

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

OFFICER-INVOLVED SHOOTING – 059-23

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
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Outside City	10/11/23		
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Officer(s) Involved in Use of Force	Length of Service
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Detective A	17 years, 6 months
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Reason for Police Contact

Synopsis: On Wednesday, October 11, 2023, an off-duty detective was inside his/her residence preparing to leave for work when his/her Ring Security Camera System alerted him/her to an unknown person in front of his/her residence. The detective observed the security footage via the Ring Application on his/her cellular phone and observed a Subject wearing a dark hooded sweatshirt, a black ski mask, and gloves in the driveway of his/her residence.

Additionally, the detective observed a four-door sedan parked in front of the residence blocking his/her driveway. The detective believed the Subject was attempting to enter his/her residence and exited his/her home.

The Subject entered the awaiting car, and it began to drive away. As it did so, the detective observed one of the occupants point a black handgun in his/her direction, resulting in an Officer-Involved Shooting (OIS).

The Subjects conducted a U-turn at the end of the block, stopped, and fired multiple rounds from the vehicle. The Subjects then fled the location in their vehicle.

Subject(s)	Deceased ()	Wounded ()	Non-Hit (X)
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Unknown			
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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 10/1/24.

Incident Summary

On Wednesday, October 11, 2023, at approximately 0436 hours, Detective A was off duty at his/her residence. He/she was seated in his/her dining room preparing to leave for work. Detective A's spouse, Witness A, and their minor children were also inside the residence, sleeping in their respective bedrooms.

Detective A's home was equipped with a Ring Security System with multiple interior and exterior security cameras. There were seven exterior cameras, three of which were east affixed to the front of the residence. Detective A had the Ring Application downloaded on his/her cellular phone, where he/she could access the security footage. Additionally, the Ring Application would send notifications to Detective A's cellular phone if a person or motion were detected on his/her property.

Two vehicles were parked in Detective A's driveway at the time of the incident.

According to Detective A, he/she opened his/her cellular phone to check his/her emails. He/she immediately received a notification from the Ring Application indicating there was a person detected in front of his/her residence. Detective A thought that was odd because there was generally no pedestrian activity at that time of the morning. According to Detective A, the alert was generated from the flood light camera that faced north toward his/her driveway.

According to Detective A, he/she opened the Ring Application via his/her cellular phone. He/she viewed a portion of the footage, which captured an individual (Subject 1) walking west up his/her driveway toward his/her child's bedroom. Detective A said Subject 1 was holding a dark object in his hand and wearing a dark-colored hooded sweatshirt, a black ski mask, and gloves.

According to Detective A, he/she could not identify the object Subject 1 was holding; however, it resembled a tool, and he/she perceived it as a potential weapon. Detective A also observed a white four-door vehicle blocking his/her driveway in front of his/her residence.

After viewing a portion of the video, Detective A believed Subject 1 was approaching his/her child's bedroom window and was concerned for his/her safety.

Detective A closed the Ring Application and attempted to access the phone's keypad so

he/she could dial 911. Initially, Detective A had difficulty accessing the keypad and explained, "I - - from there, I try to call 9-1-1, but for whatever reason, my phone wasn't switching to the - - the - - the dial to call 9-1-1."

Detective A feared Subject 1 was going to enter his/her child's bedroom and attempt to rape, kidnap, or kill him/her.

Detective A indicated he/she was more concerned with protecting his/her family than fumbling with his/her cellular phone. Detective A was ultimately able to dial 911 but was uncertain if the call went through.

At approximately 0436:33 hours, the video captured Detective A sitting at the dining table looking at his/her cellular phone. He/she then stood up and put the cellular phone to his/her ear; however, he/she did not speak with an Emergency Board Operator (EBO, commonly referred to as a police dispatcher) at that time.

The investigation determined that the Police Department Communications Division (CD) received Detective A's 911 call and created an unknown trouble radio call at 0436:54 hours.

