

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

OFFICER-INVOLVED SHOOTING – 004-19

Division **Date** **Duty-On () Off (X)** **Uniform-Yes () No (X)**

Central 2/14/19

Officer(s) Involved in Use of Force **Length of Service**

Detective A 21 years, 8 months

Reason for Police Contact

Off-duty Detective A was walking in the area of 6th Street and Wall Street after having been drinking. According to Detective A, he/she was approached by the Subject, whom Detective A believed was armed with a pistol and demanded he/she hand over his/her money. Detective A identified himself/herself as a police officer and, as he/she attempted to unholster his/her pistol, was struck over the head and fell to the ground, resulting in an Officer Involved Shooting (OIS).

Subject **Deceased ()** **Wounded (X)** **Non-Hit ()**

Subject: Male, 30 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent suspect criminal his/her tory, 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 January 21, 2020.

Incident Summary

On Wednesday February 14, 2019, Detective A was off-duty with colleagues drinking in a bar in Downtown Los Angeles. Detective A had rented a condominium nearby as he/she knew he/she would be drinking and didn't want to drive home.

At approximately 0200 hours, Detective A left the bar and began walking the approximately 1.25 miles back to his/her condominium. Detective A had intended to get a ride home from colleagues but became separated from the group.

While enroute to his/her rental, Detective A needed to use the restroom and needed to get cash from an Automated Teller Machine (ATM) for breakfast later that morning. He/she recalled that Central Police Station (CPS) was nearby and headed in that direction. According to Detective A, as he/she was walking toward CPS a male asked him/her for money. He/she described the individual as wearing a black hoodie and standing in an alcove. Detective A deflected the request and continued on his/her way to CPS without incident.

At approximately 0249 hours, Police Officer A was assigned to the rear gate in the CPS parking garage. The gate was located on the east side of the station on Wall Street north of 6th Street. According to Officer A, he/she observed Detective A walking north on Wall Street from 6th Street. He/she confronted Detective A as he/she was walking through the gate area into the garage. Detective A removed his/her wallet and produced his/her LAPD identification card. According to Officer A, he/she could smell alcohol on Detective A's breath and believed Detective A was intoxicated. Officer A advised Detective A the watch commander would get him/her a ride home or suggested he/she should contact Uber or Lyft for a ride. Detective A told Officer A that he/she was okay and walked into the garage toward the rear door of the station.

According to Detective A, he/she neither recalled interacting with Officer A nor entering the back gate of CPS.

At approximately 0251 hours, an interior camera at CPS captured Detective A entering the rear door and turning down a hallway until he/she was out of view. The hallway led toward the restroom; however, there are no cameras in this area to verify Detective A's movements and he/she had no recollection of entering the rear of the station.

Approximately four minutes later, Detective A was seen exiting CPS onto Wall Street and walking south toward 6th Street. According to Officer A, he/she called out to Detective A to reengage him/her in conversation; however, Detective A did not respond.

According to Detective A, and as captured on video, he/she went to the front of CPS. Detective A believed he/she had entered the lobby of the station and obtained cash from the ATM, however, this was not supported by the subsequent investigation.

According to the video retrieved from the exterior surveillance camera in front of CPS, Detective A lingered in front of the station for approximately 15 minutes. During that time, he/she appeared to have verbal interactions with several citizens loitering in the area. He/she then walked east on 6th Street by himself/herself. At approximately 0327 hours, Detective A was depicted on the video walking east across Wall Street and out of view of the camera.

According to Detective A, as he/she exited the front of CPS he/she was confronted by an unknown female who wanted money from him/her. He/she attempted to deflect her request and suggested other resources available to her as he/she walked east on 6th Street across Wall Street. Detective A believed the female walked along with him/her until he/she was confronted by a male, later identified as the Subject. According to Detective A, he/she believed the Subject to be the same individual he/she had encountered earlier as he/she walked toward CPS. In the earlier contact, the Subject was standing in an alcove, wearing a black hoodie and had asked Detective A for money. However, a surveillance video captured Detective A walking east on 6th Street from Wall Street. He/she was alone and walking on the northside of the roadway adjacent to a collection of tents along the sidewalk. According to the surveillance video, no one was walking with or near Detective A. At 0317:21 hours, he/she continued to approximately mid-block, stopped and appeared to engage a female, Witness A.

Detective A and Witness A remained in the street, adjacent to a red tent until 0321:14 hours, when the Subject emerged from behind the tent. According to Detective A, the Subject immediately demanded money.

