

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

OFFICER-INVOLVED SHOOTING – F028-24

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
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Outside City	5/30/24		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	29 years
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Reason for Police Contact

Officer A was off-duty and driving his/her private vehicle. He/she was stopped for a red traffic light when he/she was involved in a low-speed traffic collision in which he/she was rear ended by another motorist (the Subject). Both drivers pulled to the curb and exited their vehicles to exchange information. The Subject assaulted Officer A, who had identified himself as an LAPD officer, resulting in an Officer-Involved Shooting (OIS).

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Male, 37 years of age.			
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Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this categorical use of force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (LAPD or 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 (FID) 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 (Chief); 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 April 22, 2025.

Incident Summary

On May 30, 2024, Officer A was off-duty and driving his/her vehicle. Officer A was stopped for a red traffic light. As Officer A was waiting, he/she was rear ended by the Subject's vehicle. Officer A looked in his/her rear-view mirror and observed the Subject looking left to right. According to Officer A, it appeared that the Subject was looking for an exit to flee. Officer A, believing the incident was going to become a hit and run, exited his/her vehicle. While standing near his/her driver door, Officer A used his/her cell phone to take a photograph of the Subject's vehicle license plate.

According to Officer A, the Subject observed that he/she had taken a photograph of his vehicle and told him/her to pull over, so they could exchange information. Officer A got back into his/her vehicle and drove west at the next intersection. Officer A pulled to the north curb and parked. The Subject drove past Officer A's vehicle and also pulled to the north curb, parking his vehicle in front of Officer A's vehicle.

Officer A observed the Subject exit and approach his/her vehicle, so Officer A also exited. Officer A advised that the Subject approached him/her and asked if they were going to exchange information. According to Officer A, the Subject was aggressive toward him/her and began accusing him/her of drinking. Officer A denied that he/she had been drinking and asked if they were going to exchange information. The Subject became upset and called him/her an expletive. Officer A replied he/she would call the police, if they were not going to exchange information.

According to Officer A, the Subject walked to the rear of Officer A's vehicle and began to examine the rear bumper and stated there was no damage and called him an expletive. Officer A pulled out his/her cell phone but became nervous due to the Subject's demeanor. Officer A again told the Subject that he/she was going to call the police if they were not going to exchange information. According to Officer A, the Subject, who was standing on the curb, raised his clinched fists in front of him. Officer A, who was standing in the street and in fear for his/her safety, told the Subject that he/she was off-duty LAPD. Officer A believed that by telling the Subject he/she was law enforcement, it would deescalate the incident.

However, after hearing Officer A was an LAPD officer, the Subject immediately stepped off the curb, charged toward Officer A, and started throwing punches. In order to defend himself/herself, Officer A began punching as well. According to Officer A, he/she immediately felt his/her right hand go numb, rendering it useless. Officer A kicked at the Subject, with his/her right leg, to push him off. However, that angered the Subject, and he began punching Officer A in the head with both fists.

Officer A indicated that the Subject had him/her by his long sleeve shirt, and that the Subject was punching him/her on both sides of his/her head. The Subject brought Officer A down as he punched him/her. Officer A believed he/she was going to lose consciousness and that the Subject was going to kill him/her by either smashing his/her head on the street or taking his/her own guns and using them against him/her.

Note: Officer A possessed a pistol in his/her fanny pack strapped across his/her chest, but as a result of his/her right hand being rendered useless, he/she was unable to retrieve it. Officer A was also carrying a backup pistol in his/her left front short pants' pocket.

Officer A, who was in a seated position and leaning back, used his/her left hand to pull out a pistol from his/her left front short pants' pocket. Using his/her left hand, he/she fired three rounds at the Subject.

Officer A believed that the Subject was still holding him/her by his/her shirt and punching him/her when he/she fired his/her first two rounds. According to Officer A, the first two rounds had some effect because the Subject released him/her. Officer A was unsure if the Subject released his/her shirt after the first or second round. Officer A fired a third round because he/she still perceived the Subject as a deadly threat as he stood over him/her and was unsure if he was going to attack him/her again. After the third round was fired, Officer A observed the Subject fall forward and did not perceive him as a threat any longer. Officer A put his pistol back into his/her left front short pants' pocket, without the pocket holster.

Immediately after the OIS, Officer A used his/her cell phone to call 911 and report the incident. A radio call was generated, and Officers B and C from the local police department were the first to arrive at scene. Both Officers B and C observed the Subject lying on the ground with several wounds to his body.