Meanwhile, at approximately 0436:39 hours, and unbeknownst to Detective A, security video captured an additional Subject (Subject 2) in his/her driveway. Subject 2 emerged from between Detective A's vehicles and was wearing a black hooded sweatshirt, a black ski mask, black and yellow gloves, denim pants, and black shoes. Unbeknownst to Detective A, Subjects 1 and 2 entered his/her car and rummaged through the passenger compartment.

Shortly thereafter, Subject 2 walked eastward down the driveway, followed by Subject 1. Subject 2 entered the vehicle's rear passenger side, while Subject 1 entered the rear driver's side.

As Subject 2 entered the vehicle, he reached through the open rear passenger side window and briefly placed his hand on the door, as depicted in the screenshot below.

At approximately 0437:02 hours, Detective A opened the front door of his residence with his/her left hand and yelled for Witness A to call 911. As captured on security video, Detective A yelled, "Hey, someone's breaking into the house! Dial the police! Call the police!"

Detective A placed his/her cellular phone into his/her pant pocket, unholstered his/her pistol with his/her right hand, exited the residence, and closed the front door behind him/her.

At approximately 0437:03 hours, as captured on security video, Detective A held his/her pistol in his/her right hand and jogged in an easterly direction toward his/her front yard. Detective A turned toward the driveway, in a northerly direction, where he/she last

observed Subject 1 on the video. According to Detective A, he/she observed the Subject's vehicle lights "blacked out" but did not see Subject 1.

Detective A believed there could still be suspects in the area and yelled "Hey asshole!" to announce his/her presence. As captured on security video, the vehicle began driving south at an accelerated speed. As the vehicle sped away, Detective A transitioned his/her pistol into a two-hand, low-ready position. Detective A yelled, "Hey mother fucker!" and began running in a southeasterly direction across his/her front yard.

As the vehicle drove south, Detective A observed the rear passenger side occupant point a black handgun in his/her direction through the open window. Detective A said he/she could see the Subject's hand and gun protruding from the window; however, he/she was unable to see what was "behind the gun." Detective A believed the Subject was going to shoot and kill him/her. Additionally, Detective A was cognizant that his/her children's bedrooms were within his/her background and feared for their safety.

In defense of his/her life, Detective A pointed his/her pistol toward the rear passenger side of the Subject's vehicle and fired four rounds at the Subject armed with the gun. Detective A fired all four rounds in a southeasterly direction from an approximate increasing distance of 30 to 57 feet.

According to Detective A, he/she moved toward the Subject's vehicle as he/she fired because "I wanted to close that distance, because if I am going to shoot, I want - - I want my target to be very big for me."

According to Detective A, after he/she fired the fourth round, the Subjects continued driving south, and he/she could no longer see the handgun from his/her position. Therefore, Detective A stopped firing after his/her fourth round.

Detective A then redirected his/her attention toward his/her residence and searched the area for additional Subjects. No additional Subjects were located. Detective A then holstered his/her pistol.

Following the OIS, security video captured the Subjects driving south and negotiating a U-turn. The Subjects then drove north toward Detective A's residence. After driving a short distance, the Subjects reversed and stopped at the northeast corner of the intersection. The Subject(s) fired three rounds from the vehicle's passenger side.

Detective A heard gunshots and looked in that direction. He/she observed the vehicle stopped at the intersection, facing west. The vehicle then drove west out of his view.

At approximately 0437:39 hours, Witness A called 911, stating that police were needed. As Witness A spoke with the EBO, he/she reported that someone attempted to break into his/her house. Witness A informed the EBO that Detective A was a police officer and was on the other line with a 911 operator. The EBO told Witness A that he/she could hang up since Detective A was already speaking to another operator.

Immediately after Witness A hung up with the EBO, Witness B's 911 call was received. He/she reported a possible carjacking or vehicle theft down the street from his/her residence. Witness B informed the EBO that someone was shooting at the vehicle as it drove away from the location.

