

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

**OFFICER-INVOLVED SHOOTING – 063-18**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off ( )</u></b>	<b><u>Uniform-Yes (X) No ( )</u></b>
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Southeast	11/18/18		
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<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
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Officer A	6 years, 5 months
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**Reason for Police Contact**

Officer A was one of several officers who responded to an in-progress shooting at a residence. Officer A fired at the Subject after the Subject discharged his pistol in front of the residence.

<b><u>Subject</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit (X)</u></b>
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Subject 1: Male, 32 years.			
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**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 BOPC 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 October 15<sup>th</sup>, 2019.

## **Incident Summary**

At approximately 0504 hours on the day of this incident, Victim A was in the kitchen area inside of his residence. Victim A observed Subject 1 exit his bedroom with a gun in his right hand, look in his direction with a “demon-like” look on his face, and then re-enter his room. Subject 1’s bedroom was also occupied by Victim B. According to Victim A, he heard Victim B yell from inside Subject 1’s bedroom followed by the sound of two gunshots.

According to Victim A, Subject 1 was holding a gun in his right hand when he exited his bedroom after he heard the gunshots. Subject 1 looked directly at Victim A while holding a gun, then entered a bedroom occupied by Victims C and D. Victim A heard two gunshots while Subject 1 was in Victim D’s bedroom and heard someone say, “You better get out of here.” Victim A believed Subject 1 was going to kill him and exited the residence via a rear door. Victim A heard two additional gunshots as he exited the residence, followed by approximately four additional gunshots. According to Victim A, he believed Subject 1 had shot at him.

According to Victim E, he was asleep in the front living room of the residence when he was awakened by approximately five gunshots that he believed came from inside of his residence. Victim E observed Victim B exit Subject 1’s bedroom screaming and yelling as Subject 1 followed her while holding a gun in his right hand. Victim B ran into a bedroom occupied by Victims F and G.

According to Victim E, Subject 1 stood in front of Victim F’s closed bedroom door calling for Victim B. Victim E then charged Victim F’s bedroom door and completely broke it off the hinges using his body. Subject 1 then fired approximately two times into Victim F’s bedroom and stated, “I’m sorry. You all know people watching me.” Victim F attempted to calm Subject 1 and requested that he give her the gun. According to Victim E, Subject 1 continuously apologized and repeatedly stated he was going to kill himself.

At 0538:13 hours, Victim F called 911. Victim F could be heard breathing heavily while on an open line with the Los Angeles Police Department (LAPD) Communications Division (CD) operator. Victim F then hung up after 33 seconds without providing any information to the CD operator.

At 0539:33 hours, LAPD CD called Victim F back. Victim F answered the phone and was heard breathing heavily and stated, “Please! Gunshot. Please!” The operator asked Victim F if she was shot and she replied that she believed that she was. At 0540:33 hours, LAPD CD contacted the Los Angeles Fire Department (LAFD) CD and advised them of a possible gunshot victim.

At 0540:40 hours, Victim C, called 911 and stated she and another person had been shot. At 0541:10 hours, the LAPD CD operator transferred Victim C to the LAFD CD.

At 0542:59 hours, CD broadcast, "Ambulance shooting [address of incident]. Monitor comments. Code Three incident [...]." At 0543:10 hours, CD immediately followed with an additional broadcast of, "Ambulance ADW shots fired, [address of incident]. The shooter is still inside. PR is locked inside the residence [...]."

According to Victim E, Subject 1 stood outside of Victim F's bedroom and reloaded his gun. Subject 1 exited the residence via the front door and fired approximately three rounds.

At 0543 hours, uniformed Police Officers A and B broadcast they were responding to the call. Officers A and B were in a marked black and white police vehicle equipped with a Digital In-Car Video System (DICVS). Officer A activated her/his emergency equipment and responded Code Three to the location.

Officers A and B had been assigned as partners for approximately two months. They had discussed tactics regarding active shooters, who would take on the role(s) of contact and cover, and what weapons systems they would deploy. According to Officer A, Officer B owns her/his shotgun and would deploy it in an active shooter situation. According to Officer A, she/he would be the cover officer.

At approximately 0544 hours, Police Officers C, D, E, and F broadcast that they were responding.

Officers E and F had been assigned as partners for approximately three weeks. They had discussions about tactics regarding the responsibilities of the contact and cover officers and would discuss scenarios regarding armed suspects. According to Officer E, she/he and Officer F came to an agreement that she/he would be the contact and lethal officer, while Officer F would be cover with non-lethal force.

