

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

**OFFICER-INVOLVED SHOOTING – 007-20**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Newton	2/25/20		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	4 years, 4 months
Officer B	3 years, 9 months

**Reason for Police Contact**

Newton Patrol Division uniformed officers were traveling in a marked black and white police vehicle. The Subject pointed a handgun at the officers and fired multiple rounds at them. Both officers returned fire at the Subject, who fled on foot. Metropolitan Division K-9 personnel responded and ultimately located the Subject, resulting in a K-9 contact with minor injuries. A handgun was located adjacent to the Subject's location. Neither of the officers nor the Subject was struck by gunfire during the incident.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
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Subject: Male, 18 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 subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the BOPC 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 26, 2021.

## **Incident Summary**

On February 25, 2020, in the late evening, Witness A was driving west in his vehicle, when he observed two men walking east on the south sidewalk. The two men crossed to the north side of the street in front of Witness A's vehicle, causing him to stop. According to Witness A, as the men walked along the passenger side of his car, one of the men shouted, "Hey." When a passenger in Witness A's vehicle (Witness B) responded, "What's up?", Witness A heard gunfire from the rear passenger side and what he believed to be bullets striking his vehicle. (It was later determined that Witness A's vehicle was struck five times by gunfire.) Witness A immediately accelerated west to flee the area.

Shortly after the above shooting occurred, Newton Patrol Division uniformed Police Officers A and B were in a marked black and white Ford Explorer sport utility police vehicle (SUV), patrolling the area.

As the officers traveled north, Officer B heard what he/she believed to be gunfire emanating from the area east of them. Officer A believed the sound to be firecrackers. According to Officer B, he/she notified Officer A of what he/she had heard. Officer A negotiated a right turn to investigate. Once eastbound, neither officer observed suspicious activity ahead of them as they continued toward the end of the block. According to Officer A, he/she observed smoke, leading him/her to believe that a vehicle had spun its tires or possibly backfired.

As the officers approached an intersection, they observed a male subject, standing at the southeast corner. According to Officer A, the Subject was standing next to the passenger side of a dark sedan that was parked along the south curb facing east. Two security video cameras mounted to the exterior of a building located at the northwest corner captured footage of the incident. The video depicted a four-door sedan park at the southeast corner of the intersection. Two individuals, one of whom was the Subject, exited the vehicle and walked on the south side of the street, crossing over and out of the cameras' view. Witness A's vehicle was captured as he negotiated a westbound turn.

As depicted in the video footage, the Subject and a second unidentified individual ran east on the south sidewalk to the dark sedan parked at the southeast corner of the intersection. The unidentified individual then entered the front passenger side of the sedan. The Subject appeared to open and then close the rear passenger side door before turning and facing west. The Subject then momentarily raised a pistol with his right hand and took several steps west in the street before stepping up onto the sidewalk. As Officers A and B neared the west side of the intersection in their police vehicle, the Subject again raised his pistol, pointed with a two-handed grip and in the officers' direction. As the Subject began to fire, the unidentified sedan fled east. At the time of the OIS, Officer A was unaware that the Subject was associated with the unidentified sedan due to the rapid nature in which the incident unfolded and his/her

attention being focused on the Subject. According to Officer B, he/she believed the Subject was alone.

In a subsequent interview, Officer A stated that he/she observed the Subject take several steps in the officers' direction as the unidentified sedan drove east. The Subject raised both his arms, assumed a shooting stance, and extended a pistol outward with a two-handed grip toward Officers A and B. The Subject then fired at him/her (Officer A) as he/she sat in the driver's seat of the police vehicle.

According to Officer B, he/she first observed the Subject already standing at the southeast corner of the intersection with his arms raised, firing a semi-automatic pistol at the officers. Officer B could see muzzle flashes from the Subject's pistol and heard gunshots and bullets striking their vehicle.

As Officer A brought the police vehicle to a stop, he/she stated he/she could feel the vehicle being struck by gunfire. Believing there was not enough time to exit the vehicle, Officer A immediately unholstered his/her pistol with his/her right hand, acquired a two-handed grip and extended his/her hands over the dashboard. BWV depicted Officer A firing over the top of his/her steering wheel.

Officer A feared that he/she and his/her partner were going to be killed. Officer A immediately fired six consecutive rounds at the Subject through the windshield of the police vehicle, in an easterly direction, from a distance of approximately 77 feet. According to Officer A, he/she stopped firing once he/she was no longer able to observe the Subject due to his/her windshield being shattered from the impacts of his/her (Officer A's) rounds. Officer A added that he/she believed the Subject had stopped firing prior to him/her (Officer A) firing his/her final round, but that the Subject had continued to point the handgun in the officers' direction.

Simultaneously, as Officer A stopped the police vehicle, Officer B removed his/her seatbelt, opened the front passenger door and immediately began to exit while unholstering his/her pistol. Utilizing the ballistic paneling of the open passenger door for cover, Officer B turned and moved to a secondary position of cover behind the police vehicle. Officer B stated he/she was still hearing the impact of the bullets striking their vehicle, so he/she redeployed by going behind the black and white vehicle to get a better position. According to Officer B, he/she could still see the Subject aiming his semiautomatic handgun at his/her partner and was shooting at them.

Once at the rear of the police vehicle, Officer B utilized the right rear portion of the vehicle for cover, raised his/her pistol in a two-handed grip and fired two rounds at the Subject, in an easterly direction, from an approximate distance of 88 feet. According to Officer B, after firing his/her second round, he/she no longer observed the Subject and believed the Subject had moved behind a bush that was situated on the parkway, just east of the southeast corner. In reviewing security video from a nearby business, the Subject appeared to have turned and ran east on the south sidewalk approximately two to three seconds prior to Officer B firing his/her first round. During a subsequent re-

interview, Officer B's recollection of the incident had not changed. Officer B indicated that he/she believed the Subject was firing at him/her when he/she (Officer B) fired his/her rounds.

