

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

**OFFICER-INVOLVED SHOOTING – 018-21**

**Division**                      **Date**                                      **Duty-On (X) Off ( ) Uniform-Yes (x) No ( )**

Olympic                                      3/23/2021

**Officer(s) Involved in Use of Force**                                      **Length of Service**

Officer A    3 years, 8 months

**Reason for Police Contact**

The Subject was standing in front of the public entrance to Olympic Community Police Station. A uniformed officer assisting at the front desk tried to inquire if he needed assistance. The Subject unexpectedly produced a handgun, causing the officer to broadcast a “Help Call.” Additional officers responded to the scene, and when the Subject raised the gun in their direction, an Officer-Involved Shooting (OIS) occurred.

**Subject(s)**                                      **Deceased ( )**                                      **Wounded (X)**                                      **Non-Hit ( )**

Male, 35 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 3/8/2022.

## **Incident Summary**

On March 23, 2021, Officer B was assigned to the front desk of Olympic Community Police Station (hereafter the station). At the time, all the Department's station front desks were closed to the public in accordance with COVID-19 guidelines. The front doors were locked; however, members of the public still came to the station and waited at the entrance for police assistance. According to Officer B, at approximately 1345 hours, he/she requested a patrol unit to assist him/her at the front desk. Officers C and D responded to the request.

Officer C began assisting people who were waiting outside the front doors of the station. According to Officer C, as he/she was speaking with a community member, he/she observed the Subject wearing a white shirt and black pants. The Subject was walking up and down the east sidewalk of Vermont Avenue, in front of the station. The Subject then made his way to the front of the station and stood facing west, approximately 10 to 15 yards away from the doors. Officer C believed that the Subject was possibly waiting to file a report.

At 1415 hours, Officer C ran to the parking lot to clarify information that he/she had provided to a community member about filing an online report. As Officer C ran from the station, the doors closed and locked behind him/her. Officer C passed the Subject, who remained near the front doors. Officer C was unable to locate the individual in the parking lot, so he/she walked back to the front of the station and continued speaking with a male that he/she had been assisting. Officer B walked from the front desk and opened one of the doors to allow Officer C access back into the station. Officer C finished conversing with the male, and the Subject was the only civilian remaining in front of the station.

Officer C turned toward the Subject to inquire if he needed assistance. Officer C pointed in the Subject's direction as he/she started to ask, "Were you...?" Before Officer C could finish the question, the Subject shook his head indicating no. Officer C indicated that he/she felt uneasy and watched the Subject for approximately 10 seconds before stepping toward the door.

As Officer C moved toward the threshold of the station doors, the Subject closed the distance and stopped approximately 15 feet north of the station doors. According to Officer C, he/she observed the Subject "bladed towards me" and holding a black pistol in his right hand with the barrel pointed down toward the pavement. Believing the situation could escalate to one involving the use of deadly force, Officer C immediately unholstered his/her pistol, and repeatedly yelled, "Drop it!" and "Put the gun down!" Officer C held his/her pistol in his/her right hand and used his/her left hand to keep the door partially open.

Officer B, who had taken several steps into the station lobby, heard Officer C yell, "Drop," and saw him/her unholster his/her pistol. In response, Officer B also unholstered his/her pistol.

According to Officer B, he/she observed the Subject with a black handgun in his right hand. Officer B yelled, "Put the gun down!" Officer B held his/her pistol with his/her right hand and simultaneously obtained his/her police radio with his/her left hand. Officer B broadcast, "Officer needs help, Olympic Station front desk. Male [...] with a gun, white shirt, black pants." Officer B called out to Officer C to "get to cover," then sidestepped to his/her right and moved to a position of cover behind the wall of the station, adjacent to the doors.

Officer C used his/her left foot to keep the door from closing and transitioned to a two-handed grip with his/her pistol pointed at the Subject. As Officer C gave commands, the Subject kept his body facing west and maintained the gun in his right hand

Sergeant A and Officers E, F, G, and H were inside the station and responded to the front desk area in response to hearing the officers' commands and the "Officer Needs Help" broadcast.

As Sergeant A approached the front doors, he/she observed Officers C, B, and E with their pistols unholstered. Officer E had his/her pistol unholstered and held it at a low-ready position. Officer B was positioned slightly behind and off-set to Officer E's left, and Sergeant A stood behind them. Officer C redeployed from the front doors and moved behind the interior lobby wall and took a position of cover behind Sergeant A.

Sergeant A indicated that he/she observed the Subject holding a black semiautomatic pistol in his right hand. In response, Sergeant A immediately started to develop a plan to resolve the situation.

While positioned near the front doors, Sergeant A called out for a shotgun and a 40-millimeter (mm) Less-Lethal Launcher (LLL). Sergeant A then broadcast a request for units to shut down pedestrian and vehicle traffic on Vermont Avenue. Officer G, equipped with a shotgun, stepped in front of Officer E, and assumed the role of designated cover officer. Officer H approached and stood to the right of Officer G. Officer H was equipped with a shield in his/her left hand and held his/her pistol at a low-ready position with his/her right hand. Simultaneously, Officer F approached with a 40mm LLL and joined the other officers.

