

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

OFFICER-INVOLVED SHOOTING – 067-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	07/26/13		
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Officer(s) Involved in Use of Force	Length of Service
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Officer F	15 years, 1 month
Officer G	19 years, 2 months
Officer I	20 years, 2 months

Reason for Police Contact

Victim A observed the Subject, an unknown female, in his apartment. Victim A subsequently ran out of his apartment and called 911.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Female, 30 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 suspect criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on July 15, 2014.

Incident Summary

Uniformed Police Officers A and B received a priority radio call for a female burglary subject “there now” at an apartment.

Upon arrival, Officers A and B met Victim A near his apartment. Officer B spoke to Victim A and learned that he was asleep when he heard a noise which awoke him, and he observed an unknown female inside his apartment. Victim A got scared and when he ran out of his apartment, the female Subject locked the door behind him. Victim A denied knowing the Subject and said there were no weapons inside his apartment.

Note: Investigators later interviewed the Subject, who stated she was looking for a place to “clear her mind” and to smoke heroin when she checked the building for an unlocked apartment door.

Officers A and B knocked on the door of the apartment. From inside, the Subject incoherently rambled that the officers were aliens, and she was the only human female remaining on earth. The Subject refused to open the door and exit the apartment. While Officer A spoke to the Subject, Officer B heard a metallic clicking sound from inside the apartment and believed the Subject was manipulating a revolver. Officer B confronted Victim A, who then reluctantly admitted he had a .38 caliber revolver in the apartment and it would be accessible to the Subject.

Note: According to Victim A, the officers never asked him if he had a gun inside the apartment. Victim A was a security guard and possessed a valid registration and exposed firearm permit.

Officer B requested an additional unit, a supervisor and a unit with breaching tools to respond to their location. Sergeants A and B responded to the supervisor request, went upstairs, and were briefed by Officers A and B.

Sergeant B requested two additional units with patrol rifles and entry tools to respond. Sergeant B remained inside, while Sergeant A became the Incident Commander (IC) and established a Command Post (CP) outside on the street.

Note: The IC role switched from Sergeant A, to Lieutenant A, to Commander A over the course of the incident.

The officers maintained a dialogue with the Subject, but she continued to speak about aliens and avatars, and Sergeant B heard her throwing items inside. While briefing additional patrol officers as they arrived, and although the officers were whispering, the Subject apparently heard them and stated she found a gun and was not afraid to use it.

Once the officers were in place, the Subject was directed to exit the apartment. The Subject asked how she would know the officers were humans and not aliens.

Sergeant A telephonically briefed specialized unit Lieutenant B. Lieutenant B acknowledged that the Subject had barricaded himself inside and recommended that

the building be evacuated, to have a rescue ambulance (RA) respond to stand by, and thoroughly re-interview Victim A prior to the arrival of specialized unit personnel.

Within the first hour, the Subject stated she had a gun and warned the officers not to come close to the apartment door. Officer C directed the Subject to leave the gun inside and to exit the apartment. The Subject neglected to follow these commands.

The officers heard a gunshot which emanated from inside the apartment. When additional patrol officers arrived, the entire apartment building was evacuated pending the arrival of specialized unit personnel and a Los Angeles Fire Department (LAFD) engine and RA stood by at the CP.

Lieutenant B was the first of the specialized unit personnel to arrive. Lieutenant B re-interviewed Victim A and learned there were three additional loaded handguns and ammunition inside his studio apartment. According to Victim A, the Subject offered him sex if he allowed her to stay in the apartment and from his brief encounter, Victim A believed the Subject was possibly under the influence of narcotics. Lieutenant B coordinated the response and briefing of the arriving specialized unit personnel.

Sergeant C was assigned as the tactics supervisor and arrived at the same approximate time as specialized unit personnel, Officers D, E, F, G, G and H. Lieutenant B briefed the arriving officers prior to their relieving the patrol officers.

Sergeant C was briefed by Sergeant B concerning the Subject's actions and was told the entire building was evacuated. Sergeant C maintained direct communication with Lieutenant B, who was at the CP, and Officer D was under Sergeant C's direct supervision in the hallway outside the target apartment.

