**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes ( ) No (X)</b>
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Van Nuys	10/7/18		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Detective A	13 years, 3 months
Officer A	12 years, 3 months

**Reason for Police Contact**

Officers attempted to contact three possible narcotic subjects in the rear parking lot of a motel. One of the subjects threw a loaded handgun over a wall and ran towards the officers while pulling on a gun holster in his front waistband, resulting in an officer-involved shooting (OIS).

<b>Subjects</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject 1: Male, 22 years of age.  
Subject 2: Male, 26 years of age.  
Subject 3: Male, 19 years of age.

**Board of Police Commissioners' Review**

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

The following incident was adjudicated by the BOPC on August 13, 2019.

## **Incident Summary**

Detective A was the driver and sole occupant of an unmarked police vehicle which was not equipped with emergency lights, siren, or a Digital In-Car Video System (DICVS).

Officer A was the driver and sole occupant of another unmarked police vehicle that was also not equipped with emergency lights, siren, or DICVS.

As Officer A arrived at a motel, he/she pulled into the rear parking lot, and backed the car into a marked parking space near the end of the row along the wall of the property. After approximately two minutes, Officer A exited his/her parking space and began to drive out of the parking lot as the subjects' vehicle entered the property.

The vehicle was occupied by Subjects 1, 2, and 3; however, it was unknown which of the three was driving. According to Officer A, the subjects were very aware of their surroundings. They were looking around in all directions as they drove into the motel, which led Officer A to believe they might be at the motel to take part in unlawful activity. According to Officer A, he/she had been personally involved in numerous arrests at or near the motel for miscellaneous crimes such as narcotic sales, prostitution, identity theft, receiving stolen property, stolen vehicles, and extortion.

Officer A exited the motel property and parked nearby, where he/she could see into the motel parking lot. Officer A could not see the subjects' vehicle because it had backed into a parking space towards the end of the motel.

Using his cell phone, Officer A called Detective A and requested that he/she drive into the motel parking lot. Officer A wanted Detective A to relay the subjects' license plate number to Officer A, so he/she could check the vehicle for any wants or warrants.

Detective A drove in and observed that the subjects' vehicle was unoccupied. Detective A relayed the subjects' license plate number to Officer A and then backed his/her vehicle into a parking space four stalls away from the subjects' vehicle.

Officer A ran the license plate and advised Detective A there was no want or warrant on the subjects' vehicle. Detective A remained inside his/her vehicle in the motel parking lot for approximately eighteen minutes, at which time the subjects emerged from the motel on foot.

According to Detective A, all three subjects walked together past Detective A's vehicle while staring at him/her. One of the subjects pointed at Detective A and made an unknown comment to the others. Based on the subjects' actions, Detective A feared that the subjects had possibly identified Detective A as a police officer. According to Detective A, he/she felt it was not safe to drive out of the property because it would put his/her back toward the subjects and place him/her at a tactical disadvantage. Detective A then requested that Officer A drive into the parking lot to help monitor the

subjects. Detective A believed that the subjects knew he/she was a police officer and thought it best to have back up nearby.

While continuing to stare at Detective A, the subjects walked to their vehicle. According to Detective A, Subject 3 entered the rear door on the driver's side and sat inside the vehicle while Subjects 1 and 2 went to the rear of the vehicle and opened the trunk. At about this time, Officer A drove his/her vehicle into the rear lot and continued past Detective A. Officer A came to a stop directly in front of the subjects' vehicle.

According to Officer A, he/she drove into the motel with the intention to only monitor the activity of the three subjects and to be closer to his/her partner to provide assistance if needed. Officer A saw that both Subjects 1 and 2 were behind their parked vehicle; however, he/she did not see Subject 3 seated in the rear seat. According to Officer A, both Subjects 1 and 2 were staring at him/her, giving Officer A "hard looks." Based on Officer A's training and experience, he/she believed the subjects were preparing to escalate the situation.

Recognizing this, Officer A believed that if he/she quickly identified him/herself as a police officer, they might rethink that tactic. While still seated in the driver seat, Officer A raised his/her right arm and pointed his/her right index finger at the subjects as he/she yelled, "Stop! Police!"

Based on his/her experience of being involved in numerous arrests at the motel for various crimes including narcotic violations and gang related activity, combined with the intense manner in which the subjects were looking at Officer A and his/her obstructed view of the subjects, Officer A feared for his/her life and believed the situation could possibly escalate to one involving the use of deadly force.