As the group of officers were assembling within the station lobby, additional officers from the field also responded to the "Help Call." At approximately 1418 hours, Officer A and Officer I arrived at scene. Officer I parked their police vehicle in the visitors' parking lot north of the station. Officer I unholstered his/her pistol as they approached the front entry, and Officer A was equipped with his/her shotgun.

Officers A and I observed the Subject standing near the front entrance. The Subject was facing west, toward Vermont Avenue, and holding a black semiautomatic pistol in his right hand. According to the officers, the Subject held the handgun with the muzzle

pointed toward the ground. Officer A pointed his/her shotgun in a southerly direction, immediately began to give verbal commands, and yelled at the Subject to drop the gun. Officer I was positioned slightly east of Officer A. After seeing the Subject armed with the handgun, Officer I sought cover against a block wall that ran north from front entrance toward the visitors' parking lot. Officer I used his/her left hand to guide Officer A backward by his belt as he/she called out, "Get cover, get cover." According to both Officers A and I, the contours of the wall provided them cover. Officer I then stepped to his/her right and positioned him/herself slightly behind and to the right of Officer A. Officer I indicated that he/she repositioned to be able to "keep eyes" on the Subject. After repositioning, Officer I also ordered the Subject to drop the gun.

According to Officer I, the Subject pointed to his head with his left index finger and said something along the lines of, "They're in my head. They're trying to hurt my head." Officer I explained that he/she tried to de-escalate the situation.

Moments after Officers A and I made their initial contact with the Subject, they were joined by Officers J, K, L, and M.

As Officer I gave commands to the Subject, Officers J and K stood behind them and offset to the northeast. Officers L and M took positions behind Officers J and K. They positioned themselves along the wall for cover.

In response to the "Officer needs help" broadcast, Officers N, O, P, Q, R, and S responded to the scene and parked at the southeast corner of Vermont Avenue and 11<sup>th</sup> Street.

At approximately 1419 hours, Officers N and O observed the Subject at the front entrance of the station, armed with a handgun. Officers N and O unholstered their pistols and utilized the ballistic doors of their police vehicle for cover.

From the southeast corner of Vermont Avenue and 11<sup>th</sup> Street, Officers P and Q observed the Subject at the entrance of the station armed with a handgun. Their police vehicle was positioned just north of Officers N and O's police vehicle. Officer P unholstered his/her pistol and took a position of cover behind the driver's door of their police vehicle. Officer Q equipped him/herself with the shotgun from the rack inside their vehicle before redeploying to the driver's door of Officer N's vehicle.

Officers R and S's police vehicle was positioned just east of Officers P and Q's vehicle. As Officers R and S exited their vehicle, they observed the Subject armed with a handgun. Officer R unholstered his/her pistol and directed Officer S to deploy the shotgun. Officer S obtained the shotgun from rack of their vehicle, and both officers utilized their respective vehicle doors as cover.

As the units deployed to the southeast corner of Vermont Avenue and 11<sup>th</sup> Street, the Subject maintained possession of the gun in his right hand. The Subject faced west toward Vermont Avenue and held the gun angled toward the ground. Simultaneously,

Officer A stood along the wall, north of the Subject, with his/her shotgun pointed at the Subject. Officer I continued ordering the Subject to drop the weapon.

While Officer I was giving commands, Officers J, K, L, and M maintained cover along the wall. Officer M asked Officer K if he/she had a shield. In response, Officer K holstered his/her pistol, ran to his/her police vehicle, and retrieved a shield. Simultaneously, Officer I used his/her left hand and pulled Officer A's belt to guide him/her farther backward and closer to the wall.

Officer I then resumed giving commands to the Subject. Officer K rejoined the team with the shield and took a position behind Officer J.

According to Officer A, the Subject held the gun in his right hand with the muzzle pointed downward, at approximately a 20-degree angle. Officer A observed the Subject raise the gun with the muzzle pointed north in his/her direction and in the direction of the additional officers behind him/her. Officer A indicated that the Subject raised the gun "a little above the waist level," and he/she believed that the Subject was looking at him/her. Upon seeing the Subject pointing the gun in his/her direction, Officer A targeted the Subject's right rib area with his/her shotgun and fired one shotshell from an approximate distance of 45 feet.

Officer A indicated that additional de-escalation efforts were not an option at the moment he/she fired.

The Subject was struck by gunfire and fell to the ground. He lay on his left side facing south, toward the station, with his back toward Officers A and I. The gun fell from the Subject's right hand and came to rest behind him. Officer A estimated that distance to be approximately one or two feet.

Immediately after the Subject fell to the ground, Officers A, I, J, K, L, and M moved forward to take him into custody. As they approached, Officer J called out, "Slow! Slow!"

Officer A covered the Subject with his/her shotgun, and Officer J did so with his/her pistol. Officers I, L, and M holstered their pistols as they approached to take the Subject into custody.

