

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

OFFICER-INVOLVED SHOOTING – 046-20

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Southeast	10/14/20	.	

Officer(s) Involved in Use of Force	Length of Service
Officer A	3 years, 3 months

Reason for Police Contact

Officers were conducting extra patrol due to an increase in gang violence. As the officers entered the parking lot of a gas station, they observed the Subject walk toward two parked vehicles and point a handgun at the occupants of one of the vehicles. The officers exited their vehicle, and one officer ordered the Subject to drop the gun. The Subject continued to point his gun at the vehicle occupants and an Officer-Involved Shooting (OIS) occurred.

Suspect	Deceased (X)	Wounded ()	Non-Hit ()
----------------	---------------------	-------------------	-------------------

Male, 23 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 September 14, 2021.

Incident Summary

Uniformed Police Officers A and B were assigned to conduct extra patrol due to an increase in gang violence. As the officers were patrolling, Officer B observed approximately four to six people congregating around two parked vehicles in the parking lot of a gas station. Officer B described the vehicles as a black BMW and a white or silver colored vehicle (later determined to be a white Hyundai) on the west side of the parking lot.

The individuals standing near the vehicles were Victims A, B, and C. An additional individual, Victim D, was seated in the front passenger seat of the black BMW. According to Victim A, while at the gas station, his friend Victim B had arrived, and they had decided to back into the parking stalls to hang out, which was captured on the gas station video cameras.

According to Officer B, the gas station is a known hangout for gang members. Officer B believed the four to six people that he/she had just observed were loitering in the parking lot and wanted to, "Just see what was going on." Officer B told his/her partner about his/her observations and directed Officer A to make a U-turn so they could get a closer look at the individuals in the gas station. According to Officer A, he/she believed Officer B had observed a group of approximately eight individuals loitering in the gas station parking lot.

Officer A made a U-turn and traveled north toward the gas station. According to Officer A, "If they [the individuals in the parking lot] weren't doing anything, the plan was to just keep on going."

According to both officers, they did not activate their Body-Worn Videos (BWVs) at this point because they only intended to drive into the gas station to better observe the individuals who were in the parking lot area. Therefore, Officer B did not update the officers' status and location (Code Six) because he/she was unsure if he/she would even make contact with anyone. Additionally, neither officer considered requesting additional units because they did not plan on stopping at the gas station.

Moments before the officers' arrival at the gas station, the victims had entered their respective vehicles. Victim A was now in the driver's seat of the BMW with the door closed, and Victim D remained in the front passenger seat. Victim B was now seated in the driver's seat of the Hyundai with the door closed, and Victim C was in the front passenger seat.

Meanwhile, unbeknownst to the victims and the officers, the Subject entered the gas station property by jumping over a waist-high fence along the southwest side of the property. The Subject then quickly moved in a northeasterly direction across the parking lot, toward the BMW.

As captured on the gas station video, the Subject made his way to the front of the BMW. As he did so, he raised his left arm toward the windshield of the BMW while holding a black handgun in his left hand.

When the Subject reached the front of the BMW, he appeared to briefly bring the handgun close to his body, with the handgun pointed downward, and grab the top portion of the handgun with his right hand. As the Subject made this movement with his handgun, he continued walking toward the driver's side of the BMW and stood between the two vehicles. Simultaneously, Victim A began to open the driver's door of the BMW but remained seated in the vehicle. The Subject then pointed the handgun in Victim A's direction.

According to Victims A, B, C, and D, the Subject appeared to be manipulating the slide of the gun. It appeared to each of them that the Subject was attempting to fire the pistol, but the gun did not fire.

According to Officer B, as the officers pulled into the driveway of the gas station, he/she noted that the individuals whom he/she had observed moments earlier standing in the parking lot were no longer by the two parked vehicles.

According to Officer B, he/she observed the Subject aggressively walking toward the BMW. Officer B observed the Subject draw a gun from his waistband and point it at Victim A, who was seated in the driver's seat of the BMW. According to Officer B, he/she did not verbalize his/her observations about the Subject being armed to his/her partner because, "It was so blatantly obvious that a man in front of, I think 10, 15 feet away was carrying a gun. And I know my partner saw the exact same thing. There was no possible way of missing that."

Officer A parked the police vehicle just inside the parking lot, angled in a northwesterly direction. Officer B's BWV captured him/her exit the police vehicle, stand behind his/her open passenger side door, and remove his/her radio with his/her left hand. According to Officer B, as he/she exited the vehicle, he/she ordered the Subject to drop the gun.

According to Victims A, B, and C, they each heard the officers telling the Subject to drop the gun. According to Victim D, he/she heard the officers tell the Subject to get on the ground.

Officer A also observed the Subject walking across the parking lot as they approached the gas station. According to Officer A, he/she observed the Subject walking aggressively across the parking lot, and as they got closer, he/she observed that the Subject was armed with a gun in his hand.

