

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

OFFICER-INVOLVED SHOOTING – 042-20

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Harbor	8/26/20		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant A	22 years, 5 months
Sergeant B	31 years, 6 months
Sergeant C	22 years, 5 months
Officer A	36 years, 9 months
Officer C	4 years, 9 months
Officer D	8 years, 9 months
Officer E	5 years, 9 months
Officer F	15 years, 7 months
Officer G	4 years, 1 month

Reason for Police Contact

The Subject entered Harbor Area Community Police Station and physically attacked the Desk Officer. During the attack, the Subject removed the officer's pistol from his/her holster and attempted to fire the pistol at the officer. The Subject struck the officer on the head with the pistol multiple times and fled from the station lobby. The Watch Commander walked to the lobby as the Subject fled out the front door. The Subject fired the officer's pistol at the Watch Commander, resulting in an Officer-Involved Shooting (OIS). The Subject fled in his vehicle and was subsequently taken into custody after a short vehicle pursuit and a non-categorical use of force.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 29 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 subject criminal

history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on August 10, 2021.

Incident Summary

On the date and time of this incident, uniformed Sergeants A and B and Officers A and B were assigned to Harbor Patrol Division. Sergeant A was assigned as the Watch Commander (WC), Sergeant B was assigned as Assistant Watch Commander (AWC), Officers A and B were assigned as the Desk Officers. Sergeants A and B and Officers A and B were equipped with Body Worn Video (BWV).

Sergeants A and B did not activate their BWV during the incident. Officer A had a late BWV activation. However, Officer A's BWV captured the incident. Officer B was not present when the incident occurred.

According to the Harbor Community Police Station lobby surveillance video, Officers A and B sat behind the station's front desk. Officer B sat on the south side of the desk, and Officer A sat on the north side. Officer B stood up from his/her chair and walked through the front desk swing door, which was on the southwest side of the desk, and walked to the station's front door. Officer B opened the east side front door, stepped outside, and placed an orange traffic cone in between the door and the door frame to keep the door open. Officer B walked in and out of the station's front door several times and appeared to contact someone outside the door. Officer B walked through the door behind the front desk area into the Watch Commander's area. He/she briefly returned to the front desk area, dropped papers at his/her desk, and walked back through the door into the Watch Commander's area. The orange traffic cone remained on the door frame and kept the front door from closing. Officer A remained seated at the desk.

According to Officers A and B, due to the COVID-19 pandemic, the station lobby area was closed to the public. The officers indicated that if a citizen came to the station, knocked on the front door, and required assistance, the desk officer would walk outside, meet the citizen and assist them.

Officer B indicated a Wilmington resident came to the station and reported that a family member had been kidnapped. Officer B determined the incident met the elements for an extortion investigation, contacted the on-call detective from Robbery-Homicide Division (RHD), and briefed the detective on the investigation.

Officer B pointed out that he/she placed the orange traffic cone in between the door and the door frame to keep the door open because he/she repeatedly went in and out of the

station while he/she spoke on the telephone with the RHD detective and the extortion victim who remained outside the station. Officer B added that the front door did not allow entry access with his/her police identification card (ID), he/she did not have a master key to the front door, and if a person stepped outside and the front door closed behind, the person would be locked out of the station. Officer B stated the only way to enter the station would be if one walked to the rear gate entrance or a person came to the front door and opened it from inside.

According to a standing Office of Operations notice, all Geographic Area front desks and detective desks are required to remain closed to the public until further notice and Area Commanding Officers shall implement modified procedures including an officer assigned to meet visitors outside of the lobby to screen the purpose of their visit.

Officer B stated the RHD detective advised him/her that he/she would respond to the station and be there within an hour. Officer B advised the extortion victim that a detective was on his/her way to the station. The extortion victim appeared hesitant about filing the police report and told Officer B he wanted to take his wife and kids back to his residence. Officer B briefed Sergeant B, asked for his/her approval to follow the extortion victim to his home to drop his wife and kids, and bring him back to meet with the RHD detective.

According to the Harbor Community Police Station exterior surveillance video, Officer B drove a marked black and white police vehicle to the station's visitor parking lot on the south side of the police station. The extortion victim entered his vehicle and drove out of the parking lot with Officer B following him.

According to Officer B, he/she believed that he/she closed the front door before leaving the station to follow the extortion victim to his residence. A review of the Harbor Community Police Station lobby surveillance video determined the orange traffic cone remained in between the door and the door frame and kept the door propped open as Officer B drove out of the visitor parking lot.

A white Chevrolet SUV made a right turn and entered the station's visitor parking lot. As the SUV entered the parking lot, the rear passenger side tire was missing; only the metal wheel was attached to the rear axle. Upon entering the parking lot, the SUV immediately turned north and parked with half of the vehicle in the pedestrian walkway and the other half in the handicapped parking stall leading to the station's front door. A male, the Subject, exited the SUV and walked to the rear of the vehicle. The Subject lifted the tailgate from the rear of the truck and slammed it to close it but was unsuccessful. The Subject pulled the tailgate several times and attempted to rip it off from the truck. The Subject walked toward the station's front entry area and hit the red call box outside the front door with an open right hand. He appeared to manipulate or press buttons on the call box. The Subject approached the station's front door and was out of view from the exterior camera.

According to the Harbor Community Police Station lobby surveillance video, Officer A sat at his/her desk and appeared unaware of the Subject's presence outside the front door. The Subject approached the front door, propped open by the orange traffic cone, grabbed the east side door with his left hand, and swung it open. The Subject remained outside the door and held the door open. Simultaneously, Officer A stood up from his/her chair, turned, and looked in the direction of the front door. Officer A walked to the front desk swing door, looked down to his/her chest, and appeared to manipulate his/her BWV. Officer A exited the front desk and walked to the station's front door. As he/she approached the door, Officer A looked down to his/her chest area again and appeared to manipulate his/her BWV a second time.

Officer A indicated that he/she heard a banging at the front door and observed the Subject had the door open and slammed it in the open position. He/she was not positive how the Subject opened the door and believed the Subject was with the person that Officer B assisted. Officer A then walked to the front door to speak with the Subject.

According to the Harbor Community Police Station lobby surveillance video, as Officer A was approximately 10 feet from the door, the Subject walked through the door and entered the station lobby. The Subject moved toward Officer A, causing Officer A to take several steps backward into the lobby. The Subject moved his arms and hands behind his lower back and continued to advance toward Officer A. Officer A stopped approximately 15 feet from the front door, and the Subject stopped in front of him/her. The Subject began to pace between Officer A and the front door. Officer A took four steps forward toward the Subject. The Subject stopped and walked toward Officer A again. Officer A waved his/her left hand once and motioned toward the front door.

According to Officer A, as he/she approached the front door, the Subject entered the station, was upset, agitated, angry, and questioned who raped a member of his family. Officer A was unsure whether the Subject asked who raped his brother or son but told the Subject he/she would help find out and asked him to step outside.

Officer A activated his/her BWV late, and as a result of the late activation, the first 62 seconds of the video did not have audio.

According to Officer A's BWV, Officer A stood in the lobby facing the front door, and the Subject stood in front of him/her. The Subject's arms were behind his back; he was wearing a straw hat, dark sunglasses, a gray T-shirt, black pants, and black sandals. The Subject appeared to yell at Officer A as he moved between the front door and Officer A. Officer A moved his/her left hand and pointed to the front door. The Subject walked backward, continued yelling, turned, and walked to the front door. The Subject pushed open the east side door, walked outside, and briefly held the door open. He immediately turned, stood at the door frame, and pointed at Officer A with his right hand.

According to Officer A, the Subject walked toward the front door and appeared as if he would go outside. Officer A added that even though the Subject was angry and agitated, he did not ask for assistance to deal with him despite being alone at the front desk because the Subject complied and walked out the door. Officer A followed the Subject to the front door to lock the door behind him, but suddenly, the Subject grabbed the door and slammed it open.

According to the Harbor Community Police Station lobby surveillance video and Officer A's BWV, as the Subject stood at the door frame, Officer A walked toward the door. The east side door began to close behind the Subject. The Subject turned, grabbed the door, and forcefully pushed it open again. He immediately turned, walked through the open door, and quickly moved toward Officer A, causing Officer A to walk backward into the lobby with his/her hands in front of him/her. The Subject followed Officer A into the lobby.

The Subject swung his right arm and punched Officer A on the left side of his/her head. After the punch, the Subject immediately moved his arms in front of him, elbows pointing down, closed his fists, with his right leg in front of his left leg, and moved toward Officer A. Officer A put his/her hands in front of him/her as he/she walked backward.

The Subject extended his right arm and threw a jab punch, but Officer A appeared to block it with his/her left forearm. The Subject immediately swung his left arm and threw a punch at the right side of Officer A's head but missed. Officer A extended his/her right arm forward as the Subject threw the punch and knocked the sunglasses off the Subject's face. Officer A stumbled backward, fell onto his/her back, and appeared to strike the back of his/her head on the floor.

Officer A indicated that when the Subject charged him/her, he/she backed away from the Subject and told him that he/she would help him, but the Subject "went off" and began punching him/her.

Officer A described that the Subject threw a right hook punch, followed by a left hook punch. Officer A believed he/she blocked the punches with his/her arms and began to back away to gain distance from the Subject, but he/she tripped and fell to the floor.

According to the Harbor Community Police Station lobby surveillance video and Officer A's BWV, Officer A landed on his/her back; his/her legs were spread and raised upon falling. The Subject stood in front of Officer A and looked down at him/her. Officer A quickly closed his/her legs and trapped the Subject's left leg between his/her legs. The Subject lifted his left leg and backed away from Officer A. The Subject reached down, used his hands to move Officer A's legs out of the way, and placed his right knee on Officer A's chest. Officer A rolled his/her upper torso to the left, reached up to grab the back of the Subject's right leg, and used his/her right hand to grab the Subject's right arm, pushing him to the floor. The Subject reached for Officer A's right hip, grabbing Officer A's pistol with both hands.

Officer A grabbed the right side of the Subject's neck with his/her left hand and placed his/her left thumb under the Subject's chin. Officer A grabbed the left side of the Subject's neck with his/her right hand and placed his/her right thumb under the Subject's chin. Simultaneously, Officer A released his/her left hand from the neck and moved the left hand to grab the Subject's right forearm.

Officer A indicated that as soon as he/she fell to the floor, the Subject immediately straddled him/her and grabbed his/her pistol. Officer A heard his/her uniform shirt ripping and felt his/her pistol coming out of the holster. In fear for his/her life, Officer A grabbed the Subject's neck with his/her hands and expressed that he/she intended to hold the Subject down and control him, but not choke him. Officer A stated, "I was trying to just stop him, to hold him down, to stop him from doing what he was doing, you know, that's what I was trying to do. And I wasn't I wasn't trying to choke him out or anything. I was that's just the only part of the body I could grab at the time." Officer A added that he/she did not have time to use any tools on his/her utility belt because his/her hands were tied up trying to fight the Subject off.

According to the Harbor Community Police Station lobby surveillance video and Officer A's BWV, the Subject began to pull his right arm away from Officer A's right hip. At that moment, the Subject held Officer A's pistol in his right hand and held it in a pistol grip. Officer A's right hand remained on the left side of the Subject's neck. As the Subject pulled his right arm back, he pointed the pistol at Officer A, and his right index finger was on the trigger.

The Subject used his right forearm to push himself up onto his knees, held the pistol in his right hand, and maintained his index finger on the trigger. The Subject immediately swung the pistol in a downward motion four consecutive times and struck Officer A's chest and head. After the fourth swing, Officer A reached up with both hands and knocked the pistol from the Subject's right hand. Officer A raised his/her upper torso and grabbed the Subject's shoulders with both hands. Officer A moved his/her right hand behind the Subject's neck and attempted to pull the Subject toward his/her chest. The Subject's hat fell off his head and briefly covered the BWV camera lens. The Subject lowered his head and pushed Officer A's shoulders away from him with both arms, freeing himself.

The pistol was on the floor to the Subject's right side. The Subject reached with his right hand, grabbed the pistol using a pistol grip, and picked it up off the floor. He moved the pistol in front of his waist, placed his left hand on the pistol slide, and cycled the slide to the rear. Officer A reached with his/her right hand and grabbed the back of the Subject's right hand. At that moment, Officer A began to bleed; the blood drops landed on the floor and on his/her left forearm. The Subject pulled his right hand away from Officer A while pointing the pistol at Officer A's torso. He grabbed Officer A's right wrist with his left hand, moved Officer A's right hand away from him, pushed himself off the floor, and stood up. The Subject held the pistol in a pistol grip with his right hand, moved back from Officer A, turned, and ran toward the front door with the pistol in his right hand.

Officer A stated, "He was going for my gun. My shirt is all ripped on my gun side. Okay. I was trying to I was trying to I was trying to hold him down. I was afraid. I was in fear for my life. He got the gun up. He started to try and point the gun at me (Unintelligible) knocked the gun away. It flew over closer to him, so I knew at that point I couldn't get to it. I knew he was going to get to it before I did. He got the gun, I think, and then he cocked the gun and I thought for sure I was going to be shot. Okay. He hit me in the head, you know, in the struggle a number of times. I started to black out. I was bleeding. You know, there's things I really don't remember. But you know but from the grace of God (Unintelligible) because really he was - - he was trying to pull the trigger."