Officer F was armed with a shotgun and was assigned a cover position on the west side of the hallway looking north toward the target apartment. Officer G was armed with a 37 mm less-lethal munition and was standing behind Officer F, who was also armed with a TASER. The Subject began yelling from inside the apartment. From his position of cover, Officer G began speaking to the Subject, who asked what was happening. The Subject identified herself by many first names and Officer G believed she had multiple personalities and suffered from a mental illness. Officer G did not ask the Subject to exit because the specialized unit was not positioned to receive her.

When Officer I arrived, he contacted Officer D via the radio, who directed him to bring the TASER Shockwave area denial device to the hallway. Officer D directed other officers to place the Shockwave on the opposite side of the hallway across from the target apartment and angled toward the door. High intensity lights were also placed near the Shockwave and were directed toward the front door. Officer J covered the remaining hallway lights to conceal the officers' positions.

Initially, Officer J was assigned to control the Shockwave, but was later relieved by Officer I. Officers J and K were then re-deployed to a sniper position on the rooftop of a nearby building, which was the third building north and where they had a clear and unobstructed view of the exterior windows of the target apartment.

Note: The Shockwave is a free-standing device which contains three rows of six TASER cartridges. The device is managed via cable from a hand-held controller and each cartridge row is deployed independently from the other two. Each activation lasts five seconds and additional activations are possible without deploying a second or third row of cartridges. When additional rows are deployed, the cumulative electrical charge is no more than that of a single cartridge. The Shockwave does not have a downloadable activation summary.

Officer D directed specialized unit Officer N, to bring additional equipment to the third floor. During several trips, Officer N brought up extra radio batteries, a pinning pole, a miniature robot with an attached camera, and entry tools. Officer N then remained in the hallway. Due to the length of the incident, all of the officers in the hallway switched in and out of cover positions. When not on a cover position, Officer N was armed with a 40mm less-lethal multi-launcher.

Specialized unit Sergeant D was designated as the negotiation team supervisor, Officer O was the primary negotiator, and Officer P was the secondary negotiator. Behavioral Science Services (BSS) Psychologist A was also present. The CNT was briefed on the incident by Lieutenant B and Area patrol officers concerning the original burglary radio call, that the Subject discharged a gun inside the apartment and that she refused to surrender.

Note: Detective A also responded and assisted at the CP in identifying the Subject by obtaining possible telephone contact numbers and family information which was obtained during her prior MEU contacts. According to Sergeant C, the Subject had a mental health disorder and had been placed in an outreach program, but had never responded for a follow-up.

There was no landline telephone inside the target apartment, and attempts on several cellular telephone numbers obtained through MEU were unsuccessful in reaching the Subject. The negotiators came to the third floor to establish voice-to-voice contact with the Subject and to build rapport. Officer O was positioned behind cover in the hallway, south of the apartment, and he and the Subject communicated by yelling back and forth. During 30 minutes to one hour of conversation, the Subject provided no coherent or useful information.

The negotiators received another cellular telephone number for the Subject from MEU, and they moved downstairs to the street. Officer O reached the Subject via the new cellular telephone number and they spoke on and off for three to four hours. During that time, the Subject was unable to maintain a coherent and fluid conversation. Officer O opined that the Subject was highly delusional.

Several hours later, during a break from negotiations, the Subject discharged one round from a pistol inside of the apartment. Officer O telephoned the Subject, who said that she was not hurt and that she fired the gun because she wanted to know what it felt like.

The Subject was aggressively yelling obscenities and being argumentative. The Subject said that if the officers knocked on the door, she would know they were real humans. Lieutenant B telephoned Sergeant C and requested they use a long pole to knock on the apartment door. Officer E laid down on his stomach and used a body bunker for protection as he extended a long pole to tap on the front door. The Subject still refused to exit and surrender.

The negotiators met with Lieutenant B, Sergeant C and Officer D near the CP. They agreed that since the Subject was delusional and so far removed from reality, the process was futile, so it was discontinued and the negotiating team returned to the CP.

