

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

OFFICER-INVOLVED SHOOTING – 031-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Mission	04/04/11		

Officer(s) Involved in Use of Force	Length of Service
Officer H	23 years, 8 months
Officer I	21 years, 4 months
Officer J	23 years, 9 months
Officer K	16 years, 3 months
Officer L	24 years, 8 months
Officer M	15 years, 6 months
Officer N	12 years, 10 months
Officer O	15 years, 6 months
Officer U	16 years, 3 months
Officer W	20 years, 4 months
Officer X	22 years, 4 months
Officer AA	19 years, 5 months
Officer BB	12 years, 3 months
Officer CC	17 years, 10 months
Officer DD	21 years, 4 months

Reason for Police Contact

A domestic violence incident led to a 9-1-1 call, which resulted in the response of police officers. In the course of this event, one officer was severely wounded. A long stand-off and confrontation with an armed subject occurred subsequent to police response.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject: Male, 54 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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on September 25, 2012.

Incident Summary

Officers A and B responded to a domestic violence call. While speaking with the domestic violence victim, Officers A and B learned the details of what had occurred and observed visible injuries to the victim's face. When asked about potential weapons inside her residence, the victim informed the officers that the Subject possessed two old hunting rifles in a closet in their master bedroom. The victim was not certain if the Subject possessed ammunition for the weapons.

Sergeant A arrived at the scene and met with the officers near the entrance to the gated community. Because the radio call had been upgraded by the LAFD, numerous patrol units had responded prior to his arrival and had begun to establish a perimeter around the Subject's residence.

Several attempts were made to contact the Subject by telephone and via public address (PA) system, but there was no response. It was not clear at the time whether he was actually inside his residence or hiding somewhere in the neighborhood. However, an officer watching the front of the Subject's residence observed the shutters on one of the second story windows quickly open and close.

Based on the totality of what had transpired, Sergeant A believed the Subject had possibly barricaded himself inside the residence, so he telephoned the Watch Commander, Sergeant B, to discuss the matter. Given the facts relayed to him, Sergeant B was not comfortable using his patrol officers to make entry into the Subject's residence and believed the situation would best be handled by a specialized unit.

Several minutes after making notification to the specialized unit, Sergeant B received a return telephone call from Lieutenant A. Sergeant B discussed the circumstances of the incident with Lieutenant A and provided him with a contact number so he could speak directly with the Incident Commander (IC). Prior to committing specialized unit resources, Lieutenant A telephoned Sergeant A and asked a number of clarifying questions to assess the probability the Subject was actually inside his residence. After extensively reevaluating all of the available information, both men believed that the Subject had probably fled the location on foot prior to the officers arriving on scene.

Although Lieutenant A did not believe the situation warranted the response of a specialized unit, he recommended utilizing canine (K-9) officers to search the residence prior to allowing the victim inside. With Sergeant A's concurrence, Lieutenant A contacted K-9 Sergeant C, who agreed to respond. Shortly thereafter, K-9 Officers C, D, E and F also arrived and were briefed by Sergeant A near the entrance to the gated community. They established a tactical plan to search the exterior of the Subject's property with the assistance of Officer C's K-9, then make entry via the front door to

clear the inside. The prescribed K-9 announcement was to be given prior to entry. It was understood that patrol officers would not be used unless additional personnel were needed as trailers.

After clearing the backyard and sides of the residence, the officers approached the front double doors and prepared to enter. Using a spare key to the victim's residence, Officer E unlocked the deadbolt and bottom lock and pushed open the right side door. Immediately following, the Subject fired two to three rounds at the officers from somewhere inside the darkened residence, striking Officer F on the right side of his face and above his left clavicle.

After being wounded by gunfire, Officer F stepped out of the doorway to his right and moved toward Officer C in the driveway. Officers D and E also moved away and redeployed behind better cover. The front door to the residence was then slammed shut, presumably by the Subject.

Officer C steadied Officer F and guided him down the street toward a Recue Ambulance (RA). By the time Officer F reached medical personnel, he was weak and unable to stand. He was quickly placed onto a gurney and into the RA, where he was immediately transported to a local hospital.

Upon hearing the gunshots and learning an officer had been struck, Sergeant A broadcast a help call to CD, requested an Air Unit, and began coordinating the response of responding units. Officer C contacted the injured officer's unit and reported that an officer had been shot, and the Subject had barricaded himself inside his residence. The officers held their positions covering the residence and awaited the arrival of the specialized unit.

Lieutenant A received telephonic notification that Officer F had been shot attempting to make entry into the residence and the Subject was barricaded inside. At Lieutenant A's direction, 26 officers and three sergeants from a specialized unit were notified of the incident and directed to respond to the CP. Lieutenant A arrived at the CP and began to coordinate the response of arriving personnel under the direction of Captain A, who was the Incident Commander (IC). Shortly thereafter, specialized unit Sergeants D, E and F arrived and were assigned specific areas of responsibility. Sergeant D was given the task of overseeing the tactical operation, while Sergeant E was responsible for establishing an entry team in the event one was needed. Sergeant F was to supervise crisis negotiations, which were to take place from inside a mobile command post vehicle.

Over the next several hours, patrol officers were systematically replaced by specialized unit personnel at the direction of Sergeant D and his assistant squad leaders, Officers G and H. Multiple containment positions, assigned to Officers I through Z, were established on all four sides of the Subject's residence.

In addition to containment positions, three sniper locations, assigned to Officers AA, BB, CC, DD, EE and FF, were established using the surrounding residences as concealment.

Once containment and sniper positions were established and evacuations had been completed, Sergeant D and Officer G began developing a tactical plan to arrest the Subject. Their goal was to make contact with the Subject via telephone and/or bull horn and gain his voluntary compliance.

Specialized unit personnel initiated the first telephone call to the Subject's cell phone; however, it immediately went to voice mail. Over the next two hours, CNT personnel placed numerous calls to his residence, but he did not respond. During the same period of time, Sergeant E made several bull horn announcements towards the front of the house, ordering the Subject to surrender and exit his residence, but there was no response.

After attempts to gain the Subject's voluntary compliance failed, Sergeant D and Officer G developed the next phase of their tactical plan, which involved the use of less-lethal munitions and chemical agents deployed in two stages that would cause the Subject to surrender. Because of the propensity for violence the Subject had already demonstrated, Lieutenant A was not comfortable sending an arrest team into the residence in the event both phases of the plan proved unsuccessful. To minimize the risk posed to the officers, Sergeant D recommended using the specialized vehicle to systematically remove the exterior walls of the structure, which would eventually expose the Subject's location in the home. This would then allow for the more effective use of verbal and/or less-lethal options to effect his arrest.

Note: Deputy Chief A who at this point had become the IC, approved the plan as presented. However, he placed a temporary hold on approving the use of the specialized vehicle to remove the external walls of the structure.

Shortly after the plan was approved, Sergeant D administered an order for the first phase to begin. In a coordinated effort, designated officers on the front and rear sides of the house began to implement the plan. After waiting approximately 10 to 15 minutes, several officers at the front of the house observed the Subject close the shutters on the second floor window in a bedroom. Soon after, the Subject was seen pushing the barrel of a rifle between the slats of the shutters, then quickly retracting it.

Steps were taken to administer the chemical agents and less-lethal munitions, but approximately two minutes later, the Subject began firing a rifle out of this bedroom window. This precipitated what was to be the first of three exchanges of gunfire at the front of the house, the total of which spanned approximately 11 minutes, and involved 12 officers who collectively fired between 236 and 246 rounds. During each exchange of gunfire, the Subject shot from multiple locations inside the bedroom. After shooting several rounds from one position, the Subject moved out of view, often times ducking below the window to conceal himself. He would reappear moments later in a different location in the room and continue firing at the officers.

