

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

OFFICER-INVOLVED SHOOTING – 014-24

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No()</u>
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West Valley	3/21/24		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer B	13 years, 4 months
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Reason for Police Contact

Robbery-Homicide Division (RHD) was investigating a series of armed robberies. In furtherance of that investigation, RHD obtained an arrest and search warrant for the Subject. The warrant was served by Metropolitan Division Special Weapons and Tactics (SWAT), who surrounded the location, made telephonic contact with the Subject, and ordered him to surrender. Shortly thereafter, the Subject climbed over the third-story balcony of his apartment, armed with an assault rifle, and jumped to the ground. He dropped the rifle; however, he immediately grabbed it and pointed it at the officers, resulting in an Officer-Involved Shooting (OIS).

<u>Suspect</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Male, 39 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; 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 25, 2025.

Incident Summary

On March 6, 2024, Metropolitan Division SWAT received a request from RHD to assist in the service of an arrest and search warrant. The RHD detectives were investigating a series of robberies involving multiple suspects. The suspects targeted armored transport vehicles and Automatic Teller Machines (ATM) while armed with assault rifles and semiautomatic handguns. During their investigation, detectives identified the Subject as one of the suspects and obtained a search warrant for the Subject and his residence.

On March 21, 2024, a briefing for the warrant service was held, present for the briefing were RHD and SWAT personnel, as well as Detective Bureau Commander A.

Following the information provided by RHD, Metropolitan Division SWAT Officer A, conducted the tactical briefing and assigned the officers' roles and specified their route of travel to the location. The plan was for SWAT to set up containment points around the apartment complex, contact the Subject, order him to exit the apartment, and take him into custody.

SWAT personnel proceeded to the apartment complex. Officer B drove the Ballistic Engineered Armored Response Counter Assault Tool (BearCat) vehicle containing SWAT personnel and paramedics. After unloading SWAT officers at various containment positions, Officers B and C drove to their containment position (Side 3). They parked the BearCat approximately six feet south of an aluminum fence that divided the alley and a small dog park in the northeast portion of the complex.

The dog park was on ground level, below the Subject's balcony and loft. The complex's underground parking garage ran along the west side of the dog park. Officer B was the Designated Cover Officer (DCO) with his/her rifle, and Officer C was equipped with a 40mm less lethal multi-launcher (hereafter 40mm multi-launcher). Officers B and C used spotlights to illuminate an east-facing window and the balconies of the Subject's apartment. The paramedics remained inside the BearCat.

A Command Post (CP) was established by Lieutenant A. He/she remained at this location with Commander A for the duration of the incident.

In an attempt to establish communication with the Subject, Sergeant A began calling the Subject's cellphone. The Subject did not answer any of Sergeant A's calls, and after trying alternate numbers, Sergeant A transitioned to a bullhorn and announced their presence.

After not receiving a response, Officer D moved forward and tactically discharged one 40mm less-lethal round at the front door of the Subject's apartment to gain his attention. Sergeant A then made another announcement via the bullhorn. Prior to their initiation, all tactical discharges were approved by Commander A.

There was no response or communication from the Subject. At Sergeant A's request, Officer C tactically discharged a 40mm round at the Subject's bedroom window from his/her position at the passenger door of the BearCat. According to Officer C, the round was defective, and he/she discharged a second 40mm round. That round struck the wall above the window, and Officer C believed it was sufficient to gain the Subject's attention.

Sergeant A continued to make bullhorn announcements before calling the Subject's cellphone again. The Subject answered the phone; however, he hung up without saying anything intelligible. The phone then went straight to voicemail. Sergeant A then continued to utilize the bullhorn.

Moments later, Officer B, who was standing behind the open front passenger door of the BearCat, observed the Subject on his third-story balcony and communicated to Officer C that the Subject was climbing down. With his/her index finger along the frame and the selector switch on safe, Officer B raised his/her rifle, illuminated the balcony with his/her rifle-mounted light, and ordered the Subject to get back inside.

According to Officer B, the Subject had a dark item in his hand, which Officer B believed to be an AR-15 rifle. The Subject walked to the north end of the balcony and appeared to climb over the edge. Officer B observed the Subject hanging from the balcony with one hand while holding the black object with the other. The Subject then dropped to the ground, and when the item landed next to him (the Subject), Officer B confirmed it was a rifle and announced that the Subject had a gun. The Subject landed in the dog park on his right side, approximately 35 feet from Officer B.