Security video from nearby businesses depicted five bullets ricocheting in the street, in front of the officers' vehicle as the Subject fired. After the Subject fired two rounds, Officer A was observed abruptly stopping the police vehicle immediately west of the intersection, followed by the Subject firing three additional rounds. The Subject then turned and ran east on the south sidewalk.

Immediately after firing, Officer A exited the police vehicle and stood behind the open driver's side door as Officer B appeared to fire his/her final round. Officer A broadcast an "officer needs help, shots fired" call. Simultaneously, Officer B moved forward along the passenger side of the vehicle to the open passenger door.

As Communications Division (CD) broadcast the help call, Officers A and B entered their vehicle, leaving their doors open. Officer B communicated with his/her partner and suggested they move forward. Officer A began to slowly maneuver the police vehicle east into the intersection while simultaneously broadcasting that the shots were coming from the east, providing a description of the Subject and direction of travel. Body Worn Video (BWV) depicted both officers pointing their pistols east, while utilizing a one-handed grip with their right hands as they drove forward into the intersection.

According to Officers A and B, driving into the intersection provided them a better view of the southeast corner where the Subject was last seen while allowing them to maintain the cover provided by the police vehicle.

As Officers A and B monitored the southeast corner of the intersection, Witness B, a resident, exited his home and notified the officers that someone had run south through his yard toward the rear of his property. Officer A broadcast this information. According to Officer B, he/she briefly observed the Subject run from the south sidewalk into a yard east, as the officers moved their vehicle into the intersection.

Newton Area uniformed Sergeants A, B, and C arrived at the scene. Officer A immediately advised the sergeants what had occurred and that a citizen reported that the Subject had run southbound. Officers A and B holstered their pistols after additional units arrived and the perimeter was being established.

Sergeant A immediately assumed the role of Incident Commander (IC) and began to establish a perimeter in coordination with Air Support Division (ASD). Sergeant A then directed Sergeants B and C to separate Officers A and B and obtain their Public Safety Statements (PSS). Sergeant C began monitoring Officer A and obtained a PSS. Sergeant B also began monitoring Officer B and obtained his/her PSS. Sergeant B recorded Officer B's PSS on BWV. Sergeant B indicated that at the time of the incident, he/she was under the mistaken belief that he/she was required to do so.

At the direction of Sergeant A, uniformed Sergeant D established a Command Post (CP). Sergeant A subsequently directed responding units to maintain positions of cover and to don their ballistic helmets. After the perimeter was established, Sergeant A contacted Metropolitan Division and requested the response of K-9 personnel.

While at Metropolitan Division Station, K-9 Sergeant E received notification of the K-9 request. Sergeant E then contacted Sergeant A by telephone and was briefed. Due to the nature of the incident, Sergeant E directed Metropolitan Division K-9 Sergeant F to notify Metropolitan Division Special Weapons and Tactics (SWAT) Lieutenant A and request that SWAT respond. Sergeant F also notified Metropolitan Division Captain A and Metropolitan Division K-9 Lieutenant B, informing them that K-9 personnel were responding to the incident.

K-9 personnel arrived at the CP and were briefed by Sergeant D. Metropolitan Division K-9 Police Officer C assumed responsibility as the primary K-9 handler. To ensure the safety of residents at the location and provide medical treatment to the Subject in the event he had sustained a gunshot wound, Sergeant E obtained approval from Sergeant D and Captain A to initiate an all K-9 personnel search limited to where Subject was last believed to have been seen by Witness B. Sergeant E also received approval from Captain A and Sergeant D for the search to be conducted without a K-9 announcement being made. This was done in order to maintain a tactical advantage by not broadcasting the officers' location to an armed Subject that had already shown a willingness to engage officers in gunfire and was likely aware that the police were actively searching for him.

Prior to the K-9 search, Sergeant D requested a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) respond to the CP to stand by in the event of an injury to officers or the outstanding Subject. LAFD RA staffed by Firefighters (FF) A and B arrived at scene and staged nearby.

The initial search team was comprised of Sergeant E, Officer C and his K-9, Metropolitan Division K-9 Police Officers D, E, F, G, H, and I. Prior to the initiation of the search, all K-9 officers donned their ballistic helmets and activated their BWV cameras.

Air Support Division (ASD) Tactical Flight Officer J broadcast their overhead presence to the CP and began coordinating with Sergeant E to verify the location of the search. Officer J utilized the Air Unit's forward-looking infrared (FLIR) system to scan the properties around the search area.

Officer J observed an unidentifiable heat source under a trampoline in the rear yard of the property. Officer J broadcast his/her observation to K-9 officers and the CP over the tactical frequency. Officer J also ensured that officers positioned in front of that location were aware of his/her observation.

Officer C, in coordination with Sergeant E, formulated a plan to search the yard where the heat source was located. They utilized a second police dog and search team to respond and establish containment of that location. Officer C with his/her K-9, Sergeant E, and Officers D and E, proceeded south, where they were directed to the residence by ASD. Officer C was armed with his/her Department-issued MP7 weapon system. Officer D was armed with his/her Department-issued AR-15 rifle. Officer E was armed with his/her Department-issued Benelli M4 shotgun. Sergeant E was armed with his/her Department-approved Glock 17 pistol. All four also possessed a TASER.

Officer F with his/her K-9, and Officers G, H, and I responded to a separate residence nearby. Once Officer F's team had established containment, Officer C directed his/her K-9 to begin a search north in the driveway, along the west side of the residence, toward the rear yard. Sergeant E unholstered his/her pistol at that point and held it in a low-ready search position. The team, with Officer D at the point position, subsequently advanced north along the driveway to the northwest corner of the residence. As Officer C directed his/her K-9's search, the K-9 dog left Officer C's view and went behind a parked pickup truck located immediately south of a trampoline at the east side of the yard. Officer C then heard screaming from who he/she believed was the Subject. Officer C stated it was obvious that his/her K-9 had found the Subject and from the screams, it was his/her belief that his/her K-9 was contacting the Subject because his/her K-9 dog was not barking. Officer C believed that his/her K-9 had a bite hold on the Subject.