The following is an account of each officer's actions during these three volleys of fire. They may not reflect the precise order in which each officer fired during

each volley. However, based on their interviews, it appears that they fired their weapons at nearly the same time.

Officer K was assigned to the containment position behind the driver side of an armored vehicle with Officers I and J. He was involved in all three volleys of fire on the front side of the house. From this position, Officer K saw the Subject emerge from the hallway and enter a bedroom with a rifle in his hands. The Subject moved in a diagonal direction toward another side of the room and then out of view. Moments later, the Subject emerged at the window, pointed the muzzle of his rifle in the officers' direction, and began firing down at the officers on the street below. Officer K could hear the Subject's rounds impacting the passenger side of the armored vehicle, as well as the shattering of windows from a vehicle parked behind him.

Officer K immediately began returning fire from a distance of approximately 17 to 20 yards away. There were times when Officer K could see only the barrel of the Subject's rifle as he fired out of the window. In a slow, controlled manner, Officer K returned fire each time he observed the Subject shooting, or when he saw the barrel of his rifle pointed out of the window. After exchanging gunfire for approximately 23 seconds, there was a several minute lull where the Subject stopped firing and could not be seen.

Having fired 13 of his 18 rounds during this first exchange, Officer K verbalized to Officers I and J that he needed to reload, and then moved to the driver side door of the vehicle. After conducting a reload with a new magazine containing 28 rounds, Officer K moved back to his position behind the hood.

After several minutes, the Subject again began firing out of the window. During this 40 second engagement, the Subject shot from multiple locations inside the bedroom and concealed himself between movements. To prevent himself from being seriously injured or killed, Officer K returned fire each time the Subject became visible, shooting a total of 28 additional rounds.

Officer K again moved to the driver door of the vehicle and conducted a reload with another 28 round magazine. When he returned to his position of cover behind the hood of the vehicle, the Subject had stopped shooting and was no longer in sight. During the next several minutes, Officer K heard glass crunching from within the residence, as if the Subject were moving around on the floor. He also heard a clicking noise, which he believed to be the sound of the Subject reloading his rifle.

During the third engagement, the Subject emerged once again and began shooting out of the window at the officers below. Utilizing the same tactic as in the previous two volleys, the Subject fired several rounds and then redeployed to a different area in the room. He repeated this tactic multiple times during this volley. At one point, the barrel of the Subject's rifle protruded out of the window as he fired. Officer K could not see the Subject at that point, but he believed that he was either concealing himself below the level of the window or standing next to it behind the drywall. During this volley, Officer K discharged another 28 rounds that were directed specifically toward the muzzle flash of the Subject's weapon. Following this 27 second engagement, Officer K reloaded one

last time with a 30 round magazine he obtained from Officer J; however, he did not fire again during this incident.

Officer K shot a total of 69 rounds during the three volleys of gunfire.

Officer I was assigned to the containment position behind the driver side of the armored vehicle and was involved in the second and third volleys of fire at the front of the house. Prior to the beginning of the first volley of fire, Officer I shot two rounds of tear gas into the Subject's residence using a multi-launcher device. He was holding this less lethal weapon system when he heard Officer K announce the Subject was coming to the window with a rifle in his hands. As Officer K began to fire, Officer I moved to his right and discarded the multi-launcher inside the armored vehicle.

Officer I observed a figure in the bedroom window; however, due to the darkened environment in the room and the residual gas in the air, he was not able to see the Subject shooting or holding a weapon. Officer I assumed a barricaded position over the hood of the armored vehicle, and shouldered his rifle. The Subject was no longer in view at that point and gunfire from his fellow officers had ceased.

Several minutes later, Officer I observed the Subject's figure in the room aiming a rifle out of the window. Seconds later, the Subject unleashed a barrage of gunfire, presumably directed at him and his partner officers. To protect his own life and the safety of those around him, Officer I returned fire and rapidly discharged between 22 and 25 rounds toward the Subject's position. He continued to fire until the Subject stopped shooting and was no longer in view. Following this engagement, Officer I moved behind the main body of the armored vehicle and conducted a reload with a new 30 round magazine given to him by Officer J. He then moved back to a barricaded position behind the hood of the armored vehicle.

The third engagement began with the Subject coming to the window again and rapidly firing at the officers behind the armored vehicle. Officer I heard rounds impacting behind him and believed the Subject was specifically targeting his position. In response to the Subject's actions, Officer I fired a sustained volley of approximately 20 more rounds at the Subject until he was no longer in sight. The Subject was last seen exiting the bedroom and moving toward the rear of the residence.

Officer I fired a total of between 42 and 45 rounds during the second and third volleys of fire. All of his rounds were discharged from a distance of approximately 56 feet.

Officer J was assigned to the containment position behind the driver side of the armored vehicle with Officers I and K. He was involved in only the third volley of fire at the front of the house. Officer J heard rapid gunfire and believed the rounds were being fired from the second story bedroom window. After a several second exchange of gunfire with Officer K, the shooting subsided. Officer J then broadcast over the radio that the Subject had come to the window with a rifle and fired on the officers' position. After a short lull, Officer J observed the Subject's silhouette appear in the room as more rounds were fired out of the window. Officers I and K returned fire from over the hood of

the armored vehicle while Officer J moved behind them to take a kneeling position near the left front fender. The Subject was observed exiting the bedroom moments later.

During the third engagement, Officer J observed the Subject's silhouette appear in the bedroom and move toward the window. The Subject then began shooting at the officers with rapid bursts of gunfire. In defense of his life, Officer J returned fire with a sustained volley of between 12 and 14 rounds from his rifle. Following this engagement, the Subject moved toward the side of the residence.

Officer J fired a total of between 12 and 14 rounds in rapid succession during the third volley. All of his rounds were discharged from a distance of approximately 56 feet.

Officer L was assigned to the containment position with Officer H, and was involved in only the first volley at the front of the house.

Note: According to Officer L, approximately 10 minutes before the OIS, he observed the window shutters of bedroom one open and close. Officer L told Officer H of his observation, and as they were both looking at the window, the shutters opened and closed again. Officer H broadcast their observation over the radio.

While standing outside the driver door of an armored vehicle, Officer L heard gunfire erupt from out of the window of a bedroom. The Subject was not in view at the time; however, Officer L could see the barrel of his weapon as he fired five to seven rounds at the officers below. The Subject's rounds could be heard ricocheting off the vehicle as well as impacting a nearby residence and vehicle. In defense of his life and of those around him, Officer L fired four rounds at the Subject's perceived location at the window.

During a lull in the gunfire, Officer L moved to his right to conduct a reload and briefed Sergeant E. While that occurred, Officer H exited the armored vehicle and took the position where Officer L had just been kneeling.

Minutes later, the Subject fired additional rounds out of the window, several of which could be heard by Officer L as they traveled past him. Officer H and several other officers engaged the Subject at that point; however, Officer L held his fire, because he felt he did not have a good vantage point from where he was standing. The Subject eventually stopped firing and was not heard from again at the front of the residence.

Officer L shot a total of four rounds in a slow, controlled manner during the first volley of fire. In articulating his account of what occurred, Officer L made no distinction between the second and third volleys. All of his rounds were discharged from a distance of approximately 83 feet.

Officer H was assigned to the containment position with Officer L and was involved in the second and third volleys of fire.

