

Incident Summary

Officers A and B received a radio call of a battery. Communications Division (CD) then upgraded the call to an emergency Assault with a Deadly Weapon (ADW) domestic violence in progress. The CD Radio Telephone Operator (RTO) advised, "The su[bj]ect is a male, chasing a female at the location with a stick. The children are in front of the house screaming." Officers C and D responded as back-up.

Officer B parked the police car approximately 40 yards east of the location. Officer A broadcast, "We're [at the location]. Can we have an additional unit?" As Officers A and B exited the police vehicle, they heard a gunshot which caused them to unholster their pistols to a low ready position. Officer A looked in the direction he believed the gunshot originated and observed a male, later identified as the Subject, 23 years of age, standing on the south side of the apartment building. The Subject looked in the officers' direction. At this time, Officer A observed the Subject place his right hand either inside his pocket or directly on top of his right front pants pocket.

Officer A stated, "I believed the su[bj]ect was armed and was a shooter." Officer B stated, "He turned back, looked at us. And what caught my attention as well was because he was grabbing his pockets in like towards his waistband. And he looked at us and just started running away from us." After hearing the gunshot and observing the Subject, Officer A broadcast, "We need a backup."

The RTO broadcast that a su[bj]ect had just shot his wife inside of the location. After hearing this, Officer C activated his lights and siren and responded with emergency lights and sirens to the incident.

As the Subject ran from the officers, Officer A holstered his pistol and began to chase the Subject on foot in order to contain him. Officer B also holstered his pistol, returned to the police vehicle because he did not want to leave it unattended, and after obtaining the vehicle, followed Officer A. As Officer A approached, he observed a male, later identified as the Subject's father, lying on the sidewalk in front of the residence, with a gunshot wound to the head.

As Officer A tracked the Subject on foot, Officer B followed in the police vehicle from approximately 20 feet to the rear. Officers A and B did not pursue the Subject any further and set up at a perimeter position to contain him. Officer A then communicated with the Air Unit to direct responding units to additional perimeter positions to establish containment.

The Air Unit broadcast, "I've got him here one east of your location, guys." Almost simultaneously, Officer A, aware of the victim's need for medical treatment, broadcast, "I need an RA, also, for a male suffering gunshot wounds." Moments later, the Air Unit advised, "... running northbound ... I've got him – it looks like a grey shirt, white pants. He's continuing northbound."

As Officers C and D drove east, they observed the Subject run west into an alley. As Officer C turned west in the same alley to follow the Subject, Officer D told Officer C to stop the vehicle at the mouth of the alley. Officer D exited the vehicle, used his passenger door as cover, unholstered his pistol, and ordered the Subject to the ground. The Subject did not comply and continued to run west in the alley. Officer D holstered his pistol and began chasing the Subject on foot. Officer C drove, with his driver side door propped open, approximately five feet behind Officer D because the alley was narrow and he did not want to leave his equipment behind.

The Subject then climbed over a six foot high east/west chain link fence on the south side of the alley and entered the rear yard of a residence. Officer D unholstered his pistol and held it at the low ready position. Officer C unholstered his pistol as he exited his police vehicle. Officer C deployed north of the chain link fence on the northwest corner of the rear yard. Officer D climbed onto the trunk of his police vehicle, which was parked at the northeast corner of the same yard. Officer D had climbed onto his vehicle trunk in order to obtain a better visual of the Subject. The officers, with illumination being provided by the air unit's searchlight, as well as their Department-issued flashlights, and police vehicle spotlights, scanned the yards in search of the Subject.

During this time, the Subject was looking around and pacing back and forth in the rear yard of the residence he had fled into. Officer C stated, "The entire time, he was looking in all directions, fidgeting with his pockets and his waistband acting as if he was trying to conceal something underneath. At that point we could not tell what he was trying to conceal, just that he was making a good effort to pull something underneath his shirt. We began trying to order him to comply with our request for hands up, show us your hands, and go down. He basically ignored us the entire time."

Officer A, while holding a position on the perimeter, broadcast, "Be advised he still has the gun in his hand. Airship, the gunshot was heard; he had his hand inside his pocket."

