

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

OFFICER-INVOLVED SHOOTING – 117-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	11/15/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	11 years, 8 months
Officer B	9 years, 6 months
Officer C	8 years, 11 months
Officer D	15 years, 9 months
Officer E	14 years, 7 months
Officer F	6 years, 1 month
Officer G	6 years, 1 month
Officer H	4 years, 9 months

Reason for Police Contact

As Officers B and C were in uniform, driving an unmarked police vehicle, they observed the Subject standing on the sidewalk, pointing a handgun in their direction, resulting in an officer-involved shooting.

Subject(s)	Deceased () Wounded () Non-Hit (X)
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Subject: Male, 22 years of age.	
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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 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 November 20, 2012.

Incident Summary

Officers B (driver) and C (passenger) were attired in full police uniform and driving an unmarked dual purpose police vehicle. Upon completion of a follow-up investigation, Officer B noted that their police vehicle needed gas. He told Officer C that they should stop for fuel at the police station. As Officer B drove under a freeway overpass toward the police station, he saw a male, later identified as the Subject, walking eastbound on the south sidewalk. Officer B believed the Subject pointed a gun at him and communicated his observations to Officer C.

According to Officer C, as they drove eastbound he also saw the Subject walking on the south sidewalk. As they drove past, he saw the Subject point something in their direction wrapped in paper or cloth. Officer C was not sure what the object was but saw the Subject pointing it as though it were a handgun. Officer C asked Officer B if the Subject had a gun.

According to Officer B, he told Officer C that the Subject had pointed a gun at them. Officer B then conducted a U-turn and stopped the police vehicle in the middle of the street facing southwest. By the time Officer B positioned the police car facing the Subject, the Subject stood behind a tan Honda Accord that was parked on the southeast corner the intersection. Officer B saw that the Subject was holding what appeared to be a gun with both hands and was again pointing it at them. Officer B placed the vehicle in park, opened his door, and unholstered his service pistol. As he drew his pistol from his holster, the Subject was still pointing his gun at them. Officer B heard shots being fired and observed that their vehicle's windshield shattered. Officer B believed that the Subject had just shot at him. Officer B leaned out of the car and fired approximately four shots at the Subject. Officer C unholstered his service pistol as he heard shots being fired and, from a seated position, fired through the windshield four or five times at the Subject. As Officer C exited their vehicle, he attempted to shoot at the Subject, but his pistol malfunctioned.

Meanwhile, Officers E and D were leaving the police station when they heard shots being fired. Officer E believed the shots were coming from an intersection. As the officers directed their attention westbound, they observed Officers B and C's plain dual purpose police vehicle. Officer E activated his lights and siren and drove toward them. According to Officers E and D, they saw Officer C shoot from the passenger seat of his vehicle.

According to Officer B, he broadcasted a help call on base frequency. Communications Division (CD) advised that they could not understand what the unit was broadcasting and asked for the message to be repeated.

The investigation revealed that Officer C, although he did not remember doing so, fired two rounds at the Subject at the intersection.

After the second shooting at the intersection, the Subject then ran northbound as Officers B and C followed him in their police vehicle. Officer B looked back and saw that a black and white police vehicle was now behind him.

Officer B kept an approximate distance of 20 yards behind the Subject until the Subject ran westbound. Officer B stopped his vehicle on the northwest corner, facing westbound. Officer C opened his door and stepped out of the vehicle. Officer C saw the Subject walking on the south sidewalk approximately 20 to 25 feet south west of their vehicle. The Subject then stopped, turned to face the officers, extended his arms, and again pointed his gun toward them. Officer C believed he fired approximately three to four rounds at the Subject.

The Subject then turned and ran westbound. Officer C got back in the police vehicle. Officer B then drove westbound, continuing to follow the Subject as he walked on the south side of the street.

As the Subject approached the middle of the block, according to Officers B and C, he again raised his weapon, held it in his right hand, canted it sideways, and pointed it at the officers' vehicle. Officer B, believing he was about to be shot at, fired one round at the Subject as he stood on the south side of the street.

