

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

OFFICER-INVOLVED SHOOTING – 037-21

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No()</u>
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Hollywood	7/15/21		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	10 years,11 months
Officer B	1 year

Reason for Police Contact

Officers responded to a radio call of a man with a gun. When the officers arrived, they observed the Subject walking on a crowded sidewalk with an object they believed to be a handgun in his right hand. The officers ordered the Subject to drop the handgun. The Subject turned and faced the officers, extended his right arm, and pointed the object in their direction, resulting in an Officer-Involved Shooting (OIS). The object possessed by the Subject was later determined to be a metallic butane lighter with a pistol grip handle.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Male, 48 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; 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 June 14, 2022.

Investigative Summary

On Thursday, July 15, 2021, at 1117:41 hours, Witness A called 911 to report seeing a man with a gun on Hollywood Boulevard at Cherokee Avenue. Witness A advised Communications Division (CD), "There's a man with a red shirt, black hoodie under, on Hollywood Boulevard and Cherokee Avenue with what looks to be a pistol in his hand." Witness A described the man, later identified as the Subject, carrying a pistol and walking west on the south sidewalk of Hollywood Boulevard near the Chinese Theater, while screaming and yelling at people.

At 1119:02 hours, CD broadcast, "Hollywood units, 415 man with a gun, Cherokee and Hollywood, Cherokee and Hollywood Boulevard, approaching Las Palmas, male [...], black hooded sweater, red shirt, carrying a pistol, yelling and harassing passerbys, Code 3[.]"

Police Officers A and B had just attended roll call and were in the process of placing their gear inside their police vehicle when they heard the broadcast from CD. Officer A noted that the location of the radio call was within their assigned basic car area and advised Officer B to buy the call.

At 1119:42 hours, Officer B broadcast, "[W]e will take that call Code Three from the station." Police Officers C and D advised CD that they were also responding to the call from Hollywood station and requested an Air Unit.

According to Officer A, due to the time of day and the location of the call, he/she feared the situation could escalate into an active shooter incident. Officer A said, "My initial mind frame -- mindset with everything going on in the world and the time of day is potentially an active shooter because it's the middle of the day. Hollywood Boulevard has been busy, especially since COVID restrictions are out." Officer A continued, "So it [the call for service] being in our area and us being so close and we don't -- we're still loading up, but I do have my -- I have my UPR [Police Rifle] so I do feel some obligation that there's going to be an active shooter, I should probably go... So, if that's something that's going to happen, I want to be there."

Due to the nature and priority level of the radio call, Officers A and B quickly loaded their gear (beanbag shotgun, shotgun, and Officer A's rifle) into their police vehicle. Officer A synchronized the Digital In-Car Video System (DICVS) as Officer B attempted to log on to the Mobile Data Computer (MDC) to review the comments of the call. According to Officer B, his/her attempt to log on to the MDC failed. As the officers traveled north on Wilcox Avenue and then west on Hollywood Boulevard, they could be heard discussing the suspect's description on DICV and BWV.

At 1120:22 hours, CD made a second broadcast, "Hollywood [...] additional on the 415 man with a gun. Suspect is a male, [...wearing] red shirt with black sweater under, black pants, passing Las Palmas Avenue approaching the Egyptian Theater." This

updated information was provided to CD by Witness A, who continued to monitor the Subject as he walked west on Hollywood Boulevard.

At 1120:52 hours, Officer B broadcast, “[S]how us Code Six Hollywood and Las Palmas. Can you read us the comments again.”

As the Subject continued walking west on the south sidewalk of Hollywood Boulevard, he was recorded on surveillance video approaching a security guard. The Subject approached the guard from the east, while holding a chrome object in his right hand down at his side and a small black folding knife with an open blade, in his left hand. The Subject raised the knife with the blade pointed upward as he looked in the guard’s direction. The Subject then switched the knife into his right hand and pointed it at the guard. The Subject’s actions concerned the guard, who then moved backward and stepped into the street. The Subject began to walk away (west) at that point; however, moments later, he turned back toward the guard while holding the knife again in his left hand. The Subject raised it to shoulder height, pointed it at the guard, and appeared to verbalize something. The Subject then turned away and continued walking west on the south sidewalk of Hollywood Boulevard.

Witness A observed the above interaction and believed the Subject had pointed a pistol at the guard. Witness A updated CD with this information, who in turn broadcast the update to responding officers.