The Subject bounced to his knees before assuming a prone position with his head pointed southwest and his feet pointed northeast. The Subject grabbed the rifle with his left hand and brought it to head level, where he picked it up and turned it over. With the rifle resting on the ground and the muzzle pointed in Officers A and B's direction, the Subject manipulated the area of the rifle's selector switch with his left hand, and the OIS occurred.

According to Officer B, after the Subject landed, he/she observed the Subject crawl toward the rifle, grab it with both hands, and lift it slightly upwards. Believing the Subject was about to shoot him/her and Officer C, Officer B utilized his/her red dot optic, aimed at the Subject's center body mass, disengaged the safety, and fired one round. Officer B indicated he/she did not have time to give a warning before firing his/her first round after initially believing that the Subject had died or been severely injured from the fall and then suddenly the Subject was grabbing the gun and attempting to point it at him/her and Officer C.

After firing his/her first round, Officer B assessed and observed the Subject still holding the rifle, while pointing it at him/her and Officer C. Fearing that the Subject was about to kill him/her and Officer C, Officer B fired a second round.

Officer B observed that his/her first two rounds had struck the fence between him/her and the Subject and believed they were ineffective.

Officer B moved slightly west as the Subject continued pointing the rifle in his/her direction. He/she then fired three consecutive rounds at the Subject's center body mass while yelling, "Let it go! Stop reaching for it!"

According to Officer B, after firing his/her fifth round, he/she observed the Subject still gripping the rifle with the muzzle pointed in his/her direction and believed his/her previous rounds were ineffective. Fearing that the Subject was still attempting to shoot him/her and his/her partner, Officer B fired a sixth and final round, aiming at the Subject's head.

After the sixth round, the Subject went limp with his left hand still on the rifle. Officer B then placed his/her index finger on the frame of his/her rifle and re-engaged the safety.

A review of BWV determined that Officer B's commands to the Subject, after he landed in the dog park, occurred after he/she fired his/her first round. A review of security video determined that after Officer B fired his/her last round, the Subject's body went limp, and he remained in a prone position with his left hand on the rifle. The Subject's right hand was out of the camera's view.

During the OIS, the other SWAT officers remained in their containment positions. Upon hearing Officer C broadcast that the Subject was down but still armed, Sergeant A told a portion of his/her team to maintain their positions on the third floor while he/she and the rest of the officers responded to Officers B and C.

From the BearCat, officers observed that the Subject was breathing, and approximately two minutes after the OIS, Sergeant A utilized the bullhorn and ordered the Subject to let go of the item in his hands and to place his hands out to the side so they could help him. The Subject was unresponsive, and approximately 45 seconds later, the paramedics requested that an RA meet them at the mouth of the alley once the scene was safe.

Officer A directed that the BearCat be moved closer to the fence to provide better cover. According to Officer A, although the Subject was holding the rifle, he was not moving, and blood was emanating from his left ear. Officer A formed an arrest team to take the Subject into custody and render aid. No officer was assigned to cover the arrest team from the window/balcony of the Subject's apartment, which was uncleared at this time.

Approximately five minutes after the OIS, the arrest team approached the Subject through the pedestrian gate and took him into custody without further incident. The rifle was moved out of the Subject's hands and placed away from the Subject. The Subject was placed in a supine position to better facilitate medical treatment. As officers handcuffed the Subject's wrists in front of his body, Officer A requested that the paramedics respond. Paramedics arrived moments later, and assessed the Subject

was breathing but unconscious. Paramedics, with the assistance of SWAT officers, moved the Subject to the RA, which was now at the mouth of the alley. They transferred care to the Firefighter Paramedics (FF/PM). The Subject was searched in the RA and no additional weapons were located. The Subject was transported to the hospital, where he was pronounced deceased.

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 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 B's tactics to warrant a finding of a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer B's 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 the Commission's 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 RA for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

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

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

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

Definitions

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

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

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

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

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

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

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

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

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

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

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

A. Tactics

Tactical De-Escalation

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

Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officer A developed a tactical plan that was approved by his/her chain of command that included Officer B on containment, with the BearCat utilized for cover. The plan included containment, a search and arrest team, contact and cover roles, intermediate force options, direction of approach and tactical discharges. The plan included the use of a Small Unmanned Aerial System (sUAS) due to Air Support being unable to deploy because of weather conditions. Furthermore, Officer A and Sergeant A discussed an evacuation and gas plan in the event the situation progressed to a barricaded suspect incident.