According to Officer A, he/she advised Officer B that the Subject was armed with a gun. Officer A stated, "As soon as I was certain that he was carrying a firearm is when I stopped the vehicle and exited." As Officer A was exiting the vehicle, he/she observed the Subject raise his left arm and appear to aim the gun at Victim A. Officer A further stated that he/she observed the Subject's finger inside the trigger guard of the firearm. Officer B also observed the Subject's finger on the trigger.

According to Officer A, as he/she was exiting his/her vehicle, he/she unholstered his/her pistol, "Because as I'm exiting is when he's [the Subject's] beginning to draw on the occupants in the vehicle. And before I'm actually able to completely make it out of the

vehicle, he [the Subject] is up on target already.” Officer A stated he/she unholstered his/her pistol because he/she believed that the situation would escalate to where deadly force was necessary due to the Subject actively pointing a firearm at the occupants inside of the vehicle. Additionally, as Officer A was exiting the police vehicle, he/she heard Officer B order the Subject to drop the gun multiple times; however, the Subject did not comply.

According to Officer A, “Before I fired my first round, if I remember correctly, he [the Subject] had turned his head to observe my partner and I, or at least our black and white, and made no effort at all or any acknowledgement as if he cared that we were there.”

Believing the Subject was going to shoot the occupants in the vehicle, Officer A aimed his/her pistol toward the Subject’s center body mass and fired one round in a northwesterly direction.

According to Officer A, after he/she fired his/her first round, the Subject began turning his whole body to the left, but the Subject’s gun was still pointed at the occupants in the BMW. Therefore, Officer A fired his/her second round in defense of Victims A and D’s lives.

Officer A stated the Subject, “Begins to turn towards my partner and I still holding a firearm. And at that point in time, I was unsure if my rounds had any effect or it made contact with the target. Therefore, I felt as though mine and my partner’s lives were in danger.” According to Officer A, the Subject now had his firearm pointed in their direction, at a downward at a 45-degree angle, which caused him/her to fire a third round at the Subject.

Officer A believed his/her third round may have struck the Subject; however, he/she observed the Subject turn back towards the driver of the BMW and was still holding the firearm in his hand. Officer A stated, “It looked to me like he was either going to take a barricaded position and we were going to end up in a fire fight, or at that point, he was close enough to possibly just execute the driver of the vehicle.” Therefore, Officer A fired a fourth round at the Subject. Following the fourth round, Officer A observed the Subject stumble, as if he had been hit by something. The Subject then moved west, in between the two vehicles, and fell to the ground behind the BMW.

The investigation determined Officer A fired a total of four rounds at the Subject in a northwesterly direction from an approximate distance of 32 feet. Based on an analysis of Officer A’s BWV, all four rounds were fired in approximately one second.

Officer A redeployed in a westerly direction while maintaining a two-handed, low-ready position and positioned him/herself next to the driver’s side door of the of a parked Chevrolet truck. According to Officer A, he/she was now more in the open, but he/she moved to that location because, “I would be able to have eyes on the suspect, as well as be able to communicate with the individuals that were inside of the vehicle.” Officer A’s BWV captured the Subject lying on the ground, on his right side, at the rear of the

BMW. The Subject's firearm was also captured on BWV on the ground near the Subject's left hand

Immediately following the OIS, Officer B broadcast, "Shots fired, Shots fired." Officer B then activated his/her BWV, which captured his/her yelling, "Body worn, body worn!" According to Officer B, he/she activated his/her BWV as soon as it was feasible, and the Subject was no longer an immediate threat.

As he/she held his/her radio in his/her left hand, Officer B unholstered his/her service pistol with his/her right hand. Officer B briefly moved forward, past the open passenger door of the police vehicle and pointed his/her pistol in a northwesterly direction. Officer B then moved back behind his/her open passenger door. Officer B then redeployed from the passenger side of the police vehicle to the front of the Chevrolet truck and joined Officer A.

Officer B believed that he/she unholstered his/her pistol as soon as he/she exited their vehicle. However, based on a review of Officer B's BWV, the investigation determined that Officer B unholstered his/her pistol after the OIS and after his/her initial broadcast.

After the OIS, Officer A activated his/her BWV and it captured him/her order the Subject not to reach for the gun. Officer A then communicated with the victims to determine if anyone was injured. By this time, both Victims B and C had exited the Hyundai and moved near the entrance of the gas station store, and Officer B ordered the victims multiple times to put their hands up.

According to Victims A and D, they remained in the BMW because they were scared and unsure if it was safe for them to exit their vehicle. However, Officer A ultimately directed Victims A and D out of their vehicle, and they complied, joining Victims B and C near the gas station store.

