

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

**OFFICER-INVOLVED SHOOTING – 005-12**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Hollenbeck	01/07/12		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	23 years, 2 months
Officer B	8 years, 6 months
Officer C	8 years, 6 months
Officer D	5 years, 4 months

**Reason for Police Contact**

Officers responded to a residence regarding a radio call of the Subject inside arguing with family members and threatening them with a handgun. Upon arrival, the officers were confronted by the Subject who fired two rounds from his handgun towards the officers, resulting in an officer-involved shooting.

<b>Subject</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Male, 34 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 and addenda items); the 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 Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Chief and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on December 18, 2012.

## **Incident Summary**

Witness A returned home and observed the Subject drinking a beer outside. The Subject appeared to be drunk. Witness A began to mow the lawn, during which time the Subject left the location. According to Witness A, approximately 30 minutes after he left, the Subject returned to the location.

When the Subject walked inside the residence, Witness A followed him inside and told the Subject he could not enter the house with a gun. Although Witness A had not yet seen a gun, he believed the Subject was armed. Witness A called the Subject dumb for bringing a gun around children. The Subject denied having a gun and became angry. The Subject grabbed Witness A by the hands and attempted to push him to the ground. When he was unable to do so, the Subject reached for his waistband and removed a handgun from his waist area. The Subject raised the gun toward Witness A, chambered a round, and asked Witness A if he wanted to continue fighting. Witness A told the Subject that he did not and attempted to calm the Subject.

Witness B, the Subject's son, telephoned 911. Witness B informed the operator that his father, the Subject, was inside the residence and fighting with Witness A. He further stated that his father was drunk and had a gun.

CD broadcast that the Subject was inside the location, armed with a handgun, and under the influence. A description of the Subject was also provided.

Uniformed Officers A and B, who were in a marked black and white police vehicle, advised CD to show them responding to the location. Uniformed Officers C and D, also in a marked black and white police vehicle, heard the call for service and advised CD they would respond as backup to the primary unit.

In response to the radio call, Sergeants A, B and C also initiated their response to the location, in addition to an air unit.

As Officers A and B drove, they observed the air unit circling the location. Officer A broadcast to CD they had arrived at the location. Due to the nature of the call, Officer A activated the shotgun release and communicated he was doing so to Officer B. Officer B parked the police, and both officers quickly exited. Officer B unholstered his weapon and held it in his right hand at a low ready position. Officer A deployed a shotgun, which he held in a low ready position with his right finger alongside the safety.

With their weapons drawn, Officers A and B walked to the mouth of the alley, where they held their positions and waited for backup units to arrive. While maintaining their positions, Officer A observed a white unoccupied vehicle parked at an angle in front of the location with the driver's side door open.

While en route to the location, Officer D heard Officers A and B broadcast they had arrived. Officer D requested further information from CD and asked to keep the caller

on the line. Within seconds, Officers C and D arrived at the location and parked their police vehicle behind Officers A and B's police vehicle. Officer D advised CD they had arrived at the scene. Due to the nature of the call, and for better stopping power, Officer C deployed his shotgun.

Officers C and D exited their vehicle and, as they approached the location, observed Officers A and B walking on the sidewalk. Officer D spoke with Officer A, who verified the location of the radio call and informed him they were still waiting for additional information from CD. As Officers C and D arrived at one end of the alley, Officer C chambered a round and held his shotgun at port arms with his finger on the safety. Officer D communicated with the air unit to assist officers to the rear of the location and cover any escape routes.

Officer A looked through the chain link fence on the side of the property and observed the Subject exit the residence onto the front porch. Officer A communicated his observations of the Subject to Officer B.

