



materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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

The following incident was adjudicated by the BOPC on July 5, 2011.

### **Incident Summary**

Officers A and B were assigned a service call of “domestic violence-suspect possibly armed with a gun.” The officers acknowledged the initial broadcast and the updated information from Communications Division (CD) indicating that the Subject had a gun, although none had been seen.

Officers A and B arrived at the location. Officer A parked their vehicle directly across the street and in front of the residence.

Both officers exited their vehicle and approached the residence. As Officer A walked across the street and approached the sidewalk/front yard of the residence, he saw the Subject inside the front yard coming from the side-yard area and walking toward him (Officer A).

As the Subject was walking toward Officer A, the Subject raised one of his arms and in a calm demeanor told Officer A that everything was alright. The Subject said that he had a little too much to drink and that everything was good. They continued to walk toward each other and as the Subject got closer to the fence, Officer A used his flashlight to illuminate the Subject. At this point, Officer B was still a few feet away and was not close enough to hear what their discussion was about.

When Officer A illuminated the Subject, he noticed that the Subject was holding a gun in his left hand. Officer A immediately yelled out, “gun,” while simultaneously drawing his weapon. At this point, the Subject raised his gun and pointed it at Officer A. Upon seeing this, Officer A fired two to three rounds toward the Subject. Officer A believed that after he fired these rounds at the Subject, the Subject returned fire at him.

**Note:** The Subject’s weapon was later determined to be a BB gun.

After firing these two to three rounds, Officer A ran across the street, where he took cover behind a vehicle that was parked along the north curb.

After Officer A yelled out that the Subject had a gun, Officer B saw the Subject holding a gun in his hand and pointing it at Officer A. Seeing this, Officer B unholstered his pistol and fired three rounds at the Subject. As Officer B fired, he took cover behind a parked

vehicle. Once Officer B got behind the vehicle, he could no longer see the Subject, so he stopped shooting. Officer B moved from the parked vehicle to the passenger side of the police vehicle, where he took cover/concealment. Once at the police vehicle, Officer B used his radio to call for help.

After the first shooting sequence, Officer A remained behind the vehicle and continued to look towards the front of the residence for the Subject. Officer A saw the Subject, who was now standing by the front door and pointing his gun toward Officer A. Officer A then fired four rounds at the Subject. Officer A heard two gunshots, which he believed were fired at him by the Subject, so Officer A fired two more rounds toward the Subject. Officer A heard the Subject scream and then saw him go down and out of Officer A's sight.

Officer B stated that he was able to hear the gunshots that were fired during the second shooting sequence, but he was not in a position to see who was shooting. Officer B thought that the Subject was shot during the second volley, as he heard him cry out. Officer B did not discharge his weapon after the first shooting sequence.

As a result of Officers A and B's request for help, additional officers responded to the scene. Officer P utilized the spotlight on his patrol car to illuminate the yard and attempt to locate the Subject. Several officers saw the Subject walking along the side yard.

Several of the officers also illuminated the Subject with their flashlights and could see the Subject holding a gun in his hand and pointing it in their direction. Simultaneously, several of the officers began to yell at the Subject to drop his weapon and to put his hands up. These commands were given in both English and Spanish. The Subject refused to drop his weapon and continued to point the weapon toward the officers as he walked along the side of the yard and the driveway. At one point, when the Subject pointed the gun at the officers, the officers fired their weapons at the Subject, resulting in a third sequence of gunfire.

After the second shooting sequence, Officer A moved to the rear of one of the patrol cars that was parked in front of the residence (driveway). Officer A was standing next to Officer C, when he saw the Subject pointing his gun at them. Fearing that the Subject was going to shoot them, Officer A fired a third sequence of four to five rounds at the Subject.

Officer C saw the Subject standing in the driveway, so he illuminated the Subject with the light attached to his gun. When he illuminated the Subject, he saw that the Subject was holding a gun and pointing it at him. Officer C ordered the Subject to drop his weapon. The Subject moved the handgun away from Officer C's direction and began to walk around the driveway. The Subject pointed the gun in the direction of the other officers who were standing across the street and to the rear of Officer C's location. Officer C fired twice at the Subject.

