

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

**OFFICER-INVOLVED SHOOTING – 017-20**

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

Newton                      4/30/20

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

Officer A                                                                                      2 years, 1 months  
Officer B                                                                                      3 years, 7 months

**Reason for Police Contact**

Officers were driving in their patrol area when they observed a Sports Utility Vehicle (SUV) stopped behind a sedan. As the officers stopped their vehicle, the driver of the SUV reversed at a high rate of speed, collided with a parked vehicle, and drove into an alleyway. The SUV stopped and the three occupants of the SUV exited and fled on foot. One of the passengers removed a pistol from his waistband as he ran in the direction of the passenger officer, resulting in an Officer-Involved Shooting (OIS).

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

Subject: Male, 28 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 Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on March 23, 2021.

## **Incident Summary**

Uniformed Police Officers A and B were driving a marked black and white SUV police vehicle in their patrol area. Their vehicle was equipped with a Digital In-Car Video System (DICVS).

According to Officer A, the officers' mission for the day was not to handle radio calls, but rather to patrol high crime areas and conduct traffic stops and pedestrian stops, in an effort to reduce crime.

According to Officers A and B, they were regular partners and had worked together for approximately five months. They both stated they have had discussion on tactics in the past regarding traffic stops. According to Officer B, prior to the start of watch, they discussed tactics, including their equipment and contact and cover roles.

As Officers A and B were driving, they observed a black sedan and a black SUV stopped facing south at the stop sign, the sedan stopped in front of the SUV. According to Officer B, he/she stopped his/her vehicle next to the black sedan, approximately five to seven feet away.

According to Officer B, he/she observed a male driver and a female front passenger in the sedan. (Both occupants of the sedan were witnesses to this portion of the incident. The occupants of the SUV are referred to in this report as Subjects 1, 2, and 3.) Officer B used his/her flashlight to illuminate the occupants of the sedan and the SUV, and Officer B noted that the driver of the sedan appeared nervous. According to Officer B, while still seated in his/her vehicle, he/she waved his/her hand at the driver of the sedan and stated, "bro," to get his attention.

When he/she looked at the driver of the SUV, Officer B noted the driver was a male with tattoos on his face. He/she also observed a male (Subject 1) seated in the rear passenger seat. Additionally, Officer B observed the male front passenger in the SUV had a bandana covering his face, which he/she thought was "odd," since no one else in the vehicle was covering their face.

The investigation subsequently determined that Subject 2 did not have a tattoo on his face; however, Subject 3 did have tattoos on his face.

Officer B looked to his/her right and noted that the wall of the business on the northeast corner had been freshly painted with gang graffiti. Based on his/her training and experience, Officer B formed the opinion that the driver of the SUV may be a gang member, and the occupants of the SUV had just committed a crime or were about to do so.

According to Officer A, he/she believed the driver of the sedan appeared to be fearful, nervous, and noted he was visibly sweating and shaking. According to Officer A, as Officer B made verbal contact with the driver of the sedan, he/she shone his/her

passenger side spotlight into the front windshield of the black SUV, in order to better see the occupants. According to Officer A, he/she did not put them Code Six or activate his/her BWV at this time because he/she was more concerned with watching the occupants of the vehicles for possible threats since they were in a known gang area.

Officers A and B's DICVS captured Officer B reverse their police vehicle and reposition it in a slight northwest direction, angled toward the front hood of the sedan. According to Officer B, he/she stopped the vehicle approximately 12 feet away from the sedan.

Officer B placed the police vehicle in park and opened his/her door. According to Officer B, he/she placed his/her left foot on the ground, and kept his/her right foot on the floorboard of the vehicle, as he/she stood behind his/her open door. Officer B used his/her flashlight to illuminate the driver of the sedan, who spontaneously placed his arms out of the window. Meanwhile, Officer A opened his/her door and used his/her spotlight to illuminate the occupants of the SUV, while remaining seated in the vehicle.