Officer B broadcast, "It's gonna be shots fired. I need an RA [Rescue Ambulance] for a male, conscious and breathing, suffering from a gunshot wound."

The following uniformed personnel responded to the Help call: Sergeants A, B, C, D and Officers C, D, E, F, G, H, I, and J

Officers C and D arrived at scene, stopping their police vehicle at the driveway of the gas station. Within moments additional officers arrived at scene. Officers C and D unholstered their pistols, and Officer C's BWV captured him/her communicating with Officers A and B near the front of the Chevrolet truck, asking them what they needed and who was involved in the incident. Officer C did not recall unholstering his/her pistol during the incident.

Officer B advised Officer C that Officer A had been involved in a shooting. Officer A pointed to the Subject and advised Officer C that the Subject "tried to rob" them (referring to the victims). Officer C then pointed towards Victims A, B, C, and D, who were located near the gas station store, and asked if they were involved and Officer B confirmed they were involved.

As additional officers began to arrive, Officer C's BWV captured him/her requesting a shield, a shotgun, and officers for an arrest team. He/she then directed Officers A and B to take cover behind the Chevrolet truck and requested a less-lethal option. Officer E acquired his/her shotgun from the rack in his/her vehicle, chambered a round, and replaced Officer A as the cover officer near the front of the Chevrolet truck. Officers A and B moved toward the back of the arrest team as it was forming and ultimately holstered their pistols.

Sergeant A responded, broadcast that he/she was at scene, and declared him/herself the Incident Commander (IC).

Soon thereafter, Sergeant B arrived and joined Officer C and the arrest team that was being formed. Sergeant B and Officer C assigned the officers the following roles: Officer F was equipped with a ballistic shield and armed with a pistol; Officer E was designated as the cover officer, armed with a shotgun; Officer D was armed with a 40-millimeter (mm) Less-Lethal Launcher (LLL); Officers C and G were the arrest team; Officer H was armed with a pistol and assigned to guard the Subject's handgun; Officers I and J were armed with pistols and were directed to clear the vehicles; and Sergeant B was the Team Leader.

Officer C's BWV captured the team approach the Subject, who was lying motionless on his right side, behind the BMW. Officers I, J, and F first cleared the two vehicles and ensured there was no one else inside. Officer C then grabbed the Subject's left wrist and forearm, and Officer G grabbed the Subject's right wrist and forearm, and they pulled the Subject away from the gun. Officers C and G then turned the Subject onto his stomach and handcuffed him. Officers C and G searched the Subject, and he was left in a prone position. According to Officer G, "I didn't want to have him roll over or place him in a position that could essentially worsen his condition."

Sergeant B directed Officer G to check the Subject's vitals, and Officer G checked for a pulse on the Subject's neck and wrist. According to Officer G, he/she did not feel a pulse on the Subject's neck, but felt a faint pulse in his wrist. According to Officer G, the Subject was unresponsive and had a chest wound. Officer G was aware that an ambulance was already en route, and he/she was not comfortable with his/her level of training to perform cardiopulmonary resuscitation (CPR) since the Subject had a chest wound. Officer C also believed that he/she may cause more injury to the Subject if he/she performed chest compressions.

Sergeant B broadcast, "[C]an I get an RA for a male, unconscious, not breathing, gunshot wounds to his torso, approximate 30 years of age and you can show a Code Four, suspect in custody."

Shortly after securing the scene, officers made contact with the resident located at the location and ensured none of the occupants were injured.

A Los Angeles Fire Department (LAFD) RA, staffed by Firefighters/Paramedics (FF/PMs), arrived at scene to render medical aid to the Subject. The FF/PMs determined the Subject to be deceased.

Meanwhile, Sergeant A's BWV captured him/her briefly direct Victims A, B, C, and D to the northeast side of the gas station. Sergeant A then directed Sergeant C to supervise the officers taking them into custody. The victims were all detained without incident and ultimately transported to Southeast Area Community Police Station.

The investigation determined that Officers A and B did not clarify to the responding officers or supervisors that Victims A, B, C, and D were, in fact, victims. At Officer H's BWV captured him/her ask Officer B if he/she wanted Victims A, B, C, and D detained, and he/she advised that he/she did. Officer H then relayed that information to Sergeant A. Sergeant A's BWV then captured him/her ordering that Victims A, B, C, and D be detained and transported to the station.

Once at the station, the Assistant Watch Commander, Sergeant D, inquired as to the reason for Victims A, B, C, and D's detention. According to Sergeant D, it took less than ten minutes to determine that they were simply victims. Victims A, B, C, and D were immediately unhandcuffed and asked to remain in the station lobby to be interviewed by detectives.