Because the Subject was believed to be armed, Officer C commanded his/her K-9 to maintain his/her bite-hold until the officers could move to safe positions where they could see the Subject. Officer C explained that he/she wanted his/her K-9 to come off of the Subject and return to Officer C, thereby giving the Subject an opportunity to arm himself.

Utilizing the pickup truck as cover, Officers D and E moved forward toward the sound of the screaming and covered the Subject, who was laying underneath the trampoline.

Officer C moved forward, behind Officers D and E, until he/she observed the Subject lying on his back. The Subject was kicking his legs at the K-9, as the K-9 maintained a bite-hold on the Subject's foot. Officer D directed the Subject to show his hands and the Subject complied. Once Officer C verified with Officer D that the Subject's hands were in sight, Officer C recalled his/her K-9. The K-9 released the Subject's foot immediately after being recalled and returned to Officer C, who then placed him on a leash.

As Officers C, D, E, covered the Subject with their weapons, Sergeant E instructed the Subject to lie on his stomach with his hands in front of him and crawl out from under the trampoline toward them. After the Subject complied, Sergeant E holstered his/her pistol and handcuffed the Subject without incident.

Once in custody, Sergeant E walked the Subject to the front of the residence and asked the Subject if he had sustained a dog bite. The Subject informed Sergeant E that the

dog bit his right toe. As Sergeant E walked the Subject to the intersection, Sergeant E broadcast that the officers had a Subject in custody and requested the RA to respond to his/her location.

According to Sergeant E, and as captured on his/her BWV camera, as they walked toward the intersection, the Subject spontaneously asked, “What the fuck you [sic] the dog on me for? I was getting shot at.” As Sergeant E explained the use of the police dog, the Subject repeated, “They were shooting at me.” A field show-up was later conducted, and the Subject was identified by Officers A and B as the person who shot at them.

Officer H utilized his/her K-9 dog to conduct an article search of the area. Officer H’s K-9 ultimately alerted to a space underneath a patio deck located immediately adjacent to where the Subject had been taken into custody. Officer H inspected that location and observed a semiautomatic pistol, which was later recovered by personnel from Forensic Science Division (FSD) Firearms Analysis Unit (FAU).

**BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	No	Yes	Yes	Yes	Yes
Sergeant D	Yes	Yes	Yes	Yes	Yes
Sergeant E	Yes	Yes	Yes	N/A	N/A
Officer A	Yes	Yes	Yes	N/A	N/A
Officer B	Yes	Yes	Yes	N/A	N/A
Officer C	Yes	Yes	Yes	N/A	N/A

**Los Angeles Board of Police Commissioners’ Findings**

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

**A. Tactics**

The BOPC found Sergeants A, D, and E, along with Officer’s A, B, and C’s tactics to warrant a finding of Tactical Debrief.

**B. Drawing and Exhibiting**

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

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

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

#### **Basis for Findings**

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. 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 principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life.

Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in Graham v. Connor, 490 U.S. 386 (1989), stating that:

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

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

**Use of De-Escalation Techniques.** It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department



de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

**Use of Force – Non-Deadly.** It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

**Use of Force – Deadly.** It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

**Note:** Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

**The Department's Evaluation of Deadly Force.** The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

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.)

## 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 safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

### **Planning**

Although Officers A and B had not worked together on a prior occasion, on the day of the incident they discussed previous tactical incidents in which they had been involved and what aspects could have been improved. Additionally, Officers A and B discussed their weapon systems as well as less-lethal force options including the deployment of the TASER.

Upon arrival at the incident, Sergeant A immediately began formulating a plan. Sergeant A was briefed by Officers A and B and afterwards assigned supervision roles and communicated his/her plan with the supervisors at scene. Sergeant A directed Sergeants B and C to separate, monitor, obtain PSSs, and transport Officers A and B to the CP. Sergeant A assigned Sergeant D to set up a CP and assisted in the establishment of the perimeter in coordination with ASD.

Sergeant E was involved in the planning of the K-9 search and conferred with Officer C regarding the tactical plan for the search. While at the CP, Sergeant E proceeded to contact Sergeant F where they discussed how the K-9 team would proceed to search for the Subject.

**Assessment** – While being fired upon, Officers A and B conducted assessments of their positions and their need to effectively utilize cover. Officer A determined the police vehicle provided the best cover. Officer B drew his/her service pistol, opened his/her front passenger door, exited, and utilized the door as cover. Officer B turned towards the back of the police vehicle and redeployed to the rear. Additionally, Officers A and B assessed the situation between their rounds of fire and afterwards.

Officers A and B also considered their background at the time of shooting at the Subject.

Sergeant A assessed the incident and gathered information from Officers A and B regarding the Subject. Sergeant B assessed Officers A and B for injury, and then gathered pertinent information from both officers regarding to OIS.

Once the K-9 search team located the Subject, Sergeant E and Officer C conducted assessments of the tactical incident. The Subject's position, movements, and actions were assessed and the K-9 search team coordinated with one other and took the Subject into custody.

**Time** – Officers A and B became involved in a rapidly evolving incident which was initiated when the Subject fired upon them. During this short time, Officers A and B held their positions at their police vehicle as they waited for backup units.

Sergeant A utilized time to his/her advantage upon arrival to the OIS location. Sergeant A gathered a large amount of information and broadcast to CD to notify responding units of all pertinent information. Additionally, Sergeant A requested a perimeter and gave orders to responding supervisors, giving them each an assignment. Sergeant D utilized additional time to brief responding entities, such as K-9 officers, SWAT, LAFD, and command staff as they arrived at the CP. During that time, Sergeant D received and relayed information from Sergeant A to update command staff at the CP. Both Sergeants A and D utilized time to coordinate together and with additional resources.

**Redeployment and/or Containment** – Officer A requested the area to be contained after the Subject fled on foot. Officer A requested a perimeter to be set immediately after the OIS. Officers A and B both redeployed to positions of better cover after the OIS. Officer B re-entered his/her police vehicle and sat on the front passenger seat while Officer A also returned and entered the driver seat. Officer A slowly drove his/her police vehicle forward towards the southeast corner of the intersection and utilized the engine block of the police vehicle as cover as they redeployed their police vehicle to another position.