At 0545:59 hours, Officer E broadcast he/she and Officer F were Code Six. A review of Body Worn Video (BWV) captured Officers F and E discussing how to approach the location. Officer F told Officer E she/he would park a distance away from the location and then they would walk up to the location.

In the interim, Police Officers G, H, and I also responded to the radio call.

At 0547:49 hours, Officer G broadcast that she/he was Code Six at the location.

According to audio captured on BWV, Officers E and F heard a gunshot as they were about to exit their vehicle at 0548:00 hours. Officer E immediately broadcast, "Shots fired. Officer needs help! Officer needs help!" Additionally, Officer F broadcast, "There's shots fired at officers, I saw one suspect wearing a black shirt, black pants running from the front of the residence, to the back of the residence. Make it a help call please."

Officers A, B, C, D, H, and I, arrived at scene at 0548:06 hours. Officers A, B, H, and I exited their police vehicles. Officers A, B, and I unholstered their service pistols as Officer H deployed a slug shotgun and quickly walked toward the target location.

Officers C and D drove past Officers A, B, H, and I as they continued toward the radio call location. Officer D parked and exited the vehicle and unholstered her/his service pistol as Officer C deployed a shotgun.

Officer C stated she/he heard approximately three gunshots as she/he and Officer D responded. Officer C exited her/his vehicle and heard officers say they were taking rounds as the call transitioned to a help call. Officer C deployed a shotgun and racked a buckshot round into the shotgun chamber, then reloaded the shotgun magazine to full capacity.

As Officer G arrived, she/he heard a gunshot as she/he exited her/his police vehicle. Officer G removed her/his Patrol Rifle from its carrying case and chambered a round.

Officer G ran in a northerly direction to meet up with officers on the sidewalk directly across the street from the incident location and heard two additional gunshots. As Officer G ran to meet up the officers, he shouted, "*Diamond up! Diamond up! Active Shooter!*" Officer H also repeated the command for the officers to "*Diamond up*".

Once Officer G heard the second shot, she/he took cover behind a pickup truck parked on the side of the street. According to Officer G, she/he conducted a chamber check of her/his Patrol Rifle to see if she/he had chambered a round but was unable to see inside the chamber because it was dark. Officer G said her/his rifle looked empty and so charged the rifle again, causing a live round to eject.

Officer C was in the middle of the street close to the incident location, between the officers on the side of the street and the residence. Officer C deployed a shotgun and began walking toward the residence. Officer C later told Force Investigation Division (FID) investigators,

"I got out of the car, or as we're approaching, I remember my partner saying that [she/he] saw someone run out, run out of the house and go on the east side of the curb. And so, I deemed it that I needed to be in the middle of the street to have cover from the possible suspect that just ran out of the house. Didn't know who it was. And so I wanted to put cars in between me. And but I also, that was like my instant thought. I started walking, and then that's when we, I'm trying to remember why I, I remember someone saying that we need to do a diamond formation. And so I stayed there, slowed down a little bit so people could catch up to me because I knew it was the only long gun that I'd be leaving."

Officers A, B, D, H, and I continued walking in the street toward the incident location, then transitioned to the sidewalk. Officer A remained in front of the other officers as they continued to walk on the sidewalk/parkway behind parked vehicles.

At 0549:00 hours, Officer I's BWV captured Officers A and D walking behind parked vehicles, which they were using as cover when a gunshot was heard. A second gunshot immediately followed at 0549:01 hours.

The investigation later determined that Subject 1 fired from the front yard of the residence.

Using a right-hand shooting position, Officer A discharged one round from her/his service pistol in the direction where she/he believed she/he saw muzzle flash come from and where she/he believed Subject 1 fired had at her/him. Officer A fired in a north/westerly direction from an approximate distance of 89 feet. Subject 1 was not struck by the round Officer A fired.

Officer A stated that prior to exiting her/his vehicle, she/he heard approximately two gunshots. As Officer A exited the vehicle, she/he heard Officer E broadcast she/he and her/his partner were taking rounds. Officer A unholstered her/his service pistol and began walking at a very fast pace toward the radio call location, which she/he knew was located midblock on the west side of the street.

Officer A positioned her/himself across the street from the incident location on the east parkway in front of the incident location. Officer A was positioned behind a car which was parked along the east curb that she/he utilized as cover.