According to Officer B, he/she briefly spoke to the driver of the sedan and asked if he was okay. The driver's side window of the sedan was also open, and the driver replied, "I'm fine." According to Officers A and B, they were attempting to determine if the driver of the sedan was a victim of a crime involving the occupants in the SUV.

According to Officer B, he/she was considering initiating an investigative stop on the two vehicles due to the fresh gang graffiti in the area, so he/she and Officer A began to discuss the best way to approach the vehicles and began to discuss requesting an additional unit. However, as they were discussing this, the SUV reversed northbound at a high rate of speed.

Officer B entered the police vehicle as Officer A closed his/her passenger door and they began to follow the SUV north. DICVS captured the SUV reverse north and collide with a white vehicle that was parked along the east curb. The impact of the collision pushed the white vehicle north into another parked white sedan, damaging the rear bumper. Officers A and B's DICVS captured their police vehicle slowing as they approached the SUV, which had briefly stopped moving after the collision.

Officer A's BWV captured him/her unholster his/her pistol while seated in the vehicle, which he/she held in his/her right hand. In describing his/her decision for unholstering at this time, Officer A stated, "... I believed the situation may escalate to the point where deadly force [would be] justified because they are driving the vehicle back at a high rate of speed. I don't know if they're going to put it in drive and would ram us." Officer A added that his/her partner had been rammed by a vehicle during a pursuit approximately two weeks prior. Officer A's BWV captured him/her holding his/her pistol in his/her right hand while using his/her left hand to open his/her door. Officer A then used his/her left hand and obtained the vehicle's radio microphone.

The investigation determined that Subject 2 reversed a distance of approximately 250 feet, north.

After the collision, the SUV accelerated forward, west, and drove into an east-west alleyway across the street from where the collision occurred. Officer B drove their police vehicle into the alleyway, following the SUV. As the police car began moving again, Officer A's door closed, and he/she continued to hold the microphone in his/her left hand and his/her pistol in his/her right hand. According to Officer A, he/she knew that the alleyway was a dead end, and believed that the occupants would exit their vehicle and flee, so he/she remained unholstered.

As they drove into the alley, Officer B activated his/her BWV. According to Officer B, the occupants of the SUV were clearly trying to evade them when they began backing-up. He/she was unsure if the occupants would flee on foot, but Officer B intended on stopping them for the hit and run he/she just observed, so he/she directed Officer A to request a back-up.

As Officer A broadcast the request for back up, his/her BWV captured him/her use his/her right hand, while still holding his/her pistol, to open his/her door, and push the door with his/her right foot.

Subject 2 stopped the SUV in the alleyway, approximately 100 feet west of the entrance. Officer B activated his/her forward-facing red light and siren and stopped their police vehicle, approximately 11 feet, behind the SUV.

Once the SUV was stopped, DICVS captured Subject 2 exit the driver's door and Subject 3 exit the left rear passenger door of the SUV. They both ran in a north westerly direction toward an apartment complex. As the occupants ran, Officer B's BWV captured him/her giving them commands.

Meanwhile, Subject 1 exited the front passenger door of the SUV and ran east, on an elevated sidewalk. According to Officer B, he/she observed Subject 1 exit the SUV and run toward Officer A. As Subject 1 ran, Officer B observed him holding his waistband area, which led Officer B to believe that Subject 1 was armed with a firearm. Officer B also believed it was unusual that Subject 1 ran back toward Officer A, instead of running away from him/her to attempt to escape.

According to Officer B, he/she believed Subject 1 was armed and running at his/her partner. Officer B also indicated there was no time to communicate these observations to his/her partner.

According to Officer A, as he/she was attempting to broadcast, he/she observed Subject 1 running in his/her direction, "Holding his waistband, as if he's going to pull a weapon out from his waistband." Officer A dropped the microphone from his/her left hand and turned to his/her right to exit the vehicle.