Sergeant A arrived at the scene of the OIS and determined the Subject had fled and containment was needed. Sergeant A was assisted by ASD in establishing a perimeter to contain the Subject.

Once the Subject was located by the K-9 search team, the search team redeployed to establish a position of tactical advantage on the Subject. The K-9 search team took the Subject into custody while redeploying their positions and by recalling the K-9 dog.

**Other Resources** – Following the officers' actions of returning gunfire at the Subject, Officer A notified Communications Division and requested a perimeter.

Sergeant A utilized the resource of additional supervisors and directed Sergeants B and C to separate, monitor, and obtain PSSs from Officers A and B. Sergeant A coordinated with ASD to establish a perimeter. Sergeant A directed Sergeant D to establish a CP. Sergeant A contacted Metropolitan Division to notify them of the incident and requested K-9 resources to respond to the scene due to the Subject still being outstanding and having fired upon Officers A and B. Sergeant E coordinated with ASD to find and later detain the Subject.

Sergeant D, while acting as the incident commander, approved the K-9 search plan which did not include SWAT personnel. Given the violent actions of the Subject, the BOPC would have preferred for Sergeant D to have utilized the time afforded to him/her to wait for and include SWAT personnel as part of the K-9 search plan.

Sergeant E, while assigned as supervisor of the K-9 unit, approved the K-9 search plan which did not include a K-9 deployment announcement or SWAT personnel. Given the violent actions of the Subject, the BOPC would have preferred for Sergeant E to have ensured that a K-9 deployment announcement was made and to have utilized the time afforded to him/her to wait for and include SWAT personnel as part of the K-9 search plan.

**Lines of Communication** – Officers A and B initially did not know the specific location from which the sound they believed to be either firecrackers or gunshots was coming from. Since there was no known location of the sound, the BOPC would have preferred that Officers A and B broadcast that possible shots had been fired in the area for the safety and information of other officers who could have been nearby. Officer A communicated to responding officers by giving them additional information regarding the Subject's direction of travel and directed responding units to respond eastbound. Officer A broadcast a perimeter request and advised that a citizen reported seeing a Subject running through the houses. Sergeant A communicated with Officers A and B and gathered information about the OIS. Sergeant A communicated with Metropolitan Division K-9, requesting K-9 resources to respond. Sergeant E directed Sergeant F to contact Lieutenant A to request the response of SWAT. Sergeant E established lines of communication with the resident of the search location to ensure her safety and the safety of her dog, which Sergeant E asked be taken into the residence to avoid conflict between that dog and Sergeant E's K-9 dog.

The BOPC discussed that the tactical situation was dictated by the Subject's actions in which he pointed and fired a handgun at Officers A and B. Since the Subject's actions were unexpected, Officers A and B had to react immediately to defend their lives. Officers A and B, despite being at a disadvantage, continued to assess their options for cover, their rounds of fire, and their shooting background. After the OIS, Officers A and B planned together by communicating with each other and by determining they would utilize their police vehicle's engine block as cover while Officer A slowly drove their vehicle closer to the intersection. Officers A and B also

communicated with each other to ensure neither had been shot. The BOPC also noted that Sergeants A and D's continuous communication effectively ensured all important aspects of the incident were addressed such as the officers' safety, their separation and monitoring, and the coordination of responding units such as K-9 and SWAT.

The BOPC noted there were strong lines of communication among the members of the K-9 search team. Their thoroughness allowed for quick adjustment to the fluid situation and the quick apprehension of the Subject. Sergeants D and E discussed many aspects of the K-9 search plan including conducting the search without a K-9 announcement. Sergeants D and E also communicated with Captain A to gain approval for the configuration of the K-9 search team. Additionally, Sergeant E and Officer C continued to assess his/her K-9's contact demonstrating a concern for the Subject's wellbeing.

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

### **1. Code Six**

Officers A and B did not advise Communications Division (CD) of their Code Six location prior to engaging the Subject.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in the case being reviewed, their actions can be unpredictable.

In this case, Officers A and B were patrolling in the area. The officers heard the sounds of what they believed to be either gunshots or fireworks coming from an unknown location. The officers were unsure of the exact nature of the sounds and the location. They turned eastbound and approached the next intersection. This incident rapidly escalated as the Subject fired upon the officers, striking their police vehicle. Both officers discharged their firearms to protect themselves from the imminent threat of serious bodily injury or death. Once it became practical, Officer A broadcast, "officer needs help," to CD.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's decision not to advise CD of their Code Six location was not a deviation from approved Department tactical training.

### **2. Utilization of Cover**

After the OIS occurred and the Subject fled to an unknown location, Officer B left his/her position of cover behind the ballistic panel of his/her police vehicle's front

passenger door. Officer B walked in a southeasterly direction from his/her police vehicle and parked north of the southbound traffic lane near the southwest corner of the intersection. Other alternative positions of cover were not available to Officer B. Officer B walked to the center divider, then returned to his/her position of cover at the passenger door. Officer B left his/her position of cover a second time, walking in a southerly direction, while maintaining a parallel position relative to his/her passenger door, as he/she looked in the Subject's last known direction of travel. Officer B did not have the benefit of cover while doing so.

The BOPC noted that Officer B initially utilized his/her ballistic panel when redeploying from his/her front passenger seat towards the rear of his/her police vehicle and again when he/she returned to his/her front passenger seat. Officer B stated that he/she utilized the engine block as cover while Officer A drove their police vehicle slowly forward, closer to the intersection to get a better view of the area. Later, as Officers A and B tried to get a closer look at a hedge near the southeast corner of the intersection, Officer B described utilizing the engine block as cover.

The BOPC determined that Officer B's actions and statements demonstrated that Officer B maintained situational awareness and he/she understood the importance of utilizing cover. The BOPC noted that Officer B, when leaving cover on both occasions, had done so with caution and maintained a close position to his/her passenger door/ballistic panel. Additionally, Officer B's movements were in balance for the safety of him/herself and Officer A, in an attempt to gain a visual of the Subject's last known location. The BOPC noted that Officer B continued to assess as he/she moved away from cover and towards the intersection.