According to Officer A, he/she stared at the pistol during the struggle and observed the Subject pull the trigger, but the pistol did not fire. Officer A believed he/she pushed the pistol's decocking lever down with his/her right hand during the struggle because he/she sustained a cut to his/her right index finger. The cut was consistent with prior injuries when the decocking lever rubbed against his/her finger, and that is why he/she believed the pistol did not fire. Officer A believed a live round ejected from the pistol when the Subject cycled the slide.

According to Sergeants A and B, they were in the Watch Commander's office when they heard a loud banging noise. Both sergeants believed the noise was possibly an arrestee in the detention area. Sergeant A walked out of his/her office to investigate the noise, and Sergeant B remained at his/her desk, completing a notification email regarding the extortion investigation. Sergeant A checked the arrestee holding bench and did not see anyone.

Sergeant A proceeded to the area where the monitors for station cameras were located and viewed the holding cell cameras but did not see anyone. While viewing the monitors, Sergeant A heard a loud banging noise and believed the noise came from the front desk. According to Sergeant B, Sergeant A walked to the front desk, and he/she heard the tone of the noises change. Sergeant B stood up to follow Sergeant A.

Officer A indicated as soon he/she fell, and the Subject grabbed his/her pistol, he/she yelled for help. Sergeants A and B stated they heard loud banging noises but did not hear voices.

According to the Harbor Community Police Station lobby surveillance video and Officer A's BWV, as the Subject ran and was approximately 16 feet from the front door inside the lobby, Sergeant A walked through the door behind the front desk and looked over the desk partition toward the Subject. Officer A sat on the floor, his/her arms on the floor behind him/her, bracing him/herself. Officer A moved his/her right arm to his/her chest and activated his/her BWV. The audio to the BWV recordings began with Officer A yelling, "Right here!" Sergeant A looked at Officer A, walked through the front desk swing door, and asked, "What happened?" Officer A used his/her right hand and

pointed to the front door. The door was opened, and the Subject stood outside the door. Sergeant A yelled, "Hey," and ran toward the front door.

Sergeant A indicated that he/she walked to the front desk to determine what the loud banging noise consisted of and observed the Subject running out to the front door. He/she walked through the front desk swing door, and observed Officer A seated on the floor, disoriented and bleeding from the head.

Sergeant A stated the banging sound did not sound like a gunshot, but upon seeing Officer A injured and bleeding, he/she thought he/she had been shot.

According to the Harbor Community Police Station lobby surveillance video and Officer A's BWV, as Sergeant A ran toward the front door, Officer A yelled, "He's got my gun!" Sergeant A yelled, "What?" Immediately after he/she yelled, the east side front door began closing, and the sound of a gunshot was heard. Sergeant A abruptly stopped and dove left toward a white curved shaped fiberglass chair. According to Sergeant A, he/she heard Officer A yell, "gun," or something about a gun. At that moment, the front door was partially opened; the Subject turned, pointed a pistol in his/her direction, and fired the pistol at him/her once. Sergeant A described the Subject in a shooting stance with the pistol in front of him, pointing it in his/her direction but was not positive if the Subject held the pistol with one or two hands.

According to the Harbor Community Police Station lobby surveillance video and Officer A's BWV, Officer A yelled, "He's got my gun!" a second time. Officer A moved to lie on his/her left side and scooted left behind a bookshelf. Sergeant A was now seated on the floor next to the white curved shape chair. He/she faced the front door, and his/her right hand was reaching for his/her pistol on his/her right hip.

The sound of a second gunshot was heard. Simultaneously, Sergeant A unholstered his/her pistol, acquired a two-handed grip, and pointed his/her pistol in the Subject's direction outside the front door. Sergeant A fired his/her pistol once in the Subject's direction. After he/she fired, Sergeant A placed his/her left hand on the floor and scooted back while holding his/her pistol pointed in the Subject's direction with his/her right hand. Sergeant A held his/her pistol with his/her right hand and fired a second time in the Subject's direction.

According to Sergeant A, when the Subject fired the first round, he/she dove to the floor to avoid being shot. In fear for his/her and Officer A's life, Sergeant A unholstered his/her pistol, aimed it at the Subject's center body mass, and fired one round in the Subject's direction. Sergeant A assessed and observed the Subject fire his/her pistol in her and Officer A's direction a second time. Sergeant A aimed his/her pistol at the Subject's center body mass and fired a second round in the Subject's direction to stop the Subject from shooting at him/her and Officer A.

Sergeant A stated, "And it just happened so fast. I looked over and I saw Officer A on the ground bleeding. So, I figured this was the person that just hurt him/her, possibly

shot him/her because he/she was bleeding from the head, so I thought he/she had been shot. And then Officer A yelled something about his/her gun or a gun, and [...] so I made my way towards the suspect that was fleeing and then he turns and takes a shooting stance and fires a shot at me. So, I'm in fear for my life and Officer A's life. I ducked to try and not get hit, and then I returned fire and then he fired again at me, and then I returned fire and then he stopped."

Additionally, Sergeant A stated he/she had no time to de-escalate the situation and provided the following reason as to why it was necessary to fire his/her pistol, "Because I was defending my life and Officer A's life. He's shooting at us using deadly force. He could have killed us, so I was scared. I was scared for me. I was scared for Officer A. So, I attempted to stop the threat."

Sergeant A believed the gunfire exchange sequence between him/her and the Subject was one for one, meaning that the Subject fired the first round, and he/she returned fire. The Subject fired his second round, and Sergeant A returned fire with her second round.

A Sound Graph Analysis of the gunshots determined all four rounds were fired in 6.245 seconds:

Additionally, a review of the Harbor Community Police Station lobby video and Officer A's BWV determined that the Subject fired the first two rounds heard on the BWV audio, and Sergeant A fired the last two rounds.

The investigation determined the Subject fired two rounds at Sergeant A from an increasing distance of approximately 16 to 31 feet. Sergeant A fired two rounds at the Subject from an increasing distance of approximately 31 to 32 feet.

According to the Harbor Community Police Station lobby surveillance video and Officer A's BWV, after Sergeant A fired his/her second round, he/she scooted back behind the end of the fiberglass chair. Sergeant A moved his/her left hand to his/her chest, reached for the microphone to his/her hand-held radio, and broadcast, "Officer needs help at the station! Officer needs help!" At that moment, Sergeant B walked through the front desk swing door holding his/her pistol in his/her right hand at a low-ready position and yelled, "What?" Sergeant A broadcast, "Officer needs help! Shots fired! Shots fired!" and stood up. Sergeant B retrieved his/her hand-held radio from his/her left hip and broadcast, "Officer needs help, Harbor station, shots fired." Simultaneously, Sergeants A and B ran to the front door and out to the parking lot. As the sergeants ran and opened the front door, the sound of screeching tires was heard.

Sergeant B indicated that he/she exited the Watch Commander's office to follow Sergeant A to the front desk and was approximately 25 to 30 feet behind him/her when he/she heard two to three gunshots. Sergeant B unholstered his/her pistol because he/she believed a suspect was shooting inside the lobby, and Sergeant A and Officer A were involved in a gunfight.

According to the Harbor Community Police Station exterior surveillance video, the Subject briefly stood outside next to the red call box near the front door. He turned, held Officer A's pistol in his right hand, and ran to his vehicle. The Subject entered the driver's door, backed the vehicle away from the station's front door, and drove over the curb into the planter area located next to the driveway. The Subject drove forward and out of the parking lot southbound.

As the Subject fled, Sergeants A and B ran out of the station into the parking lot. Sergeants A and B monitored the Subject's direction of travel and broadcast the information. Sergeants A and B monitored the Subject's vehicle for approximately one minute and holstered their pistols while standing in the parking lot.

According to Officer A's BWV, Officer A was breathing heavily; he/she continued bleeding and yelled, "Somebody call an RA!" Officer A turned left and reached down for his/her hand-held radio, which was on the floor next to the Subject's hat. As he/she reached down, a live cartridge was seen on the floor next to the Subject's straw hat. Officer A yelled, "Call an RA! I'm starting to blackout!" Both sergeants ran back into the station lobby and rendered aid to Officer A. Sergeant B requested an ambulance for Officer A and broadcast, "We are gonna need an RA to Harbor Station, we got an officer down, conscious and breathing."

Sergeants A and B provided Officer A with paper towels and gauze and told him/her to apply pressure to stop the bleeding. Believing Officer A would be transported to a hospital via an ambulance, Sergeant A removed Officer A's Sam Browne equipment belt to make it lighter and comfortable for him/her. Sergeant A placed the belt on the wooden bench in the lobby and observed Officer A's pistol was missing from the holster. Sergeant B indicated when he/she walked through the front desk swing door from getting paper towels for Officer A; he/she accidentally kicked an expended cartridge casing from the area outside the swing door. Sergeant B added the casing ended in the lobby near a bookshelf.

Uniformed Police Officers II C, driver, and D, passenger, as well as Officers E, driver, and F, passenger, along with Sergeant C, were in the field handling an unrelated call for service when the Help Call was broadcast. Officers C and D were together in a marked black and white police vehicle, as were Officers E and F. Sergeant C was alone in a marked black and white police vehicle. The officers and Sergeant C were equipped with Body Worn Video (BWV) and their patrol vehicles were equipped with a Digital In-Car Video System (DICVS).

According to Officers C, D, E, F, and Sergeant C, they heard the "Officer Needs Help, Shots Fired" broadcast with an officer down at the lobby of Harbor Community Police Station. The officers and Sergeant C believed someone had entered the station and shot an officer. Officer C believed officers at the station had been ambushed. Officer F believed the police station was under attack due to recent events throughout the nation, the recent attack of two Los Angeles County Sheriff deputies, and information discussed

at roll-call regarding a West Valley Division officer who was shot at by a suspect/suspects who followed him/her home.

Officers C, D, E, F, and Sergeant C activated their emergency lights and siren and drove in trail to the station. The lead vehicle was Officers C and D, followed by Officers E and F, and the last vehicle in the trail was Sergeant C. Sergeant C stated that he/she advised CD he/she and the officers would respond to the help call and requested an Air Unit. As they traveled north, the officers and Sergeant C heard the broadcast describing the suspect vehicle as a white pick-up truck. Officer F believed the Subject would be traveling in their direction.

According to the Officers C and D's Digital In-Car Video System (DICVS), as the units traveled north, a white Chevrolet SUV traveled south in the middle of the roadway and at a high rate of speed. Officer C stated, "That's the truck!" According to the officers, the Subject drove erratically, and they had to swerve out of the way to avoid a collision. The officers believed the white Chevrolet SUV was the vehicle described in the broadcast, and the Subject was the suspect who shot at an officer at the station. The officers conducted a U-turn to catch up to the Subject and conduct a high risk vehicle stop.

According to Officer C's Body Worn Video (BWV), Officers C and D conducted a U-turn. According to Officer F's BWV, Officers E and F conducted a U-turn at the same location as Officers C and D.

Officer F indicated that he/she knew they were in the general area and he/she wanted to let responding units know where the Subject was headed. According to Sergeant C's DICVS, as Sergeant C traveled north, the Subject's vehicle traveled south through the intersection. Sergeant C used his/her vehicle's spot light to illuminate the Subject's vehicle, conducted a U-turn and drove south. Sergeant C was now the first unit behind the Subject's vehicle.

According to Sergeant C, the officers pulled away from him/her while they drove in trail to the station and were approximately one block ahead of him/her. He/she observed the officers stop and conduct a U-turn. Sergeant C observed the Subject's white Chevrolet SUV traveling south at a high rate of speed. He/she believed the white Chevrolet SUV was the suspect's vehicle described in the broadcast, conducted a U-turn, and became the first unit behind the Subject's vehicle. Sergeant C observed that Officers C, D, E, and F were now behind him/her and believed they were in pursuit of a suspect who had shot a police officer. Sergeant C believed that he/she notified Communications Division they were in pursuit of the white Chevrolet SUV.

Sergeant C indicated that as he/she traveled south to catch up to the Subject's vehicle, Officers C and D, were the second unit behind him/her, and Officers E and F was the third unit in trail. According to Harbor Area base frequency, Officer F advised Communications Division they were in pursuit.

According to Sergeant C's DICVS, as the units pursued the Subject's vehicle south for several blocks, the Subject drove erratically at a high rate of speed, failed to stop for red tri-light signals, and drove on the wrong side of the road. As the Subject approached an intersection, he suddenly stopped in the number one lane of traffic. Sergeant C maneuvered his/her vehicle to the right, drove past the Subject's vehicle, and stopped at the intersection just ahead of the Subject.

According to Sergeant C, as he/she pursued the Subject and traveled south, an unidentified male, stepped onto the street between two parked vehicles and drew his/her attention. Sergeant C stated the male cocked his/her arm back, and at that moment, he/she believed the male would throw a brick or heavy object at his/her windshield, which distracted him/her. The male threw a sweatshirt at Sergeant C's vehicle.

Immediately after throwing the sweatshirt, Sergeant C observed the Subject's vehicle stop in the middle of the roadway. Sergeant C was forced to brake and veer sharply to the right to avoid a traffic collision with the Subject's vehicle. He/she continued south past the Subject's vehicle, turned his/her patrol vehicle slightly in a southeast direction, and stopped.

According to Officers C and D's DICVS, the unidentified male was captured throwing a black sweatshirt at Sergeant C's vehicle. The sweatshirt landed on the ground in the number one lane of traffic as the male walked back to the sidewalk.

As Sergeant C drove past the Subject's vehicle, Officers C and D stopped their vehicle behind the Subject's white Chevrolet SUV, between the left turn lane and the number one lane of traffic. The Subject immediately pushed his vehicle driver's door open, but the door closed instantly.