Officer A stated,

“I also observed a what I believed was a male. And he was wearing a long sleeved brown shirt and dark colored like bottoms.” “And then as soon as I identify the house [where the incident was occurring], I hear one gunshot with a muzzle flash. And at that point, I know that I'm being fired upon and several other officers that responded, so I was afraid, became afraid that I was going to get shot. And, and at that point, I raised my gun and I, I aligned my sights as best as I can in the last spot where I saw the, the suspect shooting at me. And I squeezed the trigger and fired one round. After I fired one round, I brought it down, I assessed. I didn't hear anything else. I didn't hear any other gunshots, or I didn't hear any other, I didn't see any other muzzle flash. And I came down and, and, and went behind cover.”

At 0549:06 hours, Officer A informed nearby officers that she/he had observed muzzle flash. Officer A crouched down behind the parked vehicle she/he was using as cover, and broadcast, “Officer needs help. Shots fired.”

Officer A did not activate her/his BWV until after the OIS occurred. Consequently, Officer A's BWV did not capture audio at the time she/he fired her/his pistol. Officer A explained she/he looked at her/his gun and noticed her/his BWV was not activated. Officer A then activated her/his BWV.

According to Officer H, she/he stated that she/he observed muzzle flash in the driveway of the incident location, followed by the sound of an additional gunshot.

According to Officer E's BWV, she/he informed Officer F that it was "[Officer C]," referring to the gunshot, then pointed in the direction where Officer C was located immediately after the OIS occurred.

At the time of the OIS, Officer C was deployed in the roadway. Officer C explained she/he heard one gunshot followed by another gunshot one-to-two seconds apart. Officer C described the second gunshot as being really loud and believed she/he was being shot at, then heard an officer say she/he observed muzzle flash. Officer C believed the first gunshot came from her/his left but did not know from which residence, and could not determine where the second shot came from. Officer C redeployed south of the residence and sought cover behind a fence. According to Officer C's BWV, other officers told Officer C to watch crossfire and directed her/him to move back. Officer C then redeployed to one side of the street and took cover behind a parked vehicle.

According to Victim E, he heard approximately three gunshots while Subject 1 was in front of the residence, near the gate. Victim E stated that Subject 1 then re-entered the residence and confronted him. Subject 1 pointed a semiautomatic pistol at Victim E and told him to put his hands up and lift his shirt. Victim E complied and believed Subject 1 was going to shoot him. Victim E explained he knew the police were outside because he could see flashlights.

According to Victim E, Subject 1 ran through the back of the residence and Victim E believed Subject 1 shot himself. According to Victim C, she was still in her bedroom when she heard another gunshot. Victim C walked out of her bedroom toward the front door of the residence and passed Subject 1's room. Victim C saw Subject 1 laying on the floor as she passed his room and proceeded to inform Victim E that Subject 1 had shot her and Victim D.

At 0551 hours, Victim F remained on the telephone line with CD and informed the CD operator that she believed Subject 1 had shot himself.

In response to the OIS, the following uniformed officers responded to the location and arrived on scene within a few minutes of each other: uniformed Police Officers I, J, K, Sergeant A, Sergeant B, and Lieutenant A.

At approximately 0551 hours, Police Officers J and K arrived at scene with a Halligan tool.<sup>1</sup> According to Officer J, she/he initially assumed the role as the Incident

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<sup>1</sup> A Halligan tool is a tool used to force entry.

Commander (IC). Officer J met with officers taking cover behind a parked vehicle. Officer J formulated a tactical plan to approach the front wrought iron security gate at the driveway of the incident location.

At approximately 0552 hours, Victim C exited the residence followed by Victim E. Victims C and E walked to a wrought iron gate in front of the residence and informed the officers that the gate was locked. Officer J delegated roles to officers as she/he assembled a rescue and arrest team to approach, breach the gate, and rescue Victims C and E. The rescue and arrest team was comprised of Officers A, B, C, E, F, G, H, I, G, J, L, and M.

The rescue team approached the sidewalk and stood in front of the security gate of the driveway at the incident location. Officer J used the Halligan tool to breach the gate. Officer J opened the gate to allow Victims C and E to exit the yard. Officer I escorted Victim C out of the driveway and across the street to safety. At 0556 hours, Officer I's BWV captured Victim C inform Officer I that she believed the Subject had shot himself and was laying on the floor of his room. Officer I did not inform the other officers of the information Victim C provided.

