

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

OFFICER-INVOLVED SHOOTING – 010-24

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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77 Street	3/7/24		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	4 years, 1 month
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Reason for Police Contact

Seventy Seventh Street Patrol Division officers responded to a radio call broadcast of a 415 Man with a Gun. The officers located the suspect in a public park and attempted a pedestrian stop. The suspect became uncooperative and pointed a handgun at the officers, resulting in an Officer-Involved Shooting (OIS). The suspect was struck by gunfire and was taken into custody. The suspect's handgun was later determined to be an Airsoft BB pistol.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Male, 36 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 or Commission). 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 February 04, 2025.

Incident Summary

On March 7, 2024, at 1236:07 hours, 77th Street Patrol Division uniformed Police Officers A and B were en route to a Code Two radio call of a Male with Mental Illness.

At 1248:18 hours, a Communications Division (CD) Emergency Board Operator received a 911 call from Witness A, who stated that he had observed a male, later identified as the Subject, pointing a handgun at passing vehicles.

At 1251:58 hours, CD broadcast the information.

According to Officer A, as they were driving, they heard the broadcast of the 415 Man with a Gun call.

According to Officer A, after hearing the suspect's description from the 415 Man with a Gun radio call, he/she recalled that he/she had observed a male wearing a beanie as described in the CD broadcast. Officer A could not recall the exact cross street where he/she had observed the individual, but it was nearby.

Officer B negotiated a U-turn to canvass for the suspect of the 415 Man with a Gun call.

Officer A explained he/she placed them Code Six because they were near the location of the radio call.

As the officers were driving east to canvass for the Subject, security cameras from a church recorded the Subject enter the east side of a park. The Subject was observed walking southwest toward the center of the park as the officers arrived.

According to Officer A, he/she observed a possible suspect approximately 70 to 80 feet south of them in the middle of the park walking west.

Officer B negotiated a second U-turn. According to Officer A, they drove approximately parallel to the Subject, while maintaining a visual of his location. The Subject continued walking westbound onto a cement walkway and then northwest along a paved walkway toward the southeast corner. According to Officer A, he/she and Officer B decided to conduct a pedestrian stop on the Subject at the corner.

Officer B negotiated a third and final U-turn, stopping their police vehicle facing in a southeast direction at the southeast corner. Both officers exited their vehicle and took positions of cover behind their respective doors. According to Officer A, he/she was designated as the cover officer with communications responsibility and Officer B was designated as the contact officer to converse with the Subject. Officer A could be observed on Officer B's BWV attempting to broadcast via his/her hand-held radio that they were Code Six, but his/her transmission was covered by another radio broadcast on the frequency. Officer A could then be heard on Officer B's BWV telling Officer B, *"Put it out."*

Officer B activated his/her camera as he/she exited their vehicle and took cover behind the driver door. Officer B gave the Subject commands, "*Get your hands out of your pockets. Stop right there, turn around.*" At the same time, Officer A could be seen attempting to broadcast on his/her hand-held radio. Officer B continued giving the Subject commands to, "*Turn around.*" Officer A completed his/her attempted broadcast and took over giving the Subject commands to turn around and get down onto his knees.

At 1254:02 hours, the Subject was shown on Officer A's BWV approximately 50 feet southeast of the passenger side of the officers' vehicle as the Subject walked northwest on a paved walkway in the direction of the officers.

Officer A unholstered his/her pistol and held his/her weapon in his/her right hand, at a low ready with his/her finger along the slide, through the open window of the passenger door of their police vehicle. Both officers gave the Subject commands to stop, turn around, and put his hands up. The Subject partially complied and raised his hands outward, elbows bent, shoulder height. The Subject then began walking forward with his hands held in the same position.

According to Officer A, his/her intention was to place the Subject face down on the ground in a felony prone position. Officer A gave the Subject commands to raise his hands and to go down to his knees. The Subject partially complied by turning around, but repeatedly asked, "*Why?*" According to Officer A, he/she believed that the Subject possibly spoke Spanish. Officer A continued to give the Subject commands in Spanish and English.

At 1254:35 hours, after realizing that Officer A's broadcast was covered by CD, Officer B told Officer A, "*Just put it out.*"

Officer A activated his/her BWV. The Subject turned around and stood with his back toward the officers. He then turned his upper torso to the right and left, while looking over his shoulders in the officers' direction. Officer A told the Subject, "*Get on your knees. Hey, no, get on your [expletive deleted] knees dude. I'll tell you right now, get on your knees.*" The Subject did not obey the commands and could be seen holding his right arm stretched outward with his right hand raised to approximately shoulder height and then lowering his arm to his side. The Subject appeared to be conversing with Officer A, but due to distance, the Subject's voice could not be clearly heard on BWV. The Subject continued turning his upper torso to the right and left while looking in the direction of Officer A. Officer A continued to give the Subject commands in Spanish to go down to his knees.