According to Officers E and F's DICVS, Officers E and F maneuvered their vehicle left of Officers C and D's vehicle. They stopped approximately half a car length in front of Officer C and D's vehicle, partially in the left turn lane and the number one northbound lane. Officer F indicated that he/she and Officer E stopped left of Officers C and D's vehicle in a high risk vehicle stop configuration.

The vehicle pursuit lasted 40-seconds, traversed .42 miles, and terminated when the Subject abruptly stopped his/her vehicle in the middle of the roadway. The pursuit was reviewed and adjudicated by the Pursuit Review Unit.

The following recounts the actions of those officers who used force during the incident. The incident was unfolding rapidly and the officers' actions, although depicted in a certain order, occurred simultaneously.

According to Officer F's BWV, Officer F opened his/her door, and held his/her pistol in his/her left hand. He/she immediately exited the vehicle, moved his/her right hand to acquire a two-handed grip on his/her pistol, and pointed his/her pistol toward the

Subject's vehicle while he/she stood behind his/her door. Simultaneously, Sergeant C exited his/her vehicle, ran around the front of his/her vehicle, and then to the west side of the Avenue. Sergeant C broadcast and advised CD the officers were Code Six.

Officer F said, "From where I was, my passenger side door, I was able to see inside the vehicle through the rear driver side window. I saw him looking from side to side, moving his body around. To me, it was giving the appearance that he might possibly be sizing us up and looking at where we're located because he was going to come out shooting."

According to Officer E's BWV, Officer E opened his/her driver's door, exited the vehicle, and unholstered his/her pistol. Officer E stood behind the door and pointed his/her pistol toward the Subject's vehicle.

According to Officer C's BWV, Officer C stopped his/her vehicle, unholstered his/her pistol, and held it in his/her right hand while seated in the driver's seat. Officer C used his/her left hand to open his/her driver's door and transitioned his/her pistol from his/her right hand to his/her left hand. Officer C exited the vehicle, stood behind his/her driver's door, held his/her pistol with both hands and pointed it toward the Subject's vehicle. Officer F was captured in front and to the left of Officers C and D's patrol vehicle. Officer F stood behind his/her patrol vehicle's door and gave the Subject commands.

According to Officer D's BWV, as Officers C and D's patrol vehicle stopped, Officer D opened his/her passenger side door and exited the vehicle. Officer D stood behind his/her door, unholstered his/her pistol, pointed it toward the Subject's vehicle while yelling, "Get out of the car! Let me see your hands!"

According to Sergeant C's BWV, at 22:00:40 hours, Sergeant C stopped his/her patrol vehicle facing southeast. Sergeant C immediately exited his/her vehicle and turned north toward the Subject's vehicle. Sergeant C unholstered his/her pistol and briefly pointed the pistol north toward the Subject's vehicle but immediately lowered his/her pistol. Sergeant C ran around the front of his/her vehicle and toward the west sidewalk while holding his/her hand-held radio in his/her left hand. Sergeant C walked north on the west sidewalk. As he/she walked, Sergeant C briefly raised his/her pistol, and pointed it toward the Subject's vehicle, but immediately lowered the pistol. Sergeant C continued walking north on the west sidewalk.

According to Officer F's BWV, the Subject opened his driver's door and immediately exited the vehicle. As he exited the vehicle, the Subject's hands were in front of him. Officer F ordered the Subject to show his hands and to get down on the ground. The Subject ignored the commands and walked to the rear of his vehicle toward the officers. As he walked, the Subject's right arm was down to his side with his right hand behind his right rear thigh.

Officer F moved his/her pistol down to his/her left side and out of camera view. The Subject continued walking and was now between the rear of his vehicle and Officer F's

opened door. Officer F moved around his/her door, approached the Subject, and appeared to grab him.

At that moment, Officer F's BWV camera lens was obstructed for approximately four seconds. According to Officer C's BWV, as the Subject exited his vehicle, Officer C yelled, "Get down on the ground!" Officer F, who was in front and to the left of Officer C, moved his/her left hand to his/her left hip and appeared to holster his/her pistol. Officer F walked around his/her door and approached the Subject.

Officer C lowered his/her pistol, holstered it, and yelled, "Hands up! Hands up! Get the TASER out!" Officer C walked around his/her door and ran toward the Subject and Officer F, who were now behind the Subject's vehicle. Officer F was behind the Subject with his/her right arm over the Subject's right shoulder. Officer F pulled the Subject down to the ground, their bodies twisted and turned right as they went down. Officer D was captured approaching Officer F and the Subject from the passenger side of his/her vehicle. The video captured Officer F's right hand above his/her head in a fist. Officer F appeared to swing his/her right arm down twice to strike the Subject.

According to Officer C's BWV, Officer F and the Subject landed next to the driver's door of a parked gray Cadillac. They rolled to their right, and the Subject ended up on his stomach. The Subject's head pointed north, his feet pointed south, and Officer F was on top of the Subject's upper body. Officer D knelt on the ground and straddled the Subject's upper legs. Sergeant C approached the officers from the north near the west sidewalk. Officer C approached the officers and stated, "Hey, I got the car! I got the car!" Officer C touched Officer D's upper back with his/her left hand and yelled, "I got car! I got car! I'm holding car!" Simultaneously, Officer E arrived from the east side of the street and knelt next to the Subject and Officer C's left side. Officer D unholstered his/her pistol, maneuvered his/her pistol to the left of the officers on the ground, and pointed the pistol toward the Subject's vehicle. Sergeant C, who was now in front of the officers on the ground, unholstered his/her pistol, turned toward the Subject's vehicle, and he/she, along with Officer D, stepped forward to clear the Subject's vehicle. Sergeant C opened the Subject's vehicle's front passenger door and stated, "Vehicle is empty! It's empty!"

According to Officer C, when the Subject stopped, and exited his vehicle, the officers had no time to redeploy. Officer C stated, "There was consideration, but the suspect's actions didn't allow for it. He kind of unfortunately was able to dictate the time because of the close distance as far as him stopping out of nowhere and then exiting the car immediately and not listening to our directions. Um, there was no real time for redeployment. Um, we were assessing it and he deliberately seemed like he was trying to resist as he came between the vehicles. I called the possibility of using the TASER and was going to go to the TASER, but because the suspect had already come within striking distance of one of our officers, we didn't have time to use the TASER."

Officer C added, "I was assessing it in that quick moment. The assessment seemed like it was a deliberate attempt to escape or resist arrest as he was coming through the

cars. An officer took him down to the ground. I ran over at that point. Um, my partner and the officer and the officer's partner were already on the suspect. I was worried that there was an additional suspect in the vehicle and that if this was an ambush of officers, that while we were busy with this suspect since the vehicle hadn't been cleared, we could be shot at from the vehicle. I yelled out to communicate to my fellow officers that I was holding the vehicle. Meanwhile, our sergeant was running up to the incident. I called out to him/her that the vehicle wasn't cleared. We cleared the vehicle."

According to Officer D's BWV, Officer D stood behind his/her door and yelled, "Down on the ground!" Officer D moved around the right side of his/her door, holstered his/her pistol, and moved forward to the front of his/her vehicle. Officer F was now behind the Subject with his/her right arm over the Subject's right rear shoulder and his/her left arm under the Subject's left underarm. Officer F's arms met at the Subject's chest as he/she clinched the Subject. The Subject's left arm was upright over his left shoulder, and his right arm was next to his right hip area. Officer F and the Subject walked west toward the parked Cadillac. As they moved, Officer F pulled the Subject down to the ground. Officer F and the Subject landed on the right side of their bodies and next to the driver's door of the Cadillac. They rolled right, and the Subject was now on his stomach with Officer F kneeling on the ground on the Subject's right side and over the Subject's upper body. Officer D approached them, leaned down, and moved his/her hands toward the Subject's lower back. As Officer D leaned forward, it appeared that he/she pressed his/her BWV against Officer F's uniform shirt and obstructed the BWV lens for approximately two seconds.

Officer D indicated that once he/she observed the Subject's hands were empty and Officer F approaching the Subject, he/she holstered his/her pistol to approach the Subject as well. Officer D observed Officer F grab the Subject and conduct a takedown of him. Officer D stated, "He was on his/her stomach. When I by the time I got there. So, I got on top of his, like, basically had my legs sort of around his legs. I didn't clamp. I - - that's just where I was located. And I was able to keep pressure on his back to keep him from trying to get up."

According to Officer E's BWV, as the Subject exited his vehicle and walked to the rear of the vehicle, Officer E yelled, "Hands! Get down on the ground!" Officer E lowered his/her pistol, ran around the rear of his/her vehicle, then between his/her vehicle and Officers C's vehicle. Officer E approached the Subject and the officers. The Subject was now on the ground, lying face down with his right arm extended and under his chest and his left arm above his head. Officer F was kneeling on the ground to the Subject's right side, and his/her upper body hovered over the Subject's upper body. Officer D was straddling the Subject's upper legs. Officer E knelt on the ground next to the Subject's left side, then reached with his/her left hand and grabbed the Subject's left elbow. Officer E reached under the Subject's left underarm with his/her right hand, grabbed the Subject's left wrist, and pulled the Subject's left arm out. Officer E moved the Subject's left arm to the Subject's left flank area. Officer D grabbed the Subject's left wrist with his/her left hand, moved the Subject's left arm to his lower back, and held it.

According to Officer E, when the Subject exited and walked toward the rear of the vehicle, he/she observed that the Subject had no weapons in his hands. Officer E holstered his/her pistol, observed Officer F approach the Subject and wrap his/her arms around him. Officer E indicated that Officer F tackled the Subject to the ground. Officer E ran around the rear of his/her patrol vehicle and approached Officer F and the Subject. Officer E stated, "And then that's when I went to the left shoulder because no one was there. Got the left arm free from underneath [the Subject], put it on his back and then we were struggling for his right arm. I was trying to push his right arm to the right side because it was underneath his head on his left side. That's where his hand was."

According to Officer F's BWV, the video footage from his/her camera reappeared with the Subject on the ground. The Subject was on his stomach, his face turned left with the right side of the face on the ground, his left arm extended above his head, and his right arm extended under his chest. Officer F quickly swung his/her right hand in a downward motion above the Subject's head twice. Officer F's BWV camera dislodged from his/her chest and dropped to the ground. The camera landed on the ground facing up and next to the Subject's head. At that moment, Officer F held the back of the Subject's neck with his/her left hand and placed his/her right forearm on the back of the Subject's head. The Subject lifted his head off the ground three times. Each time he lifted his head, Officer F forcefully pushed down on the back of the Subject's head with his right forearm, causing the right side of the Subject's face to strike the ground.

Officer F described that he/she applied body weight with his/her right forearm to the back of the Subject's head, near the ear.

According to Officer C, "After clearing the vehicle, I holstered up and began trying to communicate from a bird's eye view to assess my officers. Um, they were attempting to get the suspect's arm who was still resisting and wouldn't give up his right arm and was trying to buck the officers." Officer C added, "I saw him bucking and moving his right arm in, like, an elbowing fashion his/her left arm sorry. In an elbowing fashion and then refusing to give his right arm which was underneath him."

According to Officer F's BWV, Sergeant C approached and told the Subject, "Give us your hands! Give us your hands!" Officer D stated, "I got one!" Officer F reached underneath the Subject's head near his right ear with his/her right hand. The Subject briefly grabbed Officer F's right forearm with his right hand. Officer F stated, "I went underneath his head/upper body area, because [of] the way he was laying on his right shoulder area, his right arm was fully extended out in a laying motion. I don't know how else to describe it. But his arm was fully extended out the right side, so it was kind of pinned underneath him. So to obtain that arm, I went underneath him his shoulder area his right shoulder area with my right arm and I tried to grab his hand. I when I squeezed to grab his hand, it was extreme pain, so I [...] had to let it go."

According to Officer F's BWV, Sergeant C leaned down and stated, "Give us your hands buddy, or you are going to get hurt!" Sergeant C then reached down with both hands, grabbed the Subject's right hand, and guided the Subject's right arm behind the Subject's back for the officers to complete handcuffing. As Sergeant C guided the Subject's arm to the back, Officer F moved his/her right knee off the ground and stated, "I'm off! I'm off! I'm off!"

According to Sergeant C's BWV, Sergeant C held the Subject's right arm behind the Subject's lower back. Officer C grabbed the Subject's right forearm with both hands and assisted in holding the Subject's right arm on the lower back until Officer D completed handcuffing the Subject.

According to Sergeant C, he/she grabbed the Subject's right arm and handed it to the officers to facilitate the Subject's handcuffing and avoid further force.

According to Officer C, Officer F stood up and he/she moved into Officer F's position. Officer C stated, "I took over in his/her spot and took the right arm and managed to pry the right arm out from underneath his body using just a two-handed C grip and got the arm behind his back. And then we cuffed using my partner's handcuffs." Additionally, Officer C described that he/she might have possibly applied body weight on the Subject's buttocks with one of his/her knees to stabilize the Subject and keep him from bucking. However, the actions described by Officer C prying the Subject's right arm or applying body weight to the Subject's buttocks were not captured on BWV.

According to Officer F's BWV, as Officer D handcuffed the Subject, Officer F advised Sergeant C that he/she was injured and stated, "Hey Sarge! I think I broke my fingers." Once the Subject was handcuffed, Officer F extended his/her left hand, picked his/her BWV off the ground, and walked to the west sidewalk. Officer F then advised Sergeant C and Officer E that he/she dropped his/her gun. Officer E pointed to the area under the engine of the parked Cadillac and stated, "It's over here! It's over here!"