Meanwhile, according to Officer E, he stopped his police car on the southwest corner and saw the Subject raise one of his hands, but he did not see the Subject holding a gun. Officer E heard shots being fired and saw that Officer B was seated in his police vehicle with his pistol drawn pointed in a westbound direction. Officer E did not see Officer C at this time. Officer E got out of the police car and unholstered his service pistol because he heard shots being fired. Officer E saw bullet holes in Officers B and C's vehicle windshield and believed that the Subject had shot at them.

According to Officer D, he did not see Officers B or C fire their pistols. He only heard shots being fired. Officer D also unholstered his service pistol when he got out of the police car because he believed the Subject had a gun and had fired at Officers B and C. He looked westbound and saw the Subject running west on the south side of the street.

Officers E and D holstered their respective pistols, got back in their police vehicle, and drove westbound following Officers B and C. The Subject ran across the street, toward the north sidewalk, and continued northbound through an alley.

According to Officer C, they drove up to the mouth of the alley facing westbound. According to Officer C, the Subject turned and again pointed his gun at Officer C. Officer C, while seated in the police vehicle with the front passenger door open, fired three to four times at the Subject. The Subject turned and continued to run northbound in the alley. Officer C saw that a black and white police vehicle was behind them. This was the first time he saw them.

According to Officer E, he stopped his black and white police vehicle approximately one car length behind Officers B and C's police vehicle. Officers B and C were stopped at the mouth of the alley. Officer E did not recall if he exited his vehicle at this time. Officer E saw Officer C shoot once or twice in a northbound direction into the alley, from within the car. According to Officer D, he heard shots fired and did not know if the Subject or Officers B or C had fired their pistols.

Officer B did not follow the Subject northbound through the alley instead; he drove westbound and stopped at the northeast corner of an intersection. Officer B intended to establish a perimeter in case the Subject ran westbound. Officers E and D did not see the Subject in the alley and drove northbound through it.

Meanwhile, Officers F and G responded to the help call. Officers A and H also responded.

Officer F stopped his vehicle at the mouth of the alley and he looked southbound, but did not see anyone. Officers F and G saw the Subject as he was walking east. The officers did not see any other pedestrians on the street and formed the opinion that the Subject was the person involved in the help call. Officer D continued to broadcast their location allowing responding units to deploy accordingly.

Officer F parked his police vehicle east of the north-south alley. The Subject was standing west of their position. Officers F and G got out of their vehicle and unholstered their respective service pistols.

Officer F stated that he unholstered his pistol because he thought that the Subject might be armed. Officer G indicated that he unholstered his pistol due to the help call and the shots fired.

Officers A and H responded westbound. According to Officer H, he saw the Subject running out of the alley holding an unknown object in his right hand. Officers A and H stopped, exited their vehicle, unholstered their respective service pistols, and deployed westbound.

Officer A drew his service pistol due to the broadcast of the help call. Officer H unholstered his service pistol due to the nature of the help call and that he saw the Subject with what he believed was a gun.

According to Officer A, he yelled at the Subject to stop and get down. The Subject did not comply. Officer A saw that the Subject was holding what appeared to be a gun in his right hand. Officer H repeatedly yelled that the Subject had a gun. The Subject pointed his gun in the direction of Officers A and H. Officer A did not have a clear background because there were additional officers responding eastbound. He re-adjusted his position utilizing the parked vehicles for cover and continued to yell commands at the Subject to get on the ground. Officer H stated that he also used the parked vehicles for cover as he approached the Subject. Officer A saw Officers F and G approaching eastbound toward the Subject. Officer F stated that as he approached the Subject, he was starting to prone himself out on the ground. As Officer F made contact with the Subject, he heard the voice of an unidentified officer yell, "Gun, gun, gun, gun" and then "Drop the gun. Drop the gun." Officer H said that the Subject was in the process of going down on the sidewalk when Officers F and G approached the Subject. Officer H thought that Officers F and G were going to disarm the Subject by knocking the gun out of his right hand.