Sergeant C and Officer D then devised a tactical plan to persuade the Subject to exit the apartment. Prior to the tactical plan being approved by the IC or being implemented, Officer D gave final position and assignments to the officers. Officer F was designated as the cover officer at the northwest hallway corner and was armed with a shotgun. Officer E was positioned behind Officer F with a rifle, Officer N was behind Officer F armed with a 40mm less-lethal multi-launcher, Officer D was behind Officer N armed with a rifle and Sergeant C was monitoring the situation from a position west of Officer D.

Officer G was designated as the cover officer at the northeast hallway corner and was armed with a rifle. Officer I who was in control of the Shockwave, was behind Officer G.

Officer E repeatedly instructed the Subject to leave her gun inside and to come out with her hands raised. The Subject responded that she had a gun and would shoot anyone who entered the apartment.

Note: Several officers also indicated in their statements that the Subject at times threatened to kill them.

The Subject said the police officers could not kill her and she began moving a metal door latch back and forth as if she were unlocking it. The Subject began knocking on the door with a metallic object, and Officer D stated the door started to open. When the Subject opened the front door, she remained partially concealed in the threshold. Due to the officers' varied positions in the hallway, not all officers observed all of the Subject's actions.

Officer F observed the door open fully and due to the light from inside the apartment, the Subject's shadow was broadcast into the hallway. Judging by the position of the shadow, it appeared that the Subject was standing just inside the threshold, but Officer F could not see her. As the Subject moved toward the threshold, Officer F observed the Subject's right shoulder and that she was holding a blue steel revolver in her right hand. Officer F advised the other officers that the Subject had a gun in her right hand and Officer E ordered her to drop the gun. The Subject paused at the threshold and then moved back into the apartment, but Officer F could still see the gun in her right hand.

The Subject moved her right hand to the side of the door frame, extended her hand past the door and pointed the gun south toward the officers while her body remained

concealed behind the threshold. The gun was pointed at the officers for one or two seconds and then the Subject pulled her arm back inside the apartment. Officer E continually ordered the Subject to drop the gun. The Subject turned her back to the open door, leaned back and exposed the right side of her face to look south in the hallway toward the officers. The Subject moved her head back inside the apartment and was out of Officer F's view. Shortly after, leading with her right foot, the Subject slowly sidestepped to her right and toward the center of the threshold. The Subject looked toward Officer F exposing her right leg and three quarters of the right side of her body while maintaining the gun pointed down in her right hand. Due to the high intensity lights in the hallway, the Subject may have shielded her eyes with her left hand as Officer E continued to order the Subject to drop the gun and raise her hands.

Note: According to Officer E, at one point, the Subject displayed a pistol at the threshold by holding it by the grip, without her finger being near the trigger.

Officer F's left arm and elbow were braced against the hallway wall that he was using as cover. The shotgun was seated against his right shoulder as he raised it from a low-ready position. Officer F removed the safety and aimed the shotgun toward the Subject, who was at the door's threshold. Officer F determined he needed to keep a right offset in towards the door and then use the wall as a background for safety.

The Subject was at the door for five to 10 seconds, then sidestepped to her left and went partially back inside the apartment. Just prior to the Subject's right shoulder disappearing from Officer F's sight, the Subject started to slowly raise the gun in her right hand. The Subject moved the gun side to side as she raised it and pointed it directly at Officer F, which caused him to believe that the Subject observed his position. In fear for his and all the officers' lives, Officer F aimed at the Subject's right upper chest and rapidly discharged three shotshells.

When Officer F lowered the shotgun to reassess, the apartment door was partially closed and he no longer observed the Subject and was uncertain if she was injured. Officer F re-engaged the shotgun's safety.

According to the Subject, the officers told her to drop the pistol and she thought they meant outside of the apartment so they could see it. The Subject held the pistol in her right hand with her right arm extended out, she was bent over to place the pistol on the floor and she repeatedly said, "This is yours." As the Subject came around the corner of the door, the officers shot at her. The Subject denied pointing the pistol at the officers.

The Subject, who was standing, held the pistol in her right hand as the pistol barrel came out of the apartment again near the south edge of the doorway. Officer G observed the Subject's right knee, chest and arm. Officer G observed a pistol coming out in the open threshold of the door. Towards the south edge of the door frame he saw the muzzle of a pistol and part of a hand before it went right back in.