The Subject jumped the north/south six-foot high chain link fence in a westerly direction and entered the rear yard of another residence. Officer C paralleled one yard west in the alley. Officer D remained standing on the trunk of the police vehicle. They again observed the Subject pace back and forth in the aforementioned rear yard. Officer C stated, "As he was in each one of the backyards, I was trying to contact him verbally saying, 'Let me see your hands. Put your hands up. Go down on your knees.'" The Subject jumped back and forth over the fences shared with neighboring yards several times. The Subject then walked south along the west side of the house out of Officers C and D's view.

Police Officers E and F were deployed on the perimeter in front of the residence. Aware that the Subject was armed, Officer E unholstered his pistol as he exited his vehicle and held it at a low ready position. Officer F chambered a round in his Department issued shotgun and held it at the low ready position. They observed the Subject proceeding south toward them along the west side of the house. Officer E shouted at the Subject,

“Let me see your hands.” The Subject did not comply and turned back, heading north along the west side of the house.

Officers C and D observed the Subject return to the rear yard. At one point, Officer C observed the Subject remove an unknown object he had concealed underneath his shirt and hide it in a bush. After again pacing in the rear yard for a short time, the Subject returned to the bush and retrieved the unknown object. The Subject continued to pace in the rear yard until he approached a black trash can near the rear of the house. Officer C stated, “His back is facing towards me. He reaches under his waistband, puts something underneath the bags that are sitting on top, and again begins to pace around the yard.”

The Subject then walked south in the driveway on the east side of the house, out of Officer C and D’s view. The Subject continued south in the driveway. Officer E observed him and again ordered the Subject to let him see his hands. The Subject did not comply and again turned around, proceeding north to the rear of the house and out of Officer E’s view. At this time, the Air Unit broadcast, “Looks like he’s trying to gain entry in these houses.”

From a position of cover behind the rear garage of the home, Officer C observed the Subject return to the rear yard and return to the trash can where he had last secreted the unknown object. Officer C stated, “[the Subject] recovers what I would shortly thereafter find out was a black handgun. As he’s backing away, he proceeds to turn about 45 degrees in my direction, looks back at me, and continues to turn around another probably 45 degrees. At this point, I can see that in his right hand he’s holding a handgun, looking in my direction, focusing in on me, and pointing the handgun in my direction. I’m in fear for my life. I don’t want this guy to shoot me. I get – you know, decide that this is it. He’s pointing a gun at me. He’s focused on me. He’s exhausted his options to try to get out of his situation, and he’s probably going to try to shoot at me. At that point I fired two rounds.” In response, the Subject sidestepped to his right, in a southerly direction, along the west side of the house. Officer C further stated, “[the Subject] continued to focus his attention on me. I could see the handgun in his right hand. He was looking at me with the handgun pointed directly at me. I continued to fire an additional, I believe it was eight rounds, seven or eight rounds in his direction as he proceeded to focus his attention on me but back away to his right hand side and out of my view.”

Officer C initially fired two rounds in rapid succession, followed by an additional four to five rounds in rapid succession and, after a slight pause for assessment, fired an additional four to five rounds in rapid succession at the Subject. Subsequent investigation revealed that Officer C fired a total of 10 rounds from his semiautomatic service pistol in a southerly direction at the armed subject. Officer C fired through the chain link fence, from an increasing distance of 46 to 53 feet.

The Subject continued south out of Officer C’s view and then jumped west over the north/south chain link fence to the yard next door. Officer C then conducted a tactical

reload. After hearing the Air Unit broadcast that the Subject had jumped west into the yard next door, he and Officer D continued to hold their position in the alley. Officer C holstered his pistol, returned to his police vehicle, and obtained his shotgun.

Officer E did not know who had fired the rounds and did not hear any radio transmissions after hearing that shots had been fired, but did know that officers were in the rear alley. Officer E broadcast, "Shots fired." Fearing that officers had been injured or killed in the gunfire, Officer E walked north on the east driveway to the rear yard with Officer I. Believing the Subject was possibly wanted for murder; Officer I unholstered his pistol and held it at the low ready. Officers E and I cleared the rear yard until they observed Officers C and D in the alley to the rear of the location. The officers advised Officers E and I that the Subject had jumped into the yard west of their location. Officers E and I looked toward the rear yard west of their location and observed the Subject pacing in the yard.