As Officers A and B approached the intersection of Hollywood Boulevard and Cherokee Avenue, they heard the updated broadcast and proceeded west toward the Church of Scientology. According to Officer A, based upon his/her prior contact with security officers, he/she believed the radio call was credible and that the Subject was potentially going to start shooting civilians on Hollywood Boulevard.

Officer A said, “So if this guy just pointed a handgun -- my thought -- I’m driving. It’s my thought process that, again, he could start shooting at any minute. He’s already pointed a gun at multiple civilians on the boulevard, according to this -- you know, there’s more than one call, similar descriptions. (Unintelligible) the second and third credible PR [Person Reporting]. I want to get close in case he starts shooting people, so we start driving westbound towards the church.”

In addition to BWV and DICV, which recorded the actions of the Subject and Officers A and B before, during, and after the OIS, FID investigators located several security videos from nearby businesses that also captured a significant portion of what occurred. The below summary was derived from video evidence and FID interviews.

At 1121:44 hours, Officers A and B observed the Subject on the south sidewalk of Hollywood Boulevard, west of the Church of Scientology. Just prior to stopping their police vehicle, Officer A verbalized that he/she would assume the role of designated cover officer and told Officer B that he/she would be “less lethal.” According to Officer A, he/she assessed the scene and noted that the Subject was armed with a gun, the

boulevard was crowded, and pedestrians in the vicinity appeared to be moving to keep their distance from the Subject. Officer A indicated that seeing pedestrians distancing themselves from the Subject lent credibility to his/her belief that the Subject may have pointed a gun at them.

As Officer A drove the police vehicle into the eastbound lanes of traffic angled toward the south sidewalk, the Subject turned his upper body to the right in their direction. The Subject quickly raised and extended his right arm and pointed the metallic object (butane lighter), which both officers believed was a small caliber handgun, in their direction. The Subject then lowered the object and continued walking west on the sidewalk. In providing his/her rationale for not firing his/her pistol at that point, Officer A stated, "Because were watching -- I'm trying to watch the hands for the threat to confirm, and then obviously he [the Subject] confirmed my suspicion at that point when he turned and pointed at me. But I just didn't -- I didn't think that would have been -- I didn't feel that I would be able to -- it wasn't safe to fire rounds at that point based on my positioning being in the car and then, like I said, through the windshield. I don't know where those rounds are going to go."

Officer A described the Subject's gun as silver or chrome with a pistol grip and a magazine extending from the bottom. Officer B described it as a small chrome Derringer-type handgun.

Upon stopping the police vehicle, Officer A immediately exited and unholstered his/her pistol with his/her right hand. As the Subject continued walking west, numerous pedestrians can be seen on the sidewalk near the Subject or walking in his direction. Officer A said, "He [the Subject] immediately continues walking westbound toward that crowd of civilians. So, now at that point he's [the Subject's] pointed the gun at, apparently from the first call, people on Hollywood and Cherokee. He's pointed the gun at a security guard, and now he's pointing the gun at me and my partner, who are both in a clearly marked police vehicle.

Officer A said he/she unholstered because, "At that point I determined that deadly force might be necessary, because he had already pointed a gun at me, so to me that was -- that was clear that I had to unholster at that point."

As the police vehicle came to a stop, Officer B broadcast, "Code Six on the suspect, Hollywood and ah." Prior to exiting their vehicle, Officer B alerted his/her partner that the Subject was armed by yelling, "Gun." According to Officer B, as he/she broadcast their location and exited the police vehicle, the Subject looked back and pointed a gun in their direction while walking west, away from them. Officer B stated, "And I think to myself, he's [the Subject's] going to shoot us. I thought he was going to kill me. So, I try to get out of the car as fast as possible." As a result, Officer B momentarily utilized the passenger door frame of their police vehicle for cover, drew his/her pistol with his/her right hand, and aimed it at the Subject while yelling, "Drop the [expletive] gun." The Subject lowered his gun and continued walking west. According to Officer B, the Subject increased his pace as if he was trying to get away from them.

Officer B said he/she unholstered because, "So -- and he's aiming the gun at me. I think he's going to kill me. So, I take out my gun and, I -- I aim it at him as I'm getting out of the car. And I yell at him to drop the gun."

Officers A and B both left the cover of their vehicle to apprehend the Subject. As they did so, Officer A continued to assess and scan the area while looking for cover and attempted to de-escalate the situation by ordering the Subject to, "Drop the gun." Officer A indicated that he/she wanted to apprehend the Subject before he reached the crowd of pedestrians on the sidewalk. Similarly, Officer B also ordered the Subject to "Drop the gun."