Officer D was standing behind his patrol car and was able to see the Subject walking around the side yard and the driveway. Officer D, along with other officers, began to tell

the Subject several times to let them see his hands. Officer D used the light attached to his gun to illuminate the Subject. As the Subject was standing in the driveway, he was able to see the Subject holding a gun in his hand. The Subject lifted the gun and pointed it at the officers who were positioned behind him (Officer D). Officer D fired two rounds at the Subject.

Officer E said that he saw the Subject standing in the driveway, pointing a gun at him and his partner. Officer E fired two to three rounds at the Subject.

Officer G looked to his right and saw the Subject standing in the driveway, pointing a gun at him. Officer G immediately took cover between two parked cars. He chambered a round into the shotgun and fired at the Subject. As the Subject continued to point the gun at him, Officer G continued to fire shotgun rounds at the Subject, until he had fired all the rounds that were loaded in the shotgun.

Officer F looked to his right and saw the Subject standing in the driveway holding a gun in his hand and pointing it towards the officers that were positioned in the street. Officer F started yelling at the Subject, telling him to drop the gun. The Subject continued to point the gun at the officers. Officer F fired four to five rounds from his gun towards the Subject. The Subject fell to the ground and Officer F stopped shooting.

Officer H saw the Subject standing in the driveway, so he began telling the Subject to drop the gun. Officer H turned on the flashlight that was attached to the shotgun and illuminated the Subject, who was holding a gun in his hand and pointing it at the officers behind him. Officer H fired two rounds from his shotgun at the Subject.

Officer A continued to give commands to the Subject, telling him to drop his gun. At the same time, the Air Unit arrived overhead and illuminated the Subject, which allowed Officer A to see that the Subject was still holding a gun and pointing it in his direction. Officer A fired a fourth sequence of what he believed to be four rounds at the Subject. Officer A stopped firing once the Subject went down and the threat stopped.

Officer C was able to see the Subject in the driveway, but he could not see if the Subject was holding a gun. The Air Unit arrived and illuminated the Subject. Officer C began to give commands to the Subject, telling him to drop his gun and to show them his hands. Officer C saw the Subject lift his arm and point it in Officer C's direction. Although Officer C could not see the gun in the Subject's hand, when he saw the Subject lifting his arm and pointing it at him and the other officers, he feared that the Subject was going to shoot them, so Officer C fired three rounds at the Subject.

Officer D could see the Subject holding and pointing the Subject's gun in Officer D's direction. He and other officers continued to yell at the Subject in Spanish and English, to put his hands up and drop his gun. The Subject continued to point his gun at Officer D, so Officer D fired one round from his pistol at the Subject.

Officer G could see the Subject holding a handgun in his hands and pointing it in his and the other officers' direction. Fearing that the Subject was about to shoot them,

Officer G fired four shotgun rounds at the Subject. Officer G then transitioned to his handgun.

Officer H could see the Subject in the driveway, holding a gun in his hand and pointing it in the direction of the officers who were standing along the north curb of the street. Officer H fired two shotgun rounds.

Officer O could see the Subject holding a gun in his hand, pointing it in his direction and in the direction of the officers that were located across the street from Officer O. Officer O fired two rounds at the Subject. The Subject continued to point his gun at these officers, so Officer O fired two more rounds at the Subject.

Officer M saw the Subject standing in the driveway, holding a gun in his hand and pointing it at him and the other officers. Officer M gave the Subject commands in Spanish, telling him to drop the gun. The Subject continued to point the gun at him and the other officers, so Officer M fired approximately five rounds at the Subject.

Officer E could see the Subject in the driveway, holding a gun in his hand and pointing it at him and the other officers positioned in the street. Officer E heard gunshots and, believing that the Subject was shooting his gun at him, fired five to six rounds at the Subject.

Officer J could see the Subject in the driveway, holding a gun in his hand and pointing it at the officers. Several officers were giving the Subject commands to drop his weapon, but he continued to point it at the officers. Officer J believed he saw muzzle flash coming from the Subject's gun, so he fired five to seven rounds at the Subject.

Officer F saw the Subject holding a gun in his hand and pointing it at him and the other officers, so he fired four to five rounds at the Subject.

Officer L was able to see the Subject holding a gun in his hand and pointing it at him. Several of the officers were yelling commands at the Subject to drop the gun and to show them his hands. The Subject continued to point the gun in Officer L's direction. Officer L fired one round from his shotgun and observed the Subject go down. Officer L then began to yell for the other officers to cease fire.