Officer E ran south in the driveway to the front of the residence and advised officers on that portion of the perimeter that the Subject was now in the rear yard. Officer I remained in the rear yard monitoring the Subject as he moved west in the yard and out of view.

Officer E responded to the front yard of the residence one house west of where the Subject had last been seen, and began to walk up the walkway on the west side of the house toward the rear yard. Officer E indicated using the west side of the house as cover because he wanted to make sure that the officers still had eyes on the Subject, who was armed. Officer E knew that if the Subject got into one of the houses, they were going to have a hostage situation on their hands. In addition, Officer E knew the Subject was armed.

The Air Unit broadcast, "All right. He's one house – he's making – trying to make his way – one house west. He's got a dog on his – on his rear right now. Stand by right there you guys. He's gonna make contact." As Officer E continued walking north along the west side of the house, he observed the Subject walk south on the west side of the house from the rear yard. The Air Unit illuminated the area with the searchlight. Officer E dropped his Department-issued flashlight to the ground.

Officer E took a position of cover behind a hot water heater shed on the west side of the house. An east/west four foot high chain link gate stood between Officer E and the Subject. Officer E shouted, "Let me see your hands. Put your hands in the air. Let me see your hands. Let me see your hands." The Subject did not comply and began to climb the north/south five foot cinderblock wall between two residences.

The Subject climbed and straddled the wall facing south toward Officer E. Officer E stated, "There was a previous shooting, shots fired. I didn't know if he shot at officers or officers shot at him. After that happened, officers broadcast that he was armed with a gun in his pocket." Officer E also stated, "So he's straddling the fence, the concrete, the cinder block. I'm telling him, 'Let me see your hands, let me see your hands.' He calmly

looks in my direction, looks at me, and with his left hand reaches. He leans like to his right and leans in with his left hand into his left front pocket.” At that point, in defense of his life, Officer E formed the opinion the Subject had a gun in his pocket and he was retrieving it to engage Officer E. Officer E fired two rounds in rapid succession at the Subject, in a northerly direction, from a distance of approximately 23 feet. The Subject leaned to his right and fell to the west into the rear yard of the residence, out of Officer E’s view.

The Subject subsequently fled west through several rear yards before climbing into the north/south alley behind the residences. The Subject moved north in the alley before climbing a 10 foot high wrought iron fence to the rear of an apartment building north of the residences.

The Air Unit broadcast, “Okay, I’ve got him in the alley now and [...] He’s trying to make his way into that apartment building. Hey, we’re going to have to stop him before he gets into that alley – I mean gets into that apartment building.”

At this time, Police Officers G and H joined Officers C and D in the alley. The officers then proceeded west in the east/west alley to the intersection of the north/south alley, where the Air Unit was tracking the Subject. Officer C observed the Subject climbing the fence from the north/south alley into the rear of the apartment building. Officer C broadcast, “Airship, be advised, I saw a handgun in his side pocket.” After using bolt cutters to open the gate dividing the two alleys, the four officers entered the north/south alley and attempted to locate the Subject in the rear of the apartment complex.

The Air Unit broadcast, “All right, guys. Hey, he’s back towards the alley. He’s back towards the alley. He’s making his way towards the alley right now, in the east/west alley. He’s on the north side of the alley right now, and he’s making the fence right now.” Officer C looked east in the east/west alley, and observed the Subject jumping the rear fence into the alley.

The Subject began to run east in the alley. Officers C, D, G and H could not see the Subject’s handgun. Officer C slung his shotgun under his left arm as Officers D, G and H holstered their pistols, and they all chased the Subject on foot. Officer D ordered the Subject to stop, but he continued to run. Officer C was running to the Subject’s left rear, and Officer D was running to the Subject’s right rear. Officer D, in an attempt to take the Subject to the ground, used his left foot to kick/trip the Subject’s right leg. This caused the Subject to fall prone onto the ground with his arms tucked under his body.