Officer A felt obligated to apprehend the Subject rather than utilize containment. In explaining his/her rationale, Officer A stated, "So now my thinking is, okay, again in the mode of middle of the day, Hollywood Boulevard, busy, guy acting erratic, pointing his handgun, pointing his handgun at security guards. He doesn't know if they have a gun. So, obviously his intention is probably to do something and now he's walking towards a group of civilians and they have no idea what's going on. So, in my thinking it has to be -- even though at this point I believe he's armed based on the credibility of the calls, but we have to go in apprehension mode just because -- you know, typically it's containment mode for an armed suspect, but my argument would be that if he gets loose and he starts shooting people, our first obligation is, you know, reverence for human life and we have to get close... And so at this point I made the determination that I was going to leave my cover knowing that, yes, it's safer for us to have cover, but the reality is that we have an obligation to the civilians because at that point he's too far. If we were to try to fire rounds from our patrol vehicle towards him, if he starts shooting at that crowd, our angle is now -- we're sort of shooting south by southwest at him towards the crowd."

Officer B also explained that he/she could not remain behind the cover of his/her vehicle, "because the [subject] was trying to get away from us. He's armed with a gun. He just tried to kill us. I'm concerned that he's going to kill other people or take somebody hostage. There's plenty of people on the boulevard, and I needed to place myself in a position where I could -- like I said before -- where I could intervene with him. And that was -- I had to run with him. I had to be near him. I couldn't just let him go off -- go into a business or something and start shooting people and I just stay in my car."

At 1121:57 hours, Officers A and B pursued the Subject by running west in the eastbound lanes of Hollywood Boulevard, while holding their pistols in a one-handed, low-ready position. As that occurred, several pedestrians can be seen walking east on the sidewalk in front of the McDonald's as the Subject walked in their direction. The Subject, the pedestrians, and Officers A and B reached the area in front of the McDonald's at approximately the same time. Officers A and B remained in the street as they neared the Subject. Officer A explained that he/she did not want to follow directly

behind the Subject, because if the Subject did present a deadly threat, Officer A did not want pedestrians to be in the background.

Both officers closed the distance on the Subject while ordering him to drop the gun and telling pedestrians to move out of the way. Officer A said, "So basically as we're approaching the [subject], he is getting – he walks by one civilian who is sort of looks concerned and then tell that civilian, "Get out of the way. Get out of here." He [the Subject] stops in front of McDonald's. And like I said, ideally, I understand background concerns. It's busy. So, I wish he had stopped somewhere else, right? And maybe in front of a cement door or something, you know, or a steel door, but we didn't get to pick where he stopped."

As the officers were nearly parallel with the Subject, he began to look over his right shoulder in their direction. The Subject ultimately stopped approximately four feet in front of the glass door and windows of the McDonald's and faced north toward Hollywood Boulevard.

Officer A came to a stop on the sidewalk, approximately 11 feet north of the Subject, and immediately to the right of a palm tree, which he/she indicated he/she attempted to use as cover. Officer A held his/her pistol with a two-handed grip pointed in the Subject's direction. Officer B slowed just to the right and behind Officer A, approximately 16 feet north of the Subject. Officer B held his/her pistol in his/her right hand and his/her radio in his/her left hand as he/she sidestepped to the west. As they did this, both officers again ordered the Subject to "Drop the gun."

While blading his body toward the officers, the Subject quickly raised and extended his right hand away from his body, similar to a one-handed shooting stance. In his right hand, the Subject held a handgun-shaped butane lighter by the pistol grip, with the chrome-colored barrel pointed in the officers' direction. In the same hand, the Subject also held a black folding knife with the blade pointed upward.

The investigation determined the Subject was in possession of a rose gold and silver color "Scorch Torch" butane lighter that resembled the shape of a small caliber handgun. He was also armed with a black 6 ¾ inch folding knife with a three-inch blade. Neither officer was aware that the Subject was in possession of this knife until after the OIS.

In fear for their lives, Officers A and B each fired three rounds at the Subject. Based on a review of BWV, it appeared they fired simultaneously.