Officer A believed the Subject was coming out to meet the officers and he and Officer B continued walking toward the residence to meet with the Subject. Officer A informed the Subject that officers would like to speak with him and ordered the Subject to show his hands. The Subject slowly walked down the steps of the porch into the front yard of the location. According to Officer B, as the Subject ignored officers' commands, the Subject paused, moved his right hand toward his waist area and lifted his hand back up. Officer A yelled at the Subject, "Let me see your hands. Put your hands up in the air. Turn away from me!" The Subject continued to slowly walk through the front yard, toward the pedestrian front gate located directly in front of the house. At this time, Officer A chambered a round.

As the Subject neared the front gate, Officer A's view became obstructed by a hedge, which was approximately 4 to 4 ½ feet in height. Officer A was able to view the Subject's upper chest and head.

Once on the sidewalk, Officers A and B stopped and obtained a clear visual of the Subject from a distance of approximately 27 feet. Officer A continued to give the Subject commands to put his hands up.

As the Subject turned his head in the direction of the officers, Officer A made eye contact with him. The Subject blankly stared at Officer A and shook his head from left to right as he reached for his waistband. According to Officer B, the Subject continued to ignore their commands and make gestures toward his waistband.

Due to the nature of the call and the Subject ignoring officers' commands, Officers A and B redeployed behind the white vehicle parked on the side of the street. According to Officer B, he believed that the Subject possibly did not understand English and ordered the Subject, in Spanish, to put his hands up. The Subject continued to ignore

the officers' commands as he stared at them while shaking his head no and slowly reaching for his waistband.

The Subject then slowly turned around and walked down the sidewalk toward his vehicle, which was parked in the driveway. Once the Subject reached his vehicle, he walked around it and positioned himself between the open driver's door and the frame of the vehicle. Officer A repeated his commands, but the Subject refused to comply and stared at the officers as he continued to slowly shake his head no.

**Note:** Witness C stated she believed she heard someone from inside the helicopter yell, "Stop, get out of the car," and officers yell, "Get out of the car with your hands up." Both commands were in English.

At this time, Officers C and D had positioned themselves in an adjacent alley. As Officer D unholstered his weapon to cover the rear, he heard the air unit broadcast information regarding the Subject, that he was entering a vehicle, and advised Officer C. Officer D holstered his weapon, and he and Officer C, who held his shotgun at port arms, ran toward the front of the location.

Officer B pointed his weapon through the open passenger window of the Subject's vehicle at the Subject's torso area, as he was able to view the Subject's upper chest and head over the roof of the vehicle. Officer B observed the Subject place his hands, or possibly his right hand, at his waistband, hesitate for a second and then lift his hands, or his right hand, up toward his chest area. Due to the Subject's gestures, Officer B believed that the Subject was concealing a weapon underneath his waistband and focused his attention there.

Officer A pointed his weapon through the open passenger window at the Subject's torso and observed the Subject lift his shirt up with both hands, exposing the butt of a dark handgun inside of his waistband. The Subject made eye contact with Officer A and continued to shake his head no. At this time, Officer A disengaged the safety button of his shotgun.

As Officers D and C ran onto the street, Officer D unholstered his weapon and held it in a low ready position. The officers observed Officers A and B standing behind a white vehicle with their weapons unholstered. They also observed the Subject standing next to the driver's side of his vehicle, staring at Officers A and B. Officer C heard Officer B give the Subject commands in Spanish.

The air unit then issued a request for a back-up unit to respond to the location, given that the Subject was not complying. Sergeant A heard the air unit broadcast the back-up unit and advised CD he would respond with emergency lights and siren.

Officers C and D approached Officers A and B and took positions close to them. Officer C held his shotgun at a low ready, disengaged the safety and then raised his shotgun at the Subject. Officer C was able to see the Subject's face over the roof of the Subject's

vehicle and his torso through the open passenger window. The Subject reached toward his waistband, and Officer C observed the butt of a gun in the Subject's waistband.

Officer D observed the Subject's hands move up and down around his waistband. As Officer D aligned the sights of his pistol, he observed the Subject's left hand go toward his waistband and lift his sweatshirt, exposing the butt of a dark colored pistol. Officer D loudly yelled, "gun," to alert the other officers.