Officer A, upon seeing the police vehicle, raised his/her arms into the air. Officer A immediately stated he/she was an off-duty officer. Officer A added that his/her right hand was injured, and he/she felt a little dizzy. Officer B ordered him/her to turn and face the ground, and he/she complied with the commands. After ordering Officer A onto his/her stomach, Officers B and C detained Officer A by placing him/her in handcuffs and secured Officer A's pistols. Once the crime scene was secured and cleared, firefighters from the local fire department arrived at scene. Fire Department Captain A pronounced the Subject deceased.

Officer A advised responding officers that he/she possibly broke his/her right thumb. Paramedics examined Officer A for injuries. As Paramedic A was assessing Officer A and asking him/her questions, he/she asked if he/she ever lost consciousness. Officer A advised that the Subject had him/her by his shirt, that he/she had been punched a few times, felt dizzy, and lost consciousness for a second or two. Paramedic A also noted abrasion to Officer A's head and possibly a dislocated thumb.

Note: It was later determined that Officer A sustained a right thumb fracture.

Officer A was asked if he/she had any medical issues. Officer A advised he/she had back issues and a bad right knee. Officer A was placed on a gurney in soft restraints and put in the back of the ambulance. Officer A was transported to a hospital.

Los Angeles Board of Police Commissioners' (BOPC) Findings

The BOPC reviews each CUOF 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's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Officer A's use of non-lethal force to be In Policy.

D. Lethal Use of Force

The BOPC found Officer A'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 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 BOPC’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 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 suspected offense;
- The level of threat or resistance presented by the suspect;
- 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 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, Subjects, persons in custody, subjects 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 fired 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 fired 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 firing 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 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 does not require that an officer compromise his or his/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.

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)

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

– Officer A was off-duty and did not have the available resources he/she would typically have while on-duty. However, as the Subject approached Officer A aggressively, Officer A backed away to create distance. After observing the Subject clinch [sic] his fists, Officer A identified himself/herself as a police officer to de-escalate and dissuade the Subject from advancing on him/her. Once the Subject charged toward Officer A, Officer A acted to defend himself/herself and was not afforded any additional time or reasonable ability to utilize additional de-escalation techniques.

- During the review of this incident, no Debriefing Points were identified.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives, and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers, and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Commander A was notified of the OIS. Commander A contacted and notified Captain A. Captain A directed Central Patrol Division Assistant Watch Commander Sergeant A to respond to the scene.

Commander A, Captain A, and Sergeant A responded to the scene. Sergeant A attempted to obtain a Public Safety Statement (PSS) from Officer A; however, the PSS was not allowed by the local police agency's homicide detectives.

The overall actions of Commander A, Captain A, and Sergeant A were consistent with Department training and the BOPC's expectations of Department supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the BOPC concurred, the actions of Officer A were not a deviation from Department-approved tactical training. Each tactical incident merits a comprehensive debriefing. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions which occurred during this incident. Therefore, the BOPC found Officer A's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- **Officer A**

According to Officer A, after the Subject began punching him/her while he/she was on the ground, he/she felt as if he/she was going to "pass out" and had "blurry vision." Officer A believed he/she was going to sustain serious bodily injury or death if the Subject's attack were to continue. In response, Officer A used his/her left hand to pull his/her pistol out of the front left pocket of his/her shorts. According to the FID investigation, Officer A described himself/herself as being in a seated position and leaning back.

The UOFRB assessed Officer A's decision to draw and exhibit his/her off-duty pistol. The Board considered Officer A unholstered his/her pistol from his/her pocket after having already been attacked by the Subject and felt numbness to his/her dominant hand rendering it incapacitated. The Board noted the FID investigation documented Officer A was noted to have sustained head and face swelling and Officer A described feeling as though he/she was about to lose consciousness and had blurred vision. The Board opined it was reasonable for Officer A to believe the situation could escalate to the use of deadly force based on his/her injuries and his/her unholstering of his/her pistol was within Department policy.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, an officer with similar training and experience as Officer A would reasonably believe there was a substantial risk the situation may escalate where deadly force could be justified. Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

- **Officer A (Punches and Kick)**

According to Officer A, the Subject was standing on the curb and stated, "I'm not going back to prison" and raised his clenched fists. Officer A, who was standing in the street and in fear for his/her safety, told the Subject, "Hey, I'm off-duty LAPD, man." Officer A believed that by telling the Subject he/she was law enforcement, it would diffuse the

situation. However, after hearing Officer A was an LAPD officer, the Subject immediately stepped off the curb, charged toward Officer A, and started throwing punches. To defend himself/herself, Officer A began punching as well. According to Officer A, he/she immediately felt his/her right hand go numb, rendering it useless. Officer A stated he/she kicked at the Subject, with his/her right leg, to push him off; however, that angered the Subject and the Subject began punching Officer A in the head with both fists.