While seated in the driver's seat of the specialized vehicle, Officer H saw rapid gunfire coming from the window of the bedroom. As his attention was drawn to that location, he observed the Subject in the corner of the room attempting to conceal himself below the windowsill. The Subject then rose up briefly, fired several more rounds, and ducked out of view. The Subject's gunfire could be seen ricocheting off the armored vehicle as well as impacting the residence where the sniper officers were located.

As multiple officers returned fire, Officer H broadcast via his radio that the Subject was attempting to hide below the windowsill in the corner of the room. His intention was to alert other officers of the Subject's tactic, so they would begin directing their rounds through the stucco wall to hit him. When the Subject stopped shooting and was no longer visible, Officer H exited the vehicle and moved to the rear bumper with Officer L.

During the lull, Officer H repositioned himself and assumed a barricaded position behind the armor-plated driver door of the specialized vehicle. The Subject eventually resumed his attack on the officers and discharged five to eight additional rounds out of the bedroom window. Officer H heard the shattering of glass from a nearby vehicle and believed the Subject was shooting at him.

In response, Officer H shouldered his weapon, and while crouching, fired a controlled pair at the Subject's position. As he lowered his weapon to reassess, he observed the Subject trying to hide below the level of the window. To increase his chances of striking the Subject, Officer H fired an additional two rounds at the lower portion of the windowsill. The Subject remained out of sight for the next 15 to 30 seconds, but then re-appeared at the window. Officer H immediately fired two more rounds at the Subject, who quickly moved out of view. The Subject was not seen again at the front of the residence.

Officer H fired a total of six rounds. Although he did not make a distinction between the second and third volleys of fire, it appears based on his description of events that he participated in both. His rounds were discharged from a distance of approximately 83 feet.

Officer O was assigned to the containment position at one of the residences. He assumed a position behind a support column on the front porch steps that afforded him a view of the front of the Subject's residence. He heard an officer yell that the Subject was coming to the window while holding a rifle. Officer O immediately shouldered his weapon in anticipation of an attack. Seconds later, the Subject began shooting from the window at the officers behind the armored vehicle. Although he could not actually see the Subject in the room, he observed rounds coming out of the window and smoke from the barrel of the Subject's weapon. Based on his observations, Officer O was confident that the Subject was standing close to the window.

In defense of the officers' lives, Officer O discharged one round into the bedroom window where he perceived the Subject to be standing. He then lowered his weapon and reassessed. After a short lull, Officer O heard an officer announce that the Subject was coming back to the bedroom window. As Officer O raised his rifle, the Subject began shooting rapidly at the officers below. Similar to the previous volley, Officer O

could not see the Subject, but observed gun smoke emanating from the window. His perception was that the Subject was positioned on the opposite side of an alcove wall in the room. To protect the officers pinned down behind the armored vehicle, Officer O attempted to shoot the Subject by firing 10 or 11 rounds through the wall, where he believed the Subject to be positioned.

Officer O fired in two to three round increments, assessing between each. He continued to fire until the Subject stopped shooting. During the lull that followed, he conducted a reload with a new magazine containing 28 rounds. Officer O fired a total of between 11 and 12 rounds during this incident, from a distance of approximately 82 feet.

Officer CC was assigned to a sniper position with Officer DD. He was involved in the first two volleys of fire.

While standing on a chair in the second story bathroom of a residence, Officer CC was able to observe the front of the Subject's home through a small window above a shower stall. Approximately five minutes after the chemical agent was deployed, Officer CC observed the barrel of a rifle protruding through the shutters in a bedroom.

Although he was not able to see the Subject, he believed the Subject was taking aim at the officers on the street below. Officer CC heard an exchange of gunfire between the Subject and officers inside the sierra one location. It was his belief that these officers were the first to fire during this incident. In defense of their lives, Officer CC shouldered his rifle and fired six rounds from the open bathroom window at the Subject's position. Officer CC fired in two round increments, pausing about a half a second between pairs. At the conclusion of this first volley, there was a several minute lull where the Subject and the officers stopped firing.

The second volley began with the Subject returning to the window and firing multiple rounds at the officers on the street and at Officer CC's position. Officer CC immediately responded by shooting an additional 14 rounds (in two round increments) through the window of bedroom one where he perceived the Subject to be. During this exchange, the shutters that had partially obscured Officer CC's view into the bedroom became dislodged, which exposed the Subject's position at the window. After firing this volley, Officer CC paused to assess and realized he was close to running out of ammunition. He alerted Officer DD he was going to reload, and Officer DD immediately stepped up onto the chair and assumed his partner's position.

Approximately five minutes later, Officer CC heard an additional exchange of gunfire and observed Officer DD firing out of the bathroom window toward the Subject's residence.

Officer CC fired a total 20 rounds during this incident, from a distance of approximately 36 feet, and was involved in the first two volleys of fire.

Officer DD was assigned to a position with Officer CC. Although he did not make a distinction between the first and second volleys of fire, it appears based on his

description of events, that he fired his rounds during the third volley. In the hours leading up to the first OIS, Officers CC and DD rotated turns covering the front of the Subject's residence from their position inside a shower stall. At the time the first shots were fired by the Subject, Officer DD was not on point looking out of the bathroom window.

Officer DD heard the shooting occurring outside of his location and observed his partner begin to fire approximately 20 rounds through the bathroom window towards the Subject's residence. Officer DD chose not to engage at that point, because he believed it would have been unsafe for he and Officer CC to fire in such close proximity of each other. During the lull that followed, Officer CC stepped down from the window and announced that he was going to reload. The two exchanged positions at that point, so that Officer DD could cover the front of the Subject's residence.

Approximately five minutes later, the Subject began firing again out of his window towards Officer DD's direction. Officer DD observed the Subject's windowpane shatter, as well as gun smoke and muzzle flash from his weapon. Although he could not see the Subject from his vantage point, Officer DD perceived that he was positioned in the bedroom.

In an attempt to stop the Subject's actions, Officer DD fired rapidly into a wall with the intent that his rounds would penetrate the room and strike him. Officer DD initially fired two to three rounds and then paused to assess. When he saw the Subject was still shooting, he quickly proceeded to fire an additional 23 to 26 rounds until he had exhausted the magazine in his weapon. As he stepped down out of the stall, Officer CC resumed his original position at the window; however, the shooting had subsided by that point.

Officer DD fired a total of between 25 and 29 rounds, from a distance of approximately 36 feet, and was involved in the last volley of fire at the front of the residence.

Officer N was assigned to the containment position inside a residence with Officer M, and was involved in all three volleys of fire at the front of the residence. The officers assumed a position on the first level, in a room that afforded them a view of one of the corners of the Subject's residence. Prior to the OIS, the officers repositioned a couch so they could sit facing a window in the room. Officer N was responsible for covering the window of a bedroom, while his partner covered the front door.

Officer J broadcast that the Subject had come to a bedroom window armed with a rifle. Officer N stood up, moved behind a corner of the couch, and knelt to gain a better view of the Subject's elevated position. Immediately upon doing this, Officer N observed the edge of the Subject's rifle and muzzle flash as the Subject fired two rounds out of the window at the officers behind the specialized vehicle. Officer N shouldered his weapon at that point and quickly fired four rounds in the direction of the muzzle flash. The Subject paused momentarily and then continued to fire out of the window.

Although Officer N could not see the Subject, he could tell from the muzzle flash that the Subject was standing in one quadrant of the room concealed from his view by a wall. In

an attempt to strike the Subject and keep him distracted and unable to acquire a sight picture, Officer N fired an additional four rounds into the alcove wall.