As Officer J approached, he/she used his left foot to kick the gun away from the Subject. Officer K, who had holstered his/her pistol, reached down with his/her right hand to secure the Subject's gun. As he/she reached down, Officer J used his/her right foot to kick the gun away from Officer K's grasp.

Officer I squatted beside the Subject, obtained a grip of the Subject's right arm, and guided it behind his back. Officer I then obtained a grip of the Subject's left elbow, and with Officer M's assistance, they pulled the Subject's left arm out from beneath his body and guided it behind his back. Officer I handcuffed the Subject while Officer L

maintained control of the Subject's right arm and Officer M maintained control of the Subject's left arm. As Officer I applied the handcuffs, he/she briefly placed his/her right knee on the Subject's buttocks. Additionally, Officer N approached and briefly placed his/her left knee across the Subject's ankles. According to Officer N, the Subject's legs were moving, and he/she used his/her left knee to apply bodyweight in order to "stabilize the Subject." Officer N removed his/her left knee from the Subject's ankles, and the Subject was rolled to a recovery position, on his left side.

At 1420:43 hours, Officer P requested a Rescue Ambulance (RA) for the Subject.

Officer N repositioned him/herself behind the Subject and ensured he stayed in the recovery position. According to Officer N, he/she observed approximately four gunshot wounds to the Subject's lower right abdomen area. Officer N rendered aid by applying direct pressure to the wounds. Officer N was unable to understand the Subject's response. In order to determine the Subject's name, Officer N searched and located a wallet in his front right pant pocket. The Subject did not have an identification card, but Officer N located a debit card with the Subject's name.

Additionally, Officer G removed a folding knife from the Subject's front right pants pocket and tossed it to the ground near the Subject's feet. Officer G assisted Officer N and applied direct pressure to the Subject's injuries before calling for a trauma kit.

Sergeant A, who had exited the station once the Subject was in custody, directed Officer I to retrieve a trauma kit from Sergeant A's police vehicle. Officer G used gauze from the trauma kit and continued to apply direct pressure to the Subject's wounds.

At approximately 1427 hours, a Los Angeles Fire Department (LAFD) engine, staffed by Firefighters/Emergency Medical Technicians, assumed medical care of the Subject. Officer N unhandcuffed the Subject to facilitate treatment at the request of the LAFD. The Subject was then transported to a hospital, accompanied by Officers T and U.

### **BWV and DICVS Policy Compliance**

<b>NAME</b>	<b>TIMELY BWV ACTIVATION</b>	<b>FULL 2-MINUTE BUFFER</b>	<b>BWV RECORDING OF ENTIRE INCIDENT</b>	<b>TIMELY DICVS ACTIVATION</b>	<b>DICVS RECORDING OF ENTIRE INCIDENT</b>
Officer C	Yes	Yes	Yes	N/A	N/A
Officer A	No	Yes	No	Yes	Yes
Officer I	Yes	Yes	Yes	Yes	Yes
Officer J	No	Yes	No	N/A	N/A
Officer K	Yes	Yes	Yes	N/A	N/A
Officer L	Yes	Yes	Yes	Yes	Yes
Officer M	Yes	Yes	Yes	Yes	Yes
Sergeant A	Yes	Yes	Yes	N/A	N/A
Lieutenant A	N/A	N/A	N/A	N/A	N/A

## **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 Officers A, C, and I's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers J, K, L, M, Sergeant A, and Lieutenant A's tactics to warrant a Tactical Debrief.

### **B. Drawing and Exhibiting**

The BOPC found Officers A, C, I, J, K L, and M's drawing and exhibiting of a firearm to be In Policy.

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

The BOPC found 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. 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 suspect 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 suspected 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 suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect 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 suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- 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, suspects, persons in custody, suspects 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 suspect.

## 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 suspect 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*  
(*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 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** – According to Officers A and I, they had been partners for several months, during which they discussed tactics regarding contact and cover roles. Due to their proximity to the scene, they did not have time to formulate a plan or discuss tactics before arriving at the station. Arriving at the front lobby, Sergeant A developed a tactical plan for officers to seek and optimize cover behind a wall, away from the front windowpanes at the entrance of the lobby, to gain a tactical advantage. During the limited time that Sergeant A had to plan, he/she continually assessed, deploying an officer with a shotgun as the designated cover officer, an officer with a ballistic shield to optimize cover, and an officer with a 40mm LLL as a less-lethal option.

Arriving at the detective lobby, Lieutenant A advised Communications Division (CD) that he was the Incident Commander (IC). Observing detective personnel with their service pistols unholstered, Lieutenant A directed all but four to holster their service pistols, whom he/she designated as his/her designated cover officers. Lieutenant A also broadcast a request for personnel equipped with patrol rifles to deploy to the second floor. Positioned on the second floor, Lieutenant A was able to see Sergeant A on the first floor, directing officers in the front lobby. Lieutenant A had directed a supervisor to oversee the detectives and was making his/her way to Sergeant A to coordinate further tactical planning when the OIS occurred.

The BOPC noted that with the limited time they had before the OIS, both Lieutenant A and Sergeant A continuously planned and coordinated to reduce risk and gain a tactical advantage.