Witness B was sleeping in a tent on the north sidewalk. He heard a voice outside that he did not recognize. As he did not recognize the voice, he believed it to be that of Detective A. According to Witness B, Detective A tried to make small talk and appeared to just want to sit down and hang out for a minute. In his opinion, he did not believe Detective A was there to cause any trouble. Witness B then heard the Subject swear at Detective A and tell him to leave the area.

According to Detective A, he/she again tried to deflect the Subject's demand for money. However, during the short exchange, Detective A looked down and observed the Subject's hand on the grip of a black semiautomatic pistol. Detective A immediately backed up and struggled with his/her numerous layers of clothing to grasp his/her own pistol that was located on his/her right hip in a holster inside his/her waistband. Simultaneously, he/she identified himself/herself as a police officer and told the Subject to drop the gun. At 0321:25 hours, on the video, Detective A appeared to be in a bladed stance, with his/her right arm held in what could be described as a close-contact position, with his/her left arm extended out toward the Subject.

However, according to Detective A, he/she was struggling with his/her multiple layers of clothing to unholster his/her pistol when he/she was struck in the face and on the crown of his/her head. Detective A wasn't sure which occurred first, but believed the Subject hit him/her in the face and that the strike to his/her head came from the rear. Detective

A couldn't provide specific details, but stated his/her next memory was that of being on the ground, on his/her back and attempting to defend himself/herself with his/her hands and feet as the Subject continued to strike him/her. According to Detective A, he/she had no recollection of unholstering his/her pistol.

A television news station later interviewed the Subject. According to the Subject, Detective A was being aggressive towards a female, and he stepped in to assist her. He stated that Detective A did not identify himself/herself as a police officer. He further stated he was on top of Detective A wrestling with him/her when he heard someone say, "he has a gun." The Subject then stated that Detective A shot him and he grabbed the gun. The Subject then put the gun to the side and began to hit Detective A with his fists until he felt bones breaking.

FID Detectives conducted an interview with the Subject. The Subject stated he had no recollection of the incident, but stated after he had been shot, he held Detective A's arm to the ground. The Subject further added he was upset that Detective A lived, he had hoped that he had killed him/her.

At 0321:43 hours, surveillance video captured Detective A falling to the ground with the Subject standing over him/her. The video appeared to capture the Subject continuing to punch Detective A for approximately 90 seconds as he/she lay on the ground. The Subject then grabbed what appeared to be a steel trash can and struck Detective A in the head two times. After that, the Subject left the scene east on 6th Street.

According to Witness C, he was sleeping in his truck that was parked along the curb on the southside of 6th Street, east of Wall Street. He was awakened by a commotion outside on the street and saw two people fighting. He believed it was a drug-related fight and closed his eyes. His attention was again drawn to the fight when he heard a single gunshot. Looking out through his closed window he saw Detective A and the Subject standing near one another, heard a second gunshot, and observed the associated muzzle flash. According to Witness C, he could not decipher who was holding the pistol, who had fired it, or in which direction the rounds were fired. Following the gunshots, Witness C saw the fight go to the ground, where he observed the Subject striking Detective A so many times that he believed he/she was dead. Witness C observed that Detective A was not defending himself. The Subject then picked up a heavy metal trash can and struck Detective A twice on the head. Witness C described the Subject's actions as "overkill."

Witnesses D and E were walking east on 6th Street when they came upon Detective A lying unconscious in the street. Witness E called 9-1-1 and requested a Rescue Ambulance (RA) for a person who was bleeding and possibly dead.

According to Witnesses D and E, they did not observe the assault or the OIS that had occurred; however, they each described witnessing a male trying to remove property from Detective A's person while laying unconscious. According to Witness D, she told him to leave Detective A alone.

At 0326:40 hours, security at a mission discovered the Subject outside suffering from a single gunshot wound to the abdomen. An unidentified security guard called 9-1-1 and reported this to the Emergency Board Operator.

At approximately 0327 hours, Communications Division (CD) generated two radio calls, both of which identified the victims as suffering from gunshot wounds. As both of the emergency (Code-Three) radio calls were in the same general area, both were assigned to Officers B and C.