According to Officer A, he/she used his/her right hand to unholster his/her pistol while he/she simultaneously used his/her left hand to open his/her car door. While still seated, Officer A brought his/her right hand up and pointed his/her pistol in the direction of the subjects with his/her trigger finger along the frame. At the time of the attempted detention, Officer A had no ballistic vest on or means of police identification other than his/her Department badge on his/her belt.

According to Detective A, he/she observed Officer A driving into the parking lot at the rear of the motel and reached toward the rear passenger seat to grab his/her tactical vest. While simultaneously attempting to grab his/her vest and keep an eye on the subjects, his/her vest fell onto the floorboard. Detective A left the vest on the floor and grabbed his/her Department hand-held radio instead. Detective A unsuccessfully tried to use the radio to verbally place he/she and his/her partner Code-Six at the location, but as Detective A opened his/her car door, he/she dropped the radio and it fell to the pavement.

According to motel surveillance video, Detective A opened his/her door and exited his/her vehicle as Officer A's vehicle was coming to a stop. Detective A immediately

opened his/her door and exited his/her vehicle as Officer A walked around the front of his/her vehicle and unholstered his/her pistol.

According to Detective A and Officer A, Subjects 1 and 2 responded to their presence by immediately running behind a vehicle that was parked next to their vehicle. According to Officer A, Subject 2 attempted to climb the wall while Subject 1 threw a pistol over the wall. Although Subject 1 admitted that he and the other subjects possessed a pistol, Subject 1 denied he was the person that threw the pistol over the wall.

Motel surveillance video showed that Officer A ran around the front of his/her car to the passenger side and then appeared to attempt to grab Subject 2 as he (Subject 2) continued to run.

According to the motel surveillance video, Subject 2 evaded Officer A's attempt to grab him. However, Detective A intercepted Subject 2 near the rear of Officer A's vehicle. As Subject 2 attempted to run past Detective A, Detective A stuck a foot out and tripped him. Subject 2 fell to the ground behind Officer A's vehicle; however, Subject 2 stood up and fled into the motel.

As Detective A's encounter with Subject 2 was taking place, Subject 1 attempted to flee by running between the front of Officer A's vehicle and a trash dumpster. The motel's surveillance video captured Officer A running after Subject 1 subsequent to abandoning his/her efforts to grab Subject 2. Subject 1 and Officer A are last seen running out of view of the camera. Neither are captured again by the motel's surveillance video until after the OIS.

It was Officer A's recollection that from the cover of his/her driver's door, he/she saw Subject 1 run, passing between a black dumpster that was against the wall and the front of his/her vehicle. According to Officer A, he/she observed a black metallic clip attached to what he/she believed was a concealed handgun holster in the front waistband of Subject 1's pants. While running, Subject 1 was using his right hand to pull on what Officer A believed was a handgun inside the holster. According to Officer A, it was at that time he/she yelled, "Gun, gun, gun!"

According to Officer A, Subject 1 ran past the front of his/her (Officer A's) vehicle, turned left, and continued running. Subject 1 was now running toward Officer A. Subject 1 continued to use his/her right hand in a pulling motion as Officer A ordered him/her to stop and get on the ground. Although Officer A saw Subject 1 throw a handgun over the wall, Officer A believed that Subject 1's continued struggle with the holster in his/her waistband indicated that Subject 1 was pulling a second handgun from the holster and was about to shoot him/her or his/her partner.

Officer A stated that he/she was in fear for his/her life and the life of his/her partner. Officer A took one step backward and, from an approximate distance of ten feet, fired one round from his/her handgun at Subject 1. Officer A immediately heard Detective A

yell at an unknown person to stay where they were, followed by a gunshot. Officer A looked to his/her left and observed Detective A standing close to him/her. Officer A believed it was Detective A who fired the subsequent gunshot.

According to Officer A, he/she then re-focused his/her attention on Subject 1 and realized that Subject 1 was still running towards him/her. Officer A further observed that Subject 1 was still attempting to pull the object from the holster. Officer A, still in fear for the lives of he/she and his/her partner, fired a second round at Subject 1.

According to Detective A, he/she did not fire a round from his/her handgun until after Officer A fired his/her second round.