Regarding his/her decision to fire, Officer A stated, "I think he's about to start shooting at us and that was my thing... He's raising up his firearm and what I'm thinking is to shoot me directly and kill me. So, in trying to defend my life and, like I said, people on the boulevard -- if he shoots me, if he shoots my partner, then obviously the next step is I don't know why he would kill two cops and stop at us, right? He would probably go start shooting at the people or go to the McDonald's or whatever... I see he's raising the

gun. I try to get my gun up, get a sight picture on him. I can see it and then I fire two to three rounds. I see -- initially during these three rounds, he does not fall to the ground. I can see him lower, but at that point I'm not sure if he's taking a knee or why he's lowering or what he's doing, because he's not on the ground and he still got the gun in his hand. I can just see that his profile dips, but he's not down... And then I think by the time I fired the second or third round, then I do see that he falls to the ground and collapsed, and I obviously didn't fire any more rounds at that point." Officer A described that he/she did assess between firing rounds because he/she observed that the Subject was still standing after each round.

Body Worn Video depicted Officer A utilizing a two-hand bladed shooting stance while firing three rounds from his/her pistol from a distance of approximately 11 feet.

According to Officer B, the Subject stopped and looked at him/her as he raised a chrome gun in his/her direction. Officer B said, "So at that point I thought he's -- he's preparing to kill me. He's preparing to shoot me. And so, I raised my gun and I -- by the time I raise my gun I can see that he's aiming it directly at me, and I'm thinking, is he going to shoot me? I'm too far to do anything else. This is -- I had no other choice. It happened so fast. It happened so fast. Once he raised the gun and I raised my gun, we were aiming at each other, I fired." Officer B stated that he/she fired his/her first two rounds because the Subject was "aiming" at him/her. After firing his/her second round, Officer B said that he/she could not tell "if he [the Subject] was crouching or...if he was going down to the ground." Nevertheless, Officer B observed that the Subject still had the gun in his hand, and consequently fired a third round at the Subject. Officer B indicated that he/she assessed between rounds, stating, "I saw him aiming the gun at me. I'm shooting at him, and he's not going down. I know my partner is shooting at him and he's still not going down. He's not giving up. Um, he's not -- he's not giving up."

Body Worn Video depicted Officer B firing three rounds from his/her pistol from approximately 16 feet. He fired his/her pistol with his/her right hand as he/she sidestepped to the right. Officer B said his/her police radio was in his/her left hand at the time of the OIS, because he/she intended to broadcast a backup prior to the Subject pointing the gun at him/her.

As the officers fired at the Subject, his upper body began to bend forward at the waist. Upon touching the ground with his right hand, the Subject dropped the butane lighter on the sidewalk and fell backward into a supine position, while maintaining possession of the knife in his right hand.

At 1122:07 hours, immediately after the OIS, Officer B broadcast, "Officer needs help. Shots fired. Hollywood and Highland." Communications Division then broadcast, "All units, Officers needs help, Hollywood and Highland, shots fired, Officer needs help, Hollywood and Highland, shots fired. Any air unit come in on Hollywood frequency."

Officer A holstered his/her pistol and told Officer B, "He's got a knife too." Officer A then moved forward to take the Subject into custody while Officer B provided cover. As

Officer A approached the Subject, Officer B stated, "Drop it. Drop it" (referring to the knife). Based on a review of BWV, it appeared the Subject had been struck by gunfire and was unable to respond to commands. Officer A no longer viewed the Subject as a significant threat and believed he/she had an obligation to detain him in order to start rendering first aid. Officer A utilized a firm grip to control the Subject's right wrist and forearm, which caused the knife to fall from the Subject's hand. He/she then rolled the Subject onto his stomach and placed his arm behind his back.

Officer B moved forward with Officer A and holstered his/her pistol as the Subject was being turned over. Officer B utilized a firm grip to control the Subject's left wrist and forearm and moved his arm behind his back. Each officer applied a set of handcuffs to the Subject's wrists and then linked both sets together to complete the handcuffing process.

At 1122:32 hours, Officer B advised CD that the Subject was in custody and requested a Rescue Ambulance (RA). Officer A then immediately directed Officer B to drive their police vehicle closer to his/her position and obtain a first aid kit and gloves. At 1122:46 hours, Officers C and D were the first backup officers to arrive at scene. After donning rubber gloves provided to him/her by Officer C, Officer A rolled the Subject into a "recovery" position on his left side.

At 1123:35 hours, Officers A and C began administering first aid and Cardiopulmonary Resuscitation (CPR). They were assisted shortly thereafter by Officers E and F who applied direct pressure to gunshot wounds on the right side of the Subject's chest area. The officers continued CPR on the Subject until they were relieved at 1134 hours, by paramedics from the Los Angeles Fire Department (LAFD).

Sergeant A was the first supervisor to arrive at scene. Upon his/her arrival, Sergeant A broadcast that he/she was Code Six and identified him/herself as the Incident Commander (IC). He/she observed the Subject's butane lighter (which he/she described as a Derringer-type handgun) and knife on the ground near the Subject and directed officers to protect the items as evidence.