Upon their arrival, Officers B and C were flagged down by citizens standing near Detective A. They observed Detective A lying unconscious in the street along the north curb and noted that he/she was bleeding from the head. Detective A's belongings had been stolen from him/her while unconscious, and he/she had nothing on him/her that would identify him/her as a police officer. In addition, Officers B and C did not recognize Detective A or otherwise know that he was an officer. Due to the amount of trauma and blood to Detective A's face, Officer B believed that Detective A had sustained a gunshot wound to the head and requested a RA to respond as he/she began to establish a crime scene.

At 0328 hours, the Los Angeles Fire Department (LAFD) received the alarm to respond. Although there were two separate phone calls to 9-1-1, one LAFD incident was generated. A RA arrived and LAFD personnel provided medical treatment to Detective A. It was at this time that Officer B observed an empty holster on the right side of Detective A's belt. Officer B conducted a pat-down search of Detective A's clothing and a search of the immediate area, but no gun was located. Additionally, the officers did not locate a wallet or any form of identification. Detective A, who at the time was identified only as John Doe, was transported to hospital for medical treatment and placed into an induced coma.

While the officers were conducting their investigation at the initial crime scene, they were directed to the Subject's location at the mission. Once contact was made, an additional RA was requested for the Subject. The Subject refused to provide a statement to the officers at scene. The Subject was also transported to hospital for his/her injuries.

Information later came to light that established Detective A's identity and FID was contacted to conduct the Categorical Use of Force investigation.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm

by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officer A's Tactics to warrant Administrative Disapproval.

Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be Out of 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. It is also recognized 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

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), which states that:

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

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

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject 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/her 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. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)**

Tactical de-escalation does not require that an officer compromise his/her 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.

In this case, according to Detective A, he/she was armed with his/her pistol while off-duty, in civilian clothing, and walking to CPS while intoxicated when he/she became involved in an altercation with the Subject and subsequently became involved in an OIS.

Planning – No evidence existed that Detective A planned to conduct any law enforcement action while he/she was off-duty and returning to his/her rented condominium. Detective A's intention when he/she left CPS was to continue walking eastbound on 6th Street and then north on San Pedro St back to his/her condominium. Detective A was confronted by the Subject while he/she was engaged in a conversation with Witness A and an altercation ensued when according to Detective A, he/she observed the grip of a handgun in the Subject's hand.

Assessment – According to Detective A, while walking to CPS, he/she walked past an alcove that the Subject was standing in and the Subject asked him/her for money. Detective A also stated that he/she was later approached by Witness A as he/she walked eastbound on 6th Street, between Wall Street and San Julian Street. Witness A was giving Detective A a hard time by pressing him/her for money. During the encounter with Witness A, the Subject approached Detective A a second time and continued to make various demands for money.

The BOPC noted that Detective A had ample time to assess the situation and continue walking, however, he/she stopped and spoke to Witness A for approximately four minutes in an area well known for violent crime and narcotics activity before the Subject eventually approached him/her.

Time – Detective A used the Distance+Time =Cover equation when confronted by the Subject. Video evidence depicts Detective A backing up and away from the Subject while continuing to face him/her. Detective A turned his/her body to a bladed position in a close contact position with his/her left arm extended out toward the Subject. From the moment Detective A assumed the bladed position, the encounter rapidly unfolded, which subsequently led to Detective A being knocked to the ground and further assaulted. It was evident that Detective A was attempting to create distance from the Subject, however, the dynamic nature of the Subject's assault prevented him/her from obtaining that distance.

Redeployment and/or Containment – Detective A observed what he/she believed was the grip of a handgun near the Subject's waistband. Due to Detective A's close proximity to the Subject, redeployment to an alternate location was not feasible without allowing the Subject a tactical advantage.

Other Resources – There is no evidence that exists to indicate that Detective A utilized other resources or that any were readily available to him/her during the altercation with the Subject.

Lines of Communication – According to Detective A, he/she gave verbal commands that were meant to de-escalate the incident between himself/herself and the Subject. Detective A indicated that he/she identified himself/herself as a police officer and told the Subject to drop the gun. Detective A stated he/she told the Subject that he/she worked in the locality and informed him that there were places that could help the Subject. There is no evidence that exists to indicate that Detective A utilized any further lines of communication.

The BOPC determined, that by Detective A's assertions he/she utilized some elements of de-escalation by backing away from the Subject and verbally communicating with him. However, would have benefited from situational awareness and assessment of his/her environment and surroundings that would have allowed him/her to avoid this circumstance altogether.

