

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

OFFICER-INVOLVED SHOOTING – 055-24

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	12/26/24		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	8 years, 7 months
Officer B	6 years, 6 months

Reason for Police Contact

Southeast Area gang officers observed a Subject (Subject 1) vandalizing a wall and stopped to take enforcement action. An additional Subject (Subject 2) fired at the officers, resulting in an Officer-Involved Shooting (OIS).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 2: Male, 15 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 (UOFRB) 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 November 18, 2025.

Incident Summary

On Thursday, December 26, 2024, Southeast Area Gang Enforcement Detail (GED), Police Officers A (Driver) and B (passenger) were working gang enforcement together. Officers A and B had been partners for three months and discuss tactics continuously.

At approximately 1829 hours, Officers A and B stopped several pedestrians at an intersection. Officer B stated that because of the number of individuals involved in the stop, he/she requested an additional unit to assist. Several units responded to the officers' request, including Southeast Area GED Police Officers C, D, E, and F.

Note: Unless otherwise noted, all officers were in full uniform, wearing their ballistic vests and Department-approved handguns, handcuffs, TASERS and canisters of Oleoresin Capsicum (OC) spray attached to their equipment belts. All officers were equipped with BWV cameras, Hobble Restraint Devices (HRD) and a side-handle or collapsible baton.

Officers A and B reentered their vehicle and were heading toward an intersection when Officer A observed an individual (Subject 1) on the south side of the street "tagging" a building. Officer A accelerated their police vehicle toward the intersection to take enforcement action.

At approximately 1839:15 hours, Officers A and B's Digital In-Car Video (DICV) captured the Subjects' actions. Subject 1 was vandalizing a wall with spray paint. Subject 2 was standing at the rear of the Subjects' vehicle. Subject 3 was seated in the driver's seat of the vehicle, which was parked at the curb. Subject 2 was armed with a semi-automatic pistol. Subject 3 was not captured on the DICVS due to his position inside the vehicle.

According to Officer A, he/she drove toward Subject 1 to conduct a pedestrian stop for vandalism. Officer A stated that as soon as he/she pulled close to the corner, he/she immediately observed Subject 2 in the street, off the curb, carrying what appeared to be a semi-automatic firearm in his hand and he was wearing a ski mask.

Officer A stated that he/she briefly moved his/her car toward Subject 2 to provide him/her and his/her partner with cover once he/she observed the firearm. Officer A stated that as soon as he/she observed the gun, he/she immediately informed his/her partner that there was a gun.

Officer A observed Subject 2 raise and point the gun toward him/her and his/her partner. Officer A then observed muzzle flash as if Subject 2 shot toward him/her. Officer A stated that he/she was in fear for his/her life. Officer A drew his/her weapon.

At approximately 1839:16 hours, Officers A and B's DICV captured Subject 2 firing his pistol at the officers.

Officer B observed muzzle flash and smoke coming out of Subject 2's gun. Officer B stated that because of his/her height, he/she believed that if he/she stood in the doorway of the A-frame of the police vehicle, that he/she might get shot in the head. Officer A then rolled out of the vehicle to avoid Subject 2, who was trying to kill him/her.

Immediately after being shot at, Officer A stepped out of the vehicle and unholstered his/her pistol. Officer A used the ballistic panel inside the vehicle door as cover.

Officer A fired five rounds at Subject 2 from an approximate distance of 43 feet. As Officer A was firing, he/she was continuously observed Subject 2 holding the firearm, backing up towards the driver's side of the Subjects' vehicle. Officer A continued to fire to protect him/herself and his/her partner from death or serious bodily injury.

According to Officer A, the car then started to drive away. Officer A stated he/she was concerned with other bystanders getting hurt, so he/she stopped firing. Officer A described his/her background at the time of the OIS, stating the only thing he/she saw was the Subject's vehicle and cars driving by in the street, but nothing directly behind where he/she was firing.

After Officer B rolled out of the police vehicle, he/she moved to the vehicle's rear and then to the left and behind Officer A. Officer B could see the Subject's vehicle driving away. During that time, Officer B also observed the rear passenger door on the driver's side of the Subjects' vehicle to be partially opened. Officer B stated that he/she did not hear Officer A talking anymore and believed he/she was possibly hit.