Soon after his/her arrival, Sergeant A was made aware of a citizen, Witness B, who was inside the McDonald's at the time of the OIS and had potentially sustained a graze wound to her left flank. Upon learning this information, Sergeant A requested a second RA. It was later determined that Witness B was not struck by gunfire. She sustained minor red marks/abrasions that were likely caused by flying glass.

At 1134 hours, two RA's arrived on scene. According to Firefighter Paramedic A, upon arrival, he observed officers performing CPR on the Subject, who was handcuffed and lying in a supine position. Firefighter Paramedic A and Firefighter B assumed care of the Subject and continued CPR for the next several minutes.

According to FFP A, he recognized the Subject as someone who had run into the street in front of his RA causing him to brake to avoid a collision. Firefighter C also stated that

the Subject had run in front of his Engine twice over the preceding weeks, which caused him to stop using Hollywood Boulevard as a route of travel.

At 1151 hours, the Subject was transported to a local hospital. Upon arrival at the hospital, LAFD personnel transferred care to an Emergency Room (ER) Doctor. After failing to respond to medical treatment, the Subject was pronounced deceased at 1207 hours.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	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 Officers A and B’s tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A and B’s drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officer A and B’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 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 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, 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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication**

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 – According to Officer A, he/she and Officer B had periodically worked together over two months, during which they had regularly discussed tactics. According to Officer A, as the driver, he/she was the designated as the cover/lethal officer. As the passenger, Officer B was designated as the contact/less-lethal officer. While responding to the radio call, Officers A and B discussed the Subject's description. Arriving at the scene, Officer B advised CD they were Code Six and confirmed the Subject's description. Before contacting the Subject, Officer A advised that he/she would be the designated cover officer and told Officer B to assume the less-lethal role. Due to the nature of this incident and their proximity to the call, Officers A and B had limited time to formulate a tactical plan. While the officers were diligent in their attempts to locate the Subject, the BOPC would have preferred more tactical planning and communication before contacting him.

Assessment – Due to the call's location and the time of day, the officers believed the situation could turn into a hostage or active shooter incident. Assessing the scene, Officer A observed the Subject armed with a handgun. Officer A noted that Hollywood Boulevard was crowded with pedestrians, some of whom appeared to

move to distance themselves from the Subject. As they approached the Subject in their police vehicle, Officers A and B observed him point a handgun at them. Assessing, Officer A determined that he/she could not engage the Subject from inside the police vehicle. To apprehend the Subject before he/she could reach people on the sidewalk, Officers A and B exited their police vehicle and pursued him on foot. To prevent pedestrians from being in their background, Officers A and B positioned themselves in the eastbound lane of Hollywood Boulevard.

Time – Locating the Subject, Officers A and B maintained distance, using their police vehicle as cover while ordering the Subject to drop the handgun. Ignoring the officers' commands, the Subject continued west. Due to their belief that the Subject could take a hostage or harm pedestrians walking toward him, Officers A and B left cover and pursued him on foot. The Subject's actions limited the officers' ability to use time as a de-escalation technique.

Redeployment and/or Containment – To contain the Subject, the officers exited their police vehicle and ordered him to drop his handgun. The Subject refused to comply with the officer's commands and walked toward numerous pedestrians. The Subject's actions limited the officers' ability to redeploy and/or contain him.

Other Resources – Responding to the call, Officers A and B heard Officers C and D request an Air Unit and advise CD they were also responding. Upon locating the Subject, Officer B advised CD they were Code Six. Before the OIS, Officer B attempted to request backup units. After the OIS, Officer B broadcast an officer "help call," advising that shots had been fired. After the Subject was apprehended, officers requested a RA and attempted to obtain a first aid kit.

Lines of Communication – Locating the Subject, Officer B updated the officers' location, and alerted his/her partner that the Subject had a handgun. Both officers exited the police vehicle and ordered the Subject to drop his handgun; as they pursued the Subject, both officers repeatedly ordered him to drop his handgun. Observing the knife in the Subject's hand, Officer A advised Officer B of his/her observation. In response, Officer B ordered the Subject to drop the knife. The Subject's actions limited the officers' ability to use communication as a de-escalation technique.

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

1. Tactical Planning/Tactical Communication

Officers A and B had just attended roll call and were in the process of preparing their police vehicle when CD broadcast a radio call of a 415 man with a gun. Due to the nature of the radio call, Officers A and B felt they did not have time to retrieve their duty bags from their personal vehicles before responding. As a result, both officers responded to the incident without their ballistic helmets.