According to Detective A, after Subject 2 stood up and ran away, he/she focused his/her attention on Subject 3, who was seated in the rear seat of the Subject's vehicle. Detective A then heard his/her partner yell, "Gun, gun!" As he/she was refocusing his/her attention, he/she heard two consecutive gunshots and observed, through his/her peripheral vision, the associated muzzle-flashes within the carport area. Detective A could not see Officer A and believed the gunshots were fired by Subject 1 and that Officer A was hit by the gunfire and was down. The investigation determined that Subject 1 did not fire any rounds.

According to Detective A, he/she saw Subject 1 near the front of the last vehicle parked on the end of the carport. Detective A described Subject 1 running toward the pedestrian opening that led to the motel's courtyard. As Subject 1 neared that pedestrian opening, he/she slowed down and turned his/her upper torso to the right to face Detective A. According to Detective A, Subject 1 raised and extended his right arm to the rear and pointed what Detective A believed to be a black pistol directly at Detective A.

According to Officer A, Subject 1 turned to his left and extended his left arm out toward Officer A's partner. Officer A could not see whether there was anything in the Subject 1's hands as the incident happened so quickly.

Detective A stated that he/she believed Subject 1 had shot Officer A and feared that Subject 1 was about to shoot him/her as well. Detective A, from his/her position to the rear of Officer A's vehicle, used a two-handed grip and pointed his/her handgun toward Subject 1.

According to Detective A, in defense of his/her life, fired his/her pistol at Subject 1. Detective A removed his/her finger from the trigger and observed that Subject 1 had momentarily lowered then raised his arm and was still pointing what Detective A believed to be a black pistol at him/her. Detective A fired a second and third round at Subject 1 from the same position. Subject 1 was struck by the gunfire and fell to the ground after the third round was fired.

Other than the pistol that Subject 1 threw over the wall, no other pistols were recovered. A black cell phone and a set of keys were recovered in the vicinity of where Subject 1 fell to the ground after being shot.

According to Subject 1, as he ran toward the motel's courtyard, he slowed his pace and put his arms in the air to surrender. Subject 1 stated that at no time did he turn his torso to look back toward the officers, however the ballistic evidence from Subject 1's gunshot wound, and clothing suggests that his left side was turned toward Detective A when he was shot.

According to Officer A, after Subject 1 fell to the ground, he/she believed Detective A was standing behind Officer A with his/her handgun unholstered and providing cover. Officer A approached Subject 1, who was laying on his stomach and ordered Subject 1 not to move. Officer A holstered his/her own weapon and handcuffed Subject 1. Officer A then performed a quick pat down search of Subject 1's outer clothing, felt the holster in Subject 1's front waistband, but did not remove it.

At that point, Officer A stated he/she turned around to see that Detective A was not behind him/her providing cover but was instead focusing his/her attention on Subject 3. Officer A heard Detective A ordering Subject 3 not to move. Officer A could not see what was transpiring between Detective A and Subject 3, so Officer A put one hand underneath each of Subject 1's armpits and dragged him toward Detective A.

According to Detective A, immediately after firing rounds at Subject 1, he/she turned to look at Subject 3, who was still seated in the back seat of the subjects' vehicle. Detective A ordered Subject 3 out of the vehicle and onto the ground. Detective A ordered Subject 3 to place his hands behind his back and he complied. Detective A holstered his/her handgun, handcuffed Subject 3, and then conducted a pat-down search of his waistband.

Detective A broadcast a request for backup, a supervisor, and two units to his/her location. Shortly after, Detective A requested a Rescue Ambulance (RA) for the Subject.

Uniformed Police Officers B and C arrived at the scene. Officer B assisted with taking control of Subject 3, he/she conducted a pat-down search of Subject 3, and placed Subject 3 in the back seat of his/her police vehicle.

Detective A informed Officer C of the location of the gun thrown by Subject 1. Officer C climbed the western wall of the motel parking lot property where he/she observed the blue-steel handgun in the rear parking lot. Officer C monitored the handgun from his/her position on top of the wall until additional units arrived at the handgun's location for evidence preservation.

Sergeant A arrived at the OIS scene, broadcast his/her Code-Six status, and announced he/she was the Incident Commander (IC). Sergeant A identified Detective A

and Officer A as both being involved in the OIS and obtained a Public Safety Statement (PSS) from both.

Los Angeles Fire Department (LAFD) arrived at the scene and rendered aid to Subject 1, who was transported to hospital, treated for a gunshot wound, and released into LAPD custody two days later.