The Subject stopped firing; however, he eventually reappeared in a corner of the room and fired out of the window again. Officer N observed the Subject in a crouched position, repeatedly trying to lift his head and/or rifle above the level of the windowsill. Each of the four times that this occurred, Officer N fired a series of four shots, causing the Subject to duck out of view momentarily. During that exchange, Officer N observed rounds coming out of the alcove wall in his direction and concluded the Subject was shooting at him.

Following this exchange, Officer N announced to Officer M that he needed to reload. When she moved around the sofa to assume her partner's position, the Subject lifted his head again to peer over the windowsill. Officer N responded by discharging the last three rounds in his weapon. As he stepped away from the couch to reload, he heard his partner begin to engage the Subject. After conducting a speed reload with another 28 rounds, Officer N returned to his position and knelt to the left of Officer M. The Subject was no longer in view, but Officer N observed muzzle flash from the Subject's rifle and returned fire with an additional three rounds. Moments later, he heard one of his fellow officers broadcast that the Subject had moved out of the room and into the hallway. Officer N did not fire again during this incident.

Officer N fired a total of 30 rounds and participated in the three volleys of fire at the front of the residence from a distance of approximately 34 feet.

Officer M was assigned to the containment position inside a residence with Officer N, and was involved in the second and third volleys of fire at the front of the house. Following the deployment of tear gas, the officers were seated on a couch they had moved near a window on the first floor. Officer J broadcast that the Subject had come to the bedroom window holding a rifle. Officer N responded by taking a kneeling position in order to obtain a better view. Moments later, Officer M heard shots being fired in the street, which sounded to her like an exchange of gunfire. Simultaneously, Officer N began firing out of the open living room window in an upward direction.

Officer M was not able to see the Subject's position from her vantage point and consequently redeployed behind the sofa and to the right of her partner. The Subject had stopped firing; however, and was momentarily out of view. Seconds later, she heard the Subject begin to fire again and observed Officer N engage the Subject a second time. During that exchange, Officer N announced that his weapon was out of ammunition and moved away to reload. Officer M assumed his position and could tell that the Subject was firing out of his bedroom window. Although she was not able to see the Subject, she observed the muzzle flash from the end of the Subject's rifle and could see the window screen flex and bow as he fired rounds into the street. From a kneeling position, Officer M responded by shooting two rounds through the window of the bedroom where she perceived the Subject to be standing. Following her two shots, there was a several minute lull where the Subject stopped firing. During that period, Officer M heard a broadcast from Officer G, who indicated that the Subject had ducked

below the windowsill during the engagements, and he suggested shooting rounds into the stucco in order to strike him.

Approximately two minutes later, the Subject began firing again at the officers in the street below. Officer M still could not see the Subject; however, she was able to observe muzzle flash and puffs of smoke from the barrel of his rifle. In an attempt to put a stop to the Subject's actions, she fired an additional four rounds through the bedroom window at the Subject's position.

Officer M fired a total of six rounds and participated in the second and third volleys of fire at the front of the residence. All of her rounds were discharged from a distance of approximately 34 feet.

Officer AA was assigned to a position with Officer BB inside sierra one and was involved in all three volleys of fire at the front of the residence. The officers initially set up together inside a second story bedroom that had a window overlooking the street. The configuration of the room, however, made it difficult for both officers to simultaneously maintain good cover while watching the Subject's residence. As the sun began to rise and illuminate their position, Officer AA decided to move to an adjacent room where he was better able to cover the Subject's second story windows, while his partner covered the front door.

Officer AA heard a broadcast that the Subject was by the window in a bedroom holding a rifle. However, portions of the Subject's plantation shutters obscured his view into the room. As he continued to cover that window, gunfire rang out and portions of the shutters started to be shot away. Officer AA could not tell who shot first; however, as more and more of the shutters were destroyed, he could see movement in the room and muzzle flash from the Subject's weapon. In defense of the officers on the street below, Officer AA fired two rounds from his rifle from an off-handed standing position and then paused to assess.

There was a several minute lull where the Subject stopped shooting and was not visible in the room. During that time, Officer AA took the opportunity to briefly check on the status of his partner as well as the two occupants of the residence who had previously declined to evacuate.

Note: At the time of the OIS, the occupants had secreted themselves inside a bedroom on the second level. Following the first volley of shots, Officer AA directed the couple to relocate to a first level room towards the rear of their residence. The occupants did not observe any portion of the OIS.

As he was in the process of speaking with the occupants, gunfire could be heard again erupting outside. Officer AA quickly returned to his upstairs position and observed gunfire and muzzle flash coming from the Subject's bedroom window. He also heard rounds impacting close to his position and believed the Subject was shooting at him. Officer AA responded by shouldering his rifle and firing an additional three rounds at the muzzle flash from the Subject's weapon.

Following those shots, there was another lull where both the Subject and the officers ceased firing. Within several minutes, the Subject resumed his attack on the officers in the street. Officer AA observed the Subject's figure moving up and down in the window as well as the muzzle flash from his weapon. In an attempt to stop the Subject's actions, Officer AA fired two more rounds through the bedroom one window at his position. At the conclusion of this volley, the Subject stopped firing and was not seen again at the front of the residence.

Officer AA fired a total of seven rounds and was involved in the three volleys of fire at the front of the residence. All of his rounds were fired from a distance of approximately 78 feet.

Officer BB was assigned with Officer AA inside a residence and was involved in the second and third exchanges of fire. In establishing his position in a second story bedroom of the home, Officer BB sat in a chair while using a small table as a platform for his rifle. From a position in the corner of the room, he was able to look out a window and see the front of the Subject's residence.

Shortly after the officers separated into adjacent rooms, Officer BB heard a broadcast indicating that the Subject was at his bedroom window holding a rifle. He did not see that occur because he was looking through the scope of his rifle at the Subject's front door. Moments later, he heard an exchange of gunfire and observed the Subject's bedroom window shatter. Officer BB did not return fire during that exchange because he was not able to see the Subject.

After a several minute lull, the Subject began shooting again at the officers behind the specialized vehicle. This time, Officer BB could see the Subject's figure in the middle of the room and observed muzzle flash from his weapon. To protect his fellow officers from harm, Officer BB fired one round at the Subject to stop him from shooting. The Subject was unaffected; however, and continued his assault on the officers. Officer BB felt debris hit the window screen in front of him and believed that the Subject was possibly shooting at his position. He then ejected the spent casing from his weapon, chambered another round, and fired again at the Subject, who quickly moved out of view.

The Subject returned to the window about a minute or so later and discharged another volley of shots, some of which impacted a neighboring residence. Officer BB engaged the Subject a third time and fired two more rounds, before the Subject moved out of view and was not seen again at the front of the Subject's residence.

Officer BB fired a total of four rounds and was involved in the second and third exchanges of fire at the front of the residence. All of his rounds were discharged in single action, from a distance of approximately 78 feet.

The decision was made to deliver a chemical agent through the opening on the second level, which was through a bedroom window. To accomplish that task, using remote

control, the mechanical arm of the vehicle was driven through the window opening, where the agent was then detonated.

The specialized vehicle began to remove the plantation shutters from the third opening, and as the mechanical arm reached into the window, the Subject began shooting a volley of between 10 and 15 rounds in rapid succession out of the same opening. This precipitated what was to be the fourth and final exchange of gunfire during this incident, which involved Officers U, W, and X, who were assigned to the containment position on a side of the residence. These officers fired simultaneously, and collectively discharged a total of between 22 and 23 rounds. The following is an account of each officer's actions.