According to Officer E, he parked his police vehicle in a driveway, got out of his vehicle, approached, and placed his right knee on the Subject's right shoulder blade to keep the Subject from getting up. Officer E heard an unidentified officer yell "gun" as the Subject placed his arms and hands by his waistband. Officer E immediately punched the Subject twice on the right side of his head between the temple and the right ear with a clenched fist. As soon as Officer E punched the Subject, other officers were able to handcuff him.

According to Officer F, the Subject dropped the gun by his right side as he was going down to the ground. The Subject kept his arms by his sides as he went down to the ground. Officer G stated that the gun dropped just inches from the Subject's right hand and he could see the barrel of the gun protruding from the white cloth that the gun was wrapped in. This was the first time that Officer F saw the Subject's gun. Officers F and G saw the Subject attempt to reach for the gun. Officer F holstered his pistol, grabbed the Subject by his pants belt, and pulled him one to two feet away from the gun. Officer G walked toward the Subject's right side, kicked the Subject's gun toward the east with his right foot, and holstered his service pistol. He saw that there were additional officers assisting Officer F and that the Subject had tucked his hands under his chest.

According to Officers A and H, as they approached, they noted that the officers were trying to control the Subject and handcuff him. Officer A saw that the Subject was still holding a gun in his right hand. Officer H saw the Subject holding what appeared to be a gun in some sort of handkerchief. The Subject was trying to point his gun in the direction of Officers A and H. Officer A pointed his pistol at the Subject, but he could not get a clear shot. Officer H contemplated a contact shot if the Subject were to point his gun at officers again. Officers A and H deployed west of the Subject and continued to verbalize with him.

Once Officer H saw that the Subject's gun had been kicked away, Officer H holstered his pistol. The Subject was now on his stomach with his hands under his chest,

refusing to allow officers access to his hands. Officer F stated that he knelt by the Subject's left side and attempted to free the Subject's left arm from under his chest, but was not successful. Officer F utilized both of his hands while he attempted to get control of the Subject's left arm. The Subject continued to tense up and refused to let his arms out from under him.

According to Officer H, the Subject attempted to get up and Officers F and G attempted to control the Subject and keep him prone. While the Subject struggled, Officer H positioned himself on the Subject's left side, placed his right knee on the Subject's left shoulder, and attempted to control the Subject's left hand. Simultaneously, the Subject was told by officers to stop resisting. The Subject replied that he wasn't resisting, but he continued to tuck his arms under his chest. Officer H believed that the Subject might have an additional gun and yelled for officers to watch the Subject's hands.

Officer G placed his right knee on the Subject's buttocks area and his left shin on the Subject's right calf in order to prevent the Subject from kicking at officers. Officer G succeeded in taking control of the Subject's right hand. Officer F delivered a right knee strike to the Subject's left side under the armpit area and gained control of the left arm. Officer G then handcuffed the Subject. Officer H stated that during the altercation, he delivered two left knee strikes to the Subject's left shoulder in an attempt to subdue the Subject. After he delivered the knee strikes to the Subject, the Subject stopped resisting and was handcuffed.

Officer F stated that during the physical altercation with the Subject, Officer D repeatedly told the Subject to stop resisting. According to Officer D, the Subject was on the ground when he first had contact with him. Officer D grabbed the Subject's right arm and an unidentified officer completed the handcuffing.

Officer A saw that there were sufficient officers attempting to subdue the Subject. He holstered his pistol and took control of the Subject's gun. The gun was wrapped in a sack with the barrel exposed. Officer A noted that it was a replica firearm and secured it in the trunk of his police vehicle. Officer A stated that as Officer H assisted with the handcuffing of the Subject, he heard the Subject state something to the effect of, "I just want to die."

As the Subject was stood up by the officers, he told the officers that he had been shot at and that he had been struck in the back. Officer H noted that the Subject did not have any visible injuries. As Officer G escorted the Subject to his police vehicle, he recalled the Subject state words to the effect of, "I'm sorry. I just want to die" and "I got shot in the back." Officer G immediately checked the Subject's back by lifting up his shirt and visually inspecting him. Officer G did not find any evidence of any gunshot wounds to the Subject's body or any other injuries requiring immediate medical attention. The Subject was transported to police station where Los Angeles City Fire Department Rescue Ambulance personnel examined him.