According to Officer D's BWV, Officers C and D grabbed the Subject's left and right upper arms and stood the Subject up to his feet. Officers C and D walked the Subject to the front passenger quarter panel of their patrol vehicle, where Officer D conducted a pat-down search of the Subject.

According to Officer E's BWV, Officer E reached underneath the parked Cadillac and recovered Officer F's gun.

According to Officer C's BWV, Officer F appeared to holster his/her pistol. According to Officer D's BWV, as Officer F took the Subject to the ground, his/her pistol was missing from his/her holster.

According to Sergeant C's BWV, Sergeant C broadcast and requested a Rescue Ambulance (RA) for Officer F. Sergeant C requested an additional RA for the Subject.

Additional uniformed personnel responded to the termination of the vehicle pursuit, including Officer G. They were equipped with BWV and their vehicles were equipped with DICVS.

According to Officer G's BWV, Officer G approached Officers C and D, who stood with the Subject at the front of their patrol vehicle. Officer C and D held the Subject by the right and left arms, with Officer D standing on the Subject's right side and Officer C on the Subject's left side. Officer G stood just to the right of Officer C and placed both of his/her hands on the Subject's right shoulder. The Subject yelled incoherently, pushed himself backward, and away from the patrol vehicle. Officers C, D, and G, pushed the Subject against the patrol vehicle with the Subject's upper torso against the vehicle's hood, and he continued to scream.

The Subject stopped screaming and appeared to go limp, dropping his body to the ground. Officers C, D, and G guided the Subject's body down and placed him on his left side. While on the ground, Officer G applied a Hobble Restraint Device (HRD) around the Subject's feet and guided the HRD just below the knees. According to Officer C's BWV, Officer C used his/her right hand to verify that the Subject had a pulse and stated, "He's got a good pulse."

According to Officers C, D, and G, the Subject bucked his/her body backward and kicked. Officers C, D, and G described using physical force with their arms to push the Subject's back and shoulders, pressing the front of the Subject's body against the patrol vehicle, and held the Subject's upper torso against the hood of the vehicle. The Subject went limp, and they guided him to the ground. Officer C stated, "We did a control dissent to the ground, communicated that we should hobble him because he had been kicking and this was a good chance to hobble him. And I checked his pulse. He was breathing, had a strong pulse and his eyes were opening and closing. And, therefore, that's where I thought it was a fake faint." Officer D stated, "Um, we got once we got him down and checked, we were like, okay. We didn't have any concerns about him actually being unconscious or anything because he was breathing. He had a heart rate or he had a pulse. He was kicking his shoes off."

According to Officer H's BWV, Officer H approached the Subject's vehicle and began to search the vehicle. According to Officer I's BWV, Officer I used his/her flashlight to illuminate the area between the front passenger door and the front passenger seat. Officer I then stated, "I got one! I got one!" Officer I's BWV captured a black pistol located next to the front passenger seat.

According to Officer H, he/she searched the Subject's vehicle to locate the possible weapon used during the shooting at the station. Officer H indicated that in the event the weapon was not located in the Subject's vehicle, the officers would have to close the street and search the Subject's travel route for the weapon.

A Los Angeles Fire Department (LAFD) Rescue Ambulance (RA), staffed by Firefighter-Paramedics, arrived on scene and medically assessed the Subject. Officers C, D, and

G placed the Subject onto the gurney. Officer C handcuffed the Subject's left arm to the left side gurney rail, and Officer D handcuffed the right arm to the right side gurney rail. A Firefighter-Paramedic placed a spit hood over the Subject's head. The Subject was transported to the hospital, where he was treated and medically cleared for booking. Officers G and J rode in the RA with the Subject to the hospital. Officer G and J kept their BWV activated during the transportation. Officers J transported the Subject to Harbor Station after he was medically cleared for booking and activated his/her BWV for the transportation.

An LAFD RA staffed by Firefighter-Paramedics transported Officer F to the hospital. Officer F was treated for an injury to his/her right hand and released.

Simultaneously to the detention of the Subject, a LAFD RA, staffed by Firefighter-Paramedics, arrived at Harbor Station and transported Officer A to the hospital, where he/she was treated for injuries to his/her head.

Uniformed Sergeant D responded to Harbor Station and obtained a Public Safety Statement (PSS) from Sergeant A.

According to Sergeant B, he/she directed Officer B to play the video of the incident to determine if multiple suspects were involved, their description, or if they left anything behind. Sergeant B indicated that Officer B used the south side computer at the front desk to review the video.

Sergeant B notified the Department Operations Center (DOC) of the OIS incident.

FID representatives responded on scene. FID personnel reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident to officers prior to being interviewed by FID investigators. The separation and monitoring protocols were documented in the Sergeants and Watch Commander's logs.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	No	Yes	Yes	NA	NA
Sergeant A	No	No	No	NA	NA
Sergeant B	No	No	No	NA	NA
Sergeant C	No	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	Yes	Yes	Yes

Officer F	Yes	Yes	Yes	Yes	Yes
Officer G	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

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

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Sergeant C's and Officers A, C, D, and G's non-lethal use of force to be In Policy. The BOPC found Officer F's non-lethal use of force to be Out of Policy (4 Strikes Only). The BOPC found the remainder of Officer F's non-lethal use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Sergeant A and Officer A's lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by

using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life.

Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a Subject and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified (Los Angeles Police Department Manual.)

A. Tactics

Tactical De-Escalation Techniques

- *Planning*
 - *Assessment*
 - *Time*
 - *Redeployment and/or Containment*
 - *Other Resources*
 - *Lines of Communication*
- (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her/her/her/her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Prior to this incident, Officers A and B worked together on approximately six to seven occasions. Officers A and B discussed general tactics with each other and discussed Department Policy related to Front Desk duties which, at the time of the incident, directed all Divisional front desks to be closed to public entry due to COVID-19 policies.

Sergeants A and B had discussed officer safety in roll call and with each other on previous occasions. Sergeant A stated that he/she had a responsibility to respond to critical incidents and had a personal tactical plan for doing so since he/she would respond to those incidents alone. Sergeant A, if confronted by a suspect while alone, had a plan which included immediately broadcasting a request for help. Sergeant A planned for the possibility of a suspect getting past front desk officers and entering the Watch Commander's area and discussed in roll call the importance of securing doors while simultaneously ensuring entry for responding officers.

Officers E and F had discussed tactics during previous workdays while working as partners in patrol. Officers E and F discussed various topics such as uses of force, officer-involved shootings, pursuits, communications, contact/cover roles, and they frequently debriefed incidents in which they had been involved.

Officers C and D stated that they had engaged in continuous discussions about tactics and specifically discussed use of force policies, contact/cover, high-risk vehicle stops, less-lethal force options, and officer-involved shooting scenarios. After hearing Communications Division (CD) broadcast a help call for Officer A, Officers C and D discussed a plan in the event they observed the Subject's vehicle.

The BOPC noted that Officer A approached the front door in order to assist the Subject. Officer A verbalized with the Subject, assuring the Subject that he/she would receive assistance; however, Officer A was quickly and unexpectedly attacked by the Subject. The BOPC also considered Officer A's limited time to create a plan which was further delayed by Officer A's belief that the Subject was related to the extortion investigation that Officer B previously handled. The BOPC considered the variety of tactical de-escalation techniques employed Officer A such as verbalization, creating distance between him/herself and the Subject, and blocking the Subject's strikes while continuing to verbalize with the Subject.

The BOPC also discussed the absence of a plan between Sergeants A and B. The BOPC determined the ability for Sergeants A and B to create a tactical plan prior to the incident was limited due the sudden escalation and unexpected nature of the Subject's actions and the lack of available time.

Assessment – Sergeant A heard loud noises within the Harbor CPS and searched for the source of the noise during his/her assessment of the incident. Sergeant A walked to the front desk and observed Officer A on the ground as the Subject ran to toward the lobby doors. Sergeant A quickly assessed and attempted to follow the Subject as he/she attempted to ascertain more information from Officer A. Sergeant A heard Officer A state “gun” and believed Officer A had been shot. Simultaneously, the Subject turned and fired at Sergeant A. Sergeant A drew his/her service pistol and returned fire.

Sergeant B was seated at a desk within the Watch Commander’s office and heard what sounded like shots being fired. Based on his/her assessment of the tactical incident, Sergeant B drew his/her service pistol and entered the front desk area. Sergeant B quickly assessed and observed Officer A injured and lying on the ground while Sergeant A was in a seated position in the lobby. Sergeant B met with Sergeant A and they both followed after the Subject as he drove away. Sergeant B’s assessment allowed him/her to gather pertinent information regarding the Subject and broadcast it to CD.

Officers C, D, E, F, and Sergeant C responded to CD broadcasts for an officer down at the Harbor CPS. While en route, the officers observed the Subject’s vehicle driving past them. Based on their assessment of the incident, the officers and Sergeant C initiated a vehicle pursuit. At the termination of that pursuit, the Subject abruptly stopped his vehicle and exited. The Subject walked to the rear of his vehicle. Officer F assessed and believed the Subject was not in possession of a firearm. Officer F believed the Subject was attempting to escape and possibly barricade himself in a nearby residence. Officer F believed preventing the Subject’s escape was necessary and therefore approached the Subject to take him into custody. Officers C, D, and E observed Officer F approach the Subject and followed to assist Officer F. Officer C assessed and determined the Subject’s vehicle had not been searched for additional suspects. Officer C, along with Sergeant C, cleared the Subject’s vehicle for the safety of the officers and then returned to assisting Officers D, E, and F.

Time – When the Subject entered the lobby and began yelling at Officer A, Officer A asked the Subject to wait outside but reassured the Subject he would receive assistance. Officer A believed the Subject was being compliant when he walked out of the lobby. However, the Subject re-entered and became violent, striking Officer A in the head. Officer A had limited time to react to the Subject’s attacks.

At the termination of the vehicle pursuit, Officer F observed the Subject immediately exit his vehicle and walk to the rear of the Subject’s vehicle. Officer F independently decided to leave his/her position of cover and approached the Subject. Officer F engaged the Subject, which resulted in a Non-Lethal Use of Force.

The BOPC was critical of Officer F’s decision to leave his/her position of cover and approach the Subject. The BOPC noted that Officer F had sufficient time to create a

plan with his/her partner officers which would have allowed Officers C, D, E, and F to tactically approach the Subject. However, due to Officer F's actions, Officers C, D, and E were not able to utilize time to their advantage and instead, had to respond to Officer F's location to assist him/her with the Subject.

Redeployment and/or Containment – As the Subject entered the Harbor CPS lobby, the Subject approached Officer A. The Subject was yelling and acting in an agitated manner. Officer A observed the Subject's behavior and immediately attempted to walk backward to create distance between him/herself and the Subject. Sergeant A entered the lobby area and began following the Subject. Once the Subject fired in the direction of Sergeant A and Officer A, Sergeant A attempted to seek cover near a bench within the lobby. Sergeant A redeployed from the center of the lobby toward the west area of the lobby near the bench.

At the termination of the vehicle pursuit, Officers C, D, E, and F were standing behind the cover of their vehicle doors with their service pistol's drawn and pointed in the direction of the Subject's vehicle. Sergeant C stopped his/her police vehicle in the officers' background. Sergeant C's deployment created a crossfire situation with the other officers before he/she redeployed to meet the officers who were conducting a high-risk vehicle stop. The Subject failed to comply with the officers' commands to stop and surrender, subsequently resulting in a Non-Lethal Use of Force. Sergeant C met and assisted the officers involved in the use of force in an effort to minimize the use of force.

The BOPC noted Sergeant C's vehicle positioning prevented him/her from overseeing the end of pursuit tactics by Officers C, D, E, and F. Additionally, Sergeant C's vehicle deployment delayed his/her oversight of the arrest of the Subject. However, the BOPC did note that Sergeant C's quick redeployment allowed him/her to ensure force did not escalate as officers attempted to take the Subject into custody.

Other Resources – After Sergeants A and B returned to Officer A in the lobby, they broadcast the description of the Subject's vehicle for responding officers. Sergeant B requested a RA for Officer A. Sergeant B utilized responding officers to assist him/her in establishing a crime scene inside the lobby. Additionally, Sergeant B was unsure if the Subject discarded Officer A's service pistol in or around the front parking lot and directed responding officers to search the lot and surrounding streets for Officer A's service pistol. Sergeant C responded to the help call broadcast and immediately requested an Air Unit for the incident. At the termination of the vehicle pursuit, Sergeant C requested an RA for both Officer F and for the Subject due to injuries they sustained during the incident. Sergeant C also utilized responding officers to manage a crowd that began to form near the termination of the pursuit.

Lines of Communication – Sergeant B came upon Sergeant A immediately after the OIS. Sergeant B quickly gathered information on what occurred by communicating with Sergeant A. Sergeant B immediately opened lines of

communication with field officers by making multiple broadcasts for an “officer needs help,” an RA request, and descriptions of the Subject and his vehicle. Sergeant B maintained contact with Sergeant C at the termination of the pursuit and requested an update on the condition of the Subject and the officers. Sergeant B verified the total number of suspects involved in the incident with Sergeant C.

Officer F maintained communication with Officer E during the vehicle pursuit. Officer F advised him/her of traffic conditions, red lights, and assisted by telling Officer E if an intersection was clear or otherwise. Officer F broadcast that he/she, along with Officers C, D, and Sergeant C, were in pursuit of the Subject.