Officer W stood by as the specialized vehicle prepared to breach the third opening. Without warning, the Subject began firing a rapid volley of at least 10 rounds out of the window. Officer W could not see the Subject; however, he observed muzzle flash from inside the room and could hear something about him having a weapon. Officer W was concerned for the safety of those around him, specifically Officers X and GG, who were somewhat exposed behind the limited cover of the specialized vehicle. In defense of their lives, Officer W immediately engaged the Subject, firing six rounds through the window in the direction of the muzzle flash. The officer discharged his rounds in three controlled pairs, pausing a half a second between each to assess the Subject's actions. He then conducted a tactical reload with another 28 round magazine. All of Officer W's rounds were discharged from a distance of approximately 63 feet.¹

Officer X was standing to the rear of the specialized vehicle with Officer GG as the shutters were being moved. Moments later, he observed movement in the darkened room followed by muzzle flash and the sound of gunfire.

In fear for his life, Officer X fired 12 rounds toward the muzzle flash of the Subject's weapon. The officer shot in two round increments, briefly assessing between each pair. He continued to fire until the Subject stopped shooting, and then conducted a tactical reload. Based on the volume of rounds that he and the other two officers were able to direct toward the Subject's muzzle flash, Officer X believed that the Subject was likely injured or killed during the exchange. All of Officer X's rounds were discharged from a distance of approximately 58 feet. His immediate background was the side of the Subject's residence.

Officer U was positioned behind the open passenger side door of the specialized vehicle as the Subject exchanged gunfire with the officers at the front of the Subject's residence. During a lull following the gunfire, Officer U heard an officer announce on the radio that the Subject was last seen moving toward one side of the residence. In anticipation of an attack, Officer U assumed a kneeling position and placed the barrel of his rifle inside the gun port of his armored door. As the specialized vehicle started to breach the opening, the Subject rapidly fired between 10 and 15 rounds out of the window from an unseen location in the room. Officer U observed several puffs of

¹ It was later determined that the Subject was mortally wounded during this exchange by a round that struck him in the head. Ballistic testing ultimately confirmed that round was fired by Officer W.

smoke and muzzle flash from the window and began to return fire with a continuous four to five round volley. Officer U directed his first two rounds toward the puffs of smoke he observed in the window. As the Subject continued to fire, Officer U fired two to three additional rounds into the stucco immediately to the left of the windowsill in an attempt to strike the Subject, whom he could not see. All of Officer U's rounds were discharged from a distance of approximately 53 feet. His immediate background was the side of the Subject's residence.

Following that final engagement, Sergeant D conducted another roll call over the radio to ensure the officers in containment and sierra positions were uninjured and accounted for. Meanwhile, the officers on the side of the residence held their positions, watching to see if the Subject was going to fire at them again.

After waiting several minutes, preparations were made to transition into the next phase of the tactical plan, which involved exposing the Subject's position by removing the exterior walls of his residence using the specialized vehicle. The specialized vehicle was temporarily driven out of the immediate area and equipped with an instrument that was used to systematically remove large sections of the building's exterior façade on one side.

Despite being able to look into the openings on the side of the residence from several different angles, the Subject was not observed. Deputy Chief A gave his approval for the specialized unit to be used in a similar fashion at the front of the house. Over the next several hours, the specialized vehicle was used to rake furniture out of the Subject's second story bedroom windows, as well as to remove his front and garage doors. This provided increased visibility into the residence so that containment and sierra team officers were better able to observe those areas from their positions. Even with those efforts; however, the Subject could not be seen from the outside.

A decision was made to send a robot through the front door of the residence in an attempt to locate the Subject. The robot was operated remotely from within a mobile command post vehicle and was equipped with several cameras which allowed an officer to observe and control its operation via closed circuit television.

After clearing the majority of the first floor, the robot encountered mechanical difficulties and was unable to complete the task. Shortly thereafter, a different robot was brought in to resume the task. Being remotely operated and monitored by Officer HH, from inside a residence, the robot was able to successfully climb the stairs leading to the second level. As the robot arrived at the top of the landing, the Subject was observed via video monitor, laying motionless in the hallway, with a .22 caliber rifle positioned a few feet from his head. The Subject was bleeding from his face and appeared not to be breathing. While the robot remained in a position to monitor the Subject, a search team was established and entered the residence.

After systematically clearing the first level, the officers made their way to the second floor landing and found the Subject deceased in the hallway, lying in a supine position. The Subject had a second rifle situated by his feet.

Due to the extensive damage sustained to the residence, LAFD personnel were brought in to evaluate the building's structural integrity prior to allowing paramedics inside to pronounce the Subject's death. It was ultimately determined the building was safe to enter for the limited purpose of viewing the Subject's body.

LAFD personnel entered the residence and noted that rigormortis and lividity were present on the Subject's body. He appeared to have sustained a gunshot wound to his right eye and brain matter was observed on the floor next to him. The Subject was pronounced dead.

Note: It was ultimately determined that the Subject utilized three separate firearms during this incident, (two) .22 caliber rifles, and a handgun capable of discharging .44 caliber ammunition. Although only 12 of the Subject's cartridge casings were recovered from inside his residence, an accounting of the physical evidence suggests he fired a minimum of 26 rounds.

Given that the majority of the involved and witnessing specialized unit officers were entering their sixteenth hour at the scene, several steps were taken to expedite and/or postpone the administrative tasks they would be required to participate in that night. They were then given a direct order not to discuss the incident before that time with unauthorized personnel. Prior to releasing the officers, limited public safety information was obtained separately from each involved officer as to the number and direction of shots they fired, as well as the general location from where they discharged their rounds.

Note: Officer F was found to have sustained two gunshot wounds, one to his face, and the other to his upper torso.

FID personnel attended the Subject's post-mortem examination, which was performed by Los Angeles County Deputy Medical Examiner A. Medical Examiner A ascribed the cause of death to a gunshot wound to the head and determined the mode to be homicide.² Doctor A also noted three minor firearm-related injuries as well as other non-gunshot related wounds.

The Coroner's Forensic Toxicology Laboratory completed a comprehensive screen of the Subject's blood, which detected the presence of alcohol in 0.37 grams percent.

² Other conditions contributing but not related to the immediate cause of death was Occlusive Coronary Atherosclerosis with Thrombosis (blockage of the coronary arteries) and Alcohol Intoxication.

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/Holstering 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 Deputy Chief A, Lieutenant A, Sergeants C and D, and Officers G, H, I, J, K, L, M, N, O U, W, X, AA, BB, CC and DD's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers G, H, I, J, K, L, M, N, O U, W, X, AA, BB, CC and DD's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers H, I, J, K, L, M, N, O U, W, X, AA, BB, CC and DD's lethal use of force to be in policy.

Basis for Findings

A. Tactics

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

1. Barricaded Suspect / SWAT Response

In this instance, the BOPC conducted a detailed and comprehensive review of all aspects of this incident, including all the command and control tactical decisions made. One significant focus was the ultimate decision regarding the deployment of specialized unit personnel.

The specific criteria for specialized unit deployment is based on well-developed protocol to ensure the most appropriately trained personnel are deployed to such armed subject incidents. However, that criteria is intentionally elevated in barricade cases to preclude specialized units from responding to incidents that do not meet that high threshold for such a comprehensive tactical response.

The BOPC objectively considered the information that Sergeant A and Lieutenant A had at the time. In this case, consistent with Department protocols, they did have a comprehensive conversation regarding the details of this incident. That conversation allowed Lieutenant A to make a well-reasoned determination regarding specialized unit response criteria based on the information he had at the time.