**Note:** Witness D stated that he observed the Subject reach inside his vehicle and remove a semi-automatic gun from the driver's front seat. After the shooting, the Subject fell on his right side and dropped the gun.

Witness E stated she believed the Subject reached under the vehicle driver's seat or on top of the driver's seat with his right hand and pointed something at officers. However, she did not see what the Subject was holding in his right hand.

**The following is an account of the individual officer's observations and actions during the officer-involved shooting. This summary does not reflect the order in which each officer fired their weapon.**

**Officer A** stood behind cover as the Subject quickly reached for his waistband, removed a handgun with his right hand, and fired at officers. Officer A observed muzzle flash and puffs of smoke coming from the Subject's weapon as he fired at officers. Officer A aimed his shotgun at the Subject's torso, through the open vehicle window, and fired two rounds from a distance of 45 feet as the Subject continued to fire. The rounds did not appear to have any effect on the Subject. Officer A then crouched down behind the white vehicle, while he maintained a visual of the Subject and assessed the situation. After Officer A crouched down and then stood back up, Officer A observed the Subject continue to fire, and it appeared to Officer A that the Subject followed him with his gun. As the Subject fired, he moved around his vehicle in a direction that exposed his upper torso. At this time, Officer A aimed his shotgun at the Subject's upper torso, over the roof of the Subject's vehicle, and fired two additional rounds. The rounds did not appear to have any effect on the Subject. As Officer A took cover behind the white vehicle, he observed the Subject slowly turn to the left. Officer A then removed four rounds from the cuff on the shotgun, placed them into the magazine and chambered a round. As Officer A reassessed and obtained his target, he observed the Subject slowly fall toward the driver's side door and out of his sight.

**Note:** Officer A stated that he fired four shot shells; however, evidence at the scene indicated that he fired three.

Regarding his decision to shoot, Officer A indicated he was afraid because he thought he thought he was going to be shot.

**Officer B** stood behind cover as the Subject lifted his shirt with one hand while, with his right hand, he removed a dark colored handgun from his waistband. The Subject then pointed his handgun at officers and fired an unknown number of rounds. At this time, Officer B heard Officer D, who was standing to his left, yell, "He's got a gun!" In fear for his life and believing that if he did not return fire, the Subject would shoot and kill him, Officer B aimed his pistol at the Subject's torso, through the vehicle's open window and fired three rounds from a distance of 45 feet. Officer B then assessed, observed the Subject fall to the right, and lost sight of him behind the vehicle. During the shooting, Officer B heard rounds being fired on his right and left but did not observe the other officers fire their weapons. Regarding his decision to shoot, Officer B indicated if he had not fired, the Subject would have shot him.

**Officer C** stood behind cover as the Subject reached with either his left or right hand toward his waistband, grabbed the butt of his handgun, and in a "sweeping motion" toward the officers, fired one or two rounds. Officer C observed smoke coming from the Subject's handgun and heard gunshots as the Subject fired his weapon. In fear for his life and the lives of his partners, Officer C aimed his pistol at the Subject's left shoulder. Officer C fired one round from a distance of 45 feet. His round did not appear to have any effect on the Subject. Officer C then fired a second round at the Subject's shoulder and took cover behind the white vehicle. His second round did not appear to have any effect on the Subject. A second later, the Subject fired his weapon again at officers. As Officer C maintained cover behind the white vehicle, he observed the Subject fall. Officer C observed the Subject go to his waistband area and observed what looked like a butt of a gun. His partner then advised, "Gun." Officer C saw the Subject point the gun in the officers' direction and fired two additional rounds. Officer C shot two rounds at the Subject's location and he believed the Subject was struck. Officer C heard other gunshots and saw the Subject fall. When Officer C was firing towards the Subject, he believed the Subject was going to kill the officers.