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
Sergeant B	Yes	Yes	Yes	Yes	Yes
Officer A	No	Yes	Yes	N/A	N/A
Officer B	No	Yes	Yes	N/A	N/A
Officer C	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 Sergeant B and Officers A, B, C, and G's, tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A, B, and C's [2 occurrences] drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers A's use of lethal 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. The Los Angeles Police Department also recognizes 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. 23, 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.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the Subjected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

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.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or Subjected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;

- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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.

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. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

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*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims,

witnesses, subjects, Subjects, persons in custody, subjects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge

of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “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 test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his or 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 had been classmates in the police academy and upon graduation had worked together as partners for approximately 10 months. Officers A and B had discussed tactical situations and incidents and developed a standing operational plan where generally, Officer A was the driver and contact officer, while Officer B was the cover and communications officer.

Following the OIS, Sergeant A responded to the scene and declared him/herself Incident Commander. Sergeant A tasked Sergeant C with securing the victims and Sergeant B with securing the Subject. With the help of Officer C, Sergeant B assessed the situation and formulated a plan utilizing his/her resources to safely secure the Subject, while the same was done by Sergeant C in relation to the victims.

Assessment – Officers A and B entered the gas station parking lot where they observed the Subject pointing a handgun at the victims. Officers A and B assessed the danger that the Subject presented to the victims where they exited their police vehicle and drew their service pistols. Officer A continued to assess as he/she discharged four rounds from his/her service pistol towards the Subject as he/she believed the Subject presented an imminent threat to the victims as well as to him/herself (Officer A) and Officer B. Upon hearing Officer A discharge his/her service pistol, Officer B assessed the need for additional personnel to their location

and initiated a help call, broadcasting that shots had been fired. After discharging his/her service pistol, Officer A assessed that four people, subsequently identified as victims, remained in a precarious position, and redeployed to maintain his/her visual on the Subject while establishing a dialogue with the victims to move them to safety.

Upon Officer C's arrival, he/she assessed the scene and when additional Department personnel arrived, redeployed Officers A and B to cover. Officer C was soon joined by Sergeant B where they assessed the scene and developed a tactical plan and utilized time to wait for additional personnel and tools to safely take the Subject into custody. Additionally, Officer C assessed the Subject's location as well as his proximity to his handgun. Officer C decided to move the Subject away from his handgun to an area more conducive to medical treatment, specifically by LAFD personnel.

Time – Upon encountering the Subject and observing the imminent threat he posed to Victims A and D, Officer B commanded the Subject to drop his handgun; the Subject ignored the commands. Realizing the exigent nature of this incident, Officer A, discharged his/her service pistol to defend Victims A and D from the threat of serious bodily injury or death. Immediately following the OIS, Officer B broadcast an “officer needs help” call to obtain additional Department resources to resolve the tactical incident. As Officers A and B waited for additional officers to arrive, they moved the victims to safety, further mitigating the need for additional force. Officer B also requested the response of a LAFD RA to expedite medical care for the Subject.

Redeployment and/or Containment – Upon observing the threat the Subject posed to Victims A and D, Officers A and B deployed from their police vehicle, utilizing it as cover as they addressed the Subject. After the Subject collapsed behind Victim A's BMW, Officer A deployed from his/her police vehicle to a position where he/she could monitor the Subject while moving the victims to safety. Officer A was soon joined by Officer B. After additional units arrived at scene, Officer C redeployed Officers A and B behind cover where personnel formulated and communicated a tactical plan prior to securing the Subject.

Other Resources – Immediately following the OIS, Officer B broadcast an “officer needs help” call to gather additional Department personnel and resources to the incident. Officer B's request yielded additional officers, supervisors, a ballistic shield, as well as additional lethal and less-lethal force options. Officer B also requested the response of a LAFD RA to expedite medical care for the Subject.

Lines of Communication – Officer B communicated to Officer A about his/her observations regarding the group of people loitering in the gas station. After observing that the Subject was armed with a handgun, Officer B attempted to communicate with the Subject, repeatedly ordered him to drop his handgun, a command which the Subject ignored. Immediately after the OIS, Officer B used his/her handheld police radio to advise Communications Division that he/she and his/her partner had been involved in an officer-involved shooting, as well as their location and need for additional resources. As Officers A and B waited for additional units, they communicated with the victims, moving them to safety. As additional

officers and supervisors arrived at scene, they communicated with Officers A and B, formulating a tactical plan to safely secure the Subject.

The BOPC considered the use of de-escalation in this incident and noted that the Subject's immediate and dangerous actions limited the use of de-escalation techniques available to Officers A and B prior to the OIS. The BOPC also noted that tactical de-escalation does not require that an officer compromise his or her safety and that de-escalation techniques should only be used when it is safe and prudent to do so. Despite the imminent threat the Subject posed, Officers A and B utilized cover and distance as they communicated with the Subject, affording him an opportunity to surrender. The BOPC noted Sergeant B and Officer C's leadership and guidance after OIS. Their assessment of the situation and development of a plan which utilized redeployment to gain time and gathering additional personnel and resources, while maintaining lines of communication, ensured everyone knew their roles prior to safely securing the Subject.