**Assessment** – Observing the Subject, Officer C indicated that he/she felt uneasy and watched him for approximately 10 seconds before stepping toward the lobby door. Observing the Subject “bladed” toward him/her, holding a handgun, Officer C believed the situation could escalate to the use of deadly force. Reassessing the Subject, Officer C determined he/she had “time” and chose not to discharge his/her service pistol. Observing the Subject take a few steps in a westerly direction, Officer I was concerned that the Subject’s movement would lead to him catching the officers “off guard” and firing in their direction. While Officer I believed he/she may have to use deadly force, Officer I reassessed and did not discharge his/her service pistol. Assessing the situation, Lieutenant A immediately limited the number of detective personnel with their service pistols unholstered. Assessing the ballistic capabilities of a service pistol, Lieutenant A requested a patrol rifle in the event the Subject presented an imminent

threat of death or serious bodily injury and officers needed to engage him through the lobby's glass doors.

Sergeant A continuously assessed as he/she took note of the Subject's location as he was armed with a handgun. During his/her assessment, Sergeant A identified the need to stop vehicular and pedestrian traffic. Sergeant A also assessed potential crossfire concerns between officers in the lobby and officers in the street, which he/she immediately resolved by broadcasting and directing the personnel in the street to redeploy. Additionally, Sergeant A limited the number of officers who had their firearms unholstered and recognized the need to have a ballistic shield, a shotgun, and a 40mm LLL as a less-lethal option. Seeing the Subject pointing the handgun in his/her direction, Officer A assessed the need to discharge his/her shotgun at the Subject. Officer A assessed that his/her background was clear.

**Time** – The BOPC noted that the incident rapidly unfolded and allowed minimal time for de-escalation, planning, and coordination. According to the FID investigation, approximately three minutes elapsed from the time Officer C made verbal contact with the Subject to the OIS. The BOPC also noted that Lieutenant A and Sergeant A used the time they had to plan, coordinate, and communicate with personnel to maximize officer safety and gain a tactical advantage. While the BOPC was critical of Officers A and I's use of cover, the Board noted that Officer A held his/her fire until he/she determined there was no time to de-escalate, and he/she had to discharge his/her shotgun to defend him/herself and his/her partners against an imminent deadly threat.

**Redeployment and/or Containment** – In addition to directing officers in the lobby to redeploy to cover, Sergeant A identified a potential crossfire situation with officers deployed in the street near the northwest corner of the station. In response, Sergeant A attempted to broadcast the information over Olympic Area's frequency. While Officers A and I attempted to use the contour of the concrete wall as cover, the BOPC opined that they should have relocated.

**Other Resources** – Hearing Officer C yell, "Drop!" and seeing him/her unholster his/her service pistol, Officer B broadcast a "Help Call." Arriving in the lobby, Sergeant A directed officers to obtain a shotgun, a ballistic shield, and a 40mm LLL. Assessing the ballistic capabilities of a service pistol, Lieutenant A requested a patrol rifle in the event the Subject presented an imminent threat of death or serious bodily injury and officers needed to engage him through the lobby's glass doors. As the incident progressed, Officer M asked Officer K if he/she had a shield. In response, Officer K retrieved a ballistic shield. Following the OIS, Officer P requested a Rescue Ambulance (RA) for the Subject, and Officer N and Sergeant A requested a trauma kit.

**Lines of Communication** – During the incident, Officers A, C, and I attempted to communicate with the Subject. As the incident progressed, Officer B told Officer C to get cover; Officer I directed Officer A further back along the contoured wall to obtain better cover. Speaking with officers in the lobby, Sergeant A gave clear directions for officers to back away from the windowpanes to a position that provided better cover and

directed officers to get a shotgun, a ballistic shield, and a 40mm LLL. Following the OIS, officers continued to communicate with the Subject. Following the OIS, Sergeant A directed a supervisor to obtain a Public Safety Statement (PSS) for Officer A.

As Lieutenant A directed officers in the detective lobby to holster their service pistols, he/she physically touched them, so they would understand he/she was talking to them. Lieutenant A also advised CD that he/she was the Incident Commander (IC) and requested a supervisor to take over the detective lobby, so he/she could meet with Sergeant A. As Lieutenant A continued to coordinate detective personnel, he/she also noticed a team of officers along the contoured wall. After the OIS occurred, Lieutenant A maintained control of the crime scene and directed supervisors to identify involved personnel and begin separation and monitoring.

While the BOPC understood the dynamic nature of this incident, the Board would have preferred that Lieutenant A had communicated with the officers along the contoured wall and advised Lieutenant B and Sergeant A of the team's presence. While the BOPC was critical of the lack of communication between the officers along the wall and supervisors inside the station, the Board noted the effective communication between supervisors and personnel inside the station. The BOPC opined that the supervisors made continued and coordinated efforts with the teams they directed as they communicated and provided clear directions as time allowed throughout the incident.