Officer J and the rescue team redeployed to the sidewalk behind a parked car. Officer J formulated a tactical plan to enter the residence to conduct a victim rescue and to render aid to the victims. According to Officer J, she/he believed an officer received information that additional victims were inside of the residence and did not know if the Subject was or was not inside of the residence.

Sergeant A and Lieutenant A discussed the circumstances of the tactical situation and information that was being broadcast while en route to the location. They knew that there were victims still inside of the residence due to information that was broadcast over the radio. Additionally, Officer J believed she/he heard a broadcast that Subject 1 fled the location. Sergeant A discussed the need to perform a victim rescue inside of the residence and stated she/he would enter the residence with the rescue team. According to Sergeant A, she/he believed the suspect fled the residence. Lieutenant A concurred with Sergeant A's assessment and approved Sergeant A's tactical plan to form a rescue team and enter the residence to rescue victims to get them medical treatment.

At approximately 0555 hours, Sergeant A and Lieutenant A arrived at scene. Sergeant A met with the officers who were formulating a plan to perform a victim rescue. Sergeant A stated that she/he was present as Officer J was formulating a tactical plan with officers to form a rescue team and perform a victim rescue. Sergeant A briefly spoke with Officer J and approved of the tactical plan.

Sergeant A believed Lieutenant A was going to be in charge of the Command Post (CP) and Sergeant A would be in charge of the rescue team. Lieutenant A stated she/he did not recall if she/he formally declared her/himself as the IC. According to Lieutenant A,

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people knew she/he was the Watch Commander, was giving orders, and believed that officers knew she/he was in charge.

The rescue team maneuvered across the street and entered the front yard of the residence with Officer J as the team leader and Sergeant A as the supervisor in charge of the team for command and control. Officer J utilized a Department-issued ballistic shield.

According to Officer J, she/he considered asking if someone if they were trained in the ballistic shield, but took it upon her/himself to utilize the ballistic shield because the scene was fluid and everybody on the rescue team had a job. Officer J later informed FID investigators she/he was not trained in the use of the ballistic shield.

As the rescue team entered the residence, Lieutenant A directed Sergeant B to form a second rescue/arrest team. Sergeant B remained outside, across the street from the residence with the additional rescue/arrest team. Sergeant B was informed that there was a shed outside of the residence that had to be held while the residence was cleared. Sergeant B directed her/his team to cover the shed while the primary team continued to search inside of the residence.

During the search of the residence, the officers located Victim F in the first bedroom near the front of the residence. Victim F informed the officers that she was shot and could not walk. Sergeant A directed officers to perform a rescue to carry Victim F out of the residence. Victim F informed the officers that Victim G was also in the room with her. Victim G walked out of the room and was escorted out of the residence by Officer E.

As the team of officers entered the second bedroom, officers observed Subject 1 laying on the floor motionless and unresponsive. Subject 1 had a pistol in his right hand and was bleeding from a gunshot wound to his head. According to Officer H, Subject 1 appeared to be unconscious but breathing.

Officer H yelled out for the trailing officers to kick the gun out of Subject 1's hand. Officer L moved up to Subject 1 and used her/his foot to sweep the pistol out of Subject 1's hand. The gun moved a short distance away from Subject 1. Officer L then placed her/his right foot on the gun and utilized a backward sweeping motion to move the gun behind her/him. Officer B then utilized the front end of her/his foot and gently moved the gun to a corner of the bedroom near a wall. According to Officer B, she/he ensured the barrel of the gun did not cover any officers and believed the barrel rested in a safe place pointing in a southerly direction. Officers L and I then handcuffed Subject 1.

As the rescue team continued to search the residence, officers observed Victim D in a third bedroom.



At 0607:17 hours, Sergeant A informed Lieutenant A that the residence was clear and safe for the RA (rescue ambulance) to enter. At 0607:19 hours, Lieutenant A broadcast the residence was clear and requested a RA.

Officer A notified Lieutenant A that she/he had been involved in an OIS. Lieutenant A directed Sergeant B to separate and monitor Officer A and to obtain a Public Safety Statement (PSS). Lieutenant A identified all the officers who were present during the OIS and requested additional supervisors to monitor the officers. Lieutenant A monitored the officers until the additional supervisors arrived and monitored the substantially-involved officers.

According to Sergeant B, she/he took a PSS from Officer A. Sergeant B stated she/he did not need to ask all of the PSS questions because she/he already knew the answers from information that was broadcast and heard other information being shared while she/he was at scene.