After observing the Subject’s vehicle driving past them, Officers C and D verbally confirmed with each other that they had observed the vehicle.

The BOPC was critical of Officer F’s failure to communicate to his/her partner officers when initiating contact with the Subject. Officer F articulated urgency in taking the Subject into custody. However, the BOPC determined that Officer F had adequate time to communicate with his/her partner officers at the time of the incident. Officers C, D, and E were behind the cover of their respective police vehicle doors as they attempted to give the Subject verbal commands. However, once the Subject exited his vehicle and walked to the rear of his vehicle, Officer F left cover and approached the Subject to take him into custody. Officer F did so without communicating with his/her partner officers, which limited their time to react or to discuss a plan. Officers C, D, and E observed Officer F conduct a takedown of the Subject. Officers C, D, and E stated they approached the Subject in order to assist Officer F in taking the Subject into custody.

- During its review of this incident, the BOPC noted the following tactical considerations:

1. Ballistic Vest/Body Armor

Sergeants A and B were not wearing their ballistic vests when the OIS occurred. Sergeants A and B stated they were not required to wear ballistic vests on the day of the assignment because they believed they were working an administrative assignment.

Sergeant A was assigned as the Watch Commander. Sergeant B was assigned as the Assistant Watch Commander. Both acknowledged that their duties included responding to critical and/or tactical incidents which would require them to wear ballistic vests. Sergeants A and B stated their vests were readily available and they would don them before responding to critical and/or tactical incidents.

The BOPC noted Sergeants A and B’s positions as Watch Commander and Assistant Watch Commander were considered to be a patrol function and

therefore a patrol assignment. Due to this classification, Sergeants A and B were required wear their ballistic vest/body armor during this incident. The BOPC also noted Sergeants A and B's ballistic vests were in their respective lockers on a separate floor of the station and not immediately accessible.

Based on the totality of the circumstances, the BOPC determined that Sergeants A and B's actions were a substantial deviation, without justification from approved Department policy.

2. Tactical Vehicle Deployment

Officer E was the driver of the tertiary vehicle in the vehicle pursuit of the Subject. Officer E's speed during the pursuit was such that he/she articulated the need to swerve out of the way of Officer C's vehicle in order to avoid a traffic collision. Officer E explained that he/she had to "slam on the brakes" upon seeing Officer C stop his/her vehicle behind the Subject.

The FID investigation determined that Officer E, with Officer F as the passenger, maneuvered their police vehicle left of Officers C and D's police vehicle. Officer E stopped his/her police vehicle approximately half a car length in front of Officer C and D's police vehicle, partially in the left turn lane and the number one north lane.

Sergeant C observed an unknown male standing on the west side of the road as Sergeant C pursued the suspect vehicle. The unknown male threw an unknown item, which Sergeant C believed to be a sweater that hit his/her windshield. Simultaneously, the Subject stopped his vehicle. Sergeant C returned his/her attention to the road in front of him/her and observed that the Subject abruptly stopped his vehicle. Sergeant C swerved to avoid a collision with the Subject. Sergeant C continued driving past the suspect and stopped near the following intersection, beyond the Subject's vehicle. Meanwhile, Officers C, D, E, and F were attempting to conduct a high-risk vehicle stop on the Subject's vehicle. Officers C, D, E, and F were standing behind their respective police vehicle doors with their service pistols drawn and pointed in the direction the Subject's vehicle. Sergeant C drew his/her service pistol and pointed it in the direction of the Subject's vehicle. Sergeant C placed him/herself in a crossfire situation with Officers C, D, E, and F. Shortly after Sergeant C placed him/herself into a crossfire situation, he/she moved his/her position to eliminate the crossfire situation.

The BOPC would have preferred that Sergeant C, prior to conducting a U-turn which placed him/her directly behind the Subject's vehicle during the pursuit, had used his/her available time to allow the two other units to place themselves in the primary and secondary pursuit positions. Additionally, Officer E could have benefitted from maintaining additional distance from the Subject during the pursuit given the Subject's erratic driving, in order to provide the officers the

ability to advantageously position their police vehicles in the event the Subject suddenly stopped, as happened in this incident. However, the BOPC noted the external factor which affected the officers' and sergeant's tactical vehicle deployment, notably the unidentified male who interjected himself into the incident during the pursuit by throwing the object at Sergeant C's police vehicle. The BOPC noted that this unexpected action, coupled with the sudden stopping of the Subject's vehicle, created a significant factor which influenced the ability of the involved personnel to place their police vehicles in a more tactically advantageous position. Additionally, the BOPC considered that the crossfire situation that Sergeant C was in occurred inadvertently, was accidental, and was quickly corrected.

Based on the totality of the circumstances, the BOPC determined that Sergeant C and Office E's actions were a substantial deviation, with justification from approved Department policy.

3. Crossfire/Situational Awareness

At the conclusion of the vehicle pursuit, the Subject exited his vehicle and walked to the rear of his vehicle. Officers C, D, E, and F had their service pistols drawn and pointed in the Subject's direction to conduct a high-risk vehicle stop. The officers gave the Subject commands to stop and surrender as he advanced in their direction. The Subject did not comply with the officers' commands to stop and surrender and continued to walk between the rear of his vehicle and the officers' police vehicles. Officer F holstered his/her service pistol and approached the Subject by him/herself. Officers C, D, and E still had their service pistols drawn and pointed in the Subject's direction. Officer F placed him/herself in a crossfire position as he/she approached the Subject and conducted a takedown of the Subject without communicating his/her plan with the other officers.

The BOPC noted Officer F was in a position in front of and to the east of Officer C, the driver of the neighboring police vehicle in relation to Officer F. Officer F's lack of situational awareness and his/her decision to approach the Subject without communicating his/her intentions to his/her partner officers placed him/her in the background of Officers C and D's service pistols. Officer F failed to consider his/her initial positioning or how his/her lone actions would place him/herself in the background of his/her partner officers' service pistols.

Based on the totality of the circumstances, the BOPC determined that Officer F's actions were a substantial deviation, without justification from approved Department policy.

4. Tactical Communication

Officer F stood behind the cover of his/her front passenger door while he/she ordered the Subject to exit his vehicle in order to conduct a high-risk vehicle stop. Officer F did not utilize proper verbal commands during the initial commands for a high-risk vehicle stop. Officer F's commands included profanity directed at the Subject. Additionally, when the Subject exited his front driver door and walked to the back of his police vehicle with his right hand near his rear pants pocket, he/she holstered his/her service pistol, left his/her position of cover, and approached the Subject at the rear of the Subject's unsearched vehicle. Officer F did not verbalize his/her plan with his/her partner or nearby officers. In response to Officer F's actions, Officers C, D, and E approached Officer F in order to assist him/her in taking the Subject into custody.

The BOPC noted that Officer F had adequate time to communicate to the other officers of his/her intentions to approach the Subject. The BOPC also discussed how communication could have allowed the officers to coordinate a plan to approach the Subject in a tactically advantageous position instead of behind the Subject's unsearched vehicle. The BOPC was critical of Officer F's lack of communication which created confusion and placed the officers at a tactical disadvantage in having to spontaneously respond to Officer F's actions. Officer F took independent action without communicating with the other officers during the high risk vehicle stop of the Subject.

Based on the totality of the circumstances, the BOPC determined that Officer F's actions were a substantial deviation, without justification from approved Department policy.

- The BOPC also considered the following:
 - **Additional Unit Request** – Officer A observed the Subject enter the lobby of Harbor CPS and stated that he/she was unsure of how the Subject entered because the front door was supposed to be locked due to COVID-19 station protocols. Officer A believed the Subject was the community member who Officer B had been assisting minutes prior. Officer A observed the Subject's behavior and believed the Subject was acting erratically. Officer A advised the Subject that he would receive help but ordered the Subject wait outside of the lobby. Officer A believed the Subject was being compliant as the Subject walked out of the lobby. However, the Subject re-entered the lobby, the incident escalated, and shortly after a Categorical Use of Force occurred. Officer A did not request an additional unit or assistance of any kind until the Categorical Use of Force had occurred despite the Subject's increasingly erratic behavior.
 - **Utilization of Cover** – After the OIS occurred, Sergeants A and B began to run towards the Subject and did not attempt to utilize cover or concealment knowing

that the Subject was armed with a handgun as they approached the front door of the lobby.

- **Non-Conflicting Simultaneous Commands** – During the high-risk vehicle pullover of the Subject, Officers C, D, and F gave the Subject non-conflicting simultaneous commands to the Subject as they attempted to order the Subject out of his vehicle.
- **Holstering Service Pistol** – Officer F was standing behind his/her front passenger door of his/her police vehicle. Officer F observed the Subject exit his vehicle and walk to the rear of his vehicle. Officer F decided to conduct a takedown of the Subject and holstered his/her service pistol. Officer F did not completely secure his/her service pistol in his/her holster. As Officer F completed the takedown of the Subject, Officer F's service pistol fell out of the holster and landed underneath a parked vehicle along the west curb.
- **Supervisor Responsibilities** – Sergeant C approached Officers C, D, E, and F as they were engaged in a Non-Lethal Use of Force with the Subject. Sergeant C observed that the Subject was resisting officers as they attempted to take the Subject into custody. In order to prevent further escalation, Sergeant C believed he/she needed to assist the officers in taking the Subject into custody. Sergeant C approached the Subject on the Subject's right side, as the Subject was lying in a supine position on his stomach. Sergeant C reached for the Subject's right hand and utilized a firm grip to take hold of it and pass it to Officers C and D for handcuffing. Sergeant C was reminded to prioritize his/her responsibilities and maintain command and control of the incident rather than become engaged in a tactical role.
- **Non-Medical Face Coverings** – The investigation revealed that Officers A, C, D, E, F, and G, along with Sergeants A, B, and C did not don Non-Medical Face Coverings, as directed by the Chief of Police for health and safety concerns related to the coronavirus. They were reminded to don Non-Medical Face Coverings when feasible to minimize health and safety concerns to officers.
- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.

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

In conducting an objective assessment of this case, the BOPC determined that Sergeants A and B as well as Officer F's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

The BOPC determined that Sergeant C and Officer E's actions were a substantial deviation, with justification, from Department policy and training. Officers A, C, D, and G's actions did not deviate from approved Department policy and training.

Command and Control

Sergeant A was at the Harbor CPS at the time of Officer A's Categorical Use of Force (CUOF). Sergeant A came upon the incident as the Subject was running out of the Harbor CPS with Officer A's service pistol. Sergeant A began to give verbal commands to the Subject. The Subject did not comply and continued running. Sergeant A began to follow the Subject and ran toward the lobby entry door. However, the Subject fired two rounds from Officer A's service pistol at Sergeant A. Sergeant A attempted to get out of the Subject's line of fire and dropped to the floor near a chair of the west side of the Harbor CPS lobby. Sergeant A was able to return two rounds of fire and, shortly after, stood up and made his/her way toward the lobby entry door along with Sergeant B. Sergeant A was able to acquire the Subject's identifying information, which he/she later broadcast on the police radio. Sergeant A observed the Subject drive away and out of his/her sight. Sergeant A returned to the lobby and began to assess the scene. Sergeant A began to assist Officer A in removing his/her duty belt. Sergeant A asked Officer A how the Subject was able to enter the lobby and acquired additional information. Sergeant A also ensured Officer A received towels for his/her injuries. Sergeant A began to assign officers at the station to particular duties such as placing Field Interview Cards over evidence. Additionally, Sergeant A communicated with Sergeant B to ensure a crime scene was set up.

The actions of Sergeant A were consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

Sergeant B was at the Harbor CPS when he/she heard two gunshots. Sergeant B believed someone was at the front desk shooting at officers. During the second set of shots being fired, Sergeant B drew his/her service pistol. Sergeant B entered the front desk area and observed Officer A on the ground as well as Sergeant A crouched on the floor. Sergeant B followed Sergeant A out of the lobby and observed the Subject driving away. Sergeant B was able to broadcast the Subject's information over Harbor Base Frequency. Sergeant B returned into the lobby and walked to Officer A. Sergeant B assessed the scene and stated he/she began acting as the Incident Commander (IC). Sergeant B requested an RA for Officer A. Sergeant B obtained information on the incident from Sergeant A. Sergeant B stated he/she did not broadcast that he/she was the IC since it was assumed by other officers. Sergeant B began coordinating responding units. Sergeant B

assigned Sergeant D to take Sergeant A's Public Safety Statement (PSS). Sergeant B directed officers to secure the lobby to ensure evidence was not disturbed. Sergeant B also directed officers to search the parking lot for evidence and for Officer A's service pistol in the event the Subject left it behind. Sergeant B completed notification to the Department Operations Center (DOC).

The actions of Sergeant B were consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

Sergeant D arrived at the Harbor CPS and met with Sergeant A. Sergeant D noticed that Sergeant A was visibly shaken by the incident. Sergeant D allowed a Harbor officer to remain present while Sergeant D took Sergeant A's Public Safety Statement (PSS) at the Harbor CPS.

The actions of Sergeant D were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident. Sergeant E responded to the termination of the vehicle pursuit. Sergeant E directed Officer G to place a HRD onto the Subject's legs. Sergeant E began assisting Sergeant C in establishing a crime scene as well as a crime scene log. Sergeant E also directed patrol resources that responded to the termination of the vehicle pursuit.

Sergeant F separated, monitored, and took possession of Sergeant A's BWV. Sergeant F also monitored Sergeant B at the Harbor CPS and was relieved of monitoring duties of Sergeant B.