The Subject turned the pistol toward the officers, and Officer G believed he and his partners were in immediate danger. As the Subject raised the pistol and pointed it

toward Officer F, Officer G, from a right hand standing position, leaned to his left, depressed the safety and aimed his rifle at the Subject's right hand, which was holding the pistol.

Simultaneous to Officer F discharging the shotgun, and while in semiautomatic mode, Officer G fired his rifle twice at the Subject's right hand. He quickly reassessed and still perceived the pistol as a threat, so he fired twice at the Subject's right side, and reassessed again. Officer G believed that he could breach the hallway wall to strike the Subject's torso if he aimed to the right of the threshold. Based on her arm position, Officer G aimed where he believed the Subject's torso was in the threshold. The Subject was still pointing the pistol toward the officers and Officer G fired five times. When Officer G reassessed, he no longer observed the Subject or the pistol, and he reengaged the rifle's safety.

Note: Officer G indicated his point of aim was the south side of the door frame, and in an area where he believed the Subject to be and in order to stop the threat. Officer G also indicated that he fired his first two rounds at the Subject's hand, his second two rounds at her leg, and all the subsequent rounds constituted an attempt to breach through the wall.

Officer I was standing behind and looking north over Officer G's shoulder toward the apartment. Officer E repeatedly ordered the Subject to drop her gun, but from his position, Officer I could not initially see her. Officer I observed the Subject's leg and the tip of a pistol barrel extend past the threshold. Because the Subject was armed with a gun, and acting in the immediate defense of the officers' and the Subject's lives; simultaneous to the OIS, Officer I deployed the Shockwave's first bank of TASER cartridges.

Note: Officer I waited until he could see the Subject to deploy the shockwave because he was concerned that if she retreated back into the apartment, that would pose a larger problem.

The Subject's leg and pistol were out of sight within a second of Officer I deploying the Shockwave, and after the five second activation ceased, Officer I did not observe the TASER dart wires moving so he was uncertain whether the darts struck her. When Officer I observed the TASER dart wires being pulled into the apartment, he deployed the Shockwave's second bank of TASER darts which were activated for five seconds.

Officer I asked the other officers if the Subject was attempting to retreat further into the apartment and someone responded yes. To stop the Subject's retreat further into the apartment and barricading herself with the pistol, Officer I deployed the Shockwave's third bank of TASER darts for five seconds. Officer I observed the TASER wires still being pulled and was uncertain if the Subject was attempting to pull the darts out of her body, or if she was retreating further into the apartment, so he activated all three Shockwave banks an estimated four additional times for five seconds each activation.

After the fourth additional activation, the Subject yelled for the officers to stop shocking her. Officer I directed her to drop her gun, crawl to the door and extend her hands out.

After five to 10 seconds, the Subject's hands extended out of the door and Officer I directed her to keep crawling out of the door. The Subject crawled out and laid face down outside of the apartment in the hallway. Officer I detached the Shockwave control cable to ensure the officers who placed hands on the Subject could not be shocked.

Officer D directed officers to move forward and take the Subject into custody, while others officers moved forward to clear the apartment. While clearing the apartment, the officers observed the Subject's revolver lying inside the doorway, at the south side of the threshold.

Note: The Subject was armed with a four-inch, blue-steel, .38 caliber, six-shot revolver. The revolver was found lying on the floor inside the threshold of the target apartment and was recovered by Department personnel. The revolver was on its left side, the barrel was pointing west, and the hammer was down. The revolver was loaded with one discharged cartridge case and five live cartridges in the cylinder. A chrome, .357 Magnum caliber, seven-shot revolver was also recovered from the bed of the target apartment. The revolver was loaded with seven live cartridges in the cylinder. There were three additional revolvers in Victim A's apartment.

Officer H used flexible handcuffs to secure the Subject's hands and conducted a quick pat down, but found no additional weapons. Officer H was uncertain if TASER darts were attached to the Subject's skin or clothing, but he used wire cutters to cut the dart wires. The Subject indicated that she had been shot. Officer H observed an unknown type injury on the Subject's right thigh, which she said was a gunshot wound. The Subject yelled she was sorry, but the officers did not have to shoot or shock her. The Subject continued talking about avatars and aliens. Via the radio, Officer D informed Lieutenant B that an RA was needed for the Subject. Sergeant C directed officers to walk her down to the street to meet the LAFD personnel.