Responding to the radio call, Officer B attempted to log onto the police vehicle's MDC. Due to technical difficulties, Officer B was unable to log on to the MDC before arriving at the scene. As a result, Officers A and B received all relevant information via their police radios. Due to the nature of this incident and their proximity to call, Officers A and B had limited time to assign roles and discuss a tactical plan; however, before contacting the Subject, Officer A advised that he/she would be the designated cover officer and told Officer B to assume the less-lethal position. As the police vehicle came to a stop, Officer B alerted his/her partner that the Subject had a handgun. When the Subject refused to drop the handgun and walked away, Officers A and B did not communicate with each other as they pursued him on foot. After the OIS, Officers A and B did not discuss a plan nor coordinate their response before approaching the Subject. As a result, neither officer was designated as the handcuffing officer. While Officer B had been designated as less-lethal, he/she had to maintain lethal cover when Officer A holstered his/her service pistol. Apprehending the Subject, both officers applied a set of handcuffs to his wrists.

The BOPC noted that Officers A and B had periodically worked together over two months, during which time they had regularly discussed tactics. According to Officer A, as the driver, he/she was the designated cover/lethal officer. As the passenger, Officer B was designated as the contact/less-lethal officer. The Board noted that before contacting the Subject, Officer A reiterated their roles.

The BOPC noted Hollywood station's proximity to the incident location and the limited time the officers had to plan before arriving at the scene. While the Board appreciated the officers' sense of urgency, they would have preferred they had taken the time to communicate their plan for contacting the Subject. The Board also would have preferred they had taken the time to retrieve their duty bags. While they did not have all their equipment, the Board noted that the officers had a Beanbag shotgun and a patrol rifle.

The BOPC noted that Officer B experienced technical difficulties with the MDC. While he/she was unable to use the MDC, Officer B was able to obtain the pertinent information using his/her police radio. Using this information, the officers discussed the Subject's description as they approached the scene. This allowed the officers to quickly identify the Subject.

The BOPC noted that when the Subject walked away, Officers A and B did not communicate with each other as they pursued him on foot. While the Board would have preferred that there had been some verbal communication between the officers, they noted that the officers appeared to operate as a team, remaining together as they pursued the Subject. When the Subject stopped in front of McDonald's, the officers offset but remained together. After the OIS, Officer A holstered his/her service pistol as he/she advised Officer B that the Subject had a knife. Officer A then approached the Subject. While this was a deviation from their designated roles, and the BOPC would have preferred the

officers had communicated a plan for apprehending the Subject, the BOPC noted that Officer B adapted, maintaining lethal cover as Officer A approached the Subject in a controlled manner.

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

2. Approaching an Armed Suspect

The Subject ignored the officers' commands and continued to walk west on Hollywood Boulevard toward pedestrians and open businesses. As the Subject continued west, numerous pedestrians were near him. Due to the comments of the call, the Subject's actions, and the large crowd of people on Hollywood Boulevard, Officers A and B believed the Subject was going to shoot pedestrians or take a hostage. In response, Officers A and B pursued the Subject on foot. Due to the Subject's aggressive behavior, Officers A and B felt obligated to apprehend the Subject rather than attempt to contain him.

As the Subject continued west on the sidewalk, several pedestrians walked east. Almost simultaneously, the Subject, the pedestrians, and the officers reached the front of the McDonald's. Officer A stopped on the sidewalk, approximately 11 feet north of the Subject, immediately to the right of a palm tree. Officer B deployed behind and to the right of Officer A, approximately 16 feet north of the Subject. After the OIS, Officer A holstered his/her service pistol as he/she advised Officer B that the Subject was armed with a knife. Officer A no longer viewed the Subject as a significant threat and believed he/she had an obligation to apprehend the Subject to render immediate medical aid. Officer A moved forward to take the Subject into custody while Officer B provided lethal cover. As Officer A approached the Subject, Officer B directed him to drop the knife.

The BOPC noted that when Officers A and B chose to pursue the Subject on foot, they believed he was going to indiscriminately shoot pedestrians and/or take a hostage. The officers' belief was based on the comments of the call, their observations of the Subject, and their location. According to Officer A, due to the potential for the Subject to shoot an unsuspecting pedestrian on the crowded boulevard, they need to operate in apprehension mode. The BOPC also noted the officers' belief that the Subject may enter McDonald's and begin shooting or take hostages. The Subject could have continued walking, but instead, he approached the McDonald's entrance. Based on the Subject's actions, the BOPC opined that the officers' belief was reasonable. While officers generally should attempt to contain an armed subject, the Board opined that this was a unique situation. Here, the officers were not just pursuing an armed subject, they were faced with a subject who they reasonably believed posed an imminent deadly threat to members of the public. Officers A and B simply did not have the option to wait and see what the Subject would do.