Officer I could see the Subject holding a gun in his hand and pointing it at him and the other officers, so Officer I fired four rounds from his patrol rifle.

Officer I was able to see the Subject on the driveway, holding a gun in his hand and pointing it in the direction of the officers who were positioned along the street. Officer I fired four rounds from his rifle at the Subject.

Officer K saw the Subject holding a gun in his hand and pointing it at Officer K and the other officers. Officer K and several of the officers yelled commands at the Subject telling him to drop his weapon. The Subject continued to point the gun at Officer K and

the other officers, at which point Officer K fired six rounds from his duty weapon at the Subject.

Following the OIS, the Subject was observed to be on the ground, lying on his back, not holding his gun and no longer moving.

At that time, Sergeant's A and B coordinated an arrest and search team. The arrest team made contact with the Subject, handcuffed him and moved him to the sidewalk. The search team conducted a search of the interior of the residence for any outstanding subjects.

Once the area was secured, a Rescue Ambulance was escorted by officers to where the Subject was located. Los Angeles Fire Department personnel examined the Subject, who had sustained numerous gunshot wounds. At 1:09 a.m., it was determined that the Subject was dead.

**Note:** The investigation revealed that the Subject was armed with a BB gun manufactured to resemble a semi-automatic pistol. The BB gun was not equipped with an orange tip commonly found on toy guns.

### **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 Lieutenant A and Officer A's tactics to warrant administrative disapproval. The BOPC found Officers A thru O's tactics to warrant a tactical debrief.

#### **B. Drawing/Exhibiting**

The BOPC found Officers A thru O's drawing and exhibition of a firearm to be in policy.

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

The BOPC found Officers A thru O'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:

The BOPC noted that Officer A, who was driving the police vehicle, did not see the address of the residence prior to arriving in front of the location, and ultimately stopped the police vehicle in the street in front of the residence once he realized where it was. Having stopped and exited the vehicle, Officer A compounded the tactical disadvantage at which he had placed himself by approaching the residence without the benefit of cover. Consequently, he found himself in an exposed, vulnerable position relative to the Subject when the Subject presented himself in the yard of the residence. This position afforded Officer A no cover whatsoever, and, given the prior indication that the incident possibly involved an armed suspect, unduly compromised Officer A's safety. The BOPC found that Officer A's approach to the residence without cover represented an unjustified and substantial deviation from the above-cited standard established by approved Department training.

Following the first shooting sequence, Officer A moved to a position behind a vehicle across the street from the residence, accidentally dropping his radio as he did so. He then retrieved the radio and broadcast a help call. Although Officer A subsequently provided the Subject's description and location, he did not provide any direction to responding units regarding the approach they should take. Sergeant A broadcast a request for this information, but Officer A did not respond to the request. Indeed, when the first responding unit arrived on the scene and almost three minutes after Officer A's help call was broadcast, Officer A had still not provided any direction for responding units. Communications Division requested a direction of approach for responding units from Officers A and B's unit.

The BOPC acknowledges that Officer A was in a high-stress situation following the initial OIS. However, given that he had retrieved his radio and made some broadcasts, it is apparent that he still had the capability of using his radio. Moreover, given that Officer A believed the suspect was armed, it was critically important to the safety of the responding units, as well as to the effectiveness of the overall police response to the incident, that direction be provided to responding units.

The BOPC found that Officer A unjustifiably and substantially deviated from approved Department training when he did not, over a period beginning approximately three minutes prior to the arrival of the first responding unit, communicate any direction to officers responding to the help call.

In this instance, Lieutenant A, was the Watch Commander at the time of this incident. Upon hearing the "officer needs help" call, Lieutenant A and Sergeant A, responded from the Station and arrived at the scene between the third and fourth sequences of fire, shortly after the Air Unit. Based on the radio broadcast,

Lieutenant A believed there had been an OIS and the incident was still in progress. Upon their arrival, Lieutenant A told Sergeant A to assume command of the tactical situation. Lieutenant A remained outside the OIS scene until the tactical situation was completely resolved and a Code Four was broadcast.

Lieutenant A explained that he assigned tactical command to Sergeant A due to Lieutenant A's light-duty status.

In conclusion, Lieutenant A's failure to take charge of the rapidly unfolding incident unjustifiably or substantially deviated from approved Department tactical training.