Officers walked the Subject downstairs to the street. They were met by LAFD personnel, who treated the Subject and described her as being confused and repeatedly asking the same questions. She never mentioned the OIS.

After the apartment was cleared, Sergeant C called all the specialized unit officers together and ordered them not to discuss the incident. Sergeant C separated Officers F and G from the group. Sergeant C walked Officer G into the hallway and obtained a Public Safety Statement (PSS) from him. Sergeant D obtained a PSS from Officer F.

Force Investigation Division personnel reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident prior to the officers being interviewed by FID investigators. All Department protocols were complied with and appropriately documented.

Note: Department personnel examined the apartment building north of the OIS location at for bullet impacts. Four pathways terminated at the

walkway areas along the south face of the building, while two pathways terminated inside two different apartments.

There were two bullet jacket fragments and two bullet fragments recovered at the location. All four items could not be identified or eliminated as having been fired from Officer G's rifle, but were excluded as being fired by the revolvers.

Note: With respect to the issue of evacuating residents at potential risk, Lieutenant A first assessed the situation and noted the large perimeter was secure. He was informed that the entire apartment building where the target location was located had been evacuated, along with the first apartment building north. The evacuated residents were housed in a local business or on a bus. Lieutenant A remained the IC until he was relieved by Commander A.

While Lieutenant B, Sergeant C and Officer D evaluated the scene containment, they noted a multiple-story apartment building, which was the third property north of the focus building. This building extended the furthest east and was visible out of the north hallway window. It was Lieutenant B's decision not to evacuate this building since it was in the early morning hours and no tenants were observed outside. Instead, officers would shelter the residents in place and not evacuate additional buildings. According to Sergeant C, to evacuate additional buildings would not have been reasonable or practical.

According to Commander A, evacuation of the third building to the north may have occurred, but he did not have an independent recollection of discussing a specific evacuation plan.

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 unanimously made the following findings.

A. Tactics

The BOPC found Lieutenant B, Sergeant A, and Officers F, G and I's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers F, G and I's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officer I's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers F and G's lethal use of force to be in policy.

Basis for Findings

A. Tactics

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

1. Command and Control and Evacuation of Surrounding Buildings

The BOPC conducted a comprehensive review of the command and control aspects of this incident from the initial on-scene IC, as well as the command oversight throughout the incident.

Note: Sergeant A, Lieutenant A, and Commander A each assumed the role of IC throughout the incident, in the aforementioned order.

Lieutenant A arrived at the CP. Although he assumed the role of the IC, Lieutenant A stated that he had Sergeant A remain in place as the deputy because he was doing a good job. Lieutenant A went on to say that the building to the north of the target location had been evacuated prior to his arrival and that he trusted the evaluation of Sergeant A and Lieutenant B in the evacuation process. Commander A subsequently assumed the role of the IC.

The BOPC conducted a comprehensive analysis of all available evidence and the actions of the personnel that assumed the role of IC. Furthermore, no codified standard exists that specifies the evacuation criterion at the scene of a barricaded suspect. As such, the BOPC gave a degree of latitude to Sergeant A and Lieutenant B in their evacuation plan. Accordingly, the BOPC determined

that findings specific to Command and Control are warranted solely for Sergeant A and Lieutenant B.

Additionally, the BOPC determined that Commander A and Lieutenant A did not make any significant decisions as the situation unfolded; therefore, no formal findings for them are warranted.

Sergeant A

Sergeant A was one of the initial supervisors to arrive at the scene and declared himself as the IC. While operating at the CP, Sergeant A ensured that the occupants of the target location and the first building to the north were evacuated and that a perimeter was established. Sergeant A was acting as the IC when Lieutenant B arrived at the location. Subsequently, Sergeant A was actively involved in the tactical discussions with Lieutenant B after Lieutenant A arrived and assumed the role of the IC.

The investigation revealed that Sergeant A discussed various tactical issues related to the incident with Lieutenant B. According to Sergeant A, they did not discuss the idea of evacuating the building located three buildings to the north of the target location.

Sergeant A indicated that due to it being dark, he did not see that building in play.