According to Witness B, he/she was outside of his residence preparing to leave for work when he/she heard someone yell, "You motherfuckers!" He/she then observed a person (Presumably Detective A) on the west side of the street firing a gun at a sedan as it drove south. Witness B recalled hearing a total of seven rounds fired.

At 0437:52 hours, Detective A is observed on the Ring camera answering a call back from the Police Department's CD. Detective A reported that someone was trying to break into his/her house. Detective A informed the EBO that the Subjects were driving a white car and were last seen driving west. Additionally, Detective A reported that he/she heard three gunshots coming from that area.

During his/her conversation with the EBO, Detective A repeatedly stated that he/she observed the Subject on his/her camera walking up his/her driveway wearing a black ski mask. The EBO asked Detective A if he/she had a weapon or if he/she had shot at anyone. Detective A replied, "Did I shoot anyone? No, I didn't." The EBO asked Detective A if he had a "weapon." Detective A then identified himself/herself as an off-duty LAPD Detective.

According to Detective A, "9-1-1 advised me, 'Hey, put your gun - - secure your gun inside.' I came in real quick. I put it in my nightstand, bottom drawer where my - - my spouse was present. And then I went back outside and waited for the Police Department to show up."

At approximately 0443 hours, Police Department personnel arrived at the scene and met with Detective A. According to Detective A, he/she advised the officers that he/she had been involved in an OIS.

Police Department personnel completed a case report for Vehicle Tampering.

Detective A called his/her supervisor and informed him/her of the OIS.

Detective B stated he/she received a telephone call from Detective A advising that he/she was involved in an OIS. According to Detective B, he/she notified Detective C, and informed him of the incident. According to Detective B, Detective C was the acting Officer-In-Charge (OIC) of detectives at the time of the incident. According to Detective B, he/she then met with the Watch Commander Sergeant A.

At approximately 0532 hours, Sergeant A notified the Department Operations Center (DOC) of the Categorical Use of Force.

Personnel from the Police Department responded to the scene and conducted a criminal investigation. Detective D assumed investigative responsibility for the criminal aspect of this investigation and the overall crime scene management.

Detectives B and C responded to the incident and arrived at approximately 0543 hours. According to Detective B, they were met by Sergeant B, who directed them to Detective A. Detective B ensured Detective A was separated and obtained a Public Safety Statement (PSS) from him/her. He/she remained with Detective A until FID personnel arrived.

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
Detective 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 Detective A’s tactics to warrant a tactical debrief.

B. Drawing and Exhibiting

The BOPC found Detective A’s drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Detective 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 – When Detective A observed the Subject in his/her driveway, he/she called 911. Believing the 911 call did not go through, he/she told his/her spouse to call the police before he/she unholstered his/her service pistol and ran outside.

Assessment – When Detective A observed the Subject on his/her surveillance camera, the Subject was wearing dark clothes, gloves and ski mask and was holding a dark object in his hand. Although Detective A could not identify the object, he/she believed it resembled a tool and assessed it could be a potential weapon. Based on his/her observations of the Subject wearing a ski mask, holding something in his hand and walking toward his child's bedroom, Detective A assessed the Subject's intent was to harm his/her child. As the Subject vehicle drove away, a rear passenger pointed a handgun at Detective A, who he/she believed was going to shoot him/her. When Detective A fired his/her service pistol, he/she assessed between each round and stopped firing when he/she no longer saw the Subject pointing the handgun at him/her.

Time – Detective A observed the Subject walking toward his/her child's bedroom window and believed the Subject was going to break into his/her house to rape, kidnap and/or kill his/her child. Detective A's immediate concern to protect his/her child from the threat presented by the Subject limited his/her ability to utilize time and forced him/her to act immediately.