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

#### **1. Basic Firearm Safety Rules**

- **Officer C**

According to Officer C, he observed the Subject "bladed" toward him/her, holding a black handgun in his right hand with the barrel pointed down toward the pavement. Believing the situation could escalate to one involving the use of deadly force, Officer C immediately unholstered his/her service pistol and repeatedly yelled, "Drop it!" and "Put the gun down!" The Subject did not comply, remained standing, and slowly turned toward Officer C with a "gaze" on his face. Officer C pointed his/her service pistol at the Subject while applying pressure to his/her trigger as he/she ordered the Subject to drop his handgun. According to Officer C, his/her focus was "completely" on his/her front sight, and described his/her target as, "the perfect sight picture." Reassessing, Officer C observed that the Subject had stopped turning toward him/her. Officer C determined that he/she had "time" to de-escalate and chose not to discharge his/her firearm. Officer C released the pressure on his/her trigger and placed his/her finger on the frame of his/her service pistol.

The BOPC assessed Officer C's decision to aim his/her service pistol at the Subject and place his/her finger on the trigger while taking up the slack. The

BOPC noted that Officer C was faced with an imminent deadly threat when the Subject, despite his/her orders, refused to drop the handgun and began to turn toward Officer C. The BOPC also noted that the Subject walked toward Officer C before producing his handgun. While the Subject's handgun was later revealed to be an air pistol, the BOPC opined that it was reasonable for Officer C to believe it was a firearm.

In terms of the basic firearm safety rules, the BOPC noted that officers are taught to keep their fingers off the trigger until their sights are aligned and they intend to shoot. Here, it was clear that Officer C's sights were aligned on his/her target, and he/she intended to shoot. The BOPC also noted that nothing in the safety rules requires an officer to discharge his/her firearm simply because he or she intended to shoot. In fact, it is quite the opposite.

The BOPC noted that the Department's guiding principle when using force is reverence for human life. Based on that principle, officers are expected to constantly assess the situation, and only use deadly force when necessary. In this case, Officer C's continuing assessment determined that the Subject had stopped turning toward him/her, allowing Officer C time to redeploy and avoid using deadly force. While Officer C was sure of his/her target, he/she removed his/her finger from the trigger when he/she no longer intended to shoot. The BOPC opined that Officer C's decision to aim his/her service pistol at the Subject and place his/her finger on the trigger, while taking up the slack, was appropriate. The BOPC also opined that Officer C's decision not to discharge his/her service pistol was in accordance with the basic firearm safety rules and the Department's guiding principle of reverence for human life.

In reviewing BWV, the BOPC noted that Officer C's finger was on the trigger of his/her service pistol for approximately 25 seconds, during which he/she briefly removed his/her finger from the trigger as the lobby door closed. Officer C then opened the door and momentarily placed his/her finger back on the trigger before redeploying from the doorway.

A purpose of the basic firearm safety rules is to prevent the potentially tragic results of an unintentional discharge. By leaving their finger on the trigger for prolonged periods, especially under stressful conditions, officers increase the risk of unintentionally discharging their firearms.

It is the BOPC's expectation that an officer's finger remains along the frame until he/she has decided to shoot. If in the moments that the finger moves from the frame to the trigger, the determination is made not to shoot, the BOPC expects that the officer will immediately return his/her finger to the frame while continuing to assess.

While the BOPC commended Officer C for continually assessing the Subject's actions, the assessment should have occurred while his/her finger was on the



frame of his/her service pistol. As other officers were present to provide lethal cover, the BOPC also would have preferred that Officer C had redeployed when the lobby door closed.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer C were a substantial deviation, without justification, from approved Department tactical training.

- **Officer I**

According to Officer I, he/she placed his/her finger on the trigger of his/her service pistol for approximately two seconds when he/she observed the Subject take a few steps in a westerly direction. Officer I was concerned that the Subject's movement would lead to him catching the officers "off guard" and firing in their direction. Believing that he/she may have to discharge his/her service pistol at the Subject, Officer I placed his/her finger on the trigger.

The BOPC assessed Officer I's decision to place his/her finger on the trigger of his/her service pistol. The BOPC noted that despite officers' orders, the Subject had refused to drop the handgun, possibly presenting an imminent deadly threat to Officer I and the officers deployed with him/her. While the Subject's handgun was later revealed to be an air pistol, the BOPC opined that it was reasonable for Officer I to believe it was a firearm. However, unlike Officer C, who saw the Subject turning toward him/her with the handgun, Officer I merely saw the Subject take a few steps in a westerly direction. While Officer I was concerned that the Subject's movement would lead to him catching the officers "off guard" and firing in their direction, unlike Officer C, there was no indication the Subject was acquiring Officer I as a target when he/her placed his finger on the trigger of his/her service pistol. The BOPC also noted the difference in the Subject's proximity to Officer C versus Officer I when they placed their fingers on their triggers. Unlike Officer C, who while suspicious of the Subject, was actually caught off guard, Officer I had time to seek cover before encountering the Subject. Also, when Officer I placed his/her finger on the trigger, Officer A was already deployed with him/her as the designated cover officer with the shotgun.