In the BOPC's overall assessment of Sergeant A's performance while assigned as the IC, the BOPC was pleased with the leadership provided by Sergeant A from the onset of the incident. Sergeant A asserted himself and assumed the role of IC. He appropriately utilized available resources to address the unfolding tactical scenario with proper notifications having been made once the incident was identified as a barricade situation.

Sergeant A was the IC from the onset and continued his role even after Lieutenant A arrived; therefore, he was significantly involved in the tactical decision making process.

Lieutenant B

Lieutenant B made a determination to forgo the evacuation of an apartment building that was potentially in the line of fire of the Subject's apartment and downrange from the specialized unit officers' tactical positions.

Officers must continuously evaluate their tactics to ensure the safety of the persons in the immediate vicinity while balancing the need to maintain the tactical advantage. Additionally, specialized unit personnel are on the forefront of the introduction and development of tactics that are subsequently utilized with great success. In this circumstance, the occupants of a building to the north were potentially in a direct line of sight of the apartment that the Subject occupied and downrange from the specialized unit officers' tactical positions on the third floor.

Sergeant C and Officer D formulated a tactical plan to take the Subject into custody. During the development of their tactical plan Sergeant C and Officer D took into consideration the practicality of potentially displacing the occupants of the third building to the north, versus sheltering in place and subsequently discussed their tactical plan with Lieutenant B.

Ultimately, Lieutenant B determined that the Subject was armed with a handgun, rather than a rifle, thus minimizing her overall ballistic capabilities. Lieutenant B surmised that the safest option was to shelter in place rather than waking up and displacing a large number of residents. Lieutenant B believed that by waking the occupants of the third building to the north, he would cause a large number of them to peer from their windows, thereby unnecessarily exposing them to potential gunfire.

An assessment was conducted before the decision was made to not evacuate the apartment building located third to the north of the target location.

Note: According to the Scientific Investigation Division (SID) Laboratory Report, preliminary information indicated the OIS may have resulted in projectiles striking the south side of the apartment building located third north of the target location. Six distinct projectile pathways were documented, with four of the pathways terminating at the walkway areas and two inside two different apartments. There were four bullet jacket fragments recovered at the location across the street. All four items could not be identified or eliminated as having been fired from Officer G's rifle; however, SID was able to exclude them as being fired by the revolver. According to Officer D, he ensured officers checked on the wellbeing of the residents inside the two apartments where projectiles had landed, and subsequently determined that none of the occupants sustained any injuries.

The BOPC was critical of the decision to forgo the evacuation of the aforementioned apartment building in light of the fact that two rounds penetrated the apartments located at the location across the street. Although the investigation did not definitively attribute the rounds to Officer G's weapon, they could not be eliminated as having been fired from Officer G's rifle.

In the BOPC's overall assessment, it was agreed that consideration must be given to the direction that rounds are fired and possible ramifications as a result. Although no codified standard exists defining the parameters for an evacuation of the surrounding area at a scene involving a barricaded subject, officers should utilize good judgment in the protection of the community.

The BOPC determined that Lieutenant B took into careful consideration the safety of the occupants of the building across the street when making the determination whether to evacuate or shelter the occupants in place.

Therefore, based on the totality of the circumstances, Lieutenant B's actions were reasonable and did not represent a substantial and unjustified deviation from any approved Department tactical training. However, Lieutenant B and Sergeant A are reminded of their responsibility to continuously assess a tactical situation in order to adapt as necessary throughout any tactical incident.

In evaluating the subject of command and control, individual, unit and organizational improvement is critical, especially with regards to specialized operations. Therefore, the aforementioned issue was a subject of discussion at the Tactical Debrief.

2. Use of Cover

Officer G moved from cover to address an armed suspect.

The utilization of cover affords an officer a barrier to maintain a tactical advantage. In this circumstance, Officer G was a right hand shooter deploying a police rifle while positioned on the same side of the hallway as the Subject. Prior to firing his rifle, Officer G leaned into the hallway to address the threat posed by the Subject.

In assessing the tactics used by Officer G, he found that based on his statements, coupled with the physical evidence, namely the trajectory of his rounds, Officer G's limited movement away from cover to confront the Subject was not significant. As such, the BOPC found that Officer G's actions did not substantially deviate from approved Department tactical training. Nevertheless, the topic of Use of Cover was addressed during the Tactical Debrief.