Redeployment and/or Containment – As the Subjects drove away pointing a gun at him/her; Detective A believed the Subject was going to shoot him/her and his/her family. Knowing his/her children's bedrooms were behind him/her, Detective A redeployed by running toward the Subject vehicle to close the distance and give himself/herself a larger target as he/she fired his/her service pistol.

Other Resources – Detective A was off duty at his/her residence, with limited available resources. He/she attempted to call 911 to have the Police Department respond, however, after believing his/her call did not go through, he/she yelled to his/her spouse to call the police before exiting the residence to confront the Subject.

Lines of Communication – Detective A yelled to his/her spouse to call 911. After the OIS, he/she spoke to the Emergency Board Operator (EBO) and provided information about the incident and the Subjects.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1: Off Duty Tactics

- Through his/her Ring security camera, Detective A observed a Subject armed with a tool, wearing a black ski mask and walking toward his/her child's bedroom window. Detective A believed the Subject was going to forcibly enter his/her child's room to rape, kidnap and/or kill him/her. Detective A indicated his/her intention was to "call 911 and let the police handle it." Detective A dialed 911 but believed his/her call did not go through and he/she hung up before talking to the EBO.

Believing he/she had to act immediately to protect his/her family, Detective A chose to unholster his/her weapon and exit his/her residence to confront the Subject. Unbeknownst to Detective A, there were two Subjects in his/her driveway and they both retreated to the vehicle that was blocking his/her driveway before he/she exited his/her residence. Detective A observed the Subject vehicle drive past him/her and observed the rear passenger pointing a black handgun at him/her through an open window.

The UOFRB assessed Detective A's tactics as it pertained to off duty tactics. The UOFRB believed Detective A was in fear for his/her family and reasonably believed the Subject, wearing a ski mask and armed with a tool, was going to commit a violent crime causing serious bodily injury or death to him/her and his/her family. The UOFRB opined suspects who wear ski masks do so to commit violent crimes against persons, such as home invasion, rape and/or homicide, not so much to commit property crimes, such as burglary from a motor vehicle. As such, the UOFRB believed Detective A's assessment of the Subject's intent to harm his/her child was reasonable. The UOFRB noted Detective A attempted to dial 911 for the Police to respond before the Subject's behavior necessitated a confrontation. The UOFRB opined the Subject was a threat that left Detective A with the belief he/she had no option but to go outside and confront the Subject to protect his/her family.

Based on the totality of the circumstances, the BOPC found that the tactics employed by Detective A were not a deviation from Department-approved tactical training. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2: Cover and Concealment

- As the Subjects drove away from his/her residence, Detective A ran across his/her lawn to close the distance while shooting at the Subject. This left Detective A without the benefit of cover as the Subject pointed a handgun at him/her from inside the vehicle.

The UOFRB assessed Detective A's decision to leave the cover offered by his/her residence to confront the Subject. The UOFRB opined it was reasonable for Detective A to exit his/her residence to confront the Subject outside and avoid a confrontation inside where his/her family was located. Unbeknownst to Detective A, the Subject and his accomplice retreated to an awaiting vehicle prior to his exit. When Detective A emerged from his/her house, he/she unexpectedly confronted the Subject's vehicle driving past him/her with the rear passenger pointing a handgun at him/her and toward his/her children's bedrooms. When confronted with this threat, there was no available cover for Detective A to utilize in his/her front yard.

The UOFRB considered Detective A's statements that he/she was cognizant his/her children's bedrooms were behind him/her, as the Subject was pointing the gun at him/her. The UOFRB evaluated Detective A's decision to move toward the Subject's vehicle given that he/she perceived an immediate threat to his/her children as the Subject pointed the gun toward their bedrooms. Detective A elected to close the distance to eliminate the opportunity the Subject had to shoot toward his/her children and provide Detective A a greater likelihood of stopping the Subject by shooting engaging closer to the target.