The BOPC opined that Officer I was responding to what he/she believed could happen, not what was occurring. While Officer I believed he/she may have to shoot, he/she did not articulate that he/she intended to shoot. Also, while not definitive, the BOPC was concerned that Officer I might have had his/her finger on the trigger as he/she guided Officer A backward toward the contoured wall. Additionally, the BOPC noted that prematurely placing your finger on the trigger is not consistent with the Basic Firearm Safety Rules and increases the chances for an unintentional discharge. The BOPC would have preferred that Officer I kept his/her finger along the frame until his/her sights were aligned on his/her target, and he/she intended to shoot.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer I were a substantial deviation, without justification, from approved Department tactical training.

## **2. Code Six**

According to Officers A and I, they were near the scene when they responded to Olympic station for a man with a gun; Officers A and I arrived within 30 seconds. According to Officer I, because they had “an immediate threat right then and there,” he/she did not notify Communications Division (CD) that they were Code Six. Officers J, K, L, and M also responded to the station; however, they too did not advise CD of their Code Six status. While Officers J, K, L, and M advised CD of their Code Six status following the OIS, Officers A and I did not.

The BOPC considered Officers A and I’s decision not to broadcast their Code Six status during the incident. The BOPC noted that the Code Six policy’s intent is to alert other officers to a particular location and to prevent officers from being alone on an island. While the Department expects officers to advise CD of their location, the Department also asks officers to practice radio discipline and keep the frequency clear during emergencies. Here, the BOPC noted that Officers A and I responded to a “Help Call” at Olympic CPS. The BOPC opined that based on the nature and location of the “Help Call,” numerous officers would respond from inside the station as well as from the field. As such, there would be other officers that were aware of their location and present to render aid if needed. The BOPC also opined that it was reasonable for Officers A and I to keep the radio frequency clear. While the BOPC would have preferred that Officers A and I had advised CD of their location following the OIS, the Board noted that as involved/witness officers, they were quickly separated and monitored after the OIS.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A, I, J, K, L, and M were a substantial deviation, with justification, from approved Department tactical training.

## **3. Tactical Planning/Tactical Communication**

According to Officers A and I, they had been partners for several months, during which they discussed tactics regarding contact and cover roles. However, due to their proximity to Olympic station, Officers A and I did not have time to formulate a plan or discuss tactics before arriving at the station. Within 30 seconds of their initial response, Officers A and I were at the scene.

Arriving at the station, Officers A and I immediately advanced to the front of the station and confronted the Subject. Officer A took point with the shotgun, followed by Officer I, service pistol in hand. Officer A assumed the role of designated cover officer while Officer I was the contact officer. Officers J, K, L,

and M arrived and deployed along the contoured wall behind Officers A and I. As Officers A, I, J, K, L, and M assembled north of the station's front entrance, officers were behind cover in the lobby. After the OIS occurred, Officers A, I, J, K, L, and M approached the Subject as an arrest/contact team.

The BOPC assessed Officers A and I's actions before confronting the Subject. The BOPC noted that before confronting the Subject, Officers A and I did not take time to formulate a tactical plan. While Officer A deployed the shotgun, Officer I unholstered his/her service pistol as well. Additionally, both officers gave the Subject commands. The BOPC would have preferred that Officers A and I had clearly designated roles where one officer functioned as the cover officer while the other communicated with the Subject.

The BOPC noted that when Officers J, K, L, and M arrived, Officers A and I did not formulate a tactical plan or designate roles. As a result, Officers I, J, K, L, and M all had their service pistols held in a low-ready position as they approached the Subject. Although equipped with a ballistic shield, Officer K was fourth in line. The BOPC also noted that due to Officers A and I's lack of communication, when the OIS occurred, officers assembled inside the lobby did not know who shot or where it came from. Officers in the lobby first learned of Officers A, I, J, K, L, and M's presence as they approached the Subject. While the station was closed to the public, the BOPC felt that Officers A and I should have realized the lobby may be occupied by police personnel and attempted to communicate with officers inside.

The BOPC would have preferred that Officers A and I had taken time amongst themselves and with Officers J, K, L, and M to designate roles, formulate a tactical plan, and ensure a less-lethal option was available. The BOPC would have also preferred that Officers A and I had taken time to communicate with officers inside the station. The BOPC opined that Officers A and I's lack of planning and communication unnecessarily placed them at a tactical disadvantage and may have limited their ability to de-escalate the situation.

Based on the totality of circumstances the BOPC determined that the tactics employed by Officers A and I were a substantial deviation, without justification, from approved Department tactical training.

#### **4. Cover/Concealment**

Arriving at the scene, Officers A and I parked in the station's visitor lot. As they traversed the contoured wall, extending from the station's front entrance toward the visitors' parking lot, Officers A and I observed the Subject standing near the front entrance. The Subject was facing west, toward Vermont Avenue, holding a handgun in his right hand with the muzzle pointed toward the ground. Officer I was positioned slightly east of Officer A. After seeing the Subject armed with the handgun, Officer I sought cover against the contoured wall. Using his/her left

hand, Officer I guided Officer A back while advising him/her to, "Get cover!" According to both Officers A and I, the contours of the wall provided them cover. Officer I positioned him/herself slightly behind and to the right of Officer A. While Officer I was giving the Subject commands, Officers J, K, L, and M maintained cover behind the contoured wall. Officer M asked Officer K if he/she had a shield. In response, Officer K holstered his/her pistol, ran to his/her police vehicle, and retrieved a ballistic shield. When advised by Officer J to seek better cover, Officer I used Officer A's belt to guide him/her back and closer to the contoured wall.