In the end, the BOPC concurred with Lieutenant A's assessment that the situation did not meet the barricaded subject criteria based on the following:

1. *The subject was probably armed.*

In this case, there was no specific information that the Subject was in fact *armed* at the time. In fact, the only information that the officers had was that he was known to have owned rifles that had not been seen in a number of years.

2. *The subject was believed to have been involved in a criminal act or was a significant threat to the lives and safety of citizens and/or police.*

In this case, although a felony crime had been committed, it alone does not warrant a specialized unit response. A situation is deemed a barricaded subject incident only after all four criteria have been met.

3. *Is in a position of advantage, affording cover and concealment; or is contained in an open area where the presence or approach of police officers could precipitate an adverse reaction by the subject.*

In this case, the Subject would have been in a potential position of advantage if he was in the residence. However, based on the discussion between Lieutenant A and Sergeant A, there was insufficient evidence to conclude that he was in the residence. The BOPC determined that the decision was a reasonable one based on the information known at the time the decision was made.

4. *The subject refused to submit to arrest.*

In this case, attempts were made to contact the Subject to determine if he was inside the residence and obtain voluntary compliance to submit to arrest. The BOPC concurred that it was reasonable to believe that the lack of response, when considered in conjunction with the other known information, attributed to the belief that the Subject had fled and was not inside the residence.

The BOPC was pleased that the ultimate decision regarding the barricaded subject criteria was made neither lightly nor prematurely. In the BOPC's opinion, Lieutenant A demonstrated appropriate due diligence in his evaluation of the circumstances and rendered a well-reasoned decision that was supported by the objective information known to him at the time. The assessment of the decisions made was consistent with the applicable standards and the BOPC's expectations.

In conclusion, the assessment that the barricaded subject criteria was not met and the decision not to have the specialized unit respond, did not substantially deviate from either approved Department tactical training or Department protocols. Nevertheless, the BOPC will direct that this critical topic be discussed during the Tactical Debrief.

2. Fire Control/Fire Discipline

The BOPC considered the number of rounds fired during the incident, particularly those fired by officers with a large round count. Although each officer clearly articulated an objectively reasonable circumstance that influenced their decision to fire, consideration was given to the number of rounds fired and the accuracy of those rounds.

It was acknowledged that the unique offset configuration of the neighborhood, specifically the position of the target location in relation to the adjacent homes, posed environmental challenges relative to line-of-sight that impacted deployment decisions. Although the factors that influenced the tactical deployment and positioning of personnel are clear, should a similar circumstance occur in the future, consideration should be given to the extent possible and without compromising officer safety or the mission objective to limit the number of rounds fired, depending on the perception and intent of the officer.

The specialized vehicle was strategically positioned with the intention to prevent an attempt to flee the residence in a vehicle and afforded the arrest team the ability to effectively detain the Subject in the event he voluntarily complied with the request to submit to arrest. Although the tactical scenario warranted that measures be taken to limit the ability for the Subject to flee into the densely populated residential neighborhood, the decision to deploy the designated members of the arrest team outside of the specialized vehicle was critically evaluated and, considering that the two officers who fired the highest number of rounds were deployed at this position, was thought to have been a contributing factor in the volume of rounds fired.

Every tactical scenario presents a circumstance wherein consideration must be given to the intended objective of each employed tactic and the potential impact it has on officer safety. In this instance, although the placement of the specialized vehicle was reasonable, the decision to deploy the arrest team personnel outside of the armor plated vehicle, especially when consideration is given to the tactical advantages provided by a barricaded position that afforded a second story elevated shooting platform, subjected them to gunfire that remaining in the armored vehicle would have prevented.

Although the circumstances warranted the decision to return fire on each occasion, it was noted that the investigation identified that the officers at this position fired the rounds that impacted along the eaves. The rapid fire and ineffectiveness of these rounds to neutralize the Subject can be attributed to the close proximity of the officers to the residence and the vulnerability associated with being subjected to gunfire from the second story that also limited their ability to obtain target acquisition.

Additionally, officers had to make individual decisions regarding the target during each sequence of fire based on the location of perceived location of the Subject and the imminent nature of the threat he posed at the time. In this case, officers, in many cases, did fire based on the Subject's perceived location in order to stop his actions, even though he had moved to cover. Consequently, the firing officer was unable in certain circumstances to assess the effectiveness of those rounds, resulting in a greater number of rounds to stop the deadly threat posed.

In evaluating the factors relative to this incident and the circumstances of each sequence of fire, the BOPC determined that there are tactical concerns. While the BOPC believed that the number rounds fired by each officer was reasonable under the unique circumstances involved, the BOPC knows that the individual involved members of the specialized unit, as well as the unit as a whole can improve regarding fire control. That increased effectiveness and professional development through *continuous improvement* is at the heart of the Categorical Review and Tactical Debrief process.

In conclusion, although there were identified tactical deployment considerations, the decisions and actions relative to the number of shots fired did not substantially deviate from approved Department tactical training. The BOPC will direct that this topic be discussed during the Tactical Debrief.

3. Command and Control

The BOPC also 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.

Sergeant A

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 exhibited a strong situational awareness and appropriately utilized available resources to address the unfolding tactical scenario with proper notifications made to the Watch Commander to best assess the tactical options in the management of the situation.

Sergeant C

After Officer F was transported to the hospital, the remaining K-9 personnel were the most experienced, highly trained officers on scene and most aptly equipped to handle the tactical scenario pending the arrival of specialized unit personnel. A

barricaded subject poses an extreme danger not only to officers, but to other citizens as well. The Department is an organization with an assignment of responsibility and accountability throughout the rank structure. To that end, the responsibility of Sergeant C after the incident became a barricaded subject was to assume a role commensurate with his training and experience and functional supervisory oversight authority of the K-9 personnel. The overall management of the incident would have been improved had Sergeant C effectively assumed supervisory oversight of his personnel to demonstrate his support and provide them with direction in the management of the tactical operation.

Deputy Chief A

The overall success of a critical incident can be attributed to the direction given by the IC. The tactical response must be appropriate in strategy and consistent with the available resources. Deputy Chief A was thorough and complete in his assessment of tactical options and did not hesitate to approve those tactical options he believed were appropriate and decline to implement those he felt were unnecessary. The BOPC commended Deputy Chief A for his critical assessment and initial denial to approve the use of the specialized vehicle to expand the openings and remove the exterior walls of the residence. The rationale and concerns were consistent with the information and status of the incident at the time, and the BOPC concurred with the rationale that the specialized vehicle had not been used in this manner before and he did not believe it was necessary at that point. Overall, the BOPC was pleased with Deputy Chief A's command oversight and his well-reasoned decision making regarding tactics during his role as IC.

Sergeant D

The BOPC fully evaluated Sergeant D's line command and control throughout the incident. Although Sergeant D was reasonable in his concern that the officers have enough ammunition to sustain the exchange of gunfire, consideration and direction should have been given relative to fire control and the utilization of viable cover. The officers were, for the most part, in either inconspicuous positions or could have minimized the lethal threat through the use of the armored vehicles as cover rather than continue to exchange gunfire when target acquisition was limited to primarily the location of the muzzle flash. The BOPC was also pleased that Sergeant D constantly considered the well-being of his personnel during the incident.

In conclusion, the BOPC was pleased with Sergeant D's command oversight and decision making during this incident. However, he is reminded of his responsibility to continuously assess a tactical situation and adapt as necessary through 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 issues will be the subject of discussion at the Tactical Debrief.