The Subject was not struck by the officers' rounds. The investigation revealed that the Subject was armed with a black replica pistol.

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). 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 made the following findings.

A. Tactics

The BOPC found Officers B and C's tactics to warrant administrative disapproval, and Officers A, D, E, F, G and H's actions to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officers D, E, F, G, and H's use of non-lethal force to be in policy.

D. Lethal Use of Force

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

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:
 1. Tactical Communication/Code Six

In this instance, although the officers believed that the Subject may have been armed with a handgun, there was a level of uncertainty which prompted the officers to conduct further investigations prior to notifying CD of their status.

While approaching the Subject, he pointed what both Officers B and C recognized to be a handgun at them, resulting in the officers taking immediate action without advising CD of their location or status.

Here, the officers were confronted with a rapidly unfolding tactical scenario. Officers are required to balance officer safety considerations against the need to make a timely "Code Six" notification to CD. That being said, officers must be afforded some discretion in determining the appropriate time to make the broadcast. Department tactical training allows for officer safety concerns to take precedence over making an immediate "Code Six" broadcast.

After the initial officer-involved shooting (OIS), a "*We need help*" broadcast was made over the base frequency, which facilitated the response of additional personnel resources who were able to broadcast further information to ensure adequate resources were responding to address the situation.

The BOPC determined that the tactical scenario required that immediate action be taken to address the perceived life threatening situation. In addition, the BOPC was pleased that a help call was initiated once the tactical scenario allowed.

In conclusion, the decision to immediately address the threat before conducting a broadcast to CD did not substantially deviate from approved Department tactical training.

2. Pursuing Armed Subjects (Substantial Deviation)

In this instance, Officers B and C did not have viable cover that afforded them the ability to exit their police vehicle until after the second sequence of fire. However, a review of the Digital In-Car Video System (DICVS) revealed that there were numerous vehicles and/or structures that could have been used as cover, which should have prompted the decision to exit the police vehicle.

Due to the inherent dangers associated with remaining in the police vehicle, officers are trained to identify and seek cover rather than remain inside the police vehicle. This practice enhances officer safety because it provides for more tactical options and a more suitable shooting platform. The practice of pursuing and closing the distance on an armed subject while seated in the police vehicle is highly discouraged and is counter to effective tactics and best practices.

In conclusion, the decision to continue to pursue the Subject in the police vehicle, while failing to utilize available cover, substantially and unjustifiably deviated from approved Department tactical training and placed the officers at a significant tactical disadvantage.

3. Tactical Vehicle Deployment (Substantial Deviation)

In this instance, Officer B placed the police vehicle in a position that compromised officer safety. Officer C was exposed with only the ballistic vehicle door as cover while seated in the direct line of fire. In addition, Officer C was between Officer B and the Subject, which significantly limited his ability to respond with lethal force when, as in this case, lethal force became necessary.

It would have been tactically advantageous for Officer B to position the police vehicle in a manner that afforded him and Officer C cover other than the police vehicle as to provide them with the ability to exit the police vehicle to best address the deadly threat posed by the Subject.

In conclusion, the deployment of the police vehicle substantially and unjustifiably deviated from approved Department tactical training.

4. Leaving Cover

In this instance, Officers F and G had stopped their police vehicle and were approaching the Subject while he was standing on the south sidewalk east of the north-south alley. Initially, Officer F and G took a position of cover behind parked vehicles. Based on the position of the Subject in relation to Officer F, he was unable to observe the handgun in the Subject's right hand. As a result, Officers F and G left their position of cover behind the parked cars and approached the Subject to take him into custody. The Subject, with a slight hesitation, complied with the officers' verbal commands. Officers F and G subsequently approached the Subject and observed the handgun in the Subject's right hand at which time Officers A and H yelled, "Gun, Gun!"