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

1. Code Six

When Officers A and B observed four to six people loitering in the gas station parking lot, the officers' intention was to "just see what was going on" and determine if there was legal justification to detain the people, or in the alternative, reason to conduct a "consensual encounter." However, if nothing warranting further investigation was observed, Officers A and B planned to continue driving without contacting the people. When Officers A and B entered the gas station parking lot, they observed the Subject pointing a firearm at the occupants of Victim A's BMW. The officers took immediate action during which an OIS occurred. Approximately seven seconds after the officers entered the parking lot, Officer B broadcast, "Shots fired, Shots fired," via his/her handheld police radio. Approximately eight seconds after Officer B's first broadcast, Officer B broadcast, "Shots fired, Officer needs help" and provided the officers' location.

The BOPC considered the circumstances of the incident and the timing of Officer B's broadcast of the officers' location. The BOPC acknowledged Officers A and B's swift actions and keen observations which ultimately saved several people's lives. The BOPC noted that the Subject's actions thrust Officers A and B into a rapidly escalating tactical situation in which the Subject presented an imminent lethal threat to the officers and the people. The BOPC noted that while it would have been preferable for Officers A and B to place themselves Code Six prior to entering the gas station parking lot, the officers' sole intention was to see if there was a reason to stop and contact the people. The BOPC also noted that Officer B broadcast their Code Six location as soon as it was practicable. The BOPC opined that it was not reasonable to expect the officers to broadcast their Code Six location upon entering the gas station parking lot as the Subject was pointing a handgun at the victims in the black BMW.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were not a deviation from Department policy.

2. Utilization of Cover

After discharging the fourth, and final round, from his/her service pistol, Officer A observed the Subject stumble to the rear of Victim A's BMW. To maintain sight of the Subject, Officer A deployed from the cover of his/her police vehicle to a position that allowed him/her to monitor the Subject while also moving the victims to safety. After broadcasting the help call and Code Six location, Officer B deployed from the cover of the police vehicle and joined Officer A. Officers A and B held their positions until the victims were moved to safety and additional officers arrived on scene.

The BOPC discussed Officer A's decision to deploy from cover to an open area. While the BOPC would have preferred that Officer A had deployed to the Chevrolet truck parked behind his/her police vehicle, utilizing it as cover, the BOPC considered the Subject's proximity to the victims and urgency it created for officers to be in a position to monitor the Subject while moving the victims to safety. As observed in Officer A's BWV footage, the victims were reluctant to exit the BMW until Officer A assured them he/she would monitor the Subject as they moved to safety.

The BOPC noted that when Officers A and B deployed from their police vehicle, the Subject had collapsed to the ground where he laid motionless. The BOPC further noted that Officers A and B deployed to cover when additional personnel arrived and monitored the Subject as the officers moved to the Chevrolet truck.

Based on the totality of the circumstances, the BOPC determined, that Officers A and B's actions were not a deviation from approved Department tactical training.

3. Medical Treatment/Rendering Aid

The investigation revealed that, approximately one minute and 17 seconds after the OIS, Officer B requested an RA for "a male suffering from a gunshot wound." Additional officers arrived and formulated a tactical plan to take the Subject into custody. After officers safely secured the Subject, Officer C, who assisted in handcuffing the Subject, described the Subject as "unresponsive, lifeless, and limp." While helping to handcuff the Subject, Officer G noticed that the Subject was "limp, and not responding." Knowing that FF/PM(s) were responding, Officers C and G moved the Subject away from his handgun to an area which would be "more accessible" to LAFD personnel.

Officer G assessed the Subject, observed a gunshot wound on his chest, and under the direction of Sergeant B, checked the Subject's vital signs, detecting what Officer G believed to be a faint pulse. Officer G did not conduct additional attempts to render aid because he/she believed he/she did not have adequate medical training or equipment, and that he/she would cause more injury to the Subject. Officer C observed blood on the Subject but did not know exactly where

on his body the Subject was injured. Believing he/she did not possess adequate basic lifesaving training or equipment, not wanting to risk further injury to the Subject, and being aware that a LAFD Station was nearby, Officer C did not attempt to engage in additional attempts to render aid. Sergeant B also broadcast an additional RA request for the Subject. LAFD FF/PM(s), arrived at scene to render medical aid to the Subject and subsequently determined the Subject was deceased.