Uniformed Police Officers D and E observed Subject 2 close to the motel as he fled on foot, resulting in Officers D and E initiating a foot pursuit through several yards until Subject 2 was taken into custody without incident.

### **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 Detective A and Officer A's tactics to warrant Administrative Disapproval.

#### **B. Drawing and Exhibiting**

The BOPC found Detective A and Officer A's drawing and exhibiting of a firearm to be In Policy.

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

The BOPC found Detective A's less-lethal use of force to be In Policy.

#### **D. Lethal Use of Force**

The BOPC found Detective A and 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. It is also recognized that members of law enforcement derive their authority

from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in Graham v. Connor, 490 U.S. 386 (1989), that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the



situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a Subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

## **A. Tactics**

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

### **1. Tactical Planning** (Substantial Deviation – Detective A and Officer A)

Detective A and Officer A did not formulate a plan prior to scouting a location which was known to them to have a high incidence of crime related to narcotics activity.

The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

Detective A and Officer A planned to scout the location to gather intelligence. They believed they would not take any enforcement action without first requesting additional resources if they observed any criminal activity.

Upon arrival, Detective A and Officer A observed three possible narcotics suspects at the location, approached, and made contact with the subjects, resulting in an OIS.

Based on the totality of the circumstances, the BOPC determined, that Detective A and Officer A's actions were a substantial deviation, without justification, from approved Department tactical training.

### **2. Body Armor** (Substantial Deviation – Detective A and Officer A)

Detective A and Officer A did not don their Department-approved body armor, as required, when conducting field-related duties.

The BOPC determined that Detective A and Officer A's decision not to don their body armor was a substantial deviation, without justification, from Department policy and approved tactical training.

### **3. Code Six (Substantial Deviation – Detective A and Officer A)**

In this case, upon arriving at a known narcotics and high crime location to scout for activity, Detective A and Officer A did not place themselves Code Six.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable.

In this situation, the officers were not initially faced with a rapidly unfolding tactical situation and therefore had sufficient time to broadcast their Code Six location.

Based on the totality of the circumstances, the BOPC determined, that Detective A and Officer A's actions were a substantial deviation, without justification, from approved Department tactical training.

### **4. Tactical Vehicle Deployment (Substantial Deviation – Officer A)**

When entering the motel parking lot, Officer A placed him/herself and his/her partner at a significant tactical disadvantage by positioning his/her unmarked police vehicle next to three possible suspects. Officer A knew the layout of the parking lot due to his/her vast experience at this location and was aware there was only one way in and out of the parking lot. By penetrating deeply into the parking lot, Officer A limited his/her redeployment options. This forced Detective A to quickly exit his/her vehicle to assist Officer A as Officer A made contact with the subjects. The BOPC would have preferred that Officer A allow for adequate distance between his/her vehicle and the subjects' vehicle, which would have afforded the officers more options and time.

Based on the totality of the circumstances, the BOPC determined that Officer A's vehicle deployment was a substantial deviation, without justification, from approved Department tactical training.

### **5. Tactical Communication (Substantial Deviation – Detective A and Officer A)**

Detective A and Officer A did not effectively communicate their observations or actions with one another during their contact with the subjects.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve

their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, the BOPC noted the following concerns with regard to the tactical communication between Detective A and Officer A:

- Detective A did not request additional resources when he/she believed he/she had been identified as a police officer.
- Officer A did not communicate a plan with Detective A once he/she responded to the location and engaged the subjects.
- Detective A and Officer A did not communicate with one another following the OIS, and thus acted independently, without the benefit of contact and cover roles.

Based on the totality of the circumstances, the BOPC determined that Detective A and Officer A's lack of effective communication during this incident placed the officers at a tactical disadvantage and therefore, was a substantial deviation, without justification, from approved Department tactical training.

#### **6. Utilization of Cover/Approaching an Armed Subject (Substantial Deviation – Detective A and Officer A)**

Detective A and Officer A did not utilize available cover and they each acted independently as they approached a Subject, whom they believed was possibly armed.

The utilization of cover enables an officer to confront an armed Subject while simultaneously minimizing the officer's exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Detective A and Officer A did not utilize the available vehicles for cover as they attempted to detain a Subject they believed to be armed with a handgun. The officers' failure to utilize available cover placed them in a distinct tactical disadvantage and unnecessarily compromised their safety. Additionally, after the OIS, the officers each approached a separate, possibly armed Subject and took them individually into custody, rather than redeploying to cover, working as a team, and awaiting additional resources.