Officers F and G were unsure if the Subject was armed and left their position of cover when the Subject moved himself into a prone position. Although there is no requirement that officers utilize cover, it is the BOPC's expectation that officers continuously evaluate their tactical options to ensure a successful resolution. To that end, the BOPC found that Officers F and G initially utilized cover confronting the Subject and were unaware of the handgun in his right hand. Their decision to forgo cover and approach the Subject was shortsighted and potentially placed them in a position of disadvantage.

In conclusion, the BOPC found Officers F and G's decision to approach the Subject was not the optimal tactical option available to them. Nonetheless, their actions did not substantially deviate from approved Department tactical training.

- The BOPC additionally considered the following:

- Body Armor

Officer B was in the field conducting follow-up investigations while in uniform. Although accessible to him within the police vehicle, officers are mandated to wear their body armor while in uniform and assigned to field related duties.

- Unsecured Service Pistol in a Moving Vehicle

Officer B maintained an unholstered service pistol and placed it on his lap for an undetermined period of time while following the Subject in the vehicle and the subsequent shootings. Officer B was reminded of the importance of securing his service pistol to prevent its loss or an accidental discharge.

- Equipment

Officer C was not equipped with his side handle baton. Officer C was reminded of the importance of being properly equipped.

- Preservation of Evidence

Officer A took control of the Subject's firearm when the Subject was taken into custody. Although the scene was secure, Officer A secured the handgun in the trunk of his police vehicle.

- Tactical Language

The Digital In-Car Video System recorded unidentified officers using profanity while taking the Subject into custody. The tactical language was utilized to emphasize the seriousness of the situation while the officers took the Subject into custody. The Area Captain was informed of the language and the issue was addressed at the Divisional level.

- 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.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief was the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

The BOPC conducted an objective assessment of this incident and remained focused on ensuring an equitable outcome based on the role and responsibility of the significantly involved personnel. The BOPC was critical of the tactics employed by Officers B and C and determined that their actions unjustifiably and substantially deviated from approved Department tactical training, warranting administrative disapproval findings.

Regarding Officers A, D, E, F, G, and H, the BOPC assessed their actions at every stage throughout this incident and determined that their actions were appropriate and did not substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officers B and C's tactics to warrant administrative disapproval, and Officers A, D, E, F, G, and H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- **Officer B**

As Officer B drove past the Subject, he observed the Subject point a handgun in his direction. Officer B conducted a U-turn and drove toward the Subject. Officer B observed the Subject pointing a handgun in their direction for a second time and as he was exiting his vehicle to confront the threat presented by the Subject, Officer B drew his service pistol.

The BOPC determined that an officer with similar training and experience as Officer B, while faced with a similar situation, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers B's drawing and exhibition of a firearm to be in policy.

- **Officer C**

In this instance, Officer C was the passenger officer while Officer B was driving their police vehicle. Officer C observed the Subject pointing an unknown object in their direction but could not determine what the object was. Officer B conducted a U-turn to investigate and as the officers approached the Subject.

The BOPC determined that an officer with similar training and experience as Officer C, while faced with a similar situation, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officer C's drawing and exhibition of a firearm to be in policy.

- **Officers E and D**

In this instance, Officers E and D heard gunshots in the vicinity of the police station. The officers exited the station parking lot, drove westbound and observed a unmarked dual purpose police vehicle, later identified as Officers B and C's vehicle, facing westbound on the street. Subsequently, Officers E and D observed Officer C involved in his second sequence of fire. Officers E and D continued to follow Officers B and C. Officers E and D believed that the situation had risen to the level where the use of lethal force may be justified and drew their service pistols as they exited their police vehicle.

The BOPC determined that officers with similar training and experience as Officers E and D, while faced with a similar situation, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers E and D's drawing and exhibition of a firearm to be in policy.

- **Officers F and G**

Officers F and G were responding to an "*Officer Needs Help, Shots Fired*" broadcast when they learned that the Subject was running in an alley toward the street. Officers F and G were driving eastbound when they observed the Subject walking eastbound on the south sidewalk. Officers F and G drew their service pistols as they exited their police vehicle in order to confront the Subject.