4. Tactical Deployment of Specialized Unit Personnel

In this instance, Officer GG was inserted into the scenario as a tactical operator with specialized unit personnel, thereby comingling divisions. Although the use of the specialized vehicle is primarily under the oversight and training purview of one particular squad, the purpose was to introduce an effective tool that enhanced officer safety through the ability to control the device from a distance. The purpose and benefit of using this vehicle was therefore negated when Officer GG was inserted as a spotter, which exposed him to the threat of gunfire. Furthermore, as personnel from the two divisions had not previously cross-trained in the specific application of the tactical tool involved, there was the potential for miscommunication.

The tactics employed by specialized unit personnel are continually trained and updated, thus causing them to react similarly during a tactical incident. When other Department personnel become actively involved in an incident, their effectiveness may be compromised from their lack of similar training. For these reasons, the practice of blending two tactical units without appropriate training is discouraged.

However, in assessing this operational decision, the BOPC found that the two entities worked together well and their joint tactical operation was commendable. However, these joint operations should be considered on a case by case basis due to the potential for miscommunication and the lack of cross training involved.

In conclusion, the use of Officer GG as a spotter did not substantially deviate from approved Department tactical training, but the practice should be avoided except under unique circumstances. The BOPC will direct that this topic be discussed during the Tactical Debrief.

Additionally, the BOPC will direct that a cross-training protocol be evaluated to include the specialized unit working with other specialized units.

In conclusion, the involved personnel would benefit from a discussion to include the identified areas with the objective to enhance their individual, unit and organizational performance. The BOPC directed that Deputy Chief A, Lieutenant A, Sergeants D and C, and Officers G, H, I, J, K, L, M, N, O U, W, X, AA, BB, CC and DD attend a Tactical Debrief. Additionally, the commanding officer of the specialized unit is encouraged to facilitate the attendance of all available specialized unit personnel at the Tactical Debrief.

B. Drawing/Exhibiting

After Officer F was struck by gunfire, personnel from a specialized unit responded to the scene. As Officers G, H, I, J, K, L, O, P, Q, W, Y, Z, CC, DD and EE took their positions around the perimeter of the residence, they deployed their respective weapon systems.

The BOPC determined that officers with similar training and experience would reasonably believe that this situation where a barricaded subject has already demonstrated the propensity for violence and fired rounds at police personnel could

escalate to the point where deadly force may be justified and the Drawing/Exhibiting would be within Department policy.

In conclusion, the BOPC found Officers G, H, I, J, K, L, O, P, Q, W, Y, Z, CC, DD and EE's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The evaluation of the Lethal Use of Force involved the assessment of four separate exchanges of gunfire with each exchange assessed from the perspective of each involved officer.

First Exchange of Gunfire

The first exchange involved six officers who collectively fired approximately 34 rounds.

Officer K (rifle, 13 rounds in a northeasterly direction, from approximately 60 feet). Officer K fired 13 rounds from a crouched position behind the specialized vehicle and then conducted a speed reload. Officer K observed the Subject come back into his view and walk towards a window. Officer K saw the muzzle and the weapon rise up, which was pointed in his direction. Officer K fired his weapon and observed the Subject fire simultaneously at him.

Officer AA (rifle, two rounds in a northeasterly direction, from approximately 78 feet). Officer AA fired two rounds at the direction of muzzle flash. With the aid of optic magnification, coupled with the destruction of the shutters, Officer AA recalled, that he could see movement inside the window where the Subject was as well as some muzzle flashes. Officer AA made the decision to fire his rifle to prevent the Subject from shooting at the officers down below. After firing his second round, Officer AA noted the Subject had stopped firing and disappeared from his line of sight.

Officer CC (rifle, six rounds in a southeasterly direction, from approximately 36 feet). Officer CC fired six rounds in two round increments. Officer CC observed the barrel of a rifle protruding from a window of the second floor. Officer CC believed the Subject was aiming at the officers down on the street. In immediate defense of the officers' lives, Officer CC started firing.

Officer L (submachine gun, four rounds in a northeasterly direction, from approximately 83 feet). Officer L fired a total of four rounds from a distance of approximately 83 feet. Officer L observed gunfire and window glass breaking and could also see a slight edge of a barrel. Officer L could also hear rounds hitting the garage next to the officers as well as rounds going overhead whizzing by. In response, Officer L fired four rounds at the Subject.

Officer O (rifle, one round in a northerly direction, from approximately 82 feet). Officer O fired one round at the bedroom window. Officer O observed Officers I, J

and K on one side of the specialized vehicle hunkered down, getting cover and returning fire on the Subject. He could not see the Subject. There were rounds coming out of the window and smoke that led Officer O to believe that the Subject was inside the window. Officer O fired one round through the window and assessed.

Officer N (rifle, eight rounds in a southeasterly direction, from approximately 34 feet). Officer N fired two sequences of four rounds, the first at the muzzle flash and the second into the wall where he believed the Subject was standing. Officer N took a kneeling position behind the couch and did not see the Subject. Instead he saw a muzzle flash and two rounds come out the window toward the officers that were on the street in specialized vehicles. Officer N fired four rounds toward the direction of the muzzle fire, the muzzle flash. And then Officer N shot four additional rounds in the wall to prevent the Subject from firing at the officers outside.

Second Exchange of Gunfire

The second exchange involved nine officers who collectively fired approximately 101 to 105 rounds.

Officer K (rifle, 28 rounds in a northeasterly direction, from approximately 60 feet). Officer K fired an additional 28 rounds and conducted another speed reload. Officer K described the Subject as playing a “cat and mouse game.” He would pop up, shoot a couple rounds, then go away, pop up, shoot a couple more rounds then go away. After he fired the 28 rounds, Officer K moved to a position of cover to reload his weapon.

Officer O (rifle, 10 to 11 rounds in a northerly direction, from approximately 82 feet). Officer O fired an additional 10 to 11 rounds. The exchange of gunfire ceased and as Officer O monitored the window he heard an unknown officer announce that the Subject was coming back to the window. Almost simultaneously, Officer O observed, smoke coming out of the gun again, out of the window. Officer O was aiming at the stucco on the side of that window in case the Subject was behind there.

Officer N (rifle, 16 rounds in a southeasterly direction, from approximately 34 feet). As Officer N monitored the window where the Subject was last seen, Officer N stated the Subject started to pop up with the rifle, and Officer N fired four more rounds. The Subject went down, but then he'd keep coming up and going down, so Officer N fired three more volleys of four rounds toward the wall in order to keep the Subject down, contain him, and prevent him from being able to make accurate shots on the officers.

Officer AA (rifle, three rounds in a northeasterly direction, from approximately 78 feet). Officer AA fired three rounds at the muzzle flash. Officer AA quickly checked on the well-being of his partner in an adjacent room as well as the civilians in a rear bedroom who refused to leave. While directing the civilians to a location of superior cover, Officer AA heard additional gunfire and ran back to his position at the window. Officer AA could see the gunfire coming from the Subject's bedroom, so he fired his

rifle again in the Subject's direction, but he could see muzzle flashes in the direction of the Subject. Officer AA fired in the direction of the muzzle blast.

Officer CC (rifle, 14 rounds in a southeasterly direction, from approximately 36 feet). Officer CC fired an additional 14 rounds in two round increments. Officer CC momentarily stopped to assess the situation and noted that he could hear gunshots coming from the Subject's location and could also see glass coming out and various shots. So Officer CC immediately returned fire because he believed he was engaging officers somewhere in the street area. Officer CC could actually see the Subject with the rifle. That's when the Subject continued to reengage and there were multiple officers engaging at that point. Officer CC could see more rounds. He indicated that the Subject was shooting out the window and it looked as though rounds were coming out the wall in the officers' direction.