The BOPC noted the contour of the cement wall Officers A and I used as cover during this incident. While Officers A and I felt that the wall's contour provided them cover, the BOPC opined that it did not, placing the officers at a tactical disadvantage and exposing them to the Subject. While Officers A and I moved further back and closer to the wall, ostensibly attempting to lower their profile, the BOPC noted that they were still exposed. The BOPC also noted that at various points, Officer I was standing to Officer A's right, further away from the wall. The BOPC further noted that while limited, there were other options that may have provided better cover than the contoured wall. The BOPC would have preferred that Officers A and I had either deployed behind the contoured wall or moved to a different source of cover.

Based on the totality of circumstances the BOPC determined that the tactics employed by Officers A and I's actions were a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
  - **Loading Shotgun While in a Vehicle** – According to Officer A, while seated in the passenger seat of his/her police vehicle, he/she removed the shotgun from the rack and chambered a round. Officer A was concerned that if he/she waited until he/she was outside of the police vehicle to load the shotgun, he/she may be confronted by the Subject before having an opportunity to chamber a round. According to Officer A, the muzzle was pointed up and the safety was engaged.
  - **Situational Awareness** – Officer A's background at the time he/she fired was the north-facing wall and front doors of the station. While Officer A believed there was no one in his/her background and that the station lobby was empty, there were officers in the lobby when Officer A discharged his/her shotgun. At the point when Officer A discharged his/her shotgun, there had been no communication between officers at his/her position and officers in the lobby.
  - **Profanity** – While ordering the Subject to drop the gun, Officer A utilized profanity to gain his compliance. The profanity was not excessive or directed at the Subject's character.

- **Simultaneous Nonconforming Commands** – During this incident, there was some confusion as to roles. As a result, Officers A and I gave the Subject simultaneous non-conflicting commands.
- **Non-Medical Face Coverings** – Officers A, I, and Sergeant A were not wearing non-medical face coverings at the scene as directed by the Chief on May 20, 2020.
- **Preservation of Evidence** – Officer J kicked the handgun away from the Subject. As Officer K reached down to secure the Subject’s handgun, Officer J kicked the handgun away from Officer K’s grasp. Officer J indicated he/she kicked the gun to move it out of the way and to prevent Officer K from picking it up. Concerned for the safety of his/her fellow officers and the public, Officer K momentarily picked up the Subject’s handgun without utilizing protective latex gloves and placed it back down onto the pavement away from the Subject.
- **Personal Protective Equipment** - Officers I, L, and M did not don protective latex gloves before taking the Subject into custody.
- 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 officers to discuss individual actions that took place during this incident.

The BOPC found Officers A, C, and I’s tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers J, K, L, M, Sergeant A, and Lieutenant A’s tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- **Officer C**

According to Officer C, he/she observed the Subject “bladed” toward him/her, holding a black handgun in his right hand with the barrel pointed down toward the pavement. Believing the situation could escalate to one involving the use of deadly force, Officer C immediately unholstered his/her service pistol, and repeatedly yelled, “Drop it!” and “Put the gun down!”

The BOPC evaluated Officer C’s drawing and exhibiting of his/her service pistol. The BOPC noted that when Officer C unholstered his/her service pistol, he/she was

reacting to a spontaneous and dangerous situation that could have resulted in great bodily injury or death. The BOPC also noted that the situation was created when the Subject approached Officer C and produced a handgun.

- **Officer A – Shotgun**

Officer A and Officer I were responding to a “man with a gun” call when Officer A deployed the shotgun. Officer A opined that the shotgun would be more effective in an open area, and he/she wanted to have the ability to meet “force with force.”

The BOPC evaluated Officer A’s drawing and exhibiting of his/her shotgun. The BOPC noted that Officer A responded to a “Help Call” for a suspect armed with a handgun outside Olympic station. The BOPC also noted that Officer A deployed his/her shotgun because the Subject was in an open area; Officer A wanted to have a superior weapon system in the event he/she had to use deadly force.

- **Officer I**

Officer I and Officer A responded to a “Help Call.” The broadcast indicated the suspect was armed with a handgun. Officer I unholstered his/her service pistol as he/she exited his/her police vehicle, due to the Subject being armed with a handgun and the belief that he/she might need to use deadly force.

The BOPC evaluated Officer I’s drawing and exhibiting of his/her service pistol. The BOPC noted that Officer I responded to a “Help Call” for a suspect armed with a handgun at the station. The BOPC also noted that Officer I unholstered his/her service pistol because he/she wanted to have a lethal option when confronting a suspect that was armed with a handgun.

- **Officer J**

Officer J deployed to the contoured wall near Officers A and I. Officer J unholstered his/her service pistol because the broadcast indicated that an officer needed help for a male armed with a handgun in front of the station.