As Subject 1 ran on the sidewalk, Officer A observed Subject 1 remove a blue-steel handgun from his waistband with his right hand. According to Officer A, he/she believed Subject 1 was removing the gun in an attempt to shoot him/her. As Subject 1 removed

the handgun, Officer A believed Subject 1 lost his grip, because the handgun went, "flying in front of him [Subject 1]." Officer A's BWV captured Subject 1's handgun fall onto the ground and slide along a dirt parkway, adjacent to the sidewalk, before coming to a stop in the parkway. Officer A estimated that the gun slid approximately 12 feet in front of Subject 1. According to Officer A, "I see the glare from the light reflecting off the pistol as it's flying through the air, and I hear it hit the ground, knowing that it's a real gun, because I heard the steel hit the concrete."

Officer A's BWV captured Subject 1 continue to run east and step off the sidewalk onto the alleyway. Due to the fact that Subject 1 had just dropped a firearm, Officer A moved east in the alley toward the rear of his/her vehicle. Officer A's intent was to redeploy around the rear of his/her vehicle to be with Officer B on the driver's side of the vehicle, since he/she no longer had the cover of his/her vehicle door. According to Officer A, as he/she moved, he/she began to point his/her pistol at the middle portion of Subject 1's back.

As Subject 1 continued east and neared his firearm lying in the parkway, Officer A's BWV captured Subject 1 bend forward at the waist and reach down with his right hand toward the firearm, ultimately picking it up with his right hand.

Believing that Subject 1 was going to shoot him/her or his/her partner, Officer A fired his/her first volley of approximately three to four rounds at the center of Subject 1's back, in a northeasterly direction, from an increasing distance of approximately 12 to 17 feet.

Officer B had lost sight of Officer A and Subject 1 due to being on the driver's side of the police vehicle, so he/she began to move east, toward the rear of his/her vehicle. According to Officer B, he/she heard nervousness in Officer A's voice and heard Officer A state, "Drop the gun, drop the weapon!" Officer B heard approximately three shots being fired, so he/she unholstered his/her pistol and held it in a two-handed shooting position.

As he/she came out from behind the vehicle, Officer B observed Subject 1 bent over at the waist, holding a handgun in his right hand. According to Officer B, Subject 1 was turning his torso and shoulders east, and looking back in their direction, and bringing the gun up between his torso and shoulders. Because Officer B had already heard shots being fired, he/she believed Subject 1 had fired at Officer A. Based on Subject 1's body positioning, Officer B believed Subject 1 was trying to acquire him/her and Officer A as a target and intended to shoot at them. In order to protect his/her life and the life of his/her partner, Officer B aimed his/her pistol at Subject 1's upper torso and lower shoulder area, and discharged one round, in a northeasterly direction, from an approximate distance of 19 feet.

Immediately after Officer B discharged his/her single round, he/she observed Officer A to his/her left and moving to the east, approximately three to four feet in front of him/her.

According to Officer B, he/she immediately lowered his/her muzzle to avoid a crossfire situation.

After his/her first volley, Officer A quickly assessed and observed Subject 1 continue to run east while looking back, west, at him/her and Officer B, with the handgun still in his right hand. According to Officer A, Subject 1's body was bladed to right, with his left foot on the ground, and his right foot back toward their direction. Officer A observed Subject 1 raise his right arm to shoulder level and point the handgun at him/her and Officer B. Officer A stepped to his/her right as he/she aimed his/her pistol at the right side of Subject 1's chest and discharged a second volley of approximately three to four rounds, in a northeasterly direction, from an approximate distance of 17 feet.

After discharging their pistols, Officers A and B assessed and observed Subject 1 fall to the ground, with the handgun underneath him. Subject 1 was positioned on his left side, facing south. His head was pointed in a southeasterly direction, and his feet were pointed in an easterly direction.

Officers A and B each placed their pistols in low-ready positions, with their muzzles pointed toward Subject 1. They both moved to the south side of the alley, to a position of cover along a concrete wall. As they moved toward the wall, Officer A's BWV captured him/her broadcast a "shots fired, officer needs help" call.