Assessment – Throughout the incident, Sergeant A and Officer A assessed their plan as they continued attempts to gain voluntary compliance from the Subject. After several unsuccessful phone calls and bullhorn announcements, Sergeant A and Officer A began discussing the possibility of declaring the Subject a barricaded suspect and discussed an evacuation and gas plan but agreed to continue attempts to contact the Subject. Prior to declaring the Subject a barricaded suspect, the Subject dropped from his balcony into the dog park. Officer B observed the Subject drop into the dog park, advised Officer C that the Subject was armed with a firearm, and assessed the muzzle was pointed in their direction. Officer B assessed the Subject manipulated his rifle after dropping to the ground from his third story balcony resulting in an OIS. Officer B assessed between each round, noting his/her rounds were ineffective in stopping the Subject's imminent threat as he was still armed with

the rifle and the muzzle was still pointed in his/her direction. Officer B ceased fire after his/her sixth round when he/she observed the Subject's body go "limp" and assessed the Subject no longer posed an imminent threat.

Time – Throughout the duration of the warrant service, officers maximized the use of time by deploying a bunker shield for cover in addition to utilizing redeployment and distance to afford more time to respond to the Subject's actions. Additionally, Sergeant A made numerous phone calls and bullhorn announcements giving the Subject sufficient time to surrender. After dropping from his balcony, the Subject armed himself with a rifle and an OIS occurred. Because the Subject compressed the timeframe of the incident, Officer B did not have time to employ additional de-escalation tactics.

Redeployment and/or Containment – Prior to the warrant service, SWAT personnel established containment of the Subject's apartment complex to minimize his movement. In order to maintain cover and distance, officers redeployed the bunker shield further away from the Subject's apartment door and ultimately redeployed into a stairwell for additional distance and cover. Officers on roof containment redeployed behind the apartment complex's loft roof. After the OIS, officers on ground containment redeployed the BearCat against the dog park gate to provide additional cover prior to approaching the Subject.

Other Resources – Officers used a sUAS to monitor the Subject's apartment, which gave them the benefit of maintaining distance and cover while minimizing their exposure to the Subject's apartment. Los Angeles Fire Department's paramedics were on scene to provide immediate medical attention in the event it was needed and an LAFD RA was requested to stand by. Detectives with RHD's Special Investigation Section (SIS) assisted as pathfinders for SWAT officers as they arrived at the complex and assisted with containment of the Subject's vehicle in the parking structure.

Lines of Communication – At the onset of the warrant service, Sergeant A made several phone calls to the Subject to gain his compliance but there was no response. Following the phone calls, Sergeant A used a bullhorn to announce their presence and have the Subject surrender. During one of the phone calls, the Subject answered his phone and Sergeant A identified himself/herself, notified the Subject of their presence, and requested him to surrender before he (the Subject) disconnected the call. Upon observing the Subject on the balcony, Officer B yelled at the Subject to get back inside. After the Subject escaped from the balcony, Officer B notified Officer C that the Subject had a gun. Throughout the OIS, Officer B gave the Subject commands to "stop reaching for it (the rifle)," as Officer C broadcast the unfolding of events to the other personnel conducting the search warrant. Throughout the incident, officers communicated with each other, and Sergeant A communicated with the IC.

During the review of this incident, there were no Debriefing Points noted.

Additional Tactical Debrief Topics

Contact and Cover – Following the OIS, SWAT officers moved up into the dog park under the Subject's apartment to take the Subject into custody and render medical aid. At this time, the Subject's apartment had not been cleared, and it was unknown if it contained an outstanding suspect.

As Officer A set the plan to move forward and take the Subject into custody, no one was assigned to cover the potential threat from the windows/balcony of the Subject's apartment. Once the Subject had been evacuated out of the dog park, officers remained in the area under his apartment as they discussed the ongoing tactical situation and scene management. Officers raised concerns to Sergeant A and Officer A about their exposure to the potential threat from the uncleared apartment above, however, this was not acted upon. Although once the Subject was evacuated, Officer C took the initiative and provided firearms cover from the potential threat above, there was no tactical reason not to clear the area once the Subject had been taken into custody and obtain cover behind the BearCat.

Command and Control

- Prior to the operation, Officer A met with investigators and obtained information regarding the arrest and search warrant. Officer A developed a tactical plan including, but not limited to, search and arrest tactics, contact and cover roles, intermediate force options, direction of approach, reconnaissance options, required equipment and tactical discharges. Sergeant A was designated as the entry team's supervisor, attempted telephonic contact with the Subject and used a bullhorn when telephonic contact was unsuccessful. Sergeant A made additional telephonic attempts and successfully contacted the Subject advising him of their presence and request to surrender, but there was no response from the Subject. As the operation progressed, Officer A and Sergeant A coordinated their available resources by communicating clear and concise direction to their officers as they attempted to gain voluntary compliance from the Subject.