While the BOPC acknowledges that to expedite medical care for the Subject, a LAFD RA had already been requested to respond to the location before the Subject was in custody, the BOPC noted, that it would have been preferred that after the Subject was taken into custody, officers had placed the Subject in the left lateral recumbent or recovery position as they waited for the arrival of LAFD personnel. As determined by investigators, after the Subject was handcuffed and searched, the Subject remained in a prone position for approximately two minutes, 11 seconds until the arrival of the LAFD RA. The BOPC also considered Officers C and G's reasoning for not rendering medical aid to the Subject, Sergeant B's actions for not directing the rendering of medical aid, the injuries sustained by the Subject, and the proximity of the responding LAFD RA to the incident.

Based on the totality of the circumstances, the BOPC determined that Officers C and G, along with Sergeant B's actions, were not a deviation from approved Department tactical training.

- The BOPC also considered the following:

Tactical Communications – As Officers A and B entered the gas station parking lot, Officer B observed the Subject in possession of a handgun; however, Officer B did not advise Officer A of his/her observation. According to Officer B, it was “blatantly obvious” that the Subject was “carrying a gun” and that he/she knew Officer A “saw the exact same thing.” According to Officer A, as he/she drove into the gas station, he/she realized the Subject was holding a handgun and immediately communicated the information to Officer B. Officer B was reminded of the importance of communicating his/her observations to ensure fellow personnel are aware of potential threats and information with regard to a tactical incident.

Discharging Service Pistol while Holding Flashlight – Officer A held his/her flashlight in his/her left hand with the lens pointed down as he/she held his/her service pistol in a two-handed grip while discharging his/her service pistol. Officer A was reminded of the importance of utilizing the seven elements of marksmanship, specifically as it pertains to his/her grip of his service pistol.

Situational Communication – The investigation revealed that neither Officer A nor Officer B made it clear to responding units that Victims A, B, C, and D were victims. At approximately 2153:48 hours, Officer H's BWV captured him/her ask Officer B if he/she wanted Victims A, B, C, and D detained, and Officer B advised that he/she did. Officer H then relayed that information to Sergeant A. Sergeant A's BWV then captured him/her ordering the victims to be detained and transported to Southeast

station. Although this incident was dynamic, fluid, and highly stressful, Officers A and B were reminded of the importance of relaying thorough and accurate information to ensure reverence for the law and to maintain police legitimacy.

Shotgun Manipulations – An arrest team was formed to secure the Subject with Officer E as the designated point officer. As the arrest team approached the Subject, Officer E disengaged the safety on his/her shotgun. Officer E was reminded that his/her finger should remain on the safety, with the safety engaged, until the decision to shoot has been made.

Non-Medical Face Coverings – The investigation revealed that while at scene, Department personnel were not wearing a face covering. To minimize health and safety concerns to officers and the public due to the coronavirus, Department personnel were reminded to don a face covering as directed by the Chief of Police on May 20, 2020.

Command and Control

Arriving at scene after the OIS, Officer C met with Officers A and B and assessed the scene. Officer C confirmed that Officer A had been involved in an OIS and obtained the Subject's location. Officers C met with the additional officers as they arrived and formulated a tactical plan to re-deploy Officers A and B to cover and to secure the Subject. Officer C ensured the arrest team had less-lethal force options, a ballistic shield, and latex gloves for the officers who would be physically contacting the Subject. As soon as it was practicable, Officer C separated Officers A and B and advised them not to speak about the incident pending the arrival of a monitoring supervisor. Officer C verified that an RA was enroute to the scene.

The actions of Officer C were consistent with Department training and the BOPC's expectations of a senior officer during a critical incident.

Once he/she arrived at scene, Sergeant B coordinated with Officer C and assumed command of the arrest team. Sergeant B ensured that a tactical plan was formulated and provided oversight as the arrest team approached and secured the Subject. Due to the confined position of the Subject's body, Sergeant B directed officers to pull the Subject from behind the vehicle, away from his handgun, which laid close to his body. After the Subject was handcuffed, Sergeant B assessed his condition and broadcast a duplicate RA request; Officer C monitored the Subject until the RA arrived. Sergeant B also directed officers to secure the crime scene and canvass for witnesses.

Sergeant A declared him/herself the Incident Commander as he/she was enroute to the location. Upon his/her arrival, Sergeant A oversaw the entirety of the incident as he/she directed Sergeant C to detain the four individuals and communicated with Sergeant B regarding taking the Subject into custody. Upon the conclusion of the tactical incident, Sergeant B directed officers to preserve the evidence and crime scene, begin a crime scene log, and retrieve Officers A and B's BWV cameras. Sergeant B directed Sergeants E and F to separate, monitor, and obtain a Public Safety Statement (PSS) from Officers A and B, respectively.

Sergeant E responded to the scene, where he/she met with Sergeant A and was directed to assist in the direction of taking persons, who would later become discovered to be victims, into custody. Sergeant E assumed the monitoring and separation of Officer B where he/she obtained Officer B's PSS and transported him/her to Southeast CPS. Sergeant E continued to monitor Officer B until relieved.