Officer D ordered the Subject to stop resisting, but the Subject kept his arms under his body. Officer D attempted to use his right hand to remove the Subject’s right arm from under his body and place it behind his back, but the Subject resisted. Simultaneously, Officer C placed his right knee on the small of the Subject’s back, his right hand on the Subject’s left shoulder, and his left hand on the Subject’s left wrist. At the same time, Officer H placed both of his knees on the Subject’s back and attempted to assist Officer D with obtaining the Subject’s right arm.

During the struggle, Officer G observed the butt of a handgun protruding from the Subject's rear waistband. Officer G removed the handgun and advised the other officers, "I got the gun. I got the gun." Officer G observed that the Subject continued to resist Officers C, D and H's attempts to subdue him. Officer G kicked the Subject three times in the right side ribcage down low with his right foot. That was in an effort to, number one, you know, they were giving him orders to put his hands behind his back. But the kicks were to try to gain compliance. But they were also trying to knock the air out of him to take the fight out of him and not give him the opportunity to react. The whole time he was trying to get his hands, he was struggling back and forth, moving his body back and forth, kicking his legs, and, what appeared to me, an attempt to assault the officers, so he could escape again.

Officers C and H were ultimately able to place the Subject's left hand behind his back and Officer H handcuffed the left wrist. Officer H then assisted Officer D place the Subject's right hand behind his back. Officer H then handcuffed the Subject's hands together behind his back. He then utilized a hobble restraint above the knees to control the Subject's legs.

Officer G broadcast that the incident had been resolved (Code Four), and an RA was requested for the Subject's minor abrasions.

Sergeant A arrived at the scene after the "shots fired" broadcast was issued. He directed officers to different locations on the perimeter until he heard the Code Four broadcast. Sergeant A responded to the alley where the Subject was taken into custody and observed the Subject being stood up as he approached. He was the first supervisor at the arrest scene. He directed Officer G to secure the Subject's handgun in the trunk of his vehicle. Sergeant A determined that Officers C and E were involved in the OIS and separated them. He then directed officers to secure the crime scene before being joined by Sergeant B. Sergeant A advised Sergeant B that Officers C and E had been involved in an OIS. Sergeant A obtained a Public Safety Statement (PSS) from Officer C, and Sergeant B obtained a PSS from Officer E.

Los Angeles Fire Department RA transported the Subject to a local hospital where he was treated for abrasions and a preexisting injury to his left ear that needed to be re-sutured. The Subject was not wounded during the Officer-Involved-Shooting (OIS).

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). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to

ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

The BOPC found Officer E's tactics to warrant Administrative Disapproval. The BOPC found Officers A, B, C, D, G and H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A, B, C, D, E, G, and H's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Officers C, D, G, and H's non-lethal use of force to be in policy.

D. Use of Lethal Force

The BOPC found Officer C and E's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Foot Pursuit Tactics

Officer A initiated a foot pursuit of the Subject while Officer B followed Officer A in the police vehicle.

Generally, the tactic of paralleling, with one officer remaining in the vehicle and the other officer on foot, is discouraged. However, it is not prohibited. Officers must be afforded a level of discretion regarding the appropriateness of their decision to follow in a police vehicle while the partner officer is engaged in a foot pursuit. In this circumstance, Officers A and B exited the police vehicle and, from a distance of approximately one half block, identified the Subject as the possible perpetrator in the shooting. Officer A pursued the Subject on foot and instructed Officer B to, "Get in the car." As a result, Officer B returned to his vehicle and followed Officer A.

Officers A and B pursued the Subject, in containment mode. Regarding Officer A's perception of Officer B's location during the foot pursuit, Officer A recalled

that Officer B was approximately 15 yards away and was seated in the vehicle. Officer B could hear the vehicle directly south of him.

The BOPC conducted an assessment of Officers A and B's decision to utilize parallel foot pursuit tactics. While the BOPC was critical of the decision to parallel, they determined that Officer A maintained a safe distance (approximately 5-10 yards), thus enhancing the possibility of an effective containment. Cognizant that the Subject may be armed, Officer A utilized sound tactics by following the Subject at a safe distance. Lastly, Officers A and B discontinued the foot pursuit upon realizing that the Subject had run northbound out of the officers' line of sight and set up a perimeter.

In conclusion, although the use of this tactic deviated from approved Department tactical training, based on the totality of the circumstances, the BOPC found it was not a substantial deviation. Officers A and B were reminded that it is tactically advantageous for both officers to exit the vehicle and of the importance of remaining together while pursuing armed subjects. The BOPC directed that this will be a topic of discussion during the Tactical Debrief.