**Officer D** stood behind cover as the Subject reached toward his waistband with his right hand, removed a handgun, raised it over the roof of his vehicle and pointed it at officers. Officer D focused on the Subject's hands and torso, through the Subject's open passenger vehicle window. In fear for his life and his partners' lives, Officer D fired four rounds in rapid succession from a distance of 45 feet. As Officer D fired, he became afraid and took cover behind the white vehicle because he felt the "sensation" of a bullet around him. Due to taking cover as he fired, Officer D believed that one of his rounds struck a green vehicle parked in front of him. Officer D aimed his pistol at the Subject's torso and immediately fired, in rapid succession, two additional rounds. Officer D then observed the Subject's body slowly turn away from officers and slowly collapse behind his vehicle.

**Note:** Officer D recalled firing six rounds; however, during the post incident inspection and evidence recovered at scene, it was determined that he fired seven rounds.

Regarding his decision to shoot, Officer D indicated he was under the threat of serious bodily harm or death. The Subject was pointing at officers and not listening to the officers' commands. The officers were also afraid that the Subject was going to run back into the house.

The air unit broadcast that shots had been fired, and the Subject was down. A Rescue Ambulance (RA) was requested as well.

**Note:** Witness F was on a ride-along with the air unit when he observed the OIS. Witness F observed the Subject put his hands in the air several times and then reach back down. The last time the Subject put his hands down, he came up with what appeared to be a silver automatic handgun, and Witness F observed the Subject fire two rounds. The Subject then appeared to take three direct hits to the chest. When the Subject was hit, his arms immediately dropped, he stiffened and fell over.

After the shooting, officers ensured they were not injured and formulated a plan to approach the Subject. The officers wanted to check on the Subject's status and clear the vehicle and residence.

As Officer C reached the rear bumper of the Subject's vehicle, he scanned the area for additional subjects, removed a shot shell from his shotgun and placed it in the magazine.

When Officer D reached the Subject's vehicle's rear bumper, he took a quick peek and observed the Subject lying on his back with his hands to his sides, palms up. The Subject's feet were pointed toward the residence and his head pointed toward the rear of the vehicle. The Subject appeared to be unconscious and was having difficulty breathing.

When Officer C observed the Subject on the ground and unresponsive, he re-engaged the safety of his shotgun and maintained his weapon pointed at the Subject. As Officer D continued to clear the area and ensure that a weapon was not within the Subject's proximity, he observed a magazine laying by the Subject's vehicle's rear tire. He communicated to the other officers that he did not observe a weapon. Officer D holstered his weapon and verbalized that he would handcuff the Subject, which he proceeded to do.

Officer B observed a gun laying between the hood and the windshield of the Subject's vehicle and a magazine on the ground near the Subject.

Once the Subject was handcuffed, Officer A re-deployed to the right rear bumper of the Subject's vehicle and took a direct line of sight to the front of the residence while holding his shotgun at the low ready position.

With his gloves on, Officer B searched the Subject for weapons, but did not locate any. While searching the immediate area, Officer B observed a magazine on the ground under the Subject's driver's side door and a gun laying between the hood and windshield of the Subject's vehicle. Due to the on-going tactical situation, Officer B picked up the gun and magazine, moved them away from the Subject, and placed them on the ground, next to each other, at the rear of the Subject's vehicle. Officers A and B guarded the gun and magazine as they continued to monitor the residence.

**Note:** The firearm recovered at the scene was a 9mm semiautomatic pistol. The chamber of the handgun was empty and the magazine contained 12 cartridges. There were no latent prints developed on the handgun or magazine. DNA recovered from the handgun, magazine and 12 cartridges indicated that the Subject may have discharged a firearm or had his hands otherwise in an environment of gunshot residue.

As additional units arrived, Officers A, B and C remained at their positions while Officer D deployed to an area nearby the location to direct them.