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

1. Off-Duty Tactics (Substantial Deviation –Detective A)

In this circumstance, Detective A was intoxicated in the early morning hours and despite it being over a mile away, decided to walk back to his/her rented condominium. Detective A had multiple opportunities to return to his/her condominium through the use of ride share options, friends, and Department resources who could have provided a ride to his/her destination. While Detective A became separated from his/her co-workers who had intended to provide him/her transportation, he/she also declined Department resources, which were offered to him/her at CPS.

The BOPC discussed at length their concern with Detective A's high level of intoxication, which was documented in medical reports. The BOPC's concern was based in part on Detective A's decision to consume large amounts of alcohol while being armed with his/her off-duty pistol. The BOPC cited Detective A's tenure as a Detective supervisor, along with his/her time and experience as a law enforcement officer as reasons that he/she should have known it was not a good decision to drink large amounts of alcohol while carrying a firearm. It was noted that while there is no policy that designates an amount of alcohol that may be consumed while off-duty, the BOPC agreed that good judgement is critical to success and making effective decisions in all situations, especially tactical situations.

The BOPC noted that the FID investigation revealed that Detective A was in front of CPS for approximately fifteen minutes, during which Detective A had the time

and opportunity to consider his/her options and obtain a ride to his/her condominium. Detective A left the relative safety of the police station and walked during the early morning hours onto the streets while intoxicated, which increased his/her vulnerability. In addition, the BOPC highlighted that the FID investigation revealed that Detective A voluntarily stopped while he/she was walking eastbound on 6th Street and engaged Witness A in a conversation for approximately four minutes. Detective A had a history of training and experience related to plainclothes/undercover narcotics investigations and should have recognized the potential danger of the area where he/she was stopping. Detective A's decision to stay at that location, while heavily intoxicated and alone, placed himself/herself in peril as he/she either disregarded or was so substantially impaired that he/she did not consider the situational danger that the environment posed.

In addition, the BOPC determined that Detective A's actions were inconsistent with the Department's expectation of a supervisor. Detective A placed himself/herself at an extreme tactical disadvantage by walking alone and intoxicated through an area well known for violent crime and narcotics activity. Detective A's intoxication level played a significant factor in his/her inability to properly assess his/her surroundings and make proper decisions based on the factors presented to him/her.

Based on the totality of the circumstances, the BOPC determined that Detective A's own actions unnecessarily endangered his/her safety, in addition to the safety of the community, and placed himself/herself at a significant tactical disadvantage. The BOPC determined that Detective A's actions were a substantial deviation, without justification, from approved Department tactical training.

The BOPC found Officer A's Tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

- According to Detective A, while he/she was standing in the street, he/she observed the handle of a black handgun come from either the Subject's pocket, front waistband, or rear waistband. Detective A believed the handgun to be a semi-automatic firearm. The Subject then held the handgun in his hand with it pointing in a downward direction around the Subject's torso or waistband area. Detective A began to blade himself/herself with his/her right leg back and his/her left leg forward. According to Detective A, he/she attempted to get his/her off-duty weapon out from under his/her jacket as he/she identified himself/herself as a police officer and instructed the Subject to drop the gun. Detective A then began to back up.

According to Detective A, he/she remembered attempting to draw his/her pistol, but did not remember completing the act of drawing his/her pistol from the holster. Detective A did not have any memory of having a grip of his/her pistol, and his/her

next memory was being hit on the face and the top of his/her head and getting knocked to the ground.

The BOPC noted that this was an usual circumstance as there was no clear video evidence, witness statements, or physical evidence that clearly portrayed the events leading up to, during and after the shooting. In addition, there was no evidence that definitively indicated that Detective A completed the drawing of his/her pistol. However, based on the totality of the circumstances and the preponderance of evidence, to include statements and limited video evidence, the BOPC determined that Detective A completed his/her intended act and drew his/her pistol.

The BOPC was extremely concerned with Detective A's level of intoxication as well as his/her unreliable memory of the entire incident. The BOPC noted that Detective A's recollection of the incident had significant gaps and there were inconsistencies in his/her statement as it related to the location of the Subject's weapon and the events prior to the OIS. Detective A's statements included events which were not supported by the transaction history of his/her ATM bank account and video evidence at the bar and CPS.

Based on the totality of the evidence, the BOPC determined that due to his/her level of intoxication, Detective A's judgement and decision making were severely compromised, and as a result, he/she placed himself/herself in a perilous situation. The BOPC opined that an officer's perception and recollection of events is of paramount importance. However, in this case, the BOPC believed the evidence showed that Detective A's memory and perception were compromised and therefore, undependable.