Therefore, the BOPC determined that Officers A and B's actions did not substantially deviate from approved Department tactical training.

2. Back-up versus Help Call

As Officer A pursued the subject on foot, whom he believed to be armed, he broadcast a request for a backup unit rather than issuing and "officer needs help" broadcast.

In this instance, shortly after broadcasting they were Code-Six, Officers A and B heard a gunshot. According to Officer A, as he looked towards the sound of the gunshot, he observed the Subject look in the officers' direction, place his right hand in his right front pants pocket, and an unidentified citizen pointed toward the Subject and said, "That's him, that's him." As Officer A proceeded eastbound toward the Subject, the Subject ran away and a foot pursuit ensued. As Officer A ran, he passed the victim lying on the sidewalk in a supine position, with his eyes rolled back, suffering from a gunshot wound to the head.

Officer A broadcast the following, "... We need a back-up... A [subject] running northbound from here ... He's now eastbound... Male, wearing a blue plain shirt, khaki pants. He's now northbound."

When circumstances warrant an emergency response of additional personnel, as occurred in this instance, it is imperative that CD has the pertinent information readily available to provide to the responding units, thereby maximizing their ability to properly respond and make the most appropriate tactical decisions.

Under these circumstances, an “officer needs help” broadcast would have been tactically prudent, due to the nature of the call.

Based on the totality of the circumstances, the BOPC determined that Officer A’s actions did not substantially deviate from approved Department tactical training.

3. Separation / Pursuing Possible Armed Subjects, Officer E

Officer E separated from his partner while moving into a position to confront the Subject.

Establishing a perimeter and attempting to contain an armed subject demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and a successful resolution. In this instance, Officer E was actively attempting to contain the Subject after Officer C was involved in an OIS. Without notifying Officer F, Officer E moved alone alongside the west side of the residence. Consequently, Officer E was alone while attempting to confront the Subject who was believed to be armed.

Officer E recalled knowing his partner was behind him in front of the residence, and saw the airship’s light getting brighter towards the fence area. Regarding any discussion that transpired between Officers E and F prior deploying, Officer E indicated there was none, though he indicated knowing his partner was to his right, and knew if he saw his partner move that he would move with Officer E. Officer E did not announce he was moving and did not tell his partner to follow, indicating that he was trying to incorporate an element of surprise.

When Officer F was asked when was the last point he observed Officer E, he indicated when they approached the other officers because it was dark and there were other officers, he was not able to tell which one my partner was. They started taking cover through the walkways adjacent to the house, while additional officers continued to arrive.

The BOPC conducted an assessment of Officer E’s actions and has noted that Officer F believed that additional officers were deployed on in perimeter positions. However, the FID investigation revealed that Officer F was the closest officer and he was deployed near the sidewalk, in front of the eastern portion of a residence one house west of Officer E.

These statements made it apparent that pertinent communication did not occur to the extent necessary to facilitate the best tactical practice of working together as a team to most effectively handle the incident. Consequently, Officer E unnecessarily separated from his partner and any additional police personnel which left him at a distinct tactical disadvantage while confronting an armed subject. The separation occurred without sufficient articulable facts to support

that separation was reasonable under the circumstances. Additionally, it was clear on the facts partner officers would not be able to render aid.

In conclusion, the BOPC found that Officer E's separation from his partner while confronting an armed subject substantially and unjustifiably deviated from approved Department tactical training, and warranted a finding of Administrative Disapproval.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

In conclusion, the BOPC found Officer E's tactics to warrant Administrative Disapproval. In addition, the BOPC found Officers A, B, C, D, G and H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officers A and B responded to a radio call of a battery subject "there now," which was subsequently upgraded to an Assault with a Deadly Weapon in progress. Officers A and B arrived at the scene and exited their police vehicle and heard a gunshot at which time they drew their service pistols.

Officers A and B recalled having reason to believe that the tactical situation I was in could have escalated to the level of deadly force, so they drew their firearms respectively.