The Subject quickly turned to his right, faced the officers as he simultaneously reached toward his right pants pocket or waistband area, and retrieved a weapon that the officers believed to be a black handgun.

Note: The Subject's weapon was later determined to be an Airsoft BB pistol.

Officer A quickly transitioned to a two-hand grip and both officers pointed their weapons in the Subject's direction and simultaneously yelled at the Subject to drop the gun. The Subject raised the handgun with his right hand and pointed the weapon in their direction.

Officer A yelled, "*Hey. Hey. Hey,*" while holding his/her weapon with a single-handed grip over the passenger door frame. He/she then quickly transitioned to a two-hand grip while pointing his/her pistol in the Subject's direction. The Subject raised and lowered the handgun in his right hand. He then turned to his right causing the left side of his body to be bladed toward the officers as he stood holding his weapon in his right hand, down to his side, away from the officers.

Officer A ordered the Subject, "*Drop the gun. Drop it. Drop it.*" The Subject raised his left hand and appeared to be saying something to the officers. The Subject then placed his left arm, bent at the elbow, across his chest area. He simultaneously raised and extended his right hand, still holding his handgun, underneath his left arm and pointed it in the officers' direction.

In fear for his/her and Officer B's lives, Officer A fired one round from his/her pistol, southeast in the direction of the Subject from an approximate distance of 38 feet.

The Subject then turned around with his back to Officer A and began walking southeast away from the officers, while still holding his weapon in his right hand. The Subject's weapon appeared to swing with the barrel changing position from pointing downward at the ground and then out toward the right side.

After firing the first round, Officer A advised he/she assessed by looking over the sights of his/her pistol. According to Officer A, the Subject was still holding his weapon in his right hand, his arm was almost straight. The Subject then swung his gun toward him/her, as the Subject twisted his upper body to the right.

Officer A then fired a second round from an approximate distance of 41 feet. The Subject's weapon then appeared to travel outward from his right hand and fell into the grass.

At 1255:02 hours, the Subject slightly turned his upper torso and head to the right at which time Officer A fired a third round from a distance of 44 feet.

The Subject fell face down, with his hands clutched to his chest, and with his upper torso resting on his elbows in the grass area within close proximity to his weapon. Officer A told the Subject, "*Don't reach for it. Don't reach for it.*"

According to Officer B, he/she intended to shoot and placed his/her finger on the trigger but immediately removed it after he/she heard Officer A discharge his/her weapon and observed the Subject fall to the ground. The Subject was eventually transported to the hospital and treated for his injuries.

Note: The Subject was wearing bulky clothing. The officers and paramedics did not become aware of a second GSW to the Subject's chest and back until additional clothing was cut from the Subject's body by Los Angeles Fire Department personnel, after the Subject was placed on the gurney.

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	No	Yes	No	N/A	N/A
Officer B	Yes	Yes	Yes	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 Officer A and B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officer 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 lethal force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law

enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

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

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

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

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

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a 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/hers 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 been partners for a year and had discussed contact and cover roles. Officer A was the passenger and cover officer as Officer B was the driver and contact officer. Upon observing the Subject in the park, Officers A and B planned to conduct a high risk stop to take the Subject into custody.

Assessment – Upon their arrival to the radio call location, Officers A and B assessed the scene and actions of the Subject. As the officers gave the Subject commands, Officer A heard the Subject speak with an accent and assessed the Subject was a Spanish speaker and continued giving commands in Spanish to gain his compliance. Officers continued to assess and requested a backup when they determined the Subject was not cooperating. When the Subject reached toward his waistband and retrieved a weapon, Officer A assessed the object was a black handgun. When the OIS occurred, Officer A assessed between each round, each time determining the Subject continued to pose an imminent threat.

Time – The officers deployed their vehicle approximately 50 feet away from the Subject and maintained positions of cover behind their ballistic door panels. The distance and cover used by Officers A and B provided them with as much time as possible to verbalize with the Subject and attempt to de-escalate the situation. Ultimately, when the Subject pointed the weapon at officers, he did not allow Officers A and B more time to employ further de-escalation techniques.