Based on the totality of the circumstances, the BOPC determined that Detective A and Officer A's lack of cover, in addition to their approach of possibly armed subjects, was a substantial deviation, without justification, from approved Department tactical training.

## **7. Back-Up vs Help Call**

Detective A broadcast a request for back-up instead of broadcasting a Help Call after both Detective A and his/her partner became involved in an OIS. Several seconds later, Detective A broadcast a Help Call.

Although officers are given discretion regarding the appropriate time to broadcast a request for additional resources based on the ongoing tactical situation, it would have been tactically advantageous for Detective A to broadcast a Help Call after the OIS to alert responding personnel of the seriousness of the incident.

Based on the totality of the circumstance, the BOPC determined, that in this circumstance, Detective A's actions of initially requesting a backup rather than a Help Call was not a substantial deviation from approved Department tactical training.

- The BOPC also considered the following:

### **1. Maintaining Control of Equipment**

The investigation revealed that while exiting his vehicle, Detective A dropped his/her handheld radio onto the ground. Detective A was reminded, whenever tactically feasible, of the importance of maintaining control of his/her equipment.

- 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.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Detective A and Officer A substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- Believing that Subjects 1, 2, and 3 were involved in criminal activity at a location known for criminal activity and that the situation might escalate to the use of deadly force, Officer A placed his/her vehicle in park and yelled, "Police," through a slightly lowered passenger window. Officer A did so, while pointing at the subjects with his/her finger. As Officer A exited his/her vehicle, he/she simultaneously drew his/her service pistol.

According to Detective A, Subject 2 stood up and fled on foot into the motel. Believing that Subject 2 was running because he was possibly armed and that the situation could escalate to a situation involving the use of lethal force, Detective A drew his/her service pistol. Detective A then turned back to verify that Subject 3 was still seated inside the Subject's vehicle. Detective A then pointed his/her firearm toward Subject 3, who was located in the rear seat area of the vehicle and began giving him commands to exit the vehicle.

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

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

- **Detective A – Leg Trip (Other)**

According to Detective A, he/she observed Subject 2 attempt to jump over the fence. As Detective A directed his attention towards Officer A, he/she observed Subject 2 running towards Detective A. Detective A moved closer and was going to try to grab Subject 2 and detain him, however, Detective A was unable to do so, therefore, Detective A stuck his/her leg out and tripped Subject 2 to prevent Subject 2's escape.

Based upon the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Detective A, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Subject 2's resistance and prevent his escape.

Therefore, the BOPC found Detective A's non-lethal use of force to be objectively reasonable and In Policy.

### **D. Lethal Use of Force**

- **Officer A – (Pistol, two rounds)**

According to Officer A, Subject 1 began to pull and grab above his waistband. Officer A observed a black clip that appeared to be a concealed holster clip on Subject 1's front waist area. Officer A observed Subject 1 yanking at the item, and it appeared that Subject 1 was pulling a firearm from the holster. Officer A repeatedly ordered Subject 1 to stop and get down on the floor. Subject 1 continued to pull at the object while running and looking towards Officer A's direction. Believing the situation was imminent and that Subject 1 was going to produce a second handgun

from his waistband and shoot Officer A, Officer A yelled, "Gun, gun, gun," as he/she fired two rounds at Subject 1 from his/her service pistol to stop the deadly threat.

- **Detective A** – (Pistol, three rounds)

#### First Sequence

According to Detective A, he/she observed Subject 1 running next to some vehicles in the garage before running towards the hallway that led to the swimming pool of the motel. Fearing that Officer A was shot, Detective A looked in the direction of Subject 1 and observed Subject 1 turn towards Detective A while pointing a gun at him/her. Detective A believed his/her partner had just been shot and that Subject 1 was about to shoot him/her, prompting Detective A to fire one round from his/her service pistol at Subject 1 to stop the deadly threat.

#### Second Sequence

According to Detective A, as he/she fired one round at Subject 1, he/she was still thinking about the Subject that was sitting in the car. Detective A turned his/her head toward the Subject's vehicle, and then turned back to see Subject 1 standing in the hallway. Detective A observed Subject 1 continuing to turn his body towards Detective A, and Detective A observed the gun in Subject 1's right hand. Fearing for his life, Detective A fired two additional rounds from his/her service pistol at Subject 1 to stop the deadly threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective A and Officer A, would reasonably believe Subject 1's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

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