Once they were behind the wall, Officers A and B verbalized to Subject 1 to not move and to lie flat on the ground.

According to Officer A, he/she knew that he/she did not fire all the rounds in his/her magazine; however, due to the fact that he/she was still involved in a tactical situation, he/she wanted to conduct a tactical reload. Officer A advised Officer B that he/she needed to conduct a tactical reload of his/her pistol and did so as Officer B covered Subject 1. Officer A then placed the original magazine from his/her pistol into his/her left side cargo pant pocket.

In response to the help call, additional uniformed personnel arrived.

Officer C was the first additional officer to arrive. Officer C's BWV captured him/her communicating with Officers A and B. They advised Officer C that there were shots fired. Officer C re-broadcast a help call and directed units to respond. Officer A then advised that the Subject down in the alley had a gun underneath him, and that two additional Subjects ran northbound from the location.

As responding units began to arrive, Officer A's BWV captured him/her requesting a shotgun and a shield. Officer D acquired his/her shotgun from the rack in his/her vehicle and replaced Officer B along the wall near the alleyway.

Meanwhile, Officer C began to coordinate a perimeter. Officer C also directed Officer E to angle his/her police vehicle in a northwesterly direction, toward the entrance of the alleyway, to provide additional cover for officers.

Sergeant A was the first supervisor to arrive. His/her BWV captured him/her place himself at the location of the scene (Code Six) and declared him/herself as the Incident Commander (IC) to CD.

Officers A and B identified themselves as being in an OIS and Officer C coordinated removing Officers A and B from the tactical situation, since they had just been involved in an OIS.

Officers A and B holstered their pistols and walked a short distance south on the west sidewalk, and briefed Sergeant A, advising him/her that Subject 1 had a firearm underneath him, and provided the last known direction of Subjects 2 and 3. Sergeant A then requested that Officer A broadcast a description of Subjects 2 and 3 to CD, which he/she did.

Sergeant B arrived, and he/she was advised by Sergeant A that Officers A and B were involved in the incident. He/she advised the officers not to discuss the incident and began monitoring them on the sidewalk, south of the alleyway. Officers A and B were not involved in the remainder of the tactical incident.

Sergeant C was the next supervisor to arrive, followed shortly thereafter by Sergeant E and Lieutenant A.

Sergeant A broadcast to CD, inquiring if a Rescue Ambulance (RA) had already been requested. The Radio Telephone Operator (RTO) inquired as to the nature of the injuries, indicating that an RA had not yet been requested, and Sergeant A advised that Subject 1 was unconscious and not breathing.

Sergeant C was briefed by Sergeants A and B. Sergeants A and C formulated a tactical plan to get an arrest team with a tactical shield to approach Subject 1, take him into custody, and move him to the a safe area for medical aid. According to Sergeant A, he/she was aware that Subject 1 was bleeding and required medical aid; however, he/she did not believe the RA would respond to the alleyway due to the ongoing tactical situation and the outstanding suspects. Therefore, he/she made the plan to move Subject 1 from the location.

Officer G's BWV captured the officers approach Subject 1, who was lying motionless on the ground on his left side, with his left arm underneath his body. Officer H approached first with his/her ballistic shield, and the rest of the team provided cover as Officers E and G approached Subject 1. Officer G gripped Subject 1's right wrist and pulled it straight, causing Subject 1 to roll onto his stomach.

According to Officer E, he/she observed Subject 1's gun on the ground near his/her right shoulder, and he/she advised Officer G to watch out for the gun. Officer E gripped Subject 1's upper left arm and pulled the arm out from under Subject 1's body. Officer E held Subject 1's left arm behind his back while Officer G completed the handcuffing.

Once Subject 1 was handcuffed, Officer E lifted Subject 1 by his left arm, and Officer G lifted his right arm while Officer I gripped Subject 1's ankles and lifted his legs. They carried Subject 1 in a southeasterly direction, out of the alleyway, onto the west sidewalk. The rest of the search team backed out of the alleyway behind them.