Officer B stated that he/she took cover behind Officer A's door. Officer B then fired toward the partially opened door, believing that Subject 2 was about to fire at them from that position. Officer B fired four rounds from a standing position.

According to Officer B, his/her intention was to suppress Subject 2 so that he/she and his/her partner could get back inside the police vehicle. Officer B believed that the threat was imminent and they were still in an active gun fight.

Officer B advised that as the vehicle began to drive further away, he/she took a kneeling position to get a better shot to suppress Subject 2. Officer B stated that he/she aimed for the same spot where he/she believed Subject 2 was located, firing two additional rounds from a kneeling position.

Officer B stopped firing when he/she observed a large distance between him/herself and the Subject vehicle. The investigation determined Officer B fired a total of six rounds from his/her duty pistol from an approximate increasing distance of 43 feet to 183 feet.

When asked about the background during the OIS, Officer B stated that he/she did not recall seeing any pedestrians but did see oncoming traffic coming towards him/her, even though the cars were not in his/her line of fire.

At approximately 1839:25 hours, immediately following the OIS, Officers A and B's DICV captured a black and white police vehicle pull behind the Subjects' vehicle heading east. The police vehicle activated their forward-facing light bar and continued behind the Subjects' vehicle. That police vehicle was occupied by Officers C and D.

According to Officer C, he/she observed Officers A and B and heard two gunshots coming from an eastbound direction. Officer C could see the police vehicle, with the driver's door open and then heard a second volley of gunshots. Officer C knew Officers A and B were involved in the OIS. Officer C drove closer to the scene and could see that Officers A and B were actively engaged in a gun fight with the Subjects. Officer C stated the Subjects' vehicle fled eastbound, and Officer C could see that the rear window had been shot out, so he/she knew this was the involved vehicle. At that point, because of the chaotic situation, Officer C broadcasted the help call for Officers A and B and immediately broadcast that he/she was in pursuit of a shooting Subject.

Officers C and D's BWV and DICVS were in buffer mode when they initiated the pursuit of the Subjects' vehicle.

Officers A and B got back into their vehicle and assisted in the pursuit.

At approximately 1847:00 hours, the pursuit ended when the Subjects' vehicle voluntarily pulled over.

At the termination of the pursuit, the front passenger door of the Subjects' vehicle opened. Officers C and D immediately shouted commands at the Subjects while standing behind their vehicle doors with their pistols unholstered.

At approximately 1848:08 hours, Sergeant A arrived at the termination of the pursuit. Sergeant A broadcast declared him/herself the Incident Commander.

Sergeant A assigned Designated Cover Officers (DCOs) and further directed officers to form arrest teams and identified team leaders. Sergeant A directed officers to use the Public Address (PA) System to order the Subjects out of the vehicle. The officers proceeded to give commands to the occupants in the vehicle. Subjects 1 and 3 (the driver) exited the vehicle and were directed to take a prone in the street. Subject 2 did not exit the vehicle.

Officer A advised Sergeant A that he/she and Officer B were involved in the OIS; therefore, Sergeant A separated them from other officers. Additionally, Sergeant A directed Sergeant B to monitor Officers A and B.

At 1851:05 hours, units requested a Rescue Ambulance (RA) to standby for a possible victim of a gunshot wound.

Using the PA System, commands were given for the rear passenger (Subject 2) to exit the vehicle; however, no one came out. While lying in the street in the prone position, Subject 1 shouted to the officers that Subject 2 had been shot.

Sergeant A made the decision to move an arrest team to the Subjects' vehicle. Sergeant A also designated an officer to render medical treatment.

At approximately 1853:53 hours, the arrest team moved forward toward the Subjects' vehicle. Subject 2 was observed inside of the vehicle and appeared to be unconscious, and his hands were visible. Officers then removed Subject 2 from the vehicle without incident. Officers verified a pulse and inspected Subject 2 for injuries, locating a gunshot wound on his back. Subject 2 was placed in the recovery position and provided medical treatment. Subjects 1 and 3 were taken into custody without incident.