The BOPC looked closely at Detective A's decision to draw his/her pistol when confronted by the Subject. In reviewing the evidence and the totality of the circumstances, the BOPC concluded, that Detective A had the opportunity to leave the location and disengage and remove himself/herself from the situation prior to his/her encounter with the Subject. Detective A made a poor decision by engaging in a conversation with Witness A and staying at the location for approximately four minutes. This decision ultimately placed himself/herself in unnecessary danger and limited his/her tactical options. This poor decision making, in conjunction with Detective A's unreliable memory and lack of evidence that the Subject was armed with a firearm, led the BOPC to determine that the drawing of his/her pistol was unreasonable.

Therefore, the BOPC found Detective A's Drawing/Exhibiting to be Out of Policy, Administrative Disapproval.

C. Lethal Use of Force

- **Detective A** – (pistol, two rounds)

According to Detective A, he/she observed that the Subject was armed with a black semi-automatic handgun. Detective A indicated he/she immediately identified himself/herself as a law enforcement officer and ordered the Subject to drop the gun multiple times. Detective A was in the process of drawing his/her pistol when he/she was hit on his/her face and on the top of his/her head, causing him/her to fall to the ground.

According to Detective A, he/she did not remember discharging his/her pistol at the Subject. Furthermore, Detective A did not remember hearing any gunfire during the encounter.

The BOPC noted once again in this unusual case there was no clear video evidence, witness statements, or physical evidence which clearly portrayed the circumstances leading up to, during, and after the shooting. Additionally, there was no evidence that definitively indicated that Detective A fired his/her pistol. However, once again based on the totality of the circumstances and the preponderance of evidence, the BOPC determined that Detective A fired his/her pistol during this incident. The BOPC relied on witness statements, video evidence, the Subject's wounds, and positive forensic results to come to this determination.

The BOPC highlighted that the Department's policy specific to the use of deadly force establishes that "the reasonableness of an officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force." The BOPC noted that the conclusion to the encounter between Detective A and the Subject followed a series of untenable, tactically poor decisions that were in direct contradiction to the Department's training regarding officer safety and general environmental awareness. The BOPC had concerns with the fact that Detective A consumed a large amount of alcohol while armed with his/her pistol. Additionally, the BOPC noted that Detective A was a Detective supervisor and became significantly intoxicated with his/her subordinates on the evening of the OIS.

The BOPC opined that Detective A missed an opportunity to receive a ride from his/her co-workers to his/her rented condominium. Detective A was also provided the opportunity by Officer A to be transported to his/her condominium, either through the use of ride services or the use of Department personnel to provide a ride. Furthermore, Detective A loitered in front of CPS, during which time he/she had the opportunity to assess his/her situation and make the decision to obtain a ride to his/her condominium. Detective A declined those opportunities and instead solely made the decision to leave the relative safety of CPS to walk alone on the street during the early morning hours. Detective A then engaged in a conversation with Witness A for approximately four minutes, placing himself/herself in further peril by disregarding or being inattentive to the high narcotics and crime area that he/she was in.

The BOPC noted that Detective A had extensive experience as a narcotics detective, and he/she therefore should have known that loitering in the area during the early morning hours would place himself/herself in a dangerous situation. The BOPC also had concerns with Detective A's unreliable memory of the encounter and noted that he/she was unable to remember the details of the incident or if he/she had even fired his/her weapon. The BOPC opined that Detective A did not have situational awareness of his/her environment and could have disengaged from the encounter with the Subject. The BOPC acknowledged the serious injury Detective A sustained and was sympathetic to its after-effects, as noted by medical professionals. Although limited information was available to the BOPC, they also considered the behavior and actions of the Subject. With all those considerations, the BOPC discussed this matter diligently and thoughtfully to come to the determination that they did.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Detective A, would not have placed themselves in that same situation. As a result of his/her poor decision making, Detective A placed himself/herself at a significant tactical disadvantage which ultimately exposed him/her to the Subject's aggressive and assaultive behavior. Detective A's substandard tactical decisions led him/her to be in the situation that resulted in the OIS. Those decisions were not reasonable and placed Detective A in circumstances that were avoidable, which renders the use of lethal force by Detective A unreasonable.

Therefore, the BOPC found Detective A's lethal use of force to be Out of Policy.