Sergeant G then met with Sergeant B and assumed monitoring him/her until Sergeant G was relieved of monitoring duties.

Detective A met Officer F at the hospital and monitored him/her. Detective A transported Officer F to the Harbor CPS where Sergeant H continued to monitor Officer F. Sergeant H also monitored Sergeant C and Officers C and D at Harbor CPS.

Detective A and Lieutenant A responded to the hospital and monitored Officer A. Detective A and Lieutenant A transported Officer A to Harbor CPS.

The actions of Lieutenant A, along with Sergeants E, F, G, and H, and Detective A, were consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

Sergeant C was at an unrelated radio call and heard the help call broadcast on the Harbor Base Frequency and began to respond to the Harbor CPS. Sergeant C broadcast his/her, as well as Officers C, D, E, and F's response to the help call and requested the response of an Air Unit. However, upon hearing the Subject's vehicle description, Sergeant C observed a vehicle matching the description. Sergeant C

began to follow the Subject's vehicle and observed that the Subject was driving erratically. Sergeant C believed the Subject was the suspect involved in the OIS and had fired upon officers at the Harbor CPS. Sergeant C initiated a vehicle pursuit of the Subject. After a short pursuit, the Subject abruptly stopped his vehicle. Sergeant C exited his/her police vehicle and redeployed to the west sidewalk and began walking towards Officers C, D, E, and F, at which time they had begun to take the Subject into custody subsequently resulting in Non-Lethal Use of Force. Due to Sergeant C's vehicle deployment, he/she was not present during the initiation of the Non-Lethal Use of Force and therefore could not provide immediate supervisory oversight. Sergeant C observed the Subject was not complying with the officer's orders. In order to prevent further force being used, Sergeant C reached down and took hold of the Subject's right arm. Sergeant C handed the Subject's arm to officers who subsequently took the Subject into custody. Sergeant C began to separate officers and admonished them to not speak of the incident. Sergeant C assigned officers to crowd control around the scene. Sergeant C requested RAs for Officer F and the Subject. Sergeant C directed officers to ensure there was adequate ingress and egress for the RAs arrival. Sergeant C directed an officer to watch the handgun found inside the Subject's vehicle, which was later discovered to be Officer A's service pistol.

The BOPC was critical of Sergeant C's delay in response to the termination of the pursuit and the Non-Lethal Use of Force. The BOPC noted Sergeant C had the time and ability to allow Officers C and E to first conduct a U-turn and position themselves behind the Subject. Sergeant C had the ability to observe the Subject from a distance and conducted a U-turn to engage in the pursuit after the officers already positioned themselves behind the Subject. The BOPC would have preferred that Sergeant C prioritize his/her position as a supervisor instead of engaging as the primary unit in the pursuit. This would have allowed Sergeant C to take an overview of the incident. The BOPC noted Sergeant C's decision, in addition to circumstances created by the unknown male who threw an object at Sergeant C, also led to Sergeant C's disadvantageous tactical vehicle deployment at the termination of the vehicle pursuit.

The BOPC noted that Sergeant C quickly redeployed in order to approach the officers at the termination of the pursuit. Once he/she approached the officers, Sergeant C assisted Officer C in clearing the Subject's vehicle for additional suspects. Sergeant C quickly returned to the arrest of the Subject, provided oversight, and began managing the incident. In order to prevent an escalation of force, Sergeant C assisted the officers attempting to handcuff the Subject by placing a firm grip on the Subject's arm and handing it to the other officers who were handcuffing the Subject. The BOPC determined that Sergeant C would have been better utilized exclusively as the supervisor directing the officers engaged in the arrest of the Subject. However, the BOPC acknowledged Sergeant C's awareness of tactical de-escalation techniques and his/her desire to mitigate additional force.

Additionally, the BOPC discussed Sergeant C's decision to direct Officers C and D to drive to Harbor CPS together after being involved in the use of force. The BOPC noted Sergeant C's articulation for allowing Officers C and D to do so was due to a lack of available supervisors at scene. The BOPC recognized Sergeant C's attempts to adhere to Post Categorical Procedures by directing Officers C and D to continuously record their unmonitored transport with their Body Worn Video (BWV) devices while driving to the station where they would be monitored and separated. The BOPC also noted that Sergeant C was unaware of Officer G's involvement in the use of force with the Subject when he/she allowed Officer G to assist in the transportation of the Subject to the hospital instead of separating him/her from other officers. However, the BOPC noted Sergeant C had numerous, simultaneous responsibilities at the time. While managing the post-pursuit scene as IC, Sergeant C was also attempting to gather information on the initial incident at the Harbor CPS from Sergeant B in addition to managing a crowd forming nearby.

In this case, the BOPC would have preferred that Sergeant C had maintained his/her position as primary tactical supervisor during and after the vehicle pursuit and utilized verbal communication to ensure force did not escalate with the Subject; however, overall Sergeant C coordinated his/her resources and managed the dynamic tactical incident efficiently. While there are areas identified for improvement, the overall actions of Sergeant C were consistent with Department supervisory training and the BOPC's expectations of a field supervisor during a critical incident.

Thus, the BOPC found Sergeants A and B, and Officer F's tactics to warrant a finding of Administrative Disapproval. The BOPC found Sergeant C's and Officers A, C, D, E, and G's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Sergeant A**

According to Sergeant A, after hearing loud noises, he/she walked from the Watch Commander's office towards the front desk. Sergeant A observed the Subject "running out the front" lobby doors. Sergeant A passed through the front desk, swinging the door, and looked over the front desk. Sergeant A observed Officer A on the ground and bleeding. Sergeant A heard Officer A state the word, "Gun." Sergeant A believed the Subject possibly shot Officer A and immediately ran towards the Subject as the Subject continued running out of the lobby. The Subject turned toward Sergeant A and fired one round in his/her direction. Sergeant A believed that he/she was going to get shot or that Officer A was going to be shot. Sergeant A fell to the ground, hitting a "white kind of bean shaped chair" in the lobby. Sergeant A fearing for his/her safety and the safety of Officer A drew and took a two-handed grip on his/her service pistol.

The BOPC conducted a thorough evaluation of the reasonableness of Sergeant A's drawing and exhibiting of her service pistol. The BOPC considered Sergeant A's observations. Sergeant A observed Officer A on the ground, bleeding from his/her head. Sergeant A heard Officer A state, "Gun," causing Sergeant A to believe Officer A had been shot by the Subject. The BOPC also considered the Subject's actions of firing at Sergeant A.

Based on the totality of the circumstances, the BOPC determined that a sergeant with similar training and experience as Sergeant A, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant A's drawing and exhibiting of a firearm to be In Policy.

- **Sergeant B**

According to Sergeant B, he/she heard a "muffled" "banging" sound as though someone was knocking on a door. Sergeant B believed the sound was possibly coming from the arrestee holding bench. After Sergeant A left the Watch Commander's Office to check and "everything changed" and "there was something different about the sound." Sergeant B heard a "voice" and stood up. As Sergeant A walked to the lobby, he/she was approximately 25-30 feet away from Sergeant B who had taken approximately "five steps out of the office." Sergeant B heard "gunshots" then "two very loud shots." Sergeant B believed "somebody" was "at the desk shooting." During the second set of shots being fired, Sergeant B drew his/her service pistol. Sergeant B held his/her service pistol at a low-ready position with his/her finger along its frame. Sergeant B entered the front desk area and observed Officer A "out of the corner" of Sergeant B's eye. Sergeant B observed Sergeant A "crouched on the little kidney shaped couch bench on the floor.

The BOPC conducted a thorough evaluation of the reasonableness of Sergeant B's drawing and exhibiting of his/her service pistol. The BOPC considered Sergeant B's observations and that he/she had heard gun shots in the front lobby of the Harbor CPS. Sergeant B observed Officer A on the ground bleeding from his/her head while Sergeant A was attempting to take cover and had just returned fire at the Subject.

Based on the totality of the circumstances, the BOPC determined that a sergeant with similar training and experience as Sergeant B, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant B's drawing and exhibiting of a firearm to be In Policy.

- **Sergeant C**

First Occurrence

According to Sergeant C, he/she stopped his/her vehicle “approximately two or three car lengths south of” the Subject. Sergeant C observed that the Subject’s vehicle was facing Sergeant C. Sergeant C anticipated a “shootout” between the “officers” and the Subject and that the Subject would take cover at the front of the Subject’s vehicle. Sergeant C drew his/her service pistol believing the situation would rise to the use of deadly force.

Second Occurrence

According to Sergeant C, after he/she approached the Subject’s vehicle, he/she “could see that a use of force was taking place with the officers and the Subject.” Sergeant C was advised by Officer C that the Subject’s vehicle had not yet been cleared for additional suspects. Sergeant C drew his/her service pistol a second time in order to assist Officer C in clearing the Subject’s vehicle for additional suspects.

The BOPC conducted a thorough evaluation of the reasonableness of Sergeant C’s drawing and exhibiting of his/her service pistol. The BOPC considered Sergeant C was in pursuit of a shooting suspect whom he/she believed had just shot an officer at the Harbor CPS. After engaging in a vehicle pursuit with the Subject, Sergeant C was present near the termination of the pursuit. Sergeant C believed the Subject was in possession of a firearm. Sergeant C’s first occurrence of drawing his/her service pistol was at the termination of the vehicle pursuit. Sergeant C drew his/her service pistol a second time after Officer C had informed him/her the Subject’s vehicle had not been searched for additional suspects. Sergeant C drew his/her service pistol a second time to clear the vehicle with Officer C.

Based on the totality of the circumstances regarding both occurrences, the BOPC determined that a sergeant with similar training and experience as Sergeant C, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant C’s drawing and exhibiting of a firearm to be In Policy.

- **Officer D**

According to Officer D, he/she was standing behind the front passenger door of his/her police vehicle. Officer D observed the Subject exit his vehicle and “could see his left hand,” but the Subject’s “right hand” “went behind his back.” Officer D believed the “situation could escalate to” the “use of deadly force.” Officer D drew

his/her service pistol. Officer D utilized a “two- handed grip” and placed his/her index finger “along the frame” of his/her service pistol.

- **Officer E**

According to Officer E, he/she heard a help call stating an officer was down and believed the Subject shot an officer at the Harbor CPS. Officer E believed the Subject “already shot at officers” and “possibly hit an officer.” Officer E observed the Subject’s vehicle come to a “screeching halt.” Officer E stopped his/her vehicle abruptly. Officer E believed the situation could possibly rise to the level where deadly force would be needed. Officer E drew his/her service pistol and held it in a two-handed grip with his/her “trigger finger on the slide” of his/her service pistol.

- **Officer F**

According to Officer F, he/she believed the Subject already shot at officers at Harbor CPS and believed the Subject had “no due regard for anything”. Officer F believed the Subject could possibly exit his vehicle and begin shooting at Officer F and his/her partner officers. Officer F was “fearful” that the Subject was going to exit his vehicle and begin to shoot at them. Officer F “had a reasonable belief that the situation could rise to a deadly use of force” and drew his/her service pistol. Officer F held his/her service pistol at a “low-ready” position looking “downrange” to observe the Subject. Officer F maintained his/her index finger on “the slide” of his/her service pistol.

The BOPC conducted a thorough evaluation of the reasonableness of Officers D, E, and F’s drawing and exhibiting of their service pistols. The BOPC considered that the officers were in pursuit of a shooting suspect whom they believed had just shot an officer at the Harbor CPS. After engaging in a vehicle pursuit with the Subject, Officers D, E, and F believed the Subject was in possession of a firearm.

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

Therefore, the BOPC found Officer D, E, and F’s drawing and exhibiting of a firearm to be In Policy.

- **Officer C**

First Occurrence

According to Officer C, “having the mindset that an officer was down,” Officer C observed the Subject exit his vehicle and begin to walk in front of Officer C’s vehicle towards the officer. Officer C believed the Subject was getting out of his vehicle to

“start firing.” Officer C drew his/her service pistol while seated inside of his/her police vehicle. Officer C exited his/her police vehicle and stood behind his/her front driver door.

Second Occurrence

According to Officer C he/she observed Officer F approach the Subject. Officer C was “worried that there” was an “additional suspect in the vehicle” and believed if the situation was an “ambush,” then Officer C and his/her partners could be “shot at from the vehicle.” Officer C drew his/her service pistol a second time in order to clear the Subject’s vehicle for possible suspects, with the assistance of Sergeant C.

The BOPC conducted a thorough evaluation of the reasonableness of Officer C’s first and second drawing and exhibiting of his/her service pistol. The BOPC considered Officer C was in pursuit of a shooting suspect whom he/she believed had just shot an officer at the Harbor CPS. After engaging in a vehicle pursuit with the Subject, Officer C believed the Subject was in possession of a firearm. Officer C’s first occurrence of drawing his/her service pistol was at the termination of the vehicle pursuit. The BOPC noted that Officer C’s police vehicle was not in motion when he/she drew his/her service pistol while seated inside of his/her police vehicle. Due to Officer C being in fear for his/her life from a shooting suspect, the BOPC opined it was reasonable for Officer C to draw his/her service pistol from inside of his/her police vehicle. After Officer F approached the Subject, who exited his vehicle and appeared to be walking away from officers, Officer C approached the Subject to assist Officer F in taking the Subject into custody. While doing so, Officer C realized the Subject’s vehicle had not been searched for additional suspects. Officer C drew his/her service pistol a second time to clear the vehicle with Sergeant C.