Officers A and B subsequently established a perimeter and soon thereafter, Officers C and D observed the Subject running and followed him to the east/west alley. Officer D exited his police vehicle and drew his service pistol. Officer D recalled drawing his weapon and ordering the subject down to the ground because he was a murder subject and possibly armed.

Officer D pursued the Subject westbound in the east/west alley followed by Officer C in the police vehicle. The Subject subsequently jumped a fence southbound into a yard. Officer D exited his police vehicle and drew his service pistol.

Subsequently Officer E responded to the location as a result of the additional unit request. Officer E arrived and drew his service pistol. Officer E recalled exiting the

police vehicle and drawing his weapon immediately based on the broadcast saying that the additional comments were that the Subject had just shot somebody, in addition to other officers saying that they were in foot pursuit of a murder suspect. In Officer E's mind he was armed and had already shot someone.

Officers G and H arrived at the east/west alley in response to the foot pursuit broadcast. Consequently, Officers G and H drew their service pistols. Officer G recalled unholstering just inside the gate because they had broadcast earlier that the Subject had a gun and he was seen with a gun that was thought to be in the Subject's pocket.

Officer H recalled having reasonable belief that the situation may escalate to the point where deadly force may be justified.

Lastly, after being involved in an OIS, Officer C conducted a tactical reload of his service pistol and subsequently exhibited his Department issued shotgun.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Officers A, B C, D, E, G and H, while faced with similar circumstances in each case would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A, B C, D, E, G and H's drawing and exhibiting or a firearm to be in policy.

C. Non-Lethal Use of Force

- Officer C – Bodyweight, Firm Grip and Physical Force
- Officer D – Kick, Bodyweight, Firm Grip and Physical Force
- Officer G – Kicks (three)
- Officer H – Bodyweight, Firm Grip, Physical Force and Hobble Restraint Device

In this instance, the Subject was a fleeing felon actively attempting to elude arrest. When the Subject unexpectedly reappeared in the east/west alley and ran eastbound, Officers C, D, G and H pursued him on foot.

Observing nothing in the Subject's hands, Officer D ran alongside the Subject and utilized his left foot to kick the Subject's right foot causing him to fall onto the ground. Simultaneously, Officer D attempted to grab the Subject's right arm, while Officer C utilized firm grip by grabbing the Subject's left arm.

When the Subject ultimately made contact with the ground, he did so in a prone position, with both arms under his body. Officer D landed on the right side of the Subject, utilized bodyweight by placing his left knee in, what he believed was, the middle of the Subject's back or on the ground next to the Subject's torso.

At the same time Officer C landed on the left side of the Subject's torso. Officer C recalled that his body was on the left side of the Subject's body and his right knee was on top of the Subject's body. Officer C then utilized a firm grip to grab the Subject's left wrist and utilized physical force to place the Subject's left arm behind his back.

Meanwhile, Officer H utilized bodyweight by placing both of his knees on the Subject's back while utilizing physical force to take control of the Subject's left arm from Officer C, and applied a handcuff on his left wrist. Maintaining his left hand on the chain of the handcuff, Officer H utilized physical force to assist Officer D by pulling out the Subject's right arm from underneath his body.

Officer D told the Subject to stop resisting and put his hands behind his back. With the combined efforts of Officers D and H, the Subject's right hand was placed behind his back and the Subject was handcuffed. According to Officer H, after being handcuffed, the Subject continued rolling around, resulting in the application of a Hobble Restraint Device upon the Subject's legs by Officer H.

In the interim, Officer G was preparing to assist with taking the Subject into custody, when he observed the Subject's handgun secured in his rear waistband area. Officer G recovered the handgun and stated, "I got the gun." Officer G then stood up and allowed Officers C, D and H the opportunity to take the Subject into custody. Officer G observed that the officers were struggling to gain control of the Subject at which time he utilized his right foot to deliver three kicks to the right side of the Subject's torso.

Officer G recalled that the kicks were in order to try to gain compliance, and he was trying not to give the Subject the opportunity to react. As the officers were attempting to control the Subject's hands, he was struggling back and forth and kicking his legs in an attempt to not only assault the officers but to try to escape.

With Officer G maintaining control of the Subject's handgun, the BOPC noted the ability to become involved and assist his fellow officers would not have been tactically prudent. As such, Officer G's decision to deliver three kicks to the Subject, as he actively resisted arrest, was reasonable.