Officer I (rifle, approximately 22 to 25 rounds in a northeasterly direction, from approximately 56 feet). Officer I fired between 22 and 25 rounds from a barricade position over the hood of the specialized vehicle and then conducted a speed reload. Officer I stated that he saw the Subject appear with the rifle and he started shooting out the window, because he was in fear for his life and safety and everyone else's safety. Officer I started firing at the Subject. Officer I moved to a position of cover, conducted a tactical reload and resumed his position.

Officer H (rifle, four rounds in a northeasterly direction, from approximately 83 feet). Officer H fired a controlled pair at the Subject's position, assessed and fired an additional two rounds at the window sill. Officer H indicated the Subject was "putting rounds out" and he could clearly see where he believed the Subject to be. And given that Officer H believed the Subject was in a lowered position, his intention was to put the rounds through the window ledge and strike him.

Officer M (rifle, two rounds in a southeasterly direction, from approximately 34 feet). Officer M fired two rounds from a kneeling position. Officer N advised Officer M that he needed to reload his weapon. As Officer N moved to a position of cover, Officer M took his position, which afforded him a view of the window. Officer M didn't see the Subject but did see the muzzle or the barrel of a rifle with gunfire coming out of the end of that barrel, as well as the screen on the window kind of flexing as rounds exited the screen. Officer M could see the muzzle flash as the rounds were being fired, so at that time, Officer M fired two rounds.

Officer BB (rifle, .308 caliber, two rounds in a northeasterly direction, from approximately 78 feet). Officer BB fired one round at the Subject's position, chambered a second round and fired again at the Subject. While monitoring the shattered window, Officer BB recalled seeing a muzzle flash in the center of the window, and saw the shadow of what looked like a person standing in the center of the window. Initially, Officer BB thought that the Subject was firing at the officers who were at the armored vehicle down on the street. In immediate defense of their lives, Officer BB fired one round and then felt a spray of sand hitting the screen that was in front of him. He wasn't sure whether rounds were ricocheting off the armored

vehicle and coming up or if the Subject was actually shooting at the window. Officer BB fired a second round at the Subject.

Third Exchange of Gunfire

The third exchange involved nine officers who collectively fired approximately 101 to 107 rounds.

Officer K (rifle, 28 rounds in a northeasterly direction, from approximately 60 feet). Officer K fired another 28 rounds toward the muzzle flash of the Subject's weapon, then conducted one last speed reload. Officer K resumed his position across the hood of the specialized vehicle and recalled hearing a clicking sound like the Subject was reloading a gun. The Subject popped up again and did the same thing. He was redeploying and shooting again, so Officer K emptied his magazine.

Officer N (Colt, Model M4, 5.56 x 45mm caliber rifle, six rounds in a southeasterly direction, from approximately 34 feet). Cognizant of the number of rounds that he fired, Officer N advised Officer M that he wanted to reload his weapon. As Officer M was moving to a position to provide cover, Officer N recalled the Subject popped up again, and Officer N fired three more rounds. Officer N redeployed away from the couch and out of the Subject's line of fire, reloaded his weapon and assumed a position behind the couch. Officer N indicated the Subject had moved deeper into the room, judging by the muzzle flashes, so Officer N fired an additional three rounds at the Subject.

Officer AA (rifle, two rounds in a northeasterly direction, from approximately 78 feet). Officer AA fired an additional two rounds at the Subject's position. As Officer AA proceeded to monitor the windows for the Subject's potential reappearance, Officer AA recalled observing that there was an exchange of gunfire from the Subject and the officers on the ground from the muzzle blast and the movement from the Subject. In response, Officer AA fired two rounds at the threat.

Officer I (rifle, 20 rounds in a northeasterly direction, from approximately 56 feet). Officer I fired a sustained volley of an additional 20 rounds at the Subject. According to Officer I, the Subject reappeared closer to the window. He could distinctly see the Subject firing out through the window. Officer I started to fire rounds at the Subject to stop his behavior.

Officer H (rifle, two rounds in a northeasterly direction, from approximately 83 feet). Officer H fired two additional rounds at the Subject. Regarding his decision to fire, Officer H stated, he discharged his weapon because of the aggressive and deadly actions that the Subject had taken by discharging rounds into an area where civilians were located.

Officer M (rifle, four rounds in a southeasterly direction, from approximately 34 feet). Officer M fired an additional four rounds at the Subject's position. According to Officer M, the Subject ceased firing momentarily and then began to fire at the officers in the street. Officer M believed at that time, he fired these four rounds at

the window where all he saw was the barrel and shots being fired from the rifle in the window at his team members that were down on the street.

Officer BB (rifle, two rounds in a northeasterly direction, from approximately 78 feet). Officer BB fired two more rounds. After a momentary lull, Officer DD observed that the Subject returned to the window and again saw the muzzle flash. The Subject was firing again and felt almost an impact on the front of the house. Officer BB fired two more rounds at the Subject.

Officer DD (rifle, approximately 25 to 29 rounds in a southeasterly direction, from approximately 36 feet). Officer DD fired a total of between 25 and 29 rounds from a distance of approximately 36 feet. When Officer CC stepped away from the window to reload, Officer EE assumed the position at the window. Officer EE recalled that approximately five minutes later the Subject started shooting out of that position, and he returned fire towards the Subject. Officer EE believed the Subject was shooting at the specialized vehicle in front of the window and Officer EE knew there were officers there.

Officer J (rifle, approximately 12 to 14 rounds in a northeasterly direction, from approximately 56 feet). Officer J fired a total of between 12 and 14 rounds from a distance of approximately 56 feet. Officer J exited the specialized vehicle and took a kneeling barricade position against the front, driver's side fender. While monitoring the second story windows, Officer J observed the Subject come into the room from the back part of the room. Officer J could see a silhouette and started to fire from inside of the location again, a series of rapid fire. Officer J returned fire at this point.

Fourth Exchange of Gunfire

The fourth exchange involved three officers who collectively fired approximately 22 to 23 rounds.

Officer W (rifle, six rounds in a northwesterly direction, from approximately 63 feet). Officer W fired a total of six rounds from a distance of approximately 63 feet. Officer W recalled that as the specialized vehicle was pushing its arm into the window and stopped moving, the instrument to activate the chemical agent to deliver this agent was initiated. Officer W observed muzzle flashes and heard numerous gunshots. In fear for his safety and the officers around him, Officer W fired.

Officer X (rifle, 12 rounds in a northwesterly direction, from approximately 58 feet). Officer X fired a total of 12 rounds from a distance of approximately 58 feet. While providing cover for Officer GG, Officer X observed that he saw a muzzle flash and a gunshot or muzzle flash and then heard a gunshot. It appeared that he was shooting at the officers in the back, and Officer X started firing at his position.

Officer U (rifle, approximately four to five rounds in a northwesterly direction, approximately 53 feet). Officer U fired a total of four to five rounds from a distance of approximately 53 feet. Officer U indicated that as the specialized vehicle breached the window, the officers backed out and all of a sudden were greeted with

gunfire coming from an opening in their direction. In response, Officer U fired four to five rounds at the threat.

The BOPC fully evaluated each exchange of fire and each individual sequence of fire by each officer as to compliance with Department policy and recommended a finding of In Policy for Officers H, I, J, K, L, O, P, Q, W, Y, Z, CC, DD, and EE.

Accordingly, an officer with similar training and experience would reasonably believe that the actions of the Subject in each circumstance represented an imminent threat of serious bodily injury or death. Consequently, the application of lethal force for each officer as indicated was objectively reasonable and warrants a finding of in policy.