Based on the totality of circumstances, the BOPC determined that while identified as an area for improvement, Officer B's actions were not a deviation from approved Department tactical training.

- The BOPC also noted the following:
  - **Shooting Through Front Windshield** – Officer A, while approaching the intersection, observed the Subject raise a handgun and fire multiple rounds at Officers A and B. Officer A stopped his/her police vehicle west of the intersection and believed that the Subject's rounds were striking his/her police vehicle. Officer A, while maintaining in a seated position in the front driver's seat, drew his/her service pistol and fired through the front windshield of his/her police vehicle. Officers were reminded that shooting through a windshield can degrade the accuracy and performance of their rounds. The rounds can also cause debris and fragments of the windshield to enter into the police vehicle, along with subjecting officers to the sound of gunfire.

- **Incident Commander** – Sergeants A and D arrived after the OIS and assumed the responsibilities of Incident Commander. Sergeant A remained near the OIS location while Sergeant D set up the CP and briefed incoming personnel, including K-9 officers. Neither Sergeants A nor D declared themselves to be the IC. Supervisors were reminded of the importance of declaring themselves as IC to avoid confusion and to implement clear command and control of the incident. Other entities, in this case K-9 personnel, are required to seek approval from the IC regarding some portions of their tactical operations.
- **Supervisor Responsibilities** – Sergeant E, while with the K-9 search team, assigned him/herself to be the rear-guard position of the K-9 search team formation. After the K-9 located the Subject hiding underneath a trampoline, Sergeant E gave the Subject commands to which the Subject complied. Sergeant E handcuffed and escorted the Subject from the location, with the assistance of another K-9 officer, to a nearby police vehicle to wait for medical treatment by LAFD. During this incident, there were additional K-9 officers available to take these active roles from Sergeant E to allow him/her to remain focused solely on supervising the operation.

Supervisors were reminded to prioritize command and control, when feasible, over engaging with a Subject. This issue was brought to the attention of Captain A, the Assistant Commanding Officer, Metropolitan Division, who advised that this issue was addressed through the generation of a Supervisor Action Item (SAI) and Informal Counseling.

- **Less-Lethal Force Options** – Sergeant E accompanied a K-9 search team that eventually located and apprehended the Subject. After the search was complete, Sergeant E realized that his/her team was only equipped with a less-lethal force option of a TASER. Sergeant E was aware the additional K-9 search team, who was not assigned to conduct a search, was in possession of a Beanbag shotgun. Sergeants were reminded to utilize available resources and consider having additional less-lethal force options, such as a Beanbag shotgun. This issue was brought to the attention of Captain A, who advised that this issue was addressed through the generation of a SAI and Informal Counseling.
- **Command and Control**  
 Officer A was the senior officer of the primary unit. After the OIS, Officer A began broadcasting pertinent information to CD and responding units. Officer A began setting up a perimeter after the Subject fled on foot to an unknown location. Officer A also ensured Sergeants A and B were briefed upon their arrival and identified him/herself and Officer B as being involved in the OIS, the number of rounds that had been fired, the Subject's last known location, and information provided by a resident on the Subject's possible location.

Officer C responded with his/her K-9 to conduct a search for the Subject, who had fled from the OIS location. After receiving notification of a potential location for the

Subject, Officer C, along with his/her K-9 and his/her search team, initiated a search. After the K-9 contacted the Subject, Officer C commanded his/her K-9 to maintain a bite hold while he/she and his/her search team redeployed to positions of cover. Once the Subject was compliant, Officer C gave his/her K-9 the command to release his bite hold and return to Officer C. Officer C immediately leashed his/her K-9 and had no further contact with the Subject.

The BOPC reviewed Officer C's decision to have his/her K-9 maintain a bite hold and determined that it was a sound decision which demonstrated Officer C's awareness of officer safety. The BOPC noted that the bite hold was not sustained and was intermittent as the Subject continued to resist by kicking his legs. Officer C clearly communicated with Sergeant E to ensure that the Subject's hands could be observed and were not holding a firearm. Officer C continued to coordinate with members of the K-9 search team to take the Subject into custody without further incident. Calling his/her K-9 back prior to the officers taking cover would have placed the search team in a situation which could have required them to engage in additional force with the Subject. However, Officer C also demonstrated a sense of urgency to recall his/her K-9 dog as quickly as possible to minimize any harm to the Subject.

The BOPC reviewed the deployment and actions of Officer C's K-9 dog and determined that the K-9 was a valuable tool and was utilized effectively. The actions of Officers A and C were consistent with Department training and the BOPC's expectations of senior officers during a critical incident.

Sergeant A, while at the Newton CPS, heard Officer A's "shots fired" call being broadcast over the police radio. Sergeant A responded with Sergeant B from Newton CPS to Officers A and B's location. Sergeant A ordered Officers A and B to maintain their positions of cover as Sergeant A spoke to them. Sergeant A immediately gathered information from Officers A and B regarding the outstanding Subject. Sergeant A was briefed by Officers A and B about the OIS that had occurred. Sergeant A directed Sergeants B and C to separate, monitor, and obtain a PSS from Officers A and B. Sergeant A coordinated with the Air Unit to establish a perimeter. Sergeant A directed Sergeant D to establish a CP. Sergeant A directed all personnel at scene to utilize cover and to don their ballistic helmets. Sergeant A contacted Metropolitan Division to notify them of the incident and to request K-9 resources to respond to the scene due to the Subject still being outstanding and having fired at Officers A and B. Sergeant A remained at the scene until he/she was directed by Sergeant D to respond to two radio calls indicating the Subject was possibly at the location.

Sergeant D arrived at the scene of the OIS and met with Sergeant A. Sergeant D, at Sergeant A's direction, began to set up the CP and chose a nearby location. Sergeant D established the CP and, upon arrival, briefed K-9 officers on the OIS. Sergeant D determined that due to the circumstances of the incident, the Subject needed to be apprehended without delay. Therefore, Sergeant D approved the



initiation of the K-9 search without the addition of SWAT personnel. Sergeant D also approved the omission of the K-9 announcement, also due to the circumstances of the incident. Sergeant D, prior to the initiation of the K-9 search, requested a LAFD RA to respond to the CP in the event the Subject was injured or became injured during the search.