The Los Angeles Fire Department responded to the residence and rendered aid to the Subject and injured victims.

At approximately 0702 hours, Department Operations Center (DOC) was notified of the Categorical Use of Force.

According to Lieutenant A's BWV, Officer A notified Lieutenant A she/he was involved in an OIS at 0608 hours. The DOC was notified of the Categorical Use of Force 56 minutes after the IC was told that an OIS had occurred.

The first representative from FID arrived on the scene at 0828 hours.

Subject 1 died as a result of a self-inflicted gunshot wound. Two of the victims died as a result of having been shot by Subject 1.

### **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 Lieutenant A and Sergeant A along with Officers A, B, C, D, E, F, G, and H's tactics to warrant a Tactical Debrief. The BOPC found Officer I's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

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

## **C. 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. 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**

- During its review of the incident, the BOPC considered the following:
- **Tactical De-Escalation**

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect 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 (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

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.

In this case, the officers responded to a radio call where the information provided indicated that a victim had been shot and the PR and Subject were still inside of the residence. Upon arrival, the officers heard gunfire and did not know where the

Subject was located. Due to the extremely high level of danger to the officers, the officers were unable to establish lines of communication with the Subject. Officers believed the Subject was actively shooting at officers and had access to additional victims inside of the residence. Officers were required to take immediate action due to the nature of the incident, which included multiple radio calls involving shots fired, victims down inside the residence, and officers hearing additional shots fired as they arrived on the scene. The officers nevertheless utilized cover and distance to allow them time to formulate a tactical plan involving arrest and rescue teams. Despite the supervisors and officers' belief that the Subject had possibly fled the residence, they deployed a ballistic shield as an additional resource to provide additional cover for the officers. During the entry into the residence, the officers located and communicated with several victims. While inside the residence, officers encountered an individual they believed might be the Subject and discovered he had sustained a gunshot wound to his head. Officers took the Subject into custody and continued searching the residence for additional victims and suspects. Once the location was secured, officers ensured that all persons with injuries received medical treatment, including the Subject.

- **Debriefing Point No. 1 - Utilization of Cover/Crossfire**

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect 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.

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. The ability to adjust to a tactical situation ensures minimal exposure to the officers.

In this case, Officer C was unsure of the Subject's location and believed that the Subject may have fled to one side of the street. In an attempt to maintain a tactical advantage, Officer C approached the location of the incident by remaining in the middle of the street. After the OIS, Officer C momentarily created a possible crossfire situation while she/he moved towards the Subject's residence on the opposite side of the street.

The BOPC evaluated Officer C's actions and determined that based on the rapidly unfolding tactical situation, it was reasonable that Officers C did not initially know the Subject's location and therefore did not know that she/he was possibly creating a crossfire situation. Once officers recognized the potentially unsafe situation, they communicated with Officer C, who was still on the move, and Officer C immediately corrected her/his tactical positioning.

Based upon the totality of the circumstances, the BOPC determined that Officer C's actions were not a substantial deviation from approved Department tactical training.

- **Debriefing Point No. 2 - Body Armor** (Substantial Deviation – Officer I)

Officer I did not don her/his Department approved body armor as required when conducting field related duties.

The BOPC determined that Officer I's decision not to don body armor prior to responding to the field was a substantial deviation, without justification, from Department policy and approved tactical training.

- The BOPC also considered the following:

1. **Patrol Rifle Manipulations** – The investigation revealed that Officer G inadvertently ejected a round from her/his patrol rifle. Officer G was reminded to properly verify and know the condition of her/his patrol rifle prior to deploying it in a tactical situation. Officer G was also reminded to consider the utilization of the low-light chamber check method to determine the condition of her/his patrol rifle.
2. **Tactical Communication** – The investigation revealed that Officer A did not verbally advise that she/he was involved in an OIS to supervisors or the officers located in close proximity to him. While Officer A did broadcast that shots had been fired, her/his broadcast did not clearly indicate that she/he was involved in an OIS. It would have been appropriate for Officer A to notify her/his partners that Officer A had discharged her/his weapon and to notify a supervisor when feasible. It was not clear to personnel at the scene that Officer A's gunshot had come from her/him, rather than from the Subject. The fact that Officer A had fired her/his weapon would have been relevant to officers and supervisors at the scene considering that the ongoing tactical incident, as well as previous Help Call broadcasts, had information related to the Subject's gunfire. Officer A was reminded to advise responding personnel of all pertinent information as soon as practicable during a tactical situation.