Sergeant A arrived at the location and observed officers deployed around the area with their weapons unholstered and pointed in the direction of the residence. As the first supervisor at scene, Sergeant A met with Officer D who informed him that an officer-involved shooting had occurred and briefed him about the on-going tactical situation.

The perimeter was contained, and the backyard was cleared. Sergeant A directed uniformed Officer E, assigned to Housing Authority City of Los Angeles (HACLA), to order the occupants out of the location in Spanish and English by using the public address (PA) system. Additional officers arrived to assist in the effort to establish a perimeter, the occupants were ordered out of the residence, and the occupants exited and were detained. An entry team was formed; the residence was searched and cleared. Once the situation was contained, Sergeant A directed an officer to have the rescue ambulance approach the location.

Fire Department personnel responded to the Subject's location. They observed the Subject lying face down and handcuffed. Fire Department personnel asked for the handcuffs to be removed and an unknown officer complied. Once the handcuffs were removed, LAFD personnel rolled the Subject over from left to right, onto his back and began conducting a full assessment of him.

Fire Department personnel noted the Subject had sustained multiple gunshot wounds and proceeded with medical intervention. Fire Department personnel were unable to obtain a pulse or other vital signs of life, and death of the Subject was pronounced.

Once the tactical situation was resolved, Officer A reengaged the safety on his shotgun. He downloaded it and placed the shot shells in the butt cuff of his shotgun. He later secured his shotgun in Sergeant C's police vehicle.



**Note:** Witness G stated four officers had pistols and one officer had a shotgun. Witness G believed that all five officers fired at the Subject in a southern direction as the Subject looked at the officers in disbelief. As officers fired, Witness G believed the Subject's hands remained on top of his vehicle. As the Subject fell onto the concrete, the officers continued firing at him approximately seven to ten additional times, from the middle of the street. Witness G stated he heard over 20 gunshots in rapid succession that lasted approximately two minutes.

According to Witness G, after the shooting, the officers approached the Subject, flipped him over and handcuffed him. The helicopter did not arrive until after the shooting occurred.

Witness H stated that she was in the living room of her residence when she heard the helicopter and approximately one minute later, heard rapid gunfire. After waiting about one to two minutes, Witness H walked to a window, which is located on the north side of her residence and observed her neighbors outside. Witness H observed an officer walk the Subject from the residence to the front of the location. Witness H stated that the Subject was wearing a white or gray shirt and observed that his chest area was covered in blood. The Subject stood facing toward the street while an officer stood behind him and appeared to have his hands on the Subject's wrist, arms and shoulders. The officer struggled with the Subject and attempted to place the Subject's hands around his back to handcuff him. It appeared to Witness H that the Subject did not want to give the officer his hands. The officer pulled the Subject's arms, while holding him by the shoulder, and pushed him down in a forward motion. The officer then placed his right knee on the Subject's back and placed the Subject face down, on his stomach, and handcuffed him.

Force Investigation Division (FID) personnel reviewed all documents and circumstances surrounding the separation, monitoring and admonition to officers not to discuss the incident prior to being interviewed by investigators. Once the tactical situation was resolved, all protocols were complied with and properly documented.

### **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 revolver 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 unanimously made the following findings.

#### **A. Tactics**

The BOPC found Officers A, B, C and D's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting**

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

#### **C. Lethal Use of Force**

The BOPC found Officers A, B, C and D's use of lethal force to be in policy.

### **Basis for Findings**

#### **A. Tactics**

- The evaluation of tactics requires 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.

After a thorough review of the incident, it has been determined that the identified areas for improvement neither individually nor collectively substantially deviate from approved Department tactical training. Therefore, the most appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place is a Tactical Debrief.

The BOPC will direct that Officers A, B, C, and D attend a Tactical Debrief and the specific identified topics are covered.