The local Fire Department arrived on scene at approximately 1855:33 hours, treated Subject 2 for his injuries, and transported him to a nearby hospital.

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 finding of 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's lethal use of force to be In Policy.

The BOPC found Officer B's lethal use of force to be Out of Policy, all rounds.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department’s guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a Subject and enable an

officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

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

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

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

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

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

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

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

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

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

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

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

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

The Department's Evaluation of Deadly Force: The Department will analyze an Officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

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

- To the extent of the Officers 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 Officers use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

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

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

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

Definitions

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

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

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

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

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

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

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

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

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

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

A. Tactics

Tactical De-Escalation

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 and Assessment – Officers A and B had been partners for three months. According to Officer A, they typically discuss tactics before going out on patrol, during roll calls, and during training. Specific to this incident, Officers A, B, and other GED officers debriefed a prior traffic stop involving multiple individuals. After entering their police vehicle, Officers A and B continued discussing the stop and considered what improvements they could make in future stops. Regarding their roles, both Officers A and B explained that typically, whoever is closest to the Subject would be the contact officer and the other officer would be the cover officer. According to Officer B, the cover officer was responsible for broadcasting the officers' status and location over the radio.

Officer A observed Subject 1 running alongside a building as if he was “tagging” it. Officer B observed the same and alerted Officer A. Officer A accelerated over to the corner to conduct a pedestrian stop when he/she observed Subject 2 wearing a ski mask and in the street holding a semi-automatic handgun. Officer B heard fear in Officer A's voice when he/she stated that Subject 2 had a gun. Officer A observed Subject 2 raise the gun towards him/her and Officer B, then observed a muzzle flash and assessed that the situation had escalated to one involving deadly force. Officer B described observing a muzzle flash and smoke coming from the handgun Subject

2 was holding. Officer B assessed the deadly threat and “rolled out” of the police vehicle due to his/her large stature and lack of cover the “A-frame” of the police vehicle door afforded him/her.

Officer A discharged his/her service pistol and assessed between rounds that Subject 2 was still holding the gun towards Officer B. Officer A continued to assess and stopped firing as the Subject’s vehicle pulled away with Subject 2 inside.

Officer B moved to the rear of the police vehicle for better cover and heard multiple gunshots, assessing that a gun fight was taking place and perceived that Subject 2 had fired approximately ten rounds at the officers. Officer B noted Officer A’s quietness and believed Officer A may have been injured as Officer B transitioned to the driver’s side of the police vehicle and behind Officer A. Officer B observed the vehicle pulling away; however, the rear passenger door remained open. This caused Officer B to assess that Subject 2 was still intending to shoot at the officers from his position inside the fleeing vehicle and Officer B responded by discharging his/her service pistol to “suppress” Subject 2. Officer B stopped firing when he/she assessed the distance between him/herself and the Subjects’ vehicle became too great.

Time and Redeployment – When Subject 2 began firing at officers, Officers A and B were seated in their police vehicle, thereby compressing time. Officer B exited and rolled out of the police vehicle, moving toward the rear of the police vehicle for cover. Officer B transitioned to the driver side of the police vehicle and joined Officer A, using the driver side door of the police vehicle as cover as he/she positioned him/herself behind Officer A. Officer B transitioned to a kneeling position for stability while using the police vehicle door for cover. Subject 2’s ambush on officers eliminated the ability for Officers A and B to employ further de-escalation techniques.

Other Resources and Lines of Communication – Officer C, who heard the gunshots and observed the Subjects’ vehicle fleeing from Officers A and B’s location, broadcast a “help call” with a location for Officers A and B, then advised that they (Officers C and D) were in pursuit of a shooting Subject.

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

1. Code Six

Officers A and B had not yet placed themselves Code Six when the incident rapidly unfolded; however, Officers C and D were approximately half a block behind Officers A and B and heard the gunshots. Therefore, when the Subjects’ vehicle fled, Officer C quickly broadcast “officer needs help,” provided the location, and advised the officers were in pursuit of armed subjects.