In terms of the officers' decision to approach the Subject after the OIS, the BOPC noted Officer A's belief that the Subject needed medical aid and was no longer a significant threat, despite the knife in his hand. While the BOPC understood why the officers apprehended the Subject, they would have preferred that Officers A and B had waited for an additional unit to arrive before approaching him. However, based on the totality of the circumstances, the BOPC opined that Officers A and B's actions were a justified deviation from approved Department tactical training. The BOPC noted that Officer B maintained lethal cover as Officer A took hold of the Subject's right arm, dislodging the knife from his hand. As Officer A rolled the Subject prone, Officer B holstered his/her service pistol and took control of the Subject's right arm. While officers should never underestimate the threat posed by an armed individual, here the BOPC opined that Officer A accurately assessed the Subject's condition and that the officers approached him in a safe and controlled manner.

Based upon the totality of the circumstances the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, with justification, from approved Department tactical training.

- The BOPC also considered the following:
 - **Ballistic Helmets** – Officers A and B had just attended roll call and were in the process of preparing their police vehicle when CD broadcast a radio call of a 415 man with a gun. Due to the nature of the radio call, Officers A and B felt they did not have time to retrieve their duty equipment bags from their personal vehicles before responding. As a result, both officers responded to the incident without their ballistic helmets.
 - **One-Handed Shooting Stance** – Officer B was attempting to request backup when the Subject stopped in front of McDonald's and pointed the perceived handgun toward the officers. As a result, Officer B utilized a one-handed shooting platform during the OIS. When possible, officers should use a two-handed shooting platform.
 - **Profanity** – While ordering the Subject to drop his handgun, Officer B used profanity. The profanity was not excessive, derogatory, and was intended to gain compliance.
 - **Non-Medical Face Coverings** – Officers A and B were not wearing non-medical face coverings at the scene as directed by the Chief on May 20, 2020.
- 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.

In conducting an objective assessment of this case, the BOPC determined that Officers A and B's actions were a substantial deviation, with justification, from approved Department tactical training.

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

Thus, the BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officers A and B**

Approaching the Subject, Officer A drove into the eastbound lanes of Hollywood Boulevard. As Officer A angled toward the south sidewalk, the Subject turned his upper body and raised his right arm, assuming a one-handed shooting stance as he pointed a metallic object toward the police vehicle; both officers believed the object was a small-caliber handgun. According to Officer A, the Subject's handgun was silver or chrome with a pistol grip and magazine extending from the bottom. According to Officer B, the Subject was armed with a small chrome Derringer-type handgun. As the police vehicle came to a stop, Officer B alerted his/her partner that the Subject had a handgun. Stopping the police vehicle, Officer A immediately exited, unholstered his/her service pistol, and ordered the Subject to drop the handgun. Because the Subject had pointed the handgun at him/her, Officer A believed deadly force might be necessary. Believing that the Subject was going to shoot at him/her, Officer B unholstered his/her service pistol, aiming at the Subject while ordering him to drop the handgun.

The BOPC evaluated Officers A and B's drawing and exhibiting of their service pistols. The Board noted that Officers A and B were responding to a radio call of a 415 man with a gun; the comments of the call indicated that the Subject had pointed a handgun at a security guard. As the officers approached the Subject, he pointed his apparent handgun at their police vehicle. While it was later determined that the Subject was armed with a handgun-shaped butane lighter, both officers believed he was armed with a small-caliber handgun. Despite repeated orders to drop the handgun, the Subject refused, walking away from the officers, toward pedestrians and open businesses.

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

C. Lethal Use of Force

Background – Officers A and B's background consisted of the glass door and windows on the McDonald's north wall. One expended bullet entered the glass door and was recovered on the floor inside McDonald's dining area. The expended bullet exhibited general rifling characteristics consistent with Officer A's service pistol. Another expended bullet traveled through the exterior front glass door and into a rear storage room inside McDonald's. The expended bullet exhibited general rifling characteristics consistent with Officer B's service pistol. Per the FID investigation, neither bullet struck anyone inside McDonald's.