After a thorough review of the incident, the BOPC determined that officers with similar training and experience as Officers C, D, G and H would believe the application of non-lethal force would be reasonable to overcome the Subject's resistance to effect an arrest while preventing further injury and/or escape.

In conclusion, the BOPC found Officers C, D, G and H's non-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

- **Officer C** (ten rounds, pistol)

According to Officer C, he and his partner initially began responding to a radio call of a domestic dispute, wherein the weapon was a stick. As the officers responded, additional information was broadcast that a shot had been fired and that officers were in foot pursuit of a possible murder subject; however, the officers lost sight of the Subject in the north/south alley. Officer C and his partner observed the Subject running and observed him jump over a fence and enter the rear yard of a residence.

Officer C fired his first sequence of two rounds after he observed the subject armed with a gun, pointed in his direction. The Subject reached under his waistband, put something underneath the bags that were sitting on top of the garbage can, and again began to pace around the yard. He saw Officer C, proceeded to walk back to the trash can that he had been previously at, lifted up the bag with his left hand, and recovered what he would shortly thereafter find out was a black handgun. As the Subject was backing away, he proceeded to turn about 45 degrees in Officer C's direction, looked back at him, and continued to turn. At this point, he could see that in his right hand he was holding a handgun, looking in Officer C's direction, focusing in on him, and pointing the handgun in his direction. Officer C was in fear for his life and fired two rounds.

The Subject appeared unaffected as he maintained his handgun in his right hand, pointing it directly at Officer C. In response, Officer C fired an additional seven to eight rounds at the Subject as he stepped rearward in a southeasterly direction out of Officer C's view. Officer C recalled that the gun was still pointed at him.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C's would perceive that the Subject's actions presented an imminent threat of death or serious bodily injury and therefore the use of lethal force would be reasonable in this situation and in compliance with Department policy and tactical training.

In conclusion, the BOPC found Officer C's Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

- **Officer E** (two rounds, pistol)

As Officer E and his partner responded to the call, they received information that the subject had shot a female. Shortly thereafter a unit at scene broadcast they were in foot pursuit of a 187 [Murder] subject. Officer E parked, and he and his partner ran eastbound toward the area illuminated by the Air Unit. Officer E heard gunfire emanate north of his location.

The Subject was observed running westbound over fences into neighboring backyards. Officer E proceeded westbound, paralleling the Subject's movement and assumed a position on the west side of the residence where the Subject was last seen at.

Officer E recalled that when the shots were fired, one of the officers broadcast that the subject was armed with a gun, which was in his front pocket. Officer E was trying to give the Subject commands to raise his hands in the air, when he turned around, grabbed onto the cinder block on the west side of the residence, and ended up straddling the fence facing Officer E. Officer E continued to give the Subject verbal commands to show him his hand and get his hands up in the air, at which point the Subject reached into his left front pocket, and Officer E shot twice in his direction.

Officer E went on to describe that when the Subject was on the fence and reached for the pocket, Officer E feared he had a gun, was reaching for his gun, and was ready to shoot. So in immediate defense of him, his life, his partners, or anybody who was behind him, Officer E decided to shoot two rounds before he retrieved the gun.

This was a dynamic fast moving event involving a subject who had shot a victim. The subject then fled and was still reasonably presumed to be armed. Additionally, leading up to Officer E's OIS, as officers were establishing a perimeter to contain the murder subject, shots were fired. Officer E subsequently recalled hearing a unit broadcast that the Subject had a handgun in his pocket.

When Officer E encountered the Subject on the cinderblock wall, he ordered the Subject to raise his hands in the air. Instead of complying with Officer E and moving his hands away from areas where a handgun could be concealed (i.e. pockets, waistband area), the Subject reached into his left front pocket.

Based on the totality of the circumstances, the BOPC determined that Officer E, engaged the Subject in immediate defense of his life. The BOPC determined that an officer with similar training and experience as Officer E and faced with similar circumstances would reasonably believe that the Subject's action of reaching into his pocket represented an imminent threat of serious bodily injury or death, and that the use of lethal force was objectively reasonable and in policy.