Sergeant F arrived at the scene where he/she directed officers to place crime scene tape around the perimeter. Sergeant F was then directed by Sergeant E to assume monitoring duties of Officer A. Sergeant F separated and monitored Officer A. Sergeant F obtained Officer A's PSS, transported Officer A to Southeast CPS, and continued to monitor him/her until relieved.

Sergeant C arrived at the scene and was directed by Sergeant A to take the four individuals into custody. Sergeant C directed Department personnel while behind cover and developed a plan to direct the four individuals to separately stand from their prone position and walk back to officers where they were handcuffed and taken into custody without incident. Under the direction of Sergeant A, Sergeant C directed officers to transport the four individuals to Southeast station. Sergeant C remained at the scene and directed personnel to establish a perimeter.

Sergeant D was assigned as the Watch Commander when the incident occurred. Upon the four victims being placed into custody and transported to Southeast station, where they were placed in the secured detention area, Sergeant D began completing the secure detention questionnaire where he/she discovered the four individuals were in fact victims and not suspects. Sergeant D ordered officers to remove the handcuffs from the victims and have them escorted to the front, unsecured area of Southeast station where they were offered food, drink, and use of the station's facilities.

The actions of all Sergeants A, B, C, D, E, and F were consistent with Department training and the BOPC's expectations of field supervisors during a critical incident.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident 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 officers to discuss individual actions that took place during this incident.

The BOPC determined Officer G would also benefit from attending a Tactical Debrief to discuss this dynamic incident in its entirety and enhance future performance.

Therefore, the BOPC found Sergeant B and Officers A, B, C, and G's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, as he/she and Officer B were approaching the gas station he/she observed the Subject holding an object in his left hand, walking “aggressively” towards a parked BMW in the gas station’s parking lot. Initially, Officer A was unable to determine what the Subject was holding; however, as Officer A drove closer, he/she identified the object as a handgun. Officer A advised Officer B that the Subject was armed with a handgun. Officer A stated, “As soon as I was certain that he was carrying a firearm is when I stopped the vehicle and exited.” As Officer A was exiting his/her police vehicle, he/she observed the Subject raise his left arm and appear to point the handgun at Victims A and D; Officer A observed that the Subject’s finger was inside the handgun’s trigger guard. The Subject’s left arm appeared to, “stiffen up almost as if he (the Subject) was anticipating a round going off.” Officer A stated that he/she drew his/her service pistol as he/she was exiting his/her police vehicle, “because as I’m exiting is when he’s [the Subject’s] beginning to draw on the occupants in the vehicle. And before I’m actually able to completely make it out of the vehicle, he [the Subject] is up on target already.” Officer A “believed that the situation would escalate to the point where deadly force was necessary” due to the Subject pointing a firearm at the occupants inside of the BMW. Additionally, as Officer A was exiting the police vehicle, he/she heard Officer B order the Subject to drop the handgun multiple times; however, the Subject did not comply.

- **Officer B**

According to the investigation, as Officer B held his/her radio in his/her left hand, Officer B drew his/her service pistol with his/her right hand. Officer B briefly moved forward, past the open passenger door of his/her police vehicle, and pointed his/her service pistol in a northwesterly direction.

According to Officer B, as he/she and Officer A entered the gas station’s parking lot, he/she observed the Subject walking “aggressively” towards a BMW occupied by Victims A and D. Officer B then observed the Subject reach into his waistband and draw out a handgun, place his finger on the trigger, and point it at Victims A and D. Officer B observed Victims A and D “were just in fear for their lives.” Believing that the situation involved the “preservation of life,” and was “imminent,” Officer B drew his/her service pistol.

The BOPC conducted a thorough evaluation of the reasonableness of Officers A and B’s drawing and exhibiting of their service pistols. The BOPC considered Officers A and B’s observations of the Subject pointing a handgun at Victims A and D. The BOPC also considered the officers articulated that they observed the Subject’s finger was inside of the trigger guard, on the trigger. The BOPC further considered the imminent threat of serious bodily harm or death the Subject presented to Victims A and D, as well as the Subject’s refusal to drop his handgun when confronted by the officers.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, when 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 Officers A's and B's drawing and exhibiting of a firearm to be In Policy.

- **Officer C**

First Occurrence

According to the investigation, Officer C responded to a "shots fired, officer needs help" request. Upon his/her arrival, he/she observed Officers A and B with their service pistols drawn and pointed in the Subject's direction. Although Officer C did not recall drawing his/her service pistol, Officer C drew his/her service pistol, met with Officer B, and obtained information regarding the incident. Officer C holstered his/her service pistol and began to give Officers A and B directions and formulated a tactical plan with other officers as they arrived.