The BOPC evaluated Officer J’s drawing and exhibiting of his/her service pistol. The BOPC noted that Officer J responded to a “Help Call” request for a suspect armed with a handgun in front of Olympic station. Based on that information, Officer J unholstered his/her service pistol.

- **Officer K**

#### **First Occurrence**

Officer K was near Olympic station when a “Help Call” was broadcast. As he/she was getting out of his police vehicle, Officer K observed Officer A armed with a

shotgun and Officer I armed with his/her service pistol. In response, Officer K unholstered his/her service pistol.

### **Second Occurrence**

Officer K holstered his/her service pistol and returned to his/her vehicle to obtain a ballistic shield. Officer K obtained a ballistic shield and returned to the contoured wall; Officers A, I, J, L, and M were still attempting to communicate with the Subject. Officer K unholstered his/her service pistol a second time.

The BOPC evaluated both occurrences of Officer K's drawing and exhibiting of his/her service pistol. In terms of the first occurrence, the BOPC noted that Officer K responded to a "Help Call" for a suspect armed with a handgun at Olympic station. The BOPC also noted that Officer K unholstered his/her service pistol after seeing Officer A armed with the shotgun and Officer I armed with his/her service pistol. The BOPC further noted that when Officer K deployed to the contoured wall, he/she observed the Subject holding the handgun. In terms of the second occurrence, the BOPC noted that when Officer K returned to the contoured wall, with the ballistic shield, the Subject was still armed with the handgun. The BOPC opined that based on the Subject's actions, it was reasonable for Officer K to believe the Subject was a threat during both occurrences.

- **Officer L**

Officer L responded to a "Help Call" for a suspect armed with a handgun at Olympic station. Arriving at the station, Officer L observed the Subject holding the handgun. Believing that the situation could escalate to the point where deadly force may be necessary, Officer M unholstered his/her service pistol.

The BOPC evaluated Officer L's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer L responded to a "Help Call" request for a suspect armed with a handgun at Olympic station. The BOPC also noted that Officer L unholstered his/her service pistol after seeing the Subject holding a handgun in front of the station. The BOPC opined that it was reasonable for Officer L to feel that the situation could escalate to the point where deadly force may be necessary.

- **Officer M**

Officer M responded to a "Help Call" for a suspect armed with a handgun at Olympic station. Believing that the situation could escalate to the point where deadly force may be necessary, Officer M unholstered his/her service pistol.

The BOPC evaluated Officer M's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer M responded to a "Help Call" request for a suspect armed with a handgun at Olympic station. The BOPC also noted that when Officer M arrived, Officers A and I were exhibiting their firearms while ordering the Subject to

drop his handgun. The BOPC opined that based on his/her observations and the nature of the "Help Call," it was reasonable for Officer M to believe that the situation could escalate to the point where deadly force may be necessary.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, C I, J, K, L, and M, 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, C, I, J, K, L, and M's drawing and exhibiting of a firearm to be In Policy.

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

- **Officer A** – (shotgun, 1 round)

**Background** – According to the FID investigation, Officer A's background at the time of the OIS was the station's north-facing concrete wall and the glass front doors. According to Officer A, there was no one in his/her background and he/she believed the station lobby was empty.

Officer I's BWV captured him/her telling the Subject, "I can't help you with that in your hand!" The Subject can be heard responding, "Shoot me!" Officer I immediately yelled, "No!" According to Officer A, the Subject held the gun in his right hand with the muzzle pointed downward, at approximately a 20-degree angle. Officer A observed the Subject raise the gun with the muzzle pointed north, toward him/her and the officers behind him/her. Officer A believed the Subject was looking at him/her as he raised the handgun "a little above the waist level." Seeing the Subject pointing the handgun toward him/her and his/her partners, Officer A discharged one shotshell from his/her shotgun at the Subject's right rib area from approximately 45 feet. Officer A indicated that when the Subject pointed the handgun toward him/her and his partners, additional de-escalation efforts were not an option.

The BOPC assessed the reasonableness, necessity, and proportionality of Officer A's use of lethal force. The BOPC noted that Officer A observed the Subject standing in front of Olympic station holding a handgun. Despite numerous commands from Officers A and I, the Subject refused to drop the handgun, at one point telling the officers to shoot him. The BOPC noted that Officer I was cognizant of the angle of the Subject's muzzle. While Officer A opined there was a chance an officer could have been struck had the Subject fired his handgun while it was angled toward the ground, he/she held his/her fire and continued attempts to de-escalate. However, when the Subject raised the handgun to chest level, toward the officers, Officer A determined there was no time to de-escalate and he/she had to discharge his/her shotgun to defend him/herself and his/her partners against an imminent deadly threat. The BOPC also noted that Officer A fired one round, assessed, and



ceased firing; the Subject had dropped his handgun and fell to the ground. While the Subject's handgun was later revealed to be an air pistol, the BOPC opined that it was reasonable for Officer I to believe it was a firearm.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the use of deadly force was proportional, objectively reasonable, and necessary.

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