Following the OIS, Officer A directed a portion of his/her personnel to maintain their position adjacent to the Subject's front door as he/she and other Metropolitan Division personnel responded to the location of the OIS. While at the BearCat, Sergeant A used the bullhorn and directed the Subject to let go of the weapon but received no response. Officer A developed an arrest team consisting of a DCO, intermediate force options, communications and an arrest team to approach the Subject and provide medical attention. Officer A directed the BearCat be moved forward to maximize cover for the officers.

Sergeant A monitored the officers' approach as they took the Subject into custody. After the Subject was taken to the awaiting RA, Sergeant A identified Officer B as being involved and directed Metropolitan Division Sergeant B, to obtain his/her

Public Safety Statement (PSS). Sergeant B separated and monitored Officer B and obtained his/her PSS.

A Command Post (CP) was established prior to the search and arrest warrant service. Commander A and Lieutenant A were present at the CP and Commander A approved the tactical operation plan and all tactical discharges.

The overall actions of Officer A, Sergeants A and B, Lieutenant A, and Commander A were consistent with Department training and the BOPC's expectations of a senior officer and Department supervisors during a critical incident.

B. Drawing/Exhibiting

Officer B

Metropolitan Division SWAT officers responded to an arrest and search warrant service for the Subject and his residence. The Subject was identified as a suspect wanted in connection with armed robberies of Brinks armored transport vehicles and ATMs while armed with assault rifles and semiautomatic handguns. Officer B was designated as the DCO at his/her containment position and was equipped with his/her rifle as officers attempted to gain the Subject's compliance and affect his arrest.

The UOFRB assessed Officer B's exhibition of his/her rifle. The Board noted Officer B deployed his/her rifle at the onset of the containment of the Subject's apartment and the Subject was wanted for armed robberies and had a propensity for violence. The Board considered the Subject was identified as a suspect known to wear body armor, be armed with firearms, including rifles equipped with enhanced optics and high-capacity magazines, and possibly possess armor-piercing ammunition. The Board further noted Officer B was assigned as the DCO in his/her respective containment position. The Board opined the situation could escalate to the use of deadly force and Officer B's exhibition of his/her rifle was appropriate.

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

C. Lethal Use of Force

Officer B – Rifle, six rounds from a distance of approximately 35 feet.

As the DCO, Officer B observed the Subject drop from the third story balcony and land on the ground approximately 35 feet away from him/her, with the rifle landing next to him. The Subject bounced to his knees before assuming a prone position with his head pointed southwest and his feet pointed northeast. The Subject grabbed the object, which Officer B now recognized as a rifle, with his left hand and brought it to head level, where he picked it up and turned it over. With the rifle resting on the ground and the muzzle pointed in Officers A and B's direction, the Subject manipulated the area of the rifle's selector switch with his left hand and the OIS occurred.

In fear for his/her and Officer C's lives, Officer B discharged a total of six rounds at the Subject, assessing between each round. Officer B described the Subject's actions before and between each round as him trying to lift the firearm while it was pointed in his/her direction. According to FID investigators, video surveillance showed the Subject attempting to manipulate the weapon in the area near the rifle's selector switch prior to the OIS.

The UOFRB assessed the circumstances and evidence related to the use of deadly force. In their assessment, the Board considered the Subject's actions that led to the OIS. The Board noted the Subject was notified via cell phone and a bullhorn that officers were serving a warrant that gave the Subject sufficient time and opportunity to surrender. Instead, the Subject threw the sUAS off the roof, armed himself with a rifle, and dropped from his third story balcony to the ground in order to avoid exiting his apartment door where the arrest team awaited him. Officer B observed the Subject drop to the ground and arm himself with a rifle. The Board considered Officer B observed the muzzle of the rifle pointed in his/her and Officer C's direction as the Subject manipulated the rifle. The Board opined the Subject showed intent to shoot officers by arming himself with a rifle prior to dropping from his balcony and by manipulating the rifle with the muzzle pointed in the officers' direction after he landed on the ground.

Regarding the six rounds discharged by Officer B, the UOFRB noted there was a pause before every round fired indicating Officer B appropriately assessed between each round. The Board concurred with Officer B's assessment that the Subject continued to pose an imminent threat as the Subject manipulated his rifle, and the threat did not stop until after Officer B's sixth round was discharged. The Board determined the Subject posed an imminent threat of serious bodily injury or death to the officers and all six rounds fired by Officer B were in immediate defense of his/her and Officer C's lives.

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

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