Redeployment and/or Containment – As additional units arrived, they contained the Subject to the park. Officers redeployed around their police vehicles to prepare arrest teams.

Other Resources – When the Subject did not comply with commands, Officer B requested a backup. After the OIS, Officer B broadcast a help call and requested a Rescue Ambulance (RA). Officers from 77th Street and Southeast Divisions responded along with the air unit. The air unit assisted with coordinating responding units and broadcasting the location of the Subject's weapon and his actions.

Lines of Communication – Officer A and B gave the Subject multiple commands in both English and Spanish to gain compliance and take him into custody. The Subject refused to comply and pointed a handgun at Officers A and B resulting in an OIS. After the OIS, Officers A and B continued to give commands to the Subject not to reach for the handgun. Officer B utilized their public address (PA) system to communicate with the Subject. After the OIS, the officers communicated their observations to responding units and communicated a tactical plan to take the Subject into custody.

During the review of this incident, no Debriefing Points were identified; however, the following Additional Tactical Debrief Topics were noted.

Additional Tactical Debrief Topics

Profanity – According to Officer A, he/she used profanity while giving the Subject commands to de-escalate the situation and get him to comply.

Tactical Communications – After deploying from the police vehicle, Officer A assumed responsibility for radio communications. Based on the Subject's position, Officer A was in a better location to provide commands to the Subject. As a result, Officer A assumed the role of contact officer and Officer B assumed responsibility for radio communications. During the transition, there was a brief period where both officers had their radios in their hands.

Command and Control

As additional officers arrived at scene, and prior to the arrival of a supervisor, Officer B communicated tactically relevant information to the officers and deployed them in a manner to ensure containment of the Subject.

At 1300:55 hours, 77th Street Patrol Division Sergeant A arrived at scene and declared him/herself Incident Commander (IC). As the only supervisor at scene immediately following the OIS, he/she coordinated the formation of arrest teams to

take the Subject into custody and simultaneously assumed monitoring duties of the involved officers. At 1343 hours, the Department Operations Center (DOC) was notified of the OIS.

The UOFRB discussed the command and control employed by both Officer B and Sergeant A during the incident. The UOFRB noted Sergeant A organized the response of a large group of officers from several different divisions on his/her own, while simultaneously monitoring the officers involved in the OIS. The UOFRB opined both Officer B and Sergeant A exhibited exemplary command and control, which resulted in the Subject being taken into custody in an effective and timely manner.

The BOPC determined the overall actions of Officer B and Sergeant A were consistent with Department training.

Tactical Debrief

In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A and B were not a substantial deviation 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.

B. Drawing and Exhibiting

Officer A

According to Officer A, he/she unholstered his/her service pistol as they attempted to detain the Subject because the comments of radio call described him being armed with a gun.

Officer B (1st occurrence)

According to Officer B, he/she unholstered his/her service pistol when he/she observed the Subject was arming himself with a handgun.

Officer B (2nd occurrence)

After the OIS, Officer B holstered his/her service pistol and redeployed from the driver side of the police vehicle to the passenger side. As Officer A holstered to give commands to the Subject, Officer B unholstered a second time to provide cover.

The UOFRB assessed Officer A and B's drawing and exhibiting. The UOFRB noted Officer A unholstered his/her service pistol in response to the comments of the call stating there was a male with a beanie brandishing a handgun and the Subject matched the description. The UOFRB opined it was objectively reasonable to believe the situation could escalate to the use of deadly force when responding to a radio call involving a suspect armed with a gun.

The UOFRB noted Officer B unholstered his/her service pistol when he/she observed the Subject arm himself with a handgun. The UOFRB opined it was objectively reasonable to believe the situation could escalate to the use of deadly force when dealing with an individual armed with a handgun.

As it pertained to Officer B's second drawing and exhibiting, the UOFRB noted the Subject still had the handgun within arm's reach and Officer B was designated to provide lethal cover for his/her partner while they gave commands to the Subject. The UOFRB opined it continued to be reasonable to believe the situation could escalate to the use of deadly force, as the Subject still had access to the handgun.

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 the situation may escalate to where deadly force could be justified.

Therefore, the BOPC found Officer A and B's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

Officer A – Pistol. Three rounds fired in a southeasterly direction from respective distances of approximately 38, 41, and 44 feet.

Background – According to Officer A, his/her background was an empty park.

According to Officer A, he/she fired his/her first round because the Subject pointed a handgun at him/her and his/her partner and he/she was in fear for their lives. Officer A also recalled hearing gunshots and thought the Subject was shooting in his/her direction.