The UOFRB assessed Officer A's use of non-lethal force. The Board noted Officer A stated he/she used various punches and a kick only after the Subject began punching him/her. Various accounts from witnesses corroborate the Subject was the aggressor and Officer A appeared to be defending himself/herself. The Board determined Officer A's use of non-lethal force was objectively reasonable and proportional to defend himself/herself from the Subject's attack.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, an officer with similar training and experience as Officer A in the same situation, would reasonably believe the use of Non-Lethal Force was objectively reasonable and proportional. Therefore, the BOPC found Officer A's use of non-lethal force to be to be In Policy.

D. Lethal Use of Force

- **Officer A** – Pistol .380 caliber, three rounds from a distance of approximately three to four feet in an upward northwesterly direction.

Per FID, three popping sounds are heard in just under one second; however, they were not in synchronization with the muzzle flashes observed on video.

Background – According to Officer A, he/she was shooting in an upward direction and there was nothing in his/her background. The incident occurred in a residential neighborhood consisting of single-family homes.

Officer A believed he/she was going to lose consciousness and the Subject was going to kill him/her by either smashing his/her head on the street or taking his/her guns and using them against him/her. Officer A, who was in a seated position and leaning back, used his/her left hand to pull out his/her pistol, which was in a pocket holster inside his/her left front short pants' pocket. Using his/her left hand, he/she fired three rounds at the Subject.

Officer A's belief and perception was the Subject was still holding him/her by his/her flannel shirt and punching him/her when he/she fired his/her first two rounds.

Note: According to FID, prior to the OIS, a community member's dashcam video depicted the Subject walking east toward Officer A who was already on the ground. Due to poor video quality, it was unclear how or why Officer A landed on the ground. The video then depicted the Subject utilizing his lower body in an unclear aggressive manner toward Officer A who remained on the ground.

It appeared the Subject was either going into or coming out of a kicking motion with his right leg. The Subject can then be observed holding his arms in a possible fighting stance while standing over Officer A.

Due to poor video quality, FID investigators were unable to determine if the Subject actually physically contacted Officer A at any point during the video, but investigators were able to determine the Subject was close to Officer A. At the time of the OIS, FID investigators observed Officer A seated and the Subject standing over him/her.

When asked by FID investigators if his/her perception before he/she fired his/her third round was that the Subject was still a deadly threat, Officer A responded, "Yes."

The UOFRB assessed Officer A's decision to use lethal force during this incident. The Board took into consideration the injuries Officer A sustained and available video evidence. The Board noted Officer A stated he/she lost the ability to use his/her dominant (right) hand, believed he/she was about to lose consciousness, and opined the 9-1-1 audio added credibility to his/her account of what occurred. The Board also relied upon witness statements that supported Officer A, such as Witness A who stated it appeared the Subject was provoking the situation and Officer A was defending himself/herself and fired his/her gun from a seated position; Witness B who observed the Subject push Officer A to the ground and then hover over him/her; Witness C who believed Officer A took a step back to disengage but the Subject lunged forward to engage Officer A and appeared to be the aggressor; and finally Witness D who described Officer A "kicking out" as if trying to protect himself/herself. Furthermore, the Board opined the available video evidence suggested the Subject was the aggressor as it depicted him standing over Officer A as he/she (Officer A) was on the ground when he/she fired. The Board opined although the Subject was unarmed, he was relentless in his attack and the propensity for violence was present. The injuries Officer A sustained met the definition of serious bodily injury as defined by Department policy and state law. In addition, having already identified himself/herself as a police officer, it was reasonable for Officer A to believe the Subject could remove his/her handguns if he/she was rendered unconscious. As such, the Board determined Officer A's use of lethal force to prevent further serious bodily injury or death was objectively reasonable, proportional, and necessary.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, 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 to be In Policy.