The BOPC noted that both Sergeants A and D assumed IC roles. The BOPC recognized that both Sergeants A and D remained actively engaged in managing this critical incident. The supervisors ensured that all duties were completed and worked together effectively with each other. Sergeant A maintained his/her position as the IC of field operations while Sergeant D handled operations at the CP.

However, the BOPC noted that Sergeants A and D did not declare themselves as the IC, as is expected by the Department. The BOPC considered the circumstances of this incident and the requirement by Metropolitan Division's K-9 Unit to receive approval from the IC regarding their search team configuration and approval for conducting searches without a K-9 announcement. Noting how this could cause confusion or an inappropriate source of approval for their tactical engagements, the BOPC noted the importance of sergeants to broadcast their designation as IC. The BOPC emphasized the Department's expectation that the IC broadcast his/her designation once it has been assumed. Additionally, the BOPC considered Sergeants A and D's articulation describing their roles as co-incident commanders. The BOPC noted that Sergeant D did not consult Sergeant A when giving K-9 personnel his/her approval to search in an all K-9 personnel configuration to avoid the delay waiting for SWAT personnel. Sergeant D also did not consult prior to approving the initiation of the K-9 search without a K-9 warning. The BOPC would have preferred that Sergeants A and D ensured clear communication was present throughout the incident.

Sergeant D, while acting as the incident commander, approved the K-9 search plan which did not include SWAT personnel. Given the violent actions of the Subject, the BOPC would have preferred for Sergeant D to have utilized the time afforded to him/her to wait for and include SWAT personnel as part of the K-9 search plan.

Sergeant E, while at Metropolitan Division, received Sergeant A's request for a K-9 response. Sergeant E was briefed by Sergeant A regarding the incident. Sergeant E directed Sergeant F to contact Lieutenant A and request the response of SWAT personnel. Sergeant E responded to the incident and discussed the incident with Captain A. After getting more details from Sergeant D regarding the Subject, Sergeant E sought and received approval to conduct the K-9 search without waiting for personnel from SWAT due to exigency, since the Subject created a safety concern for citizens in the area. Sergeant E did not want to delay checking an area for the Subject which would delay medical treatment since it was unknown if the Subject had been struck by gunfire. Captain A approved the configuration of the K-9 search team to be comprised of only K-9 personnel. Sergeant E also received approval from Captain A and Sergeant D to conduct the search without a K-9

announcement due to their knowledge that the Subject had already showed a willingness to fire his handgun at officers and would have been aware that officers were searching for him due to a large presence of officers in the area, including the Air Unit. Sergeant E also consulted with Lieutenant A prior to the initiation of the K-9 search. Sergeant E coordinated with ASD to find and later detain the Subject. Sergeant E, while assigned as supervisor of the K-9 unit, approved the K-9 search plan which did not include a K-9 deployment announcement or SWAT personnel. Given the violent actions of the Subject, the BOPC would have preferred for Sergeant E to have ensured that a K-9 deployment announcement was made and to have utilized the time afforded to him/her to wait for and include SWAT personnel as part of the K-9 search plan.

The BOPC reviewed Sergeant E's involvement during the K-9 search. Sergeant E began giving verbal commands to the Subject, and after the Subject complied, Sergeant E handcuffed him. Sergeant E walked the Subject from the residence and over to a police vehicle for treatment by the RA. The BOPC considered Sergeant E's statements regarding his/her reason for involvement in the search. Sergeant E, being the training supervisor for the tactics within the K-9 Unit, stated he/she frequently accompanied search teams to ensure Department standards were met.

The BOPC determined Sergeant E's primary role was to first supervise and ensure there were adequate search team members to address the situation so that Sergeant E's involvement would not be needed. Thereby, Sergeant E could focus on his/her duties by providing command and control at each incident. However, the BOPC noted that Sergeant E engaged in handcuffing the Subject and would have preferred that he/she maintain his/her supervisory role and not physically engage the Subject. The BOPC reminded Sergeant E to maintain his/her role as a supervisor and to assign additional personnel, if needed, to a search team to avoid his/her direct involvement. The BOPC noted that Sergeant E ensured Officer C utilized his/her K-9 to effectively deliver bite hold only to the extent that it was necessary for the officers to get to positions of cover. Additionally, the BOPC noted that Sergeant E reminded Officer C to immediately leash his/her K-9 to prevent a further incident.

The BOPC reviewed Sergeant E's request to conduct the K-9 search in a configuration which did not include SWAT personnel. Sergeant E articulated his/her reason for the urgency of apprehending the Subject was that the Subject was possibly injured and to avoid the danger the Subject presented to people in the area. The BOPC determined that not waiting for the arrival of SWAT personnel was reasonable due to a valid exigency and was within Department policy. However, the BOPC noted that Sergeant E made the appropriate notifications to Lieutenant A and therefore, considering that SWAT personnel were already responding, would have preferred Sergeant E to continue to consider waiting for the arrival of SWAT personnel in future incidents. The estimated time of arrival for SWAT personnel was between 30 and 45 minutes.

The BOPC also noted Sergeant E's decision to initiate the K-9 search without giving a K-9 announcement. Sergeant E received approval from both Captain A as well as Sergeant D, whom he/she believed to be the IC, which was consistent with Department policy. Sergeant E stated that his/her reason for eliminating the announcement was to maintain the search teams' tactical advantage since the Subject had already fired at officers. The BOPC determined that since the Subject had fired at Officers A and B, the exemption of the K-9 announcement was reasonable based on the exigency of the circumstances.

The actions of Sergeant E were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident. However, absent exigent circumstances, the BOPC would have preferred that Sergeant E not handcuff the Subject and that he/she maintain his/her supervisory role and not physically engage the Subject.