- 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.

Based on the totality of the circumstances, each tactical incident merits a comprehensive debrief with the involved personnel. In this case, there were identified areas where improvement could be made and 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.

The BOPC found that Lieutenant B, Sergeant A, along with Officers F, G and I's tactics warrant a Tactical Debrief and that the specific identified topics be covered.

B. Drawing/Exhibiting

- In this instance, Officers F and G were advised the incident involved an individual possibly under the influence, or a person with mental illness, that was armed with a handgun and had fired a round inside the location. Officers F and G were placed in their positions in the hallway and they exhibited their respective weapons.

After the OIS, Officer I assisted in clearing the apartment. Prior to entering the apartment, Officer I exhibited his police rifle.

An officer with similar training and experience would believe that the situation may escalate to the point where the use of lethal force may become necessary. Therefore, due to Officers F, G and I's reasonable belief that the situation may escalate to a level where deadly force could become necessary, the BOPC found the drawing and exhibiting of firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer I** –TASER, three TASER bank deployments and three to four additional TASER activations.

First TASER deployment

The Subject opened the door and Officer I heard officers saying, "she's got a gun in her hand," and subsequently the Subject was instructed to, "put the gun down." However, from his vantage point, Officer I was unable to observe the Subject. After approximately one minute, Officer I reported observed the Subject exiting the apartment while holding a handgun. Consequently, Officer I discharged the first bank from the Shockwave TASER at the Subject.

Second TASER deployment

Subsequently, the Subject's leg and the barrel of the handgun disappeared from Officer I's line of sight. Officer I was unable to determine if the Subject was struck by the TASER darts and consequently discharged the second bank from the Shockwave TASER at the Subject.

Third TASER deployment

Soon thereafter, Officer I observed the TASER wires being pulled into the apartment by the Subject. Officer I surmised that the Subject was attempting to move further into the apartment and subsequently discharged the third bank from the Shockwave TASER at the Subject.

Additional TASER Activations – Three to Four

Officer I observed that the Subject continued to move further into the apartment and subsequently conducted three to four additional activations from the Shockwave TASER.

The standard set forth in Department policy dictates that the decision to use force must be judged through the perspective of a reasonable officer with similar training and experience and in a similar circumstance. The BOPC determined that an officer with similar training and experience would reasonably believe that the force used to compel the Subject to drop the handgun and submit to arrest was reasonable and would have acted in a similar manner.

The BOPC found Officer I's application of less-lethal use of force to be in policy.

D. Lethal Use of Force

- In this instance, Officers F and G were designated as the lethal force option cover officers in hallway outside the target apartment. Officers F and G maintained their positions while the negotiators worked toward a peaceful solution. Subsequently, the Subject fired a handgun inside the location. After firing the handgun, Officers F and G reported hearing the Subject state she intended to kill an officer. The Subject subsequently opened the door of the apartment while armed with a handgun and pointed it in the direction of Officers F and G.

- **Officer F** –shotgun, three rounds

Officer F recalled that the Subject started raising the gun in his direction, so he engaged and shot at the Subject towards where he observed the gun and the Subject's shoulder, due to being in fear for his life and his partner's life.

The BOPC evaluated the circumstances relevant to Officers F's lethal use of force. An officer with similar training and experience would believe that the Subject's actions posed a substantial risk of serious bodily injury or death to Officer F.

Therefore, the BOPC determined that Officers F's lethal use of force was objectively reasonable and in policy.

- **Officer G** – rifle, nine rounds

Officer G, cognizant that he had very little area to shoot at, stated he was targeting the south side of the door frame of the target apartment, while attempting to shoot through the wall to stop the threat.

Officer G further recalled engaging in the direction of the body features he saw, which were right inside the door threshold, and where he believed the Subject to be, such that he could stop the threat.

The BOPC evaluated the circumstances relevant to Officer G's lethal use of force. An officer with similar training and experience would believe that the Subject's actions of pointing a handgun in their direction posed a substantial risk of serious bodily injury or death to Officers F and G.

Therefore, the BOPC found Officer G's lethal use of force to be objectively reasonable and in policy.