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

Therefore, the BOPC found Officer C’s drawing and exhibiting of a firearm to be In Policy.

Accordingly, the BOPC found Sergeants A, B, and C’s, and Officers C, D, E, and F’s drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

- **Officer A – (2) Strikes, (3) Physical Force, (4) Firm Grips**

According to Officer A, the Subject appeared to be “extremely agitated.” Officer A observed the Subject was “getting too close” causing Officer A to back up. The

Subject yelled at Officer A and, once the Subject approached Officer A, the Subject “just started swinging.” Officer A observed the Subject utilize a “right hook” to strike Officer A in the left side of the head. The Subject then utilized a “right cross,” but Officer A was able to block the Subject’s strike. The Subject then attempted to strike Officer A by utilizing his left hand, but Officer A was able to block that strike as well. While this was occurring, Officer A began to back up to gain “distance.” Officer A tripped and fell onto the floor. The Subject stood in front of Officer A.

The FID investigation revealed that Officer A stated his/her interaction with the Subject was a “wrestling match,” but could not recall specific actions. Officer A stated there were things that occurred during the incident that he/she could not remember. The FID investigation revealed that Officer A, once on the floor, utilized physical force to place his/her legs around the Subject’s legs (Physical Force - 1). However, the Subject stepped out and bent down, placing his right knee on Officer A’s chest. Officer A utilized his/her left hand to apply a firm grip to the Subject’s left leg (Firm Grip - 1). Officer A utilized physical force to push the Subject over onto the floor (Physical Force - 2). The Subject began to pull at Officer A’s holstered service pistol. A lethal use of force ensued (see Lethal Force section). After the lethal use of force occurred, the Subject began to strike Officer A in the head and chest with Officer A’s service pistol, causing Officer A to black out and incur physical injuries. Officer A attempted to stop the Subject from striking him/her with the service pistol by utilizing both hands to strike the Subject’s right hand, which was holding the pistol (Strikes – 1 and 2). The Subject lost his grip on the service pistol, causing it to fall to the ground in a position that was closer to the Subject. Officer A utilized both hands to apply a firm grip onto the Subject’s shoulders (Firm Grip - 2). Officer A moved his/her right hand off the Subject’s left shoulder and placed it behind the Subject’s neck (Firm Grip - 3). Officer A utilized the right-handed grip to pull the Subject toward Officer A’s chest (Physical Force – 3). The Subject pushed away from Officer A. The Subject picked up the service pistol and pulled the slide back, causing a round to eject and fall to the ground. Officer A utilized a right-handed grip and placed it onto the Subject’s right hand (Firm Grip - 4). However, the Subject was able to push Officer A’s hand away and stood up. The Subject began to flee as Officer A remained on the ground and began to bleed from his/her head.

In this case, the BOPC conducted a thorough review of the incident to evaluate the reasonableness and proportionality of Officer A’s use of non-lethal force. The BOPC determined that Officer A’s use of non-lethal force was proportional and necessary to counter the Subject’s physical assault on Officer A. Officer A attempted to communicate with the Subject. The Subject initiated the physical assault on Officer A, who in turn utilized non-lethal force to defend him/herself. The Subject’s physical assault resulted in the Subject gaining control of Officer A’s service pistol, which the Subject then attempted to fire at Officer the Subject. The Subject struck Officer A numerous times, including with Officer A’s service pistol, resulting in significant injuries to Officer A.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would believe that these same applications of non-lethal force would be objectively reasonable to overcome the Subject's resistance and to defend him/herself.

Therefore, the BOPC found Officer A's non-lethal use of force to be objectively reasonable and In Policy.

- **Officer C – (2) Firm grips, (1) Body weight, (2) Physical Force**

According to Officer C, after ensuring there were no additional suspects in the Subject's vehicle, Officer C returned to Officer F and the Subject. Officer C "took over" in Officer F's "spot next to the Subject. Officer C utilized a "two-handed C grip" on the Subject's "right arm" to pry the Subject's right arm from underneath his body (Firm Grip - 1 and Physical Force - 1). Officer C believed he/she placed his/her knee against the Subject's "buttocks region in order to" prevent him from "bucking." Officer C clarified that he/she did not apply any body weight onto the Subject when he/she placed his/her knee on his buttocks. Officer C placed the Subject's right arm behind the Subject's back (Physical Force – 2). Officer C assisted in handcuffing the Subject. Officer C assisted in standing the Subject up and walked him over to Officer C's police vehicle. While standing the Subject up against the police vehicle and utilizing it as a "controlling agent", the Subject "bucked" his head and body "back" and was "kicking" Officer D. Officer C placed "one hand on" the Subject's "left wrist and the other was across his shoulder blade" to apply "pressure" "to keep him from kicking and bucking" (Firm Grip - 2 and Body weight). Officer C observed the Subject go "limp." Officer C conducted a "controlled descent" with the help of Officers D and G to help the Subject to the ground and placed the Subject in a "recovery position." Officer C monitored the Subject until the RA arrived. Once the RA arrived, Officer C assisted the Subject in standing up and walked him to the gurney. Officers C and D placed the Subject on the gurney then sat him up to rearrange his handcuffs for transportation.

- **Officer D – (1) Body weight, (2) Firm Grips, (2) Physical Force**

According to Officer D, he/she approached the Subject, who was lying on the ground. Officer D observed the Subject was "trying to keep his arms under" himself. Officer D utilized body weight onto the Subject's back while Officer D utilized his/her legs to "straddle" the Subject's legs (Body weight). Officer D utilized a firm grip on the Subject's left arm to remove it from underneath the Subject and placed it behind the Subject's back (Firm Grip - 1). Officer D held the Subject's arm behind his back until Officer D observed the Subject's right arm behind the Subject's back. Officer D then applied handcuffs to the Subject's wrists. Officer D "rotated" the Subject onto his side and reached under the Subject to check for Officer F's missing service pistol (Physical Force - 1). Officer D heard someone state Officer F's service pistol had been recovered elsewhere. Officer D assisted the Subject in standing up and walked the Subject to Officer D's police vehicle. Officer D placed his/her hand on

top of the Subject's shoulder. While standing behind the Subject, Officer D observed the Subject throw his head back. Officer D utilized his/her hand, which was still on the Subject's shoulder to push forward and maintain the Subject's position against the vehicle (Physical Force - 2). After the Subject complied and maintained his position against the vehicle, Officer D removed his/her hand from the Subject's shoulder and placed his/her hand on the Subject's wrists to maintain control of the Subject utilizing a "C-grip" (Firm Grip - 2). Officer D observed the Subject go "limp" and drop his body weight. Officer D, with the help of his/her partner Officer C, assisted the Subject to the ground and placed the Subject in a "recovery position" and monitored the Subject until the RA arrived. Officers D and G discussed placing a hobble on the Subject's legs. Officer D continued to maintain control of the Subject's hands while Officer G applied the hobble. Once the RA arrived, Officer D, along with Officer C, stood the Subject up and walked him to the gurney. Officers C and D placed the Subject on the gurney, then sat him up to rearrange his handcuffs for transportation.

- **Officer E – (2) Firm grips, (1) Physical Force**

According to Officer E, he/she followed behind Officer F and approached the Subject. Officer E observed that Officer F had taken the Subject down to the ground. Officer E "went to the left shoulder" and utilized both hands to apply firm grips onto the Subject's left arm (Firm Grip 1). Officer E placed the Subject's left arm behind the Subject's back. Officer E reached his/her right arm underneath the Subject's "head area" towards the Subject's right arm to extract the Subject's right arm from underneath him. Officer E then utilized a firm grip on the Subject's right arm to "push" the Subject's right arm to the "right side because it was underneath" the Subject's "head" (Firm Grip - 2 and Physical Force). Officer E assisted Officer D in handcuffing the Subject's hands together.

- **Officer G – (1) Physical Force**

According to Officer G, he/she observed the Subject standing at a police vehicle with Officers C and D utilizing their police vehicle as a "controlling agent" to maintain control of the Subject. Officer G observed the Subject attempting to "head butt" Officers C and D. Officer G utilized physical force (Physical Force) and firm grips when he/she placed both of his/her "arms on the right side of" the Subject's "body", on the Subject's "right shoulder area", to prevent him from getting back up or trying to head but [sic] any other officers again."

The FID investigation revealed that Officer G was standing to the right of the Subject while the Subject was standing against Officers C and D's police vehicle. Officer G placed both of his/her hands onto the Subject's right upper shoulder area. The Subject began to throw his body backwards. Officer G placed his/her left hand on the Subject's right elbow and pushed in an upward motion.

- **Sergeant C – (1) Firm Grip, (1) Physical Force**

According to Sergeant C, he/she was observing the officers attempt to take the Subject into custody. Sergeant C “wanted to get” the Subject “into custody before any further or any heavier type of force options” were utilized. Sergeant C utilized a “firm grip and “grabbed” the Subject’s right arm (Firm Grip). Sergeant C utilized “physical force” on the Subject’s right arm to turn it so officers could place a handcuff on the Subject’s right arm (Physical Force).

In this case, the BOPC conducted a thorough review of the incident to evaluate the reasonableness and proportionality of Sergeant C and Officers C, D, E, and G’s use of non-lethal force. The BOPC noted that leading up to the non-lethal use of force at the termination of the vehicle pursuit; officers attempted to communicate with the Subject and gave him commands to surrender. The BOPC considered that the officers observed that the Subject was unresponsive to their directions and commands. Officer F made an independent decision to approach the Subject and conducted a takedown. The BOPC noted that once Officer F took the Subject to the ground, the Subject continued to resist and not comply with further commands to surrender and refused to place his hands behind his back in order to be handcuffed. Officers C, D, and E, along with Sergeant C, assisted Officer F with controlling the Subject and made physical contact with the Subject utilizing non-lethal force to control and handcuff him. The BOPC also opined that Officer G utilized non-lethal force necessary to control the Subject when the Subject attempted to push himself backward towards the officers.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant C and Officers C, D, E, and G, while faced with similar circumstances, would believe that these same applications of non-lethal force would be objectively reasonable to overcome the Subject’s resistance and effect an arrest.

Therefore, the BOPC found Sergeant C and Officers C, D, E, and G’s non-lethal use of force to be In Policy.

- **Officer F – Takedown, (3) Physical Force, (4) Strikes, (1) Firm Grip, Body weight**

According to Officer F, he/she observed the Subject exit his vehicle while Officer F was giving him/her commands to show his hands. The Subject was non-compliant and walked to the rear of his vehicle. Officer F observed both of the Subject’s hands and determined he was not carrying a weapon. Officer F holstered his/her service pistol, believing there was “no indication” of a chance for “deadly” force to be necessary. Officer F believed he/she could not let the Subject get away for fear the Subject could barricade himself in a nearby residence. Officer F “tackled” (Takedown) the Subject to the ground by wrapping his/her hands around the Subject and utilized a “leg sweep” to take the Subject “down to the ground” in order to get on

top of the Subject (Physical Force - 1). Once on the ground, the Subject attempted to “turn face up.” Officer F “wanted” the Subject in a “face down configuration” to “obtain his hands and bring them back” to “put him in handcuffs.” Officer F observed the Subject was “refusing to comply” with “commands to put his hands behind his back.” The Subject “had his left hand in his stomach area” and would not give his hands to officers. Officer F had not searched the Subject’s “waistband” and was unsure if a “weapon” could be in his waistband. Officer F utilized a closed fist to deliver two “hammer fist” strikes to the Subject’s “upper chest” area (Strike 1). Officer F wanted to “prevent” the Subject from “getting up” and “fighting” officers further. Officer F was unsure of where his/her strikes landed but “felt immediate pain to” his/her right hand. Officer F determined that his/her second strike had landed on the ground and not on the Subject. Officer F observed the Subject “continued to resist” and tried to “roll” and “get up.” The Subject was “refusing to give officers his hands.”

Strikes 1, 2, 3, and 4 – Officer F explained the Subject had his “right arm fully extended out” and was “trying to use his body weight to push against” Officer F to “roll over” and face Officer F. Officer F’s intent in placing his/her “forearm/elbow” on the Subject’s head area was to apply “body weight” in order to prevent the Subject from rolling over. Officer F “transitioned from putting” body weight on the Subject’s head to his “back area” (Body weight).

According to Officer F, the Subject still refused to “give up his arms” and would not comply with commands to “put his hands behind his back.” Officer F utilized his/her right arm to reach underneath the Subject’s head and upper body area to apply a firm grip to the Subject’s left hand (Firm Grip). However, Officer F was in “extreme pain” when he/she applied the firm grip and “had to let it go.” Officer F observed that the Subject was “in a side supine or laying down position.” Officer F, in an attempt to “flip” the Subject over to the Subject’s “front side,” placed his/her “right hand over” the Subject’s “left shoulder” (Physical Force - 2). Officer F then placed his/her “left hand underneath” the Subject’s left “armpit area and both hands met in the chest” area (Physical Force - 3). Officer F discovered someone else had “grabbed” the Subject’s “right arm and extended it.” Officer F advised his/her partner officers that he/she was going to get off of the Subject. Officer F observed “somebody” passing the Subject over to him/her. Officer F handed the Subject’s arm to “officers that were in the lower area, and they handcuffed him.” Officer F stood up and was trying to “calm” him down due to his “extreme pain.”