Sergeant F completed notifications, at the direction of Sergeant E, to Captain A and Lieutenant B, informing them that the K-9 search team would be responding to the OIS location.

Sergeant B responded from Newton CPS, with Sergeant A to the OIS location and met with Officers A and B. Sergeant B checked Officers A and B for injury and then gathered information from them regarding the OIS. Sergeant B took over supervision of Officer B, separated him/her, and obtained his/her PSS.

Sergeant C responded from Newton CPS, simultaneously with Sergeant D to the OIS location and met with Officers A and B. Sergeant C took over supervision of Officer A, separated him/her, and obtained his/her PSS.

The actions of Sergeants A, B, C, D, and F were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

Lieutenant A spoke with Sergeants E and F for a briefing on the incident. Lieutenant A and Sergeant D discussed the possibility of the deployment of SWAT personnel. Due to the Subject already being in custody and field show ups being conducted upon Lieutenant A's arrival, Lieutenant A chose not to deploy SWAT. After the Subject was positively identified, SWAT was not deployed.

The actions of Lieutenant A were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident. Captain A received notifications from Sergeant E regarding the incident and the request for deployment of K-9 resources. Captain A approved the K-9 search to be completed without waiting for the arrival of SWAT personnel and for the K-9 search team configuration to be with K-9 personnel only. Captain A considered the urgency to get the Subject into custody for the safety of citizens in the area and to ensure the Subject was not injured in the OIS and in need of medical treatment. Additionally,

Captain A approved the omission of the K-9 announcement due to the threat the Subject posed for the search team if they were to announce their presence since doing so would have provided the Subject with a tactical advantage. Captain B arrived at scene at and oversaw patrol functions. Captain B demobilized personnel assigned to the incident after the Subject was taken into custody.

The actions of Captains A and B were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

- In conducting an objective assessment of this case, the BOPC determined that Sergeants A, D, and E, and Officers A, B, and C did not deviate from approved Department tactical training.

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

Although it was determined that Captain A would not receive formal findings, the BOPC believe Captain A would benefit from attending the Tactical Debrief to enhance future performance and discuss this dynamic incident in its entirety. Therefore, the BOPC directed that Captain A, and Sergeants A, D, and E, and Officers A, B, and C attend a Tactical Debrief and that the specific identified topics be discussed.

The BOPC found Sergeants A, D, and E, along with Officer's A, B, and C's tactics to warrant a finding of Tactical Debrief.

## **B. Drawing and Exhibiting**

- **Officer A**

According to Officer A, as they approached the intersection, he/she observed a car, in a "slanted" position in relation to the south curb facing northeast. Officer A observed the Subject who was wearing dark clothing, next to the sedan, standing on the southeast curb, near a tri-light post. Officer A observed the Subject look at them and take several steps off the southeast curb. The Subject lifted both hands in an "isosceles stance," holding a semi-automatic handgun pointed right at him/her. Officer A observed muzzle flash from the Subject's handgun. Officer A immediately brought his/her vehicle to a stop. As the Subject fired, Officer A could feel "something hitting" the police vehicle. Officer A believed the Subject fired approximately "three or four continuous shots." Officer A believed approximately "three or four seconds" passed from the time he/she initially observed the Subject up to the time the Subject began firing. Officer A believed if he/she took the time to get out of his/her police vehicle, he/she would have been shot by the Subject. Officer A

remained inside of his/her police vehicle and drew his/her service pistol with his/her right hand.

- **Officer B**

According to Officer B, as he/she and Officer A continued eastbound approaching the intersection, he/she observed the Subject take an “isosceles stance,” which Officer B described as the Subject having his “feet shoulder width apart” with a “slight bend in his knees” as “both hands” were holding a handgun. The Subject’s arms were “fully extended” and took aim at Officers A and B. Officer B, being familiar with the sound of a bullet striking a vehicle due to prior military experiences, heard what he/she believed to be a bullet from a “semi-automatic handgun” striking his/her vehicle a minimum of “three times.” Officer B observed the Subject’s handgun to be “dark” in color. Officer B thought he/she was “going to die.” The Subject was trying to “kill” him/her and Officer A. Officer B’s thoughts came back to the situation and he/she reacted by removing his/her seat belt while the Subject continued to fire his/her handgun at them. Officer B opened his/her passenger door, using it for cover, then drew his/her service pistol with his/her right hand, placing his/her index finger on the slide and the muzzle pointed down to the ground. While redeploying, Officer B still heard the impact of bullets striking his/her vehicle. Officer B repositioned him/herself to the rear of his/her police vehicle in a manner which allowed him/her to view the Subject but would not expose him/herself more than necessary.

The BOPC conducted a thorough evaluation of the reasonableness of Officer A and B’s drawing and exhibiting of their service pistols. The BOPC noted that the Subject rapidly escalated the incident by firing a handgun at Officers A and B, both who were seated inside of their police vehicle. The police vehicle was struck by bullets. Both Officers A and B drew their service pistols in response to the Subject’s gunfire.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, 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 and B’s drawing and exhibiting of a firearm to be In-Policy.

- **Officer C**

According to Officer C, he/she was searching for the Subject, who he/she knew to be armed and who had just shot at Officers A and B. Officer C deployed his/her service pistol which was attached to a sling. Officer C searched with the service pistol while holding it in a low-ready position.

- **Sergeant E**

According to Sergeant E, upon receiving a briefing of the incident from Sergeant A, he/she learned the Subject had fired a handgun at Officers A and B. Sergeant E opined that the Subject “knows we’re here” and would be aware that officers were searching for him. Once entering the yard of the search location, Sergeant E unholstered his/her service pistol. Sergeant E carried his/her service pistol in a low-ready position and maintained that positioning until he/she holstered in preparation to take the Subject into custody.

The BOPC conducted a thorough evaluation of the reasonableness of Sergeant E’s and Officer C’s drawing and exhibiting of their service pistols. Sergeant E and Officer C were assigned to the K-9 search team with the objective to check a location to determine if the Subject was possibly at a location. Sergeant E and Officer C were briefed that the Subject had fired at Officers A and B.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant E and Officer C, while faced with similar circumstances, 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 Sergeant E and Officer C’s drawing and exhibiting of a firearm to be In-Policy.