As it pertained to broadcasting the officers' Code Six location, the BOPC noted that Officer A entered the intersection to conduct a pedestrian stop of a vandalism Subject and the officers' attention was redirected when they observed Subject 2 armed with a handgun. The Board also noted that to address the imminent threat, Officer A quickly repositioned the police vehicle to face more toward Subject 2, to both provide cover and alert Officer B of his/her observation. As this occurred, Subject 2 fired his handgun at the officers.

The Board evaluated the officers' communication and understanding amongst one another, their duties and roles, including their discussion about their roles changing depending on which officer was faced with the threat or was to make contact. The Board considered Officer B's statement that he/she did not previously put the officers Code Six because everything happened too fast, and he/she did not have sufficient time. The Board noted that the officers were in the middle of a decision-making process regarding stopping a vandalism Subject when they were ambushed. The officers' ability to plan and go Code Six was interrupted when they were fired upon and needed to address the imminent threat in defense of their lives. The Board noted officers are trained in an ambush scenario to first address the imminent threat to defend themselves before making any broadcast. The Board noted that Officers A and B deviated from the Code Six policy by not broadcasting their location but were justified in doing so as they were ambushed and immediately addressed the threat as trained.

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

2. Tactical Communication

Upon being fired at, Officer B "rolled" out of the vehicle and redeployed to Officer A's location. When Officer B joined Officer A at the driver's side of the police vehicle, he/she did not communicate his/her movements verbally or physically to Officer A. Officer A was caught off guard when Officer B fired his/her rounds from behind and to the left of him/her.

The BOPC noted that as Officer B deployed to the rear of the police vehicle, he/she heard what he/she believed to be Subject 2 firing upwards of 10 rounds at the officers. In response, Officer B redeployed to the driver side of the police vehicle. The Board noted that when Officer B positioned him/herself to the left of and slightly behind Officer A, he/she believed Officer A had been struck by gunfire due to his/her positioning in the police vehicle doorframe and because he/she was quiet.

The Board considered Officer B's description of his/her environment being loud with a rapid exchange of gunfire. Additionally, Officer B believed that Subject 2 was going to continue to fire from the vehicle's open door and there was a need to suppress Subject 2 from firing. The Board noted that gunfire can produce a loud

environment and noted there was not sufficient time for Officer B to communicate with Officer A as the situation unfolded quickly. Additionally, Officer B perceived that the deadly threat was imminent and needed to be immediately addressed. The Board concluded that Officer B's actions, given his/her perception and environmental factors, were not a substantial deviation from training and warranted a recommended finding of a Tactical Debrief.

Based upon the totality of circumstances, the BOPC determined the tactics employed by Officer B were not a substantial deviation from Department-approved tactical training.

- **Additional Tactical Debriefing Topics**

Tactical Communication – Prior to and during the pursuit, neither Officer A nor Officer B conveyed incident specifics to responding officers, such as that an OIS had occurred, a Subject was armed, the type of weapon the Subject was armed with or the number of occupants in the vehicle. The BOPC noted the broadcast of a “help call” along with Officer C broadcasting that officers were in pursuit of a shooting subject. It would have been preferred for Officers A and B to have provided additional details to alert the responding officers, but the gravity of this incident was clear from Officer C's broadcast.

- **Tactical Debrief**

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

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

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

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, as he/she alerted Officer B about the gun, he/she observed Subject 2 acquire a two-handed grip on the handgun and point it towards them. Officer A saw the muzzle flash coming from the handgun. Believing he/she was going to be shot, Officer A unholstered his/her service pistol.

- **Officer B**

Hearing the exchange of gunfire and believing a deadly threat was imminent, Officer B unholstered his/her service pistol while behind the police vehicle.

The BOPC assessed Officers A and B's drawing and exhibiting of their respective service pistols. The Board noted the circumstances surrounding the incident clearly created a reasonable belief amongst the officers that the situation had escalated to one where deadly force may be justified, as Subject 2 was actively shooting at officers and presenting an imminent threat.