Additionally, the investigation revealed that when Officer I was informed by a victim that Subject 1 had shot himself inside the residence, she/he did not relay that information to any of the other officers. Upon further investigation by FID, it was determined that Officer I did not recall hearing the information about the Subject shooting himself. Officer I was reminded of the importance of communicating all pertinent information during a tactical situation.

3. **Ballistic Shield Training** – The investigation revealed that Officer J deployed a ballistic shield despite not being trained in its use. This incident was extremely dynamic and fluid, with multiple shooting victims inside of the confined areas of the residence. It was noted that Officer J did not improperly utilize the ballistic shield during the tactical incident. Officer J has subsequently received formal training in the use of the ballistic shield.

4. **Ballistic Helmets** – The investigation revealed that multiple officers did not don their ballistic helmets during the incident. Although not required, officers are strongly encouraged to don ballistic helmets during a tactical situation.
5. **Preservation of Evidence** – The investigation revealed that Officer J directed Officer L to kick the handgun away from Subject 1 to prevent him from potentially using it against the officers. Officer L indicated that she/he kicked the handgun twice, but it did not move very far, so she/he placed her/his foot on top of the handgun and swept it behind her/him. Officer B subsequently used her/his boot to move the handgun further away from Subject 1 and ensured that the barrel was pointed toward a safe direction. Officers B, J, and L were reminded that kicking a firearm may increase the risk of an unintentional discharge. In this case, however, the tactical situation dictated that the Subject's handgun had to be moved prior to taking him into custody.

- **Command and Control**

Prior to the arrival of a supervisor, Officer J, the most senior officer on the scene, took an active leadership role, initiated command and control, and formulated a tactical plan to rescue victims inside the location. Officer J directed officers to form rescue teams and approached the location to open a locked gate and escort two victims to safety.

The actions of Officer J were consistent with Department training and met the BOPC's expectations of a senior officer during a critical incident.

Lieutenant A, the on-duty watch commander, and Sergeant A, a field supervisor were actively monitoring the radio frequency and proactively responded to the scene in the same vehicle. While en route to the location, they heard a broadcast that a suspect had possibly fled the location. Lieutenant A and Sergeant A communicated with each other and developed a plan to conduct a victim rescue based on the information known to them at the time. Upon their arrival, Sergeant A took over command and control of the entry and rescue teams and developed a tactical plan with Lieutenant A's approval. The plan included assignments of officers to less-lethal, entry, and arrest teams.

Although Sergeant A described the plan as a "rescue," she/he communicated to the officers that although there was no active shooting at the time, they should assume that there was a suspect inside. Lieutenant A also indicated that he considered the possibility that officers may encounter the suspect inside the residence.

Once inside the location, Sergeant A directed a methodical search of the residence and assisted victims to safety. Sergeant A also supervised the officers during the handcuffing of the Subject, who was injured by a self-inflicted gunshot wound. Although Sergeant A had heard a broadcast that the Subject might have fled, she/he was reminded not to rely on unverified information as it can hinder the mental readiness of officers regarding the potential threat they may encounter.

While Lieutenant A assumed the role of IC upon her/his arrival, the BOPC would have preferred that Lieutenant A had formally declared her/himself the IC. The formal declaration would have ensured that the officers at scene were aware of the transfer of command.

As the IC, Lieutenant A made the appropriate decision to treat the tactical situation as an Immediate Action / Rapid Deployment incident rather than a Barricaded Suspect. Based on the information available to her/him at the time, she/he believed there were additional victims injured inside and that the Subject had either fled or remained and possibly had access to those additional victims.

Overall, the actions of these supervisors were consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident.

- The BOPC found Lieutenant A and Sergeant A along with Officers A, B, C, D, E, F, G, and H's tactics to warrant a finding of Tactical Debrief. The BOPC found Officer I's tactics to warrant Administrative Disapproval.

## **B. Drawing and Exhibiting**

- According to Officer E, prior to arrival, she/he drew her/his service pistol while inside the police vehicle because she/he believed there was a shooter inside the residence and the situation was still active.

According to Officer E, she/he holstered her service pistol to assist with the rescue of a victim. She/he then returned to the front of the residence and drew her/his service pistol a second time.

According to Officer E, she/he drew her/his service pistol a third time to clear a shed next to the residence.