- **Officer A** – (pistol, three rounds)

While blading his body toward the officers, the Subject quickly raised and extended his right hand, assuming a one-handed shooting stance. According to Officer A, he/she believed the Subject was about to shoot him/her and Officer B. Officer A opined that the Subject intended to kill him/her then start shooting at the people on the sidewalk or enter McDonald's and take hostages. To protect him/herself, his/her partner, and the public, Officer A discharged three rounds from his/her service pistol at the Subject.

The BOPC evaluated the proportionality, objective reasonableness, and necessity of Officer A's lethal use of force. The Board noted that Officer A was responding to a radio call of a 415 man with a gun; the comments of the call indicated that the Subject had pointed a handgun at a security guard. As the officers approached the Subject, he pointed his handgun at their police vehicle. While it was later determined that the Subject was armed with a handgun-shaped butane lighter, Officer A believed he was armed with a small-caliber handgun. The Board noted Officer A's assessment that he/she could not discharge his/her service pistol through the windshield, instead choosing to exit the police vehicle. Despite repeated orders to drop the handgun, the Subject refused, walking away from the officers, toward pedestrians and open businesses.

Fearing the Subject was going to shoot pedestrians or take a hostage, Officer A left cover and pursued the Subject. The Board noted that despite repeated commands, the Subject still refused to drop his handgun. As the Subject approached McDonald's, Officer A positioned him/herself in a way that avoided placing the pedestrians in his/her background. Reaching McDonald's, the Subject turned and assumed a one-handed shooting stance, pointing the handgun at the officers. Believing that the Subject was going to shoot him/her and his/her partner, Officer A discharged his/her service pistol at the Subject.

The Board noted that as he/she discharged his/her service pistol, Officer A tracked the Subject's movements. As he/she discharged his/her rounds, Officer A observed the Subject lower his body. Officer A was not sure if he was taking a knee but knew he was not on the ground and still had the gun in his hand. Continuing to assess, Officer A observed the Subject fall to the ground and ceased firing.

In terms of his/her background, the BOPC noted that according to Officer A, to prevent placing the pedestrians in his/her background, he/she and Officer B did not follow directly behind the Subject. Instead, Officers A and B remained in the eastbound lane of Hollywood Boulevard, just north of the sidewalk. When the Subject stopped and pointed his handgun at the officers, Officer A knew that his/her background was McDonald's and that patrons may be inside. While Officer A discharged his/her service pistol at the Subject, he/she was responding to what he/she reasonably perceived as an imminent deadly threat. The Board opined that Officer A took all reasonable precautions to prevent civilians from being in his/her background.

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.

- **Officer B** – (pistol, three rounds)

According to Officer B, he/she observed the Subject stop, look in his/her direction, then raise a chrome handgun, aiming it directly at him/her. Officer B believed that the Subject was preparing to shoot and kill him/her. To defend him/herself against the threat of death or serious bodily injury, Officer B fired three rounds at the Subject.

The BOPC evaluated the proportionality, objective reasonableness, and necessity of Officer B's lethal use of force. The Board noted that Officer B was responding to a radio call of a man with a gun; the comments of the call indicated that the Subject had pointed a handgun at a security guard. As the officers approached the Subject, he pointed his handgun at their police vehicle. While it was later determined that the Subject was armed with a handgun-shaped butane lighter, Officer B believed he was armed with a small-caliber handgun. Despite repeated orders to drop the handgun, the Subject refused, walking away from the officers, toward pedestrians and open businesses.

Fearing the Subject was going to shoot pedestrians or take a hostage, Officer B left cover and pursued the Subject. The Board noted that despite repeated commands, the Subject still refused to drop his handgun. As the Subject approached McDonald's, Officer B positioned him/herself in a way that avoided placing the

pedestrians in his/her background. Reaching McDonald's, the Subject turned and assumed a one-handed shooting stance, pointing the handgun at the officers. Believing that the Subject was going to shoot and kill him/her, Officer B discharged his/her service pistol at the Subject.

The BOPC noted that Officer B continually assessed as he/she discharged his/her service pistol. According to Officer B, as he/she discharged his/her rounds, he/she observed that the Subject was still holding the handgun. After discharging his/her third round, Officer B observed the Subject fall to the ground. When the Subject fell to the ground, Officer B observed that the gun had come out of his hand. Officer B ceased firing.

In terms of his/her background, the Board noted that by remaining with his/her partner in the street, Officer B prevented placing the pedestrians in his/her background. While Officer B discharged his/her service pistol at the Subject, he/she was responding to what he/she reasonably perceived as an imminent deadly threat.

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

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