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

- **Officer A – (pistol, 6 rounds)**

According to Officer A, he/she observed the Subject standing in an “isosceles stance” and believed the Subject intended to “kill” him/her and Officer B. Officer A could clearly see and hear the muzzle of the Subject’s handgun as it fired. Officer A knew “it was a semi-automatic because of the continuous fire.” Officer A was in the seated position within his/her police vehicle and utilized the dashboard as a shooting platform on which he/she could extend his/her hands out straight and focus on getting his/her sights aligned on the Subject. Officer A was “scared” for his/her life and in order to defend him/herself and Officer B, aimed at the Subject’s center mass and discharged six rounds at the Subject through the front windshield of his/her police vehicle. As Officer A fired, he/she observed the Subject continuously firing at both Officers A and B. As Officer A discharged each round, he/she observed that the Subject was still firing at him/her and the Subject’s muzzle was still pointed at Officer B and him/herself. As Officer A returned fire, the Subject did stop firing, but maintained his/her handgun pointed at Officer A.

According to Officer A, he/she had initially believed he/she fired three rounds. After completing the magazine count with FID detectives after the incident, Officer A recalled that he/she had discharged six rounds.

In this case, the BOPC conducted a thorough review of the incident. During their review, the BOPC took into consideration that the Subject was in possession of a handgun. The Subject rapidly escalated the incident by raising his/her handgun and firing directly at Officers A and B. The BOPC noted that Officer A discharged his/her service pistol to prevent serious bodily injury or death to him/herself and Officer B. Other force options, including the possible deployment of less-lethal munitions, were not practical due to the Subject's firing at Officers A and B.

The BOPC noted that Officer A continuously assessed prior to firing, between each round, and after firing. Each time Officer A discharged his/her service pistol, he/she continued to assess and observed the Subject pointing and firing his handgun at him/herself and Officer B. In addition, BOPC noted that when the Subject started to run away, Officer A ceased firing. The BOPC considered the minimal amount of time, which was a matter of seconds that Officer A had to make decisions based on the imminent threat posed by the Subject to Officers A and B. The BOPC noted that Officer A articulated his/her perception of an imminent threat when the Subject began firing at him/her. Officer A specifically articulated his/her reason for the use of lethal force, which was to defend him/herself and Officer B. The BOPC noted the threat of serious bodily injury or death faced by Officers A and B.

The BOPC also considered the bullet impacts to the police vehicle as presented by FID investigators: front left bumper, front left tire, left muffler, and front surface of the left rear wheel well liner. The FID investigation established that the impacts were consistent with bullets fired from the Subject's position, and the BOPC took this into consideration when discussing Officer A's response to the Subject and Officer A's subsequent use of lethal force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

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

- **Officer B – (pistol, 2 rounds)**

According to Officer B, due to the Subject's actions, he/she had "reason to believe an imminent threat of death" for him/herself and Officer A would occur. Officer B observed the Subject "take an isosceles stance." The Subject had "both hands on the firearm fully extended out and taking aim towards" both Officers A and B. Officer B placed his/her index finger on the slide of his/her service pistol and repositioned him/herself to the rear of his/her police vehicle in a manner which allowed him/her to observe the Subject but would not expose him/herself more than necessary. While repositioning, Officer B still heard "the impact of bullets striking" his/her police vehicle. Officer B, after repositioning, observed that the Subject was still aiming his handgun at the officers. Officer B raised his/her service pistol and aimed at the

Subject's center mass, discharging two consecutive rounds. Officer B assessed as he/she discharged his/her two rounds and still observed that the Subject was in an "isosceles stance," aiming his handgun at him/her and Officer A. Officer B estimated that approximately one second passed from initially observing the Subject to observing the Subject firing his handgun at them.

In this case, the BOPC conducted a thorough review of the incident. During its review, the BOPC took into consideration that the Subject was in possession of a handgun. The Subject rapidly escalated the incident by raising his handgun and firing directly at Officers A and B, striking their police vehicle. The BOPC noted that Officer B utilized lethal force to prevent serious bodily injury or death to both officers. The Subject's rapid escalation of the incident and his firing at Officers A and B limited considerations for other force options, including the deployment of less-lethal force options. The BOPC noted that Officer B continued to assess after his/her first and second rounds. Officer B observed the Subject running away and ceased firing.

The FID investigation noted that Officer B discharged his/her first round three seconds after surveillance video appeared to depict the Subject turn and run away eastbound.

The BOPC noted that Officer B articulated his/her perception of an imminent threat, which was when the Subject began firing at him/her and Officer A. Officer B articulated his/her reason for the use of lethal force which was to defend him/herself and Officer A. The BOPC noted the significant threat of serious bodily injury or death to Officers A and B. The BOPC also considered Officer B's assessment of the Subject's actions between each discharged round.

The BOPC considered the environmental conditions when considering Officer B's use of lethal force. The BOPC noted it occurred during the hours of darkness with a low level of light in Officer B's background. Additionally, the BOPC considered that the incident was rapidly unfolding and dynamic, giving Officer B little time to react. The BOPC considered Officer B's perception of the Subject's actions and that there were approximately three seconds from the Subject turning and running to Officer B's discharging of his/her first round. The BOPC considered "lag time" and the low level of available light with regard to the three second gap. The BOPC also noted that Officer B had just been violently fired upon by the Subject. The three second delay in Officer B's discharging his/her first round was understandable considering the numerous factors in this incident. The BOPC noted that the lighting conditions were a significant contributing challenge to Officer B's observation of the Subject's movements.

The BOPC also considered the following bullet impacts to the police vehicle as presented by FID investigators: front left bumper, front left tire, left muffler, and front surface of the left rear wheel well liner. The FID investigators conveyed to the BOPC that the impacts were consistent with bullets fired from the Subject's position and the BOPC took this into consideration when discussing Officer B's response to



the Subject and Officer B's subsequent use of lethal force.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

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