In conclusion, the BOPC found Lieutenant A and Officer A's tactics to warrant administrative disapproval. The BOPC found Officers B-O to warrant a tactical debrief.

## **B. Drawing/Exhibiting**

- **Officer A**

While approaching the Subject on foot, Officer A illuminated the suspect with his flashlight and observed him holding a semi-automatic pistol in his left hand. As the suspect began to raise the pistol in his direction, Officer A drew his service pistol to confront the deadly threat. In this instance, it was reasonable for Officer A to believe that the situation had escalated to the point where lethal force may be justified.

- **Officer B**

While on foot and attempting to locate the suspect, Officer B heard the Subject engage the Officer A in conversation. Officer B then looked toward the Subject and observed the suspect raise a gun in the direction of his partner, Officer A. In defense of his partner's life, Officer B drew his service pistol. In this instance, it was reasonable for Officer B to believe that the situation had escalated to the point where lethal force may be justified.

- **Officers C thru O**

Officers C thru O responded to an "officer needs help / shots fired" broadcast by Officers A and B. Upon their arrival, each of the aforementioned officers perceived that the tactical situation was still ongoing and the armed suspect was still outstanding. As the officers exited their vehicles, they drew their service pistols or recovered their rifles/shotguns from their police vehicles. In this instance, it was reasonable for each of the aforementioned officers to believe that the situation had escalated to the point where lethal force may be justified. In this instance, it was reasonable for each of the aforementioned officers to believe that the situation had escalated to the point where lethal force may be justified.

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

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

- **First Sequence of Fire**

In this instance the Subject raised a handgun in Officer A's direction. Upon discerning the deadly threat, Officer A fired his service pistol in defense of his own life as he was redeploying to a position of cover.

Officer A reacted based, as any reasonable officer with similar training and experience, when he fired six rounds at the Subject. The decision to use lethal force was objectively reasonable in that the Subject pointed a handgun in Officer A's direction and posed an imminent threat of death or serious bodily injury.

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

In this instance, while on foot and attempting to locate the Subject, Officer B heard the Subject engage Officer A in conversation. Officer B then looked toward the Subject and observed the Subject raise a gun in Officer A's direction. In defense of his partner's life, Officer B drew his service pistol and fired at the Subject.

Officer B reacted based, as any reasonable officer with similar training and experience, when he fired four rounds at the Subject. The decision to use Lethal Force was objectively reasonable in that the Subject pointed a handgun in Officer A's direction and posed an imminent threat of death or serious bodily injury.

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

While on foot and attempting to locate the Subject, Officer B heard the Subject engage Officer A in conversation. Officer B then looked toward the Subject and observed the Subject raise a gun in Officer A's direction. In defense of his partner's life, Officer B drew his service pistol and fired at the Subject.

Officer B reacted based, as any reasonable officer with similar training and experience, when he fired four rounds at the Subject. The decision to use Lethal Force was objectively reasonable in that the Subject pointed a handgun in Officer A's direction and posed an imminent threat of death or serious bodily injury.

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

### **Second Sequence of Fire**

During the first sequence of fire, Officer A was able to see that the Subject still had the gun in his hand, pointed in his direction. Believing that the Subject was shooting at him, Officer A returned fire. Officer A believed he fired two controlled pairs at the

Subject. After the first two rounds, Officer A assessed that the Subject was still standing and fired his second set of rounds.

### **Third Sequence of Fire**

Officer C observed the Subject pointing a handgun at him. As the Subject reached an open area in the driveway, he pointed his handgun at several other officers that were directly across the street. Believing the officer's lives were danger, Officer C Fired two rounds at the Subject.

Officer A was standing to the right of Officer C when he observed the Subject point the pistol in his direction. Believing the Subject was going to shoot him, Officer A fired six consecutive rounds in defense of his life.

Officer D observed the Subject point his weapon in a direction toward several officers. In defense of the officers, Officer D fired two rounds at the Subject. Officer E observed the Subject point a weapon at him and heard gunshots that caused him to believe the Subject was shooting at him. In response, Officer E fired three rounds at the Subject.

Officer F looked to his right and observed the Subject standing near a green vehicle, holding a handgun. Officer F then yelled commands for the Subject to drop the gun. Officer F observed the Subject raise and point his weapon in the direction of other officers that were east of him. Officer F fired five consecutive rounds at the Subject. As Officer F fired his last round, he observed the Subject fall to his knees, then to the ground and out of his sight.