The BOPC determined that based on the totality of the circumstances, officers with similar training and experience as Officers F and G, while faced with a similar situation, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers F and G's drawing and exhibition of a firearm to be in policy.

- **Officers A and H**

Officers A and H responded to a "*Officer Needs Help, Shots Fired*" broadcast. Officers A and H were traveling westbound and observed the Subject holding a dark object that they believed was consistent with a firearm. Officers A and H exited their police vehicle and drew their service pistols.

The BOPC determined that officers with similar training and experience as Officers A and H, while faced with a similar situation, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers A and H's drawing and exhibition of a firearm to be in policy.

C. Non-Lethal Use of Force

- **Officer E** – Bodyweight and Punches
Officer D – Firm Grip
Officer F – Physical Force, Bodyweight, Wristlock and Knee Strike
Officer G – Bodyweight, Firm Grip and Physical Force
Officer H – Bodyweight and Knee Strikes

In this instance, as the Subject was on the ground in a prone position, Officer E utilized bodyweight by placing his right knee above the Subject's shoulder blades to control his movement. Officer E opined that the Subject was attempting to stand while unidentified officers gave verbal commands to "*show his hands.*" Officer E then heard an unidentified officer state, "*Gun.*" Officer E observed the Subject moving his hands toward his waistband and feared that the Subject was attempting to retrieve a gun. Subsequently, in an attempt to gain compliance and prevent the Subject from possibly arming himself, Officer E punched the Subject twice in the face. Although punches to the face are generally discouraged, in this instance the BOPC found that Officer E's actions were reasonable based on his perception that the Subject was attempting to retrieve a handgun from his waistband which might have escalated the incident to a point where additional use of lethal force might have been necessary.

Meanwhile, Officer D, with the assistance of two unidentified officers, utilized a firm grip to gain control of the Subject's right arm. Officer D overcame the Subject's resistance and was able to place the Subject's right arm to the rear of his lower back, then waited for additional officers to handcuff and take him into custody.

Additionally, Officer F, who was unable to determine if the Subject was armed, approached while he simultaneously gave the Subject verbal commands to move to the ground. Officer F observed the Subject drop a handgun onto the ground then reach for the handgun. Officer F believed that the Subject was attempting to rearm himself and subsequently grabbed the Subject by the back of his pants and pulled him away from the handgun. The Subject then cupped his hands underneath his chest ignoring the officers' commands to show his hands. Officer F applied bodyweight upon the Subject to prevent him from standing. Eventually, when the Subject refused to remove his hands from under his body, Officer F utilized a two-handed firm grip, one knee strike to the Subject's left armpit/torso area, and a left wristlock in order to overcome the Subject's resistance. Further, this allowed Officer F to place the Subject's arm into a position that enabled Officer G, who had applied his bodyweight to the Subject's right hip area to control his lower body movement, to complete the handcuffing. Officer G subsequently handcuffed the Subject without further incident.

In the interim, Officer H approached the Subject as the officers were trying to take the Subject into custody. Officer H utilized bodyweight by placing his right knee on Subject's left shoulder area. Officer H, in an attempt to overcome resistance and effect an arrest, utilized a firm grip on the Subject's left arm as the Subject repeatedly attempted to move his arms underneath his body. Officer H continued to verbalize with the Subject to, "*Stop Resisting,*" but the Subject continued to raise himself from the ground. Officer H, in an attempt to prevent the Subject from standing, conducted two knee strikes to the Subject's upper left shoulder area. The Subject eventually moved to a prone position and Officer H utilized a firm grip to move the Subject's arm into a position to be handcuffed. The Subject was subsequently taken into custody without further incident.

Based on the totality of the circumstances, officers with similar training and experience as Officers D, E, F, G, and H would reasonably believe that based on the Subject's actions, the use of non-lethal force in order to overcome his resistance and take him into custody would be justified.