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 there was a substantial risk 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

- **Officer A** – (pistol, five rounds fired from an approximate distance of 43 feet in an easterly direction)

According to Officer A, his/her background consisted of vehicles parked on the south curb facing east and sidewalks, and there were no pedestrians in his/her background at the time of the OIS.

Immediately after Subject 2 shot at officers, Officer A exited the police vehicle, unholstered his/her service pistol, used his/her ballistic door panel for cover, and fired five rounds from his/her service pistol at Subject 2. According to Officer A, he/she stopped firing and holstered his/her service pistol when the vehicle started to drive away, and he/she believed Subject 2 was no longer a threat.

Rounds One through Three

According to Officer A, he/she alerted Officer B of a gun after observing Subject 2 with a handgun. Officer A observed Subject 2 raise the gun towards them and a muzzle flash, causing him/her to believe that Subject 2 was shooting and trying to kill him/her. Subject 2 moved back toward the open vehicle door, appearing to use the vehicle to conceal himself while still pointing a gun in the officers' direction. Officer A fired his/her first three rounds from his/her service pistol to protect him/herself and his/her partner from being killed.

As it pertained to Officer A, the BOPC considered Officer A's description of Subject 2 holding the handgun with two hands and raising it toward officers. Officer A further described seeing the muzzle flash before Officer A discharged his/her service pistol. The Board noted Officer A discharged his/her first three rounds as Subject 2 was standing outside the vehicle and two additional rounds when Subject 2 was getting into the vehicle.

Rounds Four and Five

According to Officer A, he/she observed Subject 2 enter the vehicle with the gun pointed at him/her. Subject 2 remained an imminent, deadly threat because of the possibility of access to additional firearms from within the vehicle, and Subject 2 was also armed with a firearm, providing him the continued ability to carry on with his demonstrated intent to cause death or serious bodily injury to Officers A and B. Officer A stopped firing his/her service pistol when the vehicle fled because the possibility of injuring a community member increased.

The BOPC evaluated if Officer A discharged these last two rounds before the vehicle drove away. The BOPC considered Officer A's statement that Subject 2 was still pointing the handgun in the officers' direction as he was getting into the vehicle and, although Officer A observed brake lights, he/she stated the vehicle was not driving away. Officer A also stated he/she last observed Subject 2 still pointing the firearm at him/her as he entered the vehicle and believed Subject 2 could arm himself with other firearms from inside the vehicle, continuing to shoot at officers through the rear shattered window. The BOPC considered the entirety of Subject 2's actions and movements, along with Officer A's statements and supporting evidence, and concluded Officer A's belief that Subject 2 posed an imminent and deadly threat when Officer A fired all five of his/her rounds was objectively reasonable.

Based upon Subject 2's actions, supporting evidence and Officer A's statements, the BOPC determined that Officer A's use of lethal force to defend against an imminent and deadly threat was objectively reasonable, proportional and necessary.

- **Officer B** – (pistol, six rounds fired from an approximate increasing distance of 63 to 183 feet in an easterly direction)

At 1839:15 hours, officers observed the Subjects. Subject 1 was observed vandalizing a wall with spray paint. Subject 2 was standing at the rear of their vehicle and immediately began to fire at the officers. At 1839:17, Officer A returned fire and stopped firing at 1839:20 hours, as the Subjects' vehicle started to drive away.

As Officer A was engaging Subject 2 in an approximately three to four-second gun battle, Officer B had rolled out of the passenger door and onto the ground. During the time Officer B was on the ground, he/she heard the gunshots and could no longer see Subject 2. Officer B started to get up from the ground at approximately

1839:19 and is observed starting to move to the rear of the police vehicle at 1839:20, as the shooting by Officer A had ceased and the Subjects' vehicle had already started to pull away.

Officer B stated that as he/she made his/her way around the police vehicle, he/she observed Officer A in the A-frame of the vehicle and drew his/her weapon. Officer B stated that he/she could see the rear door of the Subjects' vehicle open but could not see Subject 2. Officer B believed that Subject 2 was possibly taking the opportunity to arm himself with additional weapons inside the vehicle or he could use the same firearm to continue to shoot at the officers in order to get away.