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Officer F’s use of non-lethal force with particular attention given to the strikes to the Subject’s head area. Initially, the BOPC noted Officer F’s takedown was the result of an independent action and lacked coordination with his/her partner officers. The BOPC noted that after Officer F’s takedown, the Subject was on the ground and appeared to be passively resisting Officer F. The BOPC considered that Officer F stated the Subject was not complying with commands to place his hands behind his back. Officer F made the decision to utilize strikes to the Subject’s upper chest area

to quickly gain compliance and have the Subject place his hands behind his back. However, the strike made contact with the back of the Subject's head. Officer F attempted a second strike but missed the Subject and unintentionally struck the ground instead.

The BOPC noted the incident was chaotic and dynamic. The BOPC was critical of the tactics employed by Officer F during the initiation of his/her non-lethal use of force, but also considered the actions of the Subject. The BOPC considered that the Subject had his arms near his waistband. However, the BOPC determined that the strikes initiated by Officer F to the back of the Subject's head were not proportional or objectively reasonable based on the threat posed by the Subject. The BOPC acknowledged that the Subject had been involved in a significant incident at Harbor CPS but Officer F did not believe that the Subject was armed at the time Officer F initiated his/her use of non-lethal force. The BOPC determined that the strikes to the Subject's head were not the appropriate utilization of force for a suspect who was passively resisting. Officer F had the ability to utilize firm grips or alternative force options that would have been more appropriate for a passively resisting suspect. Officer F also had several additional officers in the immediate area who were available to work in a coordinated effort to take the Subject into custody. Officer F was unable to effectively assist Officers C, D, and E in taking the Subject into custody due to Officer F's injury.

The BOPC conducted a thorough evaluation of the reasonableness of Officer F's use of non-lethal use force with particular attention given to the application of a takedown, use of physical force, firm grip, and bodyweight. The BOPC was critical of Officer F's decision to engage the Subject without communicating a plan to his/her partner officers. The BOPC would have preferred that Officer F had utilized additional time and coordinated additional planning to stop the Subject's actions before approaching the Subject alone. Once Officer F utilized a takedown on the Subject, he/she continued to use firm grips, physical force, and body weight to control the Subject in addition to utilizing strikes. The Subject remained uncooperative and passively resistant to officers' directions and commands for him to place his arms behind his back and surrender. Officers C, D, and E along with Sergeant C assisted Officer F as they used non-lethal force to control and handcuff the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer F while faced with similar circumstances, would reasonably believe the application of takedown, firm grip, physical force, and body weight to overcome the Subject's resistance and effect an arrest were proportional and objectively reasonable.

Therefore, the BOPC found Officer F's non-lethal use of force specific to the applications of the takedown, firm grip, physical force, and body weight, to be In Policy.

However, based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer F, while faced with similar circumstances, would not believe that the applications of non-lethal strikes were proportional or objectively reasonable.

Therefore, the BOPC found the specific applications of non-lethal use of force of Strikes 1, 2, 3, and 4 by Officer F to be Out of Policy.

Accordingly, the BOPC found Sergeant C's and Officers A, C, D, and G's non-lethal use of force to be In Policy. The BOPC found Officer F's non-lethal use of force to be Out of Policy (4 Strikes Only). The BOPC found the remainder of Officer F's non-lethal use of force to be In Policy.

D. Lethal Use of Force

- **Officer A – (2) Choke Hold**

According to Officer A, while he/she was on the ground, the Subject immediately started trying to grab Officer A's service pistol. Officer A felt his/her uniform shirt ripping on his/her service pistol side of his/her shirt. Officer A was in fear for his/her life. Officer A attempted to control the Subject and hold him down to prevent the Subject from getting control of Officer A's service pistol. Officer A, in an attempt to pin the Subject down and stop him, grabbed the Subject's neck with both hands (Choke Hold – 1). The Subject continued to attempt to gain control of Officer A's service pistol. Officer A then transitioned to utilizing only one hand on the Subject's neck and used his/her other hand to try and stop the Subject from gaining control of the service pistol (Choke Hold – 2).

According to Officer A, the Subject was able to draw Officer A's service pistol. Officer A observed the Subject hold Officer A's service pistol and point the barrel of the service pistol at Officer A's head. Officer A observed the Subject pull the trigger of the service pistol at least once. The Subject struck Officer A in the head a number of times causing Officer A to black out and caused him/her to bleed from his/her head. Officer A was able to remove his/her service pistol out of the Subject's hands. However, the service pistol fell to the floor closer to the Subject. The Subject reacquired the service pistol.

When FID detectives asked Officer A if he/she knew how many times the Subject had pulled the trigger, Officer A stated, "At least once, maybe more, but at least once."

When FID detectives asked Officer A could feel the stock of his/her service pistol as the Subject removed it from Officer A's holster, Officer A stated, "I have this cut on my finger here... my right index finger. So - - so this - - this is - - what I believe this came over the struggle of the gun. This came from the cocker. This is what I believe, because I've had the same injury from the decocker before from the gun in

the same spot because it's sharp. And if you rub your finger (Unintelligible), it will cut you - - it will cut me. And it cut me right there, and it's done it in the past. So that's why, you know, I believe that's what that is."

In this case, the BOPC conducted a thorough review and analysis of the reasonableness, necessity, as well as the proportionality of Officer A's use of lethal force. The BOPC noted the investigation determined Officer A initially utilized both of his/her hands to apply a choke hold on the Subject. In this case, Officer A was approached by the Subject who entered the front lobby of the Harbor CPS. Officer A believed the Subject was the victim of an extortion which was being investigated by Officer B minutes prior to the Subject entering the lobby. The Subject began yelling at Officer A. Officer A attempted to de-escalate the situation by reassuring the Subject he would receive help. Officer A asked the Subject to wait outside of the front lobby. The Subject began to walk out of the lobby but quickly turned around and approached Officer A. The Subject began to strike Officer A's head. Officer A attempted to block the Subject's strikes while walking backwards. Officer A fell backwards, striking his/her head on the floor. The Subject knelt on Officer A's chest and began removing Officer A's service pistol. Officer A utilized both of his/her hands to initiate a choke hold on the Subject in order to prevent the Subject from further attacking him/her and taking Officer A's service pistol. Officer A later transitioned to a choke hold utilizing a single hand to allow him/herself the opportunity to attempt to retain control of his/her service pistol with his/her free hand. The Subject continued to pull on Officer A's service pistol and, shortly after, removed Officer A's service pistol from its holster. The BOPC noted that during this time, the Subject was holding Officer A's service pistol in a pistol grip with his finger on the trigger. The Subject was pointing Officer A's service pistol at Officer A's chest area while pulling the trigger.

The BOPC noted the choke hold technique that was utilized by Officer A was not a technique specifically taught by the Department. However, the BOPC noted that Officer A's life was placed in imminent danger by the Subject's attempts to gain control of Officer A's service pistol. Officer A articulated that he/she was in fear for his/her life and described the Subject pulling on his/her service pistol with such force that Officer A's uniform shirt began to rip. The BOPC noted that while this choke hold technique was not an authorized technique, Officer A already attempted to utilize blocking and other non-lethal force techniques which were ineffective in stopping the Subject's assault on Officer A. The BOPC opined that Officer A was fighting in defense of his/her own life from an immediate threat of death and serious bodily injury and the technique Officer A utilized was proportional and objectively reasonable for those circumstances the Subject presented.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be proportional, objectively reasonable, and necessary.

Therefore, the BOPC found Officer A's lethal use of force to be In Policy.

- **Sergeant A** – (pistol, two rounds)

Background – The FID investigation revealed that Sergeant A's background during the OIS consisted of the front lobby doors of the Harbor CPS. Beyond the lobby doors were the Subject's vehicle and the front parking lot of the Harbor CPS. No other persons or vehicles were in Sergeant A's background during the OIS.

Volley One

According to Sergeant A, as he/she "ran" towards the Subject, he/she observed the Subject approximately thirty feet away and standing "at a tilt with the doorway." The Subject pointed a "gun out in front" of himself in a "shooting stance." Sergeant A "could see a handgun pointed" directly at him/her. Sergeant A believed the Subject intended to shoot him/her or "if he missed" the Subject would have shot Officer A who was behind Sergeant A. The Subject fired one round at Sergeant A as the front lobby door began to close behind him. Sergeant A felt "the first round" go by him/her. Sergeant A feared for his/her life and the life of Officer A. Sergeant A "ducked to try and not get hit." Sergeant A was in a "seated position" near a chair within the lobby. Sergeant A aimed his/her service pistol at the Subject's center mass and discharged one round to stop the threat the Subject posed to him/herself and Officer A.

Volley Two

According to Sergeant A, after firing his/her first round, he/she "assessed" and could "see" the Subject. Sergeant A noted a pause after the Subject's first round, but could still see the Subject holding Officer A's service pistol. After the pause, Sergeant A believed the Subject fired a second round at him/her. Sergeant A aimed at the Subject's center mass again and discharged a second round at him to protect his/her life and the life of Officer A.

According to the FID investigation, Sergeant A believed the gunfire exchange sequence between him/her and the Subject was one for one, meaning the Subject fired the first round, and he/she returned fire. The Subject fired his second round, and he/she returned fire with his/her second round.

The FID investigation determined that all four rounds (two rounds fired by the Subject and two rounds fired by Sergeant A) were fired in 6.245 seconds. However, during a review of the Harbor CPS lobby video and Officer A's BWV, it was determined that the Subject fired the first two rounds heard on the BWV audio, and Sergeant A fired the last two rounds. The Subject fired his two rounds from an increasing distance of approximately 16-31 feet.

The BOPC conducted a thorough review and analysis of the proportionality, reasonableness, and necessity of Sergeant A's use of deadly force for Volley One and Volley Two. The BOPC noted the Subject's actions prior to Sergeant A's use of deadly force. After entering the Harbor CPS and attacking Officer A, the Subject took hold of Officer A's service pistol and began to run to the front lobby doors and exited the Harbor CPS. Sergeant A heard loud noises and walked to the front desk to find the source of the noise. When Sergeant A walked to the front desk, he/she observed the Subject running out toward the front lobby doors. Sergeant A then observed Officer A bleeding on the lobby floor. Sergeant A began following the Subject. When the Subject was near the lobby doors and Sergeant A made his/her way from the front desk area into the lobby, the Subject turned towards Sergeant A and fired from Officer A's service pistol in Sergeant A and Officer A's direction. Sergeant A believed he/she had to defend his/her life and the life of Officer A. Sergeant A discharged one round from his/her service pistol (Volley One). Sergeant A believed the Subject fired at him/her one more time after his/her first volley. Sergeant A believed that the Subject had fired a total of two rounds at him/her. Sergeant A discharged a second round at the Subject. Unbeknownst to Sergeant A, the Subject had fired two rounds at him/her; then Sergeant A fired two rounds in return at the Subject.

The BOPC discussed and reviewed this discrepancy in Sergeant A's account and the results of the FID investigation. The BOPC noted that Sergeant A was presented with a chaotic scene which rapidly escalated into a dynamic tactical situation of a suspect who was armed with Officer A's service pistol who then fired at Sergeant A. The BOPC noted it was reasonable for Sergeant A to have believed the Subject fired at him/her a second time since Sergeant A articulated observing the Subject still pointing Officer A's service pistol in his/her direction as he/she discharged his/her second round.

In the BOPC's assessment of Sergeant A's first volley of fire, it was determined that Sergeant A was provided only minimal time to react to the actions taken by the Subject, which ultimately led to the OIS. Due to the Subject's firing Officer A's service pistol, Sergeant A did not have any time or opportunity to attempt any de-escalation techniques. Sergeant A continually assessed the tactical situation. Sergeant A maintained his/her lethal cover role to protect Officer A's life as well as his/her own. Sergeant A articulated his/her observation of the Subject continuing to point Officer A's service pistol at him/her, at which point he/she fired his/her service pistol a second time (Volley Two). Sergeant A discharged a total of two rounds and ceased firing when the Subject no longer posed an imminent threat of serious bodily injury or death. Sergeant A's use of force was proportional to the threat posed by the Subject.

Based on the totality of the circumstances, the BOPC determined that a sergeant with similar training and experience as Sergeant A would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and

that the use of deadly force would be proportional, objectively reasonable, and necessary.

Therefore, the BOPC found Sergeant A's lethal use of force for Volleys One and Two to be In Policy.

Accordingly, the BOPC found Sergeant A and Officer A's lethal use of force to be In Policy.

- **Additional/Equipment**

Rendering Aid/Medical Treatment – While standing the Subject up against the police vehicle, Officer C observed the Subject go “limp.” Officer C conducted a “controlled descent” with the help of Officers D and G to help the Subject to the ground and placed the Subject in a “recovery position.” Officer C monitored the Subject until the RA arrived. Once the RA arrived, Officer C assisted the Subject in standing up and walked him to the gurney. Officers C and D placed the Subject on the gurney then sat him up to rearrange his handcuffs for transportation. The Subject was not struck by gunfire.

- **Audio/Video Recordings**

Body Worn Video (BWV) – Sergeant B had no BWV recording because he/she had removed his/her BWV device from his/her chest prior to the incident and left it at his/her desk.

Forty-eight BWVs were found to be related to the incident by FID detectives. All but nine of the BWV evidence were deemed to have not captured the OIS, Non-Lethal Use of Force, or Vehicle Pursuit.

Digital In-Car Video Systems (DICVS) – Footage captured by Officers C, D, E, F and Sergeant C captured the Vehicle Pursuit and Non-Lethal Use of Force.

Other Department Video – Harbor CPS was equipped with a security camera system. A copy of the video was downloaded and vaulted at Technical Investigation Division Electronics section.

Outside Video – None.