Round Two

Officer A continued to assess by looking through the sights of his/her pistol. According to Officer A, the Subject was still holding his weapon in his right hand when the Subject then twisted his upper body to the right and swung his gun toward Officer A, pointing the barrel of the gun toward Officer A. Officer A fired his/her second round.

After the second round was fired, the Subject's weapon fell to the grass west of the sidewalk. Officer A did not observe the Subject drop his weapon.

Round Three

According to Officer A, the Subject again turned his torso toward him/her and continued to point the handgun at him/her. Officer A believed the Subject was going to shoot him/her and fired a third round at the Subject. The Subject then laid on the ground.

The UOFRB assessed the circumstances and evidence related to the use of deadly force. In their assessment of the OIS, the UOFRB considered Officer A's de-escalation attempts, including his/her use of both English and Spanish to gain compliance from the Subject. The UOFRB noted the officers gave commands to the Subject while in full police uniform and standing behind the doors of a marked black and white police vehicle. The Subject chose to ignore those commands, retrieve a concealed weapon and point it at the officers. These actions caused Officer A to believe the Subject was firing at them and he/she reacted by firing his/her first round. The UOFRB opined the Subject's actions caused the use of lethal force as it pertains to Officer A's first round and found round one to be objectively reasonable, proportional, and necessary to defend against the Subject's deadly, imminent threat.

The UOFRB assessed the second round fired by Officer A. The UOFRB noted the Subject's actions as depicted on body worn video (BWV) compared with Officer A's statements and perception of the Subject's actions. As seen on BWV, the Subject turned his head and body slightly to the left as his right arm swung to the right at an approximately 45-degree angle to the ground. Officer A perceived the Subject as turning his body to the right and, with his right arm almost straight and holding the weapon, point the gun directly at him/her. Officer A observed those movements and assessed the Subject was still a threat when he/she fired his/her second round. The UOFRB opined Officer A's assessment was reasonable as the Subject was still armed, had the ability and positioning to shoot, the weapon was moving up and down, and the Subject turned his body as if to look back at officers to possibly acquire a target. Therefore, the UOFRB found the use of lethal force as it pertains to Officer A's second round, objectively reasonable, proportional, and necessary.

The UOFRB assessed the third round fired by Officer A. They noted that although the Subject dropped his firearm into the grass after Officer A fired his/her second round, Officer A did not see him drop the firearm. Officer A believed the Subject was still armed and still a threat as the Subject continued to look back toward the officers.

The UOFRB discussed whether it was reasonable for Officer A to believe the Subject was still armed. In their discussion, the UOFRB noted Officer A used the iron sights of his/her service pistol, which unlike utilizing optics, requires one eye to close and the dominant eye focus on the front sight. The UOFRB continued, Officer A, trained to assess after every round, maintained a proper sight picture and

assessed by looking through his/her sights. The UOFRB noted an assessment does not require one to come off target. The UOFRB also noted when the Subject tossed his weapon onto the grass, he did so with his hand down by his side, rather than toss the weapon high into the air. The UOFRB opined the weapon was tossed out of Officer A's view as he/she was looking over the top of his/her sights and the weapon was tossed below his/her sight picture. To further support Officer A's perception, the UOFRB referenced his/her statements that he/she believed the Subject fell while holding the gun between his hands and clutched to his chest.

Lastly, the UOFRB acknowledged the continuous assessment by Officer A between each round. Officer A, the UOFRB opined, exerted good fire discipline as he/she discharged only three rounds and the assessment between each round was deliberate and controlled, adding credence to his/her perception. For the aforementioned reasons, the UOFRB opined it was reasonable for Officer A to believe the Subject was still armed with a gun and continued to pose an imminent threat.

Furthermore, the UOFRB noted during the incident, Officer A fired three rounds in a controlled and deliberate manner and struck the Subject twice, at significant distances. The UOFRB noted officers are trained to shoot until the threat stops and the Subject continued to ignore commands and make movements toward the officers. Those actions, combined with the Subject's prior actions of pointing the weapon directly at officers, led the UOFRB to opine Officer A's use of lethal force as it pertains to the third round was objectively reasonable. Based upon that assessment being reasonable, the UOFRB opined the third round was also proportional and necessary.

The UOFRB further commended Officer B for his/her assessment of the situation as he/she did not fire his/her service pistol because he/she was aware his/her partner had already stopped the deadly threat.

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 the use of lethal force was objectively reasonable, proportional and necessary.

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