Approximately two seconds after Officer A's final round, Officer B moved toward the driver's side door of the police vehicle, slightly behind and to the left of Officer A, and fired six rounds in the area of the passenger side door of the Subjects' vehicle in approximately two seconds, acknowledging that the vehicle was moving forward with each round he/she fired. The investigation determined that Officer B's last round was fired from a distance of 183 feet.

The BOPC noted that Officer B never stated in his/her interview that he/she believed Subject 2 was "firing" from the Subject's vehicle, as noted in the Chief's report. Officer B did mention utilizing "suppression" fire on multiple occasions in order to prevent Subject 2 from firing out of the partially opened vehicle door; however, a partially opened car door does not on its own constitute a threat. The available evidence does not corroborate Officer B's perception of a continued threat. As stated by Officer A, once the Subject vehicle began to drive away, "The threat was no longer there."

The BOPC noted that from the moment Officer B made the decision to "roll out" of the passenger door and redeploy around the rear of the police vehicle, he/she lost situational awareness of what was transpiring between Officer A and Subject 2, as well as the other Subjects. To illustrate this point, Officer B told FID that he/she believed the Subject had fired approximately ten rounds, when in fact the investigation determined that Subject 2 had fired only two.

The BOPC acknowledged that officers often experience perceptual distortions in high-stress encounters, which can affect recall and situational awareness. Indeed, officers many times do not recall exactly how many rounds they fired or may have been fired at them. However, in this case, Officer B's lack of situational awareness was compounded when he/she lost visual contact with Subject 2 and was no longer in a position to account for his actions or the actions of any of the other subjects. As Officer B made his/her way to the rear of the police vehicle, he/she was unaware whether Subject 2 had made it back inside the Subjects' vehicle or if Subject 2 had fled on foot; therefore, Officer B lacked knowledge of a definitive location for Subject 2.

Officer B described the Subjects' vehicle's partially opened door and a rear broken window; however, he/she did not describe any specific actions taken by any Subject from within the vehicle that could reasonably be interpreted as presenting an imminent threat of death or serious bodily injury to him/herself or his/her partner. Upon rolling out of the police vehicle, Officer B lost visual contact with Subject 2 and did not reasonably know his position within the vehicle or whether Subject 2 had re-entered it. Accordingly, Officer B's decision to discharge his/her firearm at a moving vehicle, without observing any articulable facts indicating that the Subject intended to continue firing at the officers, without determining the position or movements of the Subject or additional occupants, without full awareness of his/her background, and without communicating with his/her partner to confirm whether the threat was ongoing created an unnecessary risk.

The BOPC noted that while gunfire can produce a loud environment, the investigation found the gun battle between Officer A and Subject 2 lasted approximately three to four seconds. As Officer A had stopped firing, Officer B was starting to move to the rear of the police vehicle. Approximately two seconds later, Officer B moved toward the side of the driver's door of the police vehicle, slightly behind and to the left of Officer A, ultimately firing six rounds. The BOPC believed that there was ample opportunity to communicate with Officer A and, in this instance, it was of critical importance. The BOPC believed that had Officer B communicated with his/her partner, he/she likely would have realized that Officer A had not been struck by gunfire, was not in need of assistance, and that the immediate threat had already ceased.

Upon review of all available evidence and considering the totality of the circumstances, the BOPC determined that Officer B's perception of an ongoing threat, and his/her resulting decision to use lethal force, were not objectively reasonable.

Officer B never described seeing any subjects within the vehicle, nor did he/she indicate seeing any weapon(s), muzzle flashes, or any body part(s) of a Subject protruding from the partially opened door or window(s). Once Officer A stopped firing at Subject 2 and the Subjects' vehicle fled from the scene, the available evidence does not corroborate Officer B's perception of a continued threat. In this case, Officer B's decision to discharge his/her weapon at a moving vehicle was contrary to Department policy, which states 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 BOPC found that an officer with similar training and experience as Officer B, in the same situation, would not reasonably believe the use of deadly force was objectively reasonable, proportional, and necessary.

Therefore, the BOPC found Officer B's lethal use of force to be Out of Policy, for all six rounds.