In conclusion, the BOPC found Officers D, E, F, G, and H's use of non-lethal force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer C** (pistol, 16 rounds in five separate sequences of fire)

Officer C's first sequence of fire

Officers B and C were driving eastbound when Officer B observed the Subject standing on the south sidewalk. The officers continued eastbound and as they passed the street, Officer B observed the Subject point a possible handgun in their direction. Officer B communicated his observation to Officer C. Officer C observed the Subject point an unknown object in their direction but was unable to determine if it was a handgun. Officer B conducted a U-turn and drove westbound to investigate the Subject's actions. Officer C observed the Subject pointing a handgun but was unable to remove his seatbelt to exit the police vehicle and address the deadly threat. At the same time, Officer C heard several gunshots and believed the Subject was shooting at them. As a result, Officer C drew his service pistol and, in defense of his life, fired four rounds at the Subject through the front windshield. Officer C experienced a weapon malfunction and subsequently conducted a speed reload and exited the police vehicle. The Subject, who was not struck by the gunfire, jogged westbound on the street away from the officers.

Officer C's second sequence of fire

Officer C did not recall being involved in the second OIS. However, a review of the DICVS from Officers E and D's police vehicle, depicted Officer C firing his service pistol in a northern direction while seated in the police vehicle. Based on the

evidence, it was determined that Officer C fired two rounds at the Subject as he was northbound on the street.

In evaluating this sequence of fire, the BOPC considered that there is evidence that supports that during critical, dynamic and stressful incidents, there is potential for error or omission that can impact perception and recall of an incident. Although Officer C was unable to provide specifics to his rationale for discharging his service pistol during this sequence of fire, absent irrefutable evidence to the contrary, this sequence of fire was reasonable.

Officer C's third sequence of fire

Officers B and C continued to follow the Subject while driving in their police vehicle. The Subject continued to run westbound on the street when Officer B parked his police vehicle in the aforementioned intersection. Officer C observed the Subject turn and point the handgun in their direction. Consequently, Officer C, in defense of his life, fired four rounds from his service pistol at the Subject.

Officer C's fourth sequence of fire

The Subject continued to run westbound on the street. The Subject stopped and turned toward Officers B and C. The Subject again raised his handgun and pointed it at the officers. Officer C, fearing for his life, fired three rounds from his service pistol at the Subject.

Officer C's fifth sequence of fire:

In this instance, Officers B and C continued driving westbound on the street while following the Subject. The Subject turned and jogged northbound in the north-south alley. Officer B placed his vehicle perpendicular to the alley when Officer C, who was seated in the police vehicle, observed the Subject turn and point the handgun in his direction. Officer C, in defense of his life, fired three rounds from his service pistol at the Subject.

Officer C was involved in a dynamic tactical situation wherein the Subject pointed the handgun toward him on five separate occasions. The BOPC determined that an officer with similar training and experience in a similar circumstance would reasonably believe that the Subject posed a threat of serious bodily harm or death. Therefore, the decision by Officer C to use lethal force was objectively reasonable and within Department policy.

In conclusion, the BOPC found Officer C's use of lethal force to be in policy.

- **Officer B** (pistol, 8 rounds in two separate sequences of fire)

Officer B's first sequence of fire

In this instance, Officer B observed the Subject standing on the sidewalk. Officer B observed the Subject point a handgun in his direction as he and Officer C drove eastbound on the street. Officer B conducted a U-turn to investigate and observed the Subject point a handgun in his direction. Officer B heard gunshots that he believed to be coming from the Subject. Officer B, while partially seated in his police vehicle, fired seven rounds from his service pistol at the Subject.

Officer B's second sequence of fire

Officer B drove westbound on the street and observed the Subject point a handgun at him. Officer B, in defense of his life, fired one round from his service pistol at the Subject.

The BOPC determined that an officer with similar training and experience would reasonably believe the Subject posed an imminent threat of serious bodily injury or death. Therefore, Officer B's use of lethal force was objectively reasonable and within Department policy.

In conclusion, the BOPC found Officer B's use of lethal force to be in policy.