The UOFRB recognized each incident is assessed on a case-by-case basis, based on Department expectations and training standards. The UOFRB noted that once Detective A exited his/her residence, there was no available cover and as he/she moved toward the vehicle, Detective A's decision to do so was reasonable given the threat to his/her family and the unforeseen, sudden nature of the situation which confronted Detective A upon exiting his/her house.

Based on the totality of the circumstances, the BOPC found that the tactics employed by Detective A were not a substantial deviation from Department-approved tactical training. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

There were no Additional Tactical Debrief Topics identified.

Command and Control

After the OIS, Detective A called his/her supervisor Detective B, who in turn notified Detective C, and Sergeant A. Detective B responded to Detective A's residence where he/she monitored and obtained a Public Safety Statement (PSS) from him/her. At approximately 0532 hours, Sergeant C notified the Department Operations Center (DOC) of the OIS.

The UOFRB assessed Detectives B and C and Sergeant A's command and control of the incident. The UOFRB noted Detective A was off duty at the time of the incident and made the proper notifications through his/her chain of command. Detective B made the appropriate notifications and responded to the incident, monitored Detective and obtained his/her PSS.

The overall actions of Detectives B and C and Sergeant A were consistent with Department training and the Chief's expectations of supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that the actions of Detective A were not a substantial deviation from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, with the benefit of hindsight, there were identified areas for improvement. A Tactical Debrief is the appropriate forum for the involved officer to discuss individual actions that took place during this incident.

Therefore, the Chief directed Detective A to attend a Tactical Debrief and the identified topics be discussed.

B. Drawing and Exhibiting

- **Detective A**

Detective A observed a Subject holding an unknown tool in his hand, wearing a black ski mask, and walking up his driveway toward his/her child's bedroom window. Believing the Subject was going to break into his/her child's bedroom to rape, kidnap and/or kill him/her, Detective A exited his/her residence and unholstered his/her service pistol.

The UOFRB assessed Detective A's drawing of his/her service pistol. The UOFRB noted Detective A observed a Subject wearing a black ski mask armed with a tool walking toward his/her child's bedroom window. Detective A believed the Subject

posed a violent threat to his/her child. The UOFRB opined Detective A's decision to unholster his/her service pistol was within Department policy.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Detective A would reasonably believe the situation may escalate to where deadly force may be justified.

Therefore, the BOPC found Detective A's Drawing/Exhibiting to be In-Policy, No Further Action.

C. Lethal Use of Force

- **Detective A** – semi-automatic pistol, four rounds fired in approximately 1 second from an approximate increasing distance of 30 to 57 feet in a southeasterly direction.

Background

According to Detective A, initially his/her background was his/her neighbor's house, but there were no people outside at the time and no other vehicles passing during the shooting.

Believing a Subject was going to break into his/her child's bedroom window, Detective A exited his/her residence to confront the Subject. The Subject, as well as a second Subject never seen by Detective A, entered the parked vehicle before Detective A exited his/her residence. As the vehicle drove past him/her, Detective A observed a Subject pointing a gun at him/her through the open rear passenger window. Detective A believed the Subject was going to shoot and kill him/her and possibly harm his/her children if a round went through their bedroom windows. In defense of his/her and his/her children's life, Detective A aimed his/her service pistol at the rear passenger armed with the handgun and fired four rounds from an increasing distance of approximately 30 to 57 feet in approximately one second. Detective A stopped firing after his/her fourth round because he/she could no longer see the Subject pointing the handgun at him/her.

The UOFRB evaluated Detective A's use of lethal force. The Subject pointed a handgun out of the window toward Detective A and his/her children's bedrooms. The UOFRB opined the Subject posed an imminent threat of death or serious bodily injury and, in immediate defense of his/her and his/her children's lives, Detective A fired four rounds from his/her service pistol.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that a detective with similar training and experience as Detective A in the same situation, would reasonably believe the use of lethal force was objectively reasonable, proportional and necessary.

Therefore, the BOPC found Detective A's use of Lethal Force to be In Policy, No Further Action.