Second Occurrence

A review of video determined that Officer C drew his/her service pistol for a second time as he/she continued to remain behind cover and gather additional personnel to approach and detain the Subject. Officer C assigned him/herself as handcuffing officer and holstered his/her service pistol to apply protective gloves.

The BOPC conducted a thorough evaluation of the reasonableness of Officer C's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer C was the first unit to arrive at the scene of a "shots fired, officer needs help" call where he/she observed Officers A and B with their service pistols drawn and pointed in the Subject's direction. The BOPC also considered that when Officer C briefly holstered his/her service pistol before drawing his/her service pistol for a second time, officers were still preparing to secure the Subject and his/her handgun. While the BOPC noted that Officer C did not recall drawing his/her service pistol during the incident, the BOPC determined that Officer C's lack of recollection did not discount the validity of his/her actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, when 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.

C. Lethal Use of Force

- **Officer A (Pistol 4 rounds)**

According to Officer A, “Before I fired my first round, if I remember correctly, he [the Subject] had turned his head to observe my partner and I, or at least our black and white, and made no effort at all or any acknowledgement as if he cared that we were there.” Believing the Subject was going to shoot Victims A and D, Officer A aimed his/her service pistol towards the Subject’s center body mass and discharged one round in a northwesterly direction in defense of their lives. Officer A stated that he/she, “didn’t feel as though I had any other option because, I mean, by the time I got out of the vehicle, he [the Subject] - - his gun’s already up.” After Officer A fired his/her first round, the Subject began turning his whole body to the left, however, the Subject’s gun was still pointed at Victims A and D. Still in defense of Victim A and D’s lives, Officer A discharged his/her second round at the Subject. Officer A stated the Subject, “begins to turn towards my partner and I still holding a firearm. And at that point in time, I was unsure if my rounds had any effect, or it made contact with the target. Therefore, I felt as though mine and my partner’s lives were in danger.” According to Officer A, the Subject now had his handgun pointed at a downward 45-degree angle, in the officers’ direction. Fearing for his/her life and his/her partner’s life, Officer A discharged a third round from his/her service pistol at the Subject. Officer A believed his/her third round may have struck the Subject; however, he/she observed that the Subject was still holding the handgun as he turned back towards Victims A and D. Officer A stated, “it looked to me like he was either going to take a barricaded position and we were going to end up in a fire fight, or at that point, he was close enough to possibly just execute the driver of the vehicle [Victim A].” In defense of Victims A and D’s lives, Officer A discharged a fourth round at the Subject. Following the fourth round, Officer A observed the Subject stumble, as if he had been hit by “something.” The Subject then moved west between the BMW and the Hyundai and fell to the ground behind the BMW. Officer A stated that the location was “well-lit,” which allowed Officer A to observe a white vehicle, an ice machine (propane shed), and the gas station shopping area. Officer A believed his/her only option was to utilize lethal force; had he/she not, Victims A and D would have been killed and he/she (Officer A) and Officer B could have been injured or killed due to the Subject’s actions.

The BOPC conducted a thorough review and analysis of the proportionality, reasonableness, and necessity of Officer A’s lethal use of force. The BOPC noted the Subject’s actions prior to Officer A’s lethal use of force, with particular focus on Officer A’s background at the moment he/she discharged his/her service pistol. The BOPC discussed the spontaneity of the incident and the limited time Officer A had to observe, assess, and react to what Officer A stated was an immediate deadly threat that the Subject posed by pointing a handgun towards Victim D, Victim A, and later at Officers A and B. The BOPC noted Officer B’s attempt to de-escalate the incident by verbally commanding the Subject to drop the handgun; however, the Subject ignored the command and continued to pose the deadly threat. The BOPC considered the background afforded to Officer A and balanced it to the immediacy to defend the lives of the victims from the Subject’s actions. The BOPC considered the victims inside of the white Hyundai vehicle in Officer A’s background as Officer A

discharged his/her service pistol. The white Hyundai vehicle's windows were rolled up and had a dark window tint, wherein Officer A was unable to observe anyone inside of the vehicle as he/she discharged his/her service pistol. The BOPC noted that none of Officer A's rounds impacted the white Hyundai vehicle. Officer A discharged a total of four rounds, assessed prior to and between each discharged round, and ceased firing when the Subject no longer posed an imminent threat of serious bodily injury or death. The BOPC determined that Officer A's use of force was proportional to the threat posed by the Subject.

The BOPC also considered the statements of the Subject's victims. The BOPC noted that several of them believed that the Subject was attempting to fire his/her handgun. The BOPC also noted that several of the victims credited Officers A and B in saving their lives. The BOPC noted that Victim A referred to Officers A and B as "angels." The statements of the victims illustrated the severity of the incident and the imminent threat of death or serious bodily injury that the Subject posed to the victims.

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 to the victims as well as to Officers A and B 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.