#### **B. Drawing/Exhibiting**

- In this instance Officers A, B, C, and D responded to an "ADW su[bj]ect there now" radio call where the subject was armed with a handgun.
- **Officer A**

Officer A unholstered his service pistol in the alley south of the residence, but reholstered when he repositioned to the front of the residence based on broadcasted information that the possible subject exited the residence and was entering a vehicle

at the front of the location. Officer A unholstered his service pistol a second time as he reached the front of the residence and took a position of cover.

- **Officer B**

Due to the nature of the call, Officer B deployed a Department approved shotgun and carried it at a port arms position. Officers C and D communicated that they would cover the alley to ensure the Subject did not escape via the rear of the residence. Upon arrival to the alley Officer B chambered a round and continued to hold the shotgun with his finger on the safety. When Officer B heard the broadcast that the possible subject was at the front of the residence, he ran toward the front of the residence while holding the shotgun and joined Officers C and D behind cover to address the Subject.

- **Officer C**

Upon exiting his vehicle, Officer C deployed a Department issued shotgun, which he carried at port arms position.

- **Officer D**

Upon exiting his vehicle, Officer D unholstered his service pistol and held it in his right hand at a low ready position with his finger alongside the frame.

Therefore, the BOPC found Officer A, B, C and D's drawing and exhibiting of a firearm to be in policy.

### **C. Lethal Use of Force**

- **Officer A** (pistol, seven rounds)

In this instance, Officer A observed the grips of a pistol in the Subject's waistband and verbalized his observations to Officers B, C and D. The Subject removed the pistol from his waistband and pointed it at Officer A and the other officers. Fearing for his life and the lives of the other officers, Officer A fired four rounds from his service pistol. Officer A did not observe any reaction from the Subject and felt a bullet pass near him. Consequently Officer A fired one additional round and redeployed to a different position of cover.

Officer A observed that the Subject continued to point his pistol in his direction and fired two additional rounds at the Subject. Officer A ceased firing when the Subject collapsed behind the vehicle and the threat was no longer present.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the Subject's actions represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

Therefore, the BOPC found Officer A's use of lethal force to be objectively reasonable and in policy.

- **Officer B** (shotgun, two rounds)

Officer B observed the Subject remove the pistol from his waistband and fire one or two rounds in the direction of the officers. Officer B, while taking aim over the front windshield of the Subject's vehicle, fired one round at the Subject's left shoulder. The round appeared to have no effect, thus Officer B fired one additional round at the Subject's shoulder and immediately moved to a different position of cover.

Based on the totality of the circumstances, an officer with similar training and experience as Officer B would reasonably believe that the Subject's actions represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

Therefore, the BOPC found Officer B's use of lethal force to be objectively reasonable and in policy.

- **Officer C** (shotgun, three rounds)

Officer C deployed a Department issued shotgun, which he held in a low ready position with his left hand on the pump and his right finger alongside the safety. Officer C removed the safety from the shotgun when he observed a "black object" in the Subject's waistband. Officer C aimed his shotgun at the Subject as the Subject retrieved the handgun from his waistband and fired at the Subject's torso as the Subject fired his handgun at him and the other officers. Officer C moved to another position of cover and fired two additional rounds at the Subject, at which time the Subject slowly fell to the ground.

Based on the totality of the circumstances, an officer with similar training and experience as Officer C would reasonably believe that the Subject's actions represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

Therefore, the BOPC found Officer C's use of lethal force to be objectively reasonable and in policy.

- **Officer D** (pistol, three rounds)

Officer D unholstered his service pistol and held it in his right hand at a low ready position with his finger along the frame. Officer D was standing behind cover and observed the Subject point his pistol at the officers and fire an unknown number of rounds.

Subsequently, in defense of his life, Officer D fired three rounds at the Subject's torso through the passenger window of the Subject's vehicle, assessed and observed the Subject fall behind the vehicle.

Based on the totality of the circumstances, an officer with similar training and experience as Officer D would reasonably believe that the Subject's actions represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

Therefore, the BOPC found Officer D's use of lethal force to be objectively reasonable and in policy.