Officer F recalled,

“I un - - I unholstered my weapon after the first initial shot that I heard, and I unholstered based on the tactical situation and my reasonable belief that this situation that I was faced in front of may escalate to the point where deadly force may be justified.”

According to Officer F, she/he holstered her/his service pistol, donned a ballistic helmet, and then drew her/his service pistol a second time.

According to Officer F, she/he holstered again to assist a victim out of the residence. She/he drew her/his service pistol a third time when she/he returned to the residence to continue with the search team.

According to Officer A, she/he exited her/his police vehicle and heard a broadcast that officers were being fired at. Officer A drew her/his service pistol.

According to Officer A, she/he holstered her/his service pistol to handcuff Subject 1. After Subject 1 was handcuffed, Officer A drew her/his service pistol a second time.

According to Officer B, as she/he approached the location, she/he heard shots being fired and drew her/his service pistol.

According to Officer B, she/he holstered her/his service pistol once the house had been secured. While conducting a search of a shed outside the residence, she/he drew a second time.

According to Officer G, as she/he was exiting her/his police vehicle, she/he heard a shot and believed the Subject was inside the house, actively shooting. Officer G deployed her/his patrol rifle and heard an officer broadcast that they were taking rounds, so Officer G began to run down the street, towards the location for immediate rapid deployment into the house.

According to Officer G, while subsequently searching the residence, she/he was designated as a cover officer. Due to the close quarters inside the house, she/he could not use her/his patrol rifle without covering an officer, so Officer G slung her/his patrol rifle and drew her/his service pistol.

According to Officer C, as she/he was approaching the location in the officers' police vehicle, she/he heard approximately three shots. As she/he exited her/his police vehicle, she/he heard an officer broadcast that they were taking rounds, at which point, Officer C deployed the shotgun.

According to Officer C, she/he moved toward the residence to get cover. She/he heard officers telling her/him to come back to avoid crossfire. Officer C took a position of cover and due to a potential active shooter, loaded a round of slug ammunition into the shotgun. To allow her/ him to don a ballistic helmet, Officer C gave the shotgun to Officer D and advised her/him that it was loaded with a slug round. After Officer C donned a ballistic helmet, she/he drew her/his service pistol.

According to Officer D, she/he heard a gunshot as she/he parked her/his police vehicle, so she/he exited her/his police vehicle and drew her/his service pistol.

According to Officer D, Officer C gave Officer D her/his shotgun and advised that there was a slug round already loaded inside. Officer D believed deploying a shotgun loaded with a slug round was appropriate because the incident involved an active shooter and there were very few patrol rifle certified personnel.



According to Officer H, as they arrived, Officer I advised her/him that she/he had heard gunshots. Officer H exited the police vehicle and deployed her/his shotgun with slug ammunition.

According to Officer I, as she/he exited her/his police vehicle, Officer I heard one gunshot and another officer broadcast that officers were being shot at. Officer I drew her/his service pistol and approached the incident location.

According to Officer I, after escorting a victim from the residence, she/he responded to the front of the residence as part of an entry team and drew her/his service pistol a second time.

According to Officer J, while searching for the Subject inside the residence she/he drew her/his service pistol while holding the ballistic shield.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officers, 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, B, C, D, E, F, G, H, I, and J's drawing and exhibiting of a firearm to be In Policy.

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

- **Officer A** – (pistol, one round)

According to Officer A, she/he heard a broadcast from officers advising that there were rounds being fired at them. As Officer A located Subject 1's residence, she/he heard a gunshot and observed muzzle flash from the front of the residence. Based on the broadcast that officers were already being shot at and observing the muzzle flash, Officer A believed that Subject 1 was shooting at her/him and the other officers at scene. Officer A, fearing that she/he was going to be shot, raised her/his service pistol and aligned its sights on the last spot where she/he had observed Subject 1 shooting from. Officer A fired one round from her/his service pistol.

Officer A recalled,

“[The officers] had already taken rounds. And I see the numbers and I see the number of the house so I know that's the house. And then as soon as I identify the house, I hear one gunshot with a muzzle flash.

And at that point, I know that I'm being fired upon and several other officers that responded, so I was afraid, became afraid that I was going to get shot. And - - and at that point, I raised my gun and I - - I aligned my sights as best as I can in the last spot where I saw the - - the [Subject]

shooting at me. And I squeezed the trigger and fired one round. After I fired one round, I brought it down, I assessed.”

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

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