Officer G heard other officers yelling about a gun. Officer G observed the Subject point the weapon in his direction. Officer G fired one round at the Subject. He observed that the Subject was still pointing the weapon at him and fired a second round. Officer G continued to fire at the Subject until he discharged all five rounds that were in his shotgun, assessing the situation after every round.

Officer H observed the Subject raise his weapon in the direction of other officers. Fearing that the Subject was going to shoot one of the officers, Officer H fired one round at the Subject. Observing that the Subject was still standing, Officer H fired a second round and observed the Subject go to the ground.

In this instance, Officers C, A, D, E, G, F, and H each observed the Subject holding a gun in his hand. After being ordered to drop the gun the Subject, instead, raised the gun and pointed it at officers. Fearing for their safety and/or the safety of the follow officers at scene, Officers C, A, D, E, G, F, and H fired their weapons and continued firing until the threat had ceased. Each officer perceived, individually, that the situation had risen to the point where a lethal response was necessary. Recognizing the threat, each officer responded almost simultaneously and fired their weapons in a single volley that lasted only seconds.

Officers C, A, D, E, G, F, and H reacted based, as any reasonable officer with similar training and experience, when they fired their rounds at the Subject. The decision to use Lethal Force was objectively reasonable in that the Subject pointed a handgun in the officer's direction and posed an imminent threat of death or serious bodily injury.

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

#### **Fourth Sequence of Fire**

Officer A observed the Subject's body rise and noticed he held what he believed to be a handgun, which he pointed in his direction. According to Officer A, he felt something like air blowing across his head and believed the Subject was shooting at him. Officer A fired what he believed, were four consecutive rounds at the Subject. Officer A stopped firing once the Subject went down and the threat stopped.

As Officer C continued to give commands for the Subject to drop his weapon, he heard the Air Unit Observer's broadcast that the Subject was raising his handgun. Officer C observed the Subject almost in a seated position, with one of his hands starting to come up. Although Officer C did not see a weapon in the Subject's hands, he considered the Air Unit Observer's broadcast and believed the Subject was armed. Fearing for his life, Officer C fired what he believed were three rounds at the Subject. Officer C noticed the Subject went from the seated position back to the ground was no longer moving. He was aware of other officers firing and immediately yelled, "Cease fire."

In this instance, Officer C, based on his involvement during the third sequence of fire, had direct knowledge that the Subject was armed with a handgun. Furthermore, prior to the fourth sequence of fire, Officer C heard the Air Unit Observer inform the officers on the ground that the Subject had a gun in his hand and was raising it. Though Officer C had not seen a gun in the Subject's hand at the time he fired his service pistol, it was reasonable, based on the information he had at the time, to believe that the Subject had a gun in his hand at the time he raised it in Officer C's direction. Fearing for his life, Officer C fired what he believed were three rounds at the Subject.

Officer D observed the Subject raise his head and look over the fence. He then observed the Subject point his weapon at the officers across the street. Officer D fired one round. Officer D assessed and noticed the Subject was no longer moving.

Once the Air Unit illuminated the driveway area, Officer G observed the Subject moving around and raise a gun with his left hand. Officer G aimed his shotgun at the Subject and fired four consecutive rounds at him. Between each round fired, Officer G made a quick assessment and determined that the Subject was still a threat because the Subject still had the weapon in his hand.

Officer H was near the front of the Toyota Camry and from his position, he could hear the Subject yelling, "I love you, I love you." Officer H heard the Air Unit Observer's broadcast that the Subject had a handgun in his left hand and observed the Subject lying on the ground. Officer H observed the Subject do a "crunch" lifting his upper body off the ground and pointing the weapon toward the officers. Officer H fired the last two rounds that were loaded in the shotgun at the Subject.

Officer O noticed the Subject was on the ground in a kneeling position and he had a dark object in his left hand. The Subject pointed the weapon at the officers that were located west of him. Officer O fired four rounds at the Subject. Officer O assessed between each round and determined that his rounds had been ineffective, as the Subject was still pointing his weapon in a northbound direction. Officer O assessed after firing his fourth round, and no longer observed the weapon.

Officer M yelled commands in Spanish, ordering the Subject to drop the weapon and to show his hands. Officer M observed the Subject raise and point the weapon in the direction of Officer L and immediately saw muzzle flash, which caused him to believe that the Subject was firing. To protect his partner, Officer M fired what he believed were five consecutive rounds at the Subject and stopped firing once he observed the Subject fall to the ground.

Officer E observed the Subject point the weapon at him and also heard gunfire, which made him believe that the Subject was shooting at him. Officer E fired what he believed were five to six rounds at the Subject. He was able to assess after every round and continued to fire because the Subject still posed a threat with the weapon.

Officer J observed the Subject lying on the ground. The Subject screamed something that Officer J could not understand. Officer J then observed the Subject get up and bring his left hand up as he held a weapon. Officer J observed muzzle flash and believed the Subject was shooting at him. Officer J fired, what he believed, were five to seven rounds at the Subject. Officer J was able to assess after the third round and noticed the Subject was still holding the weapon with his hand raised toward him. He continued to fire and assessed again after the last round, noticed the Subject was down and no longer a threat. He then heard an officer yell, "Cease fire."

Officer F observed the Subject sit up and point the weapon in the direction of the officers that were east of him. Officer F fired what he believed were four to five rounds at the Subject. He then observed the Subject go down.

Officer L was standing next to Officer F. From his position, he could see the Subject was possibly on his back, and he heard officers yelling commands at him. The Subject appeared to be either moving on his right side or leaning on his right side as he looked over the lattice portion of the sliding gate. It appeared as if the Subject was identifying the location of the officers. Initially, Officer L could not see the

Subject' hands, but once the Air Unit illuminated the area he could see the top of the Subject's head.

Officer L heard the Air Unit Observer broadcast that the Subject had a handgun either on his chest or on his hand. Shortly after, the Subject began to sit up and lifted his weapon. Officer L observed what appeared to be the muzzle of a gun and believed the Subject was about to fire. Officer L fired once at the Subject.

Officer I observed the Subject holding a weapon in his left hand. He yelled commands to the Subject to show his hands and put his hands up. Officer I observed the Subject bring his hand down and turned it towards the officers. Officer I, using his police rifle, fired what he believed were four rounds at the Subject. Officer I assessed after every round and observed the Subject was still a threat because he continued to point the weapon at the officers. Once the Subject went down on his back and the weapon was no longer in his hand, Officer I stopped firing.

After the Air Unit illuminated the area, Officer N observed the Subject through a sighting system mounted on his police rifle. The lower half of the sliding gate partially blocked his view. Officer N was aware that officers were positioned on the north side of the street. Officer N believed that if the Subject were to shoot, it was highly likely he would hit an officer, because they were so dense in that area. Officer N heard the Air Unit Observer broadcast that the Subject was armed and observed the Subject raise his weapon. In immediate defense of the officers' lives, Officer N fired what he believed were four consecutive rounds at the Subject. He then stopped to assess and noted no further movement from the Subject as an officer behind him yelled, "Cease fire."

When the Air Unit illuminated the area with their spotlight, Officer K observed the Subject raise a weapon above his chest and point it in their direction. In fear for his life and the lives of officers around him, Officer K fired six rounds at the Subject. Officer K was able to assess after the second round and noticed the Subject was still moving and posing a threat with the weapon. Officer K continued to fire, assessed after the sixth round and noticed that the Subject was no longer moving, and he then heard an unknown officer yell, "Cease fire."

In this instance Officers A and C thru O had knowledge that the Subject was armed with a handgun. The Air Unit Observer, who was flying above the scene in an LAPD helicopter during the fourth sequence, informed the officers on the ground that the Subject had a gun in his left hand. All of these officers observed the Subject raise a handgun and point it in their direction and/or in the direction of other officers. Fearing for their safety and/or the safety of their follow officers at scene, Officers A and C thru O fired their weapons and continued firing until they perceived that the threat had ceased. Each officer perceived, individually, that the situation had risen to the point where a lethal response was necessary. Recognizing the threat, each officer responded almost simultaneously and fired their weapons in a single sequence that lasted only seconds.

Officers A and C thru O reacted as any reasonable officer with similar training and experience, when they fired their rounds at the Subject. The decision to use lethal force was objectively reasonable in that the Subject pointed a handgun in the officer's direction and posed an imminent threat of death or serious bodily injury.

In conclusion, the BOPC found Officers A, and C thru O's use of lethal force to be in policy.