Officers E, G, and I carried Subject 1 south on the west sidewalk. According to Officer E, as they carried Subject 1, he/she lost a proper grip on Subject 1's left arm. Officer E requested Officer I to switch positions with him/her. Officers E, G, and I momentarily lowered Subject 1 on his stomach onto the sidewalk and Officers E and I switched positions. The officers lifted Subject 1 back up and carried him to a safe location, where they placed him face down on the sidewalk. At the direction of Sergeant A, Officer G searched Subject 1. After Subject 1 was searched, he was left handcuffed in a prone position.

Los Angeles Fire Department (LAPD) personnel arrived at scene and rendered aid to Subject 1, but were unable to revive Subject 1 and determined he had died.

In response to the help call, multiple K9 Units, including Sergeant D, responded to the scene. Sergeant D was advised that an OIS occurred, and it was unknown if the outstanding suspects fired at the officers or were armed with weapons. Based on the facts provided to him/her, Sergeant D determined the criteria for a K9 search had been met and coordinated a K9 search of the area. As a result of the K9 search, Subject 3 was ultimately located walking out of an alleyway a short distance away. He was taken into custody without incident and positively identified by Officer A during a subsequent field show-up.

While searching a nearby rear yard, a K-9 dog located Subject 2 hiding in a storage container. Subject 2 was bitten on his left arm by and was then taken into custody without further incident. Subject 2 was positively identified by Officer A and transported by RA to a local hospital where he was treated by medical staff. Subject 2 was not hospitalized and was cleared for booking.

The Department Operations Center (DOC) was notified of the OIS. Force Investigation Division (FID) Detectives reviewed the documents and circumstances surrounding the separation and monitoring of the involved officers.

**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
Officer A	No	Yes	Yes	Yes	Yes



Officer B	No	Yes	Yes	Yes	Yes
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**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 Officers A and B’s tactics to warrant a finding of Administrative Disapproval.

**B. Drawing/Exhibiting**

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

**C. Lethal Use of Force**

The BOPC found Officers 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 Subject and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

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

**Planning** – Prior to the day of the OIS, Officers A and B had worked together as regular partners for approximately five months and had numerous discussions regarding tactics. The discussions have included, but were not limited to, concepts of contact and cover, vehicle stops, foot pursuits, and radio communications. Officers A and B had agreed that the driver of the police vehicle would normally be

the contact officer and the passenger would normally be the cover officer. However, these roles could switch depending on the situation. Throughout their time working together, Officers A and B would debrief their performance in past tactical situations and discuss improvements to their current work patterns.

The BOPC considered that while Officers A and B were presented with a rapidly evolving situation, they had not discussed or formulated a tactical and/or investigatory plan for their initial approach of the stopped vehicles. Although Officers A and B proceeded to discuss requesting an additional unit after Officer B redeployed the police vehicle, this planning was initiated with a delay. Due to their ongoing investigatory actions taking place concurrently with their planning for the investigatory stop, Officers A and B split their attention between multiple tasks and in a shortened time frame to the SUV's rapid reversal. This did not allow sufficient time to formulate and implement a plan to deal with the situation that presented itself.

The BOPC would have preferred that Officers A and B had utilized the limited time available to them to place themselves Code Six, request additional units, and/or communicate with each other in order to effectively conduct an investigative stop prior to initiating enforcement actions.

**Assessment** – Officers A and B assessed throughout their investigatory stop, during the OIS, and during their tactics after the OIS. When Officers A and B observed the two vehicles, they immediately began to investigate and assess the condition of the two vehicles. Officers A and B utilized their flashlights and vehicle mounted spotlight to illuminate the interior of the sedan and SUV. By utilizing their various white light sources, Officers A and B were able to observe that the occupants of the SUV had facial tattoos, wore bandanas over the lower part of their faces, and that there was a significant amount of movement occurring in the vehicle. These observations led Officers A and B to believe that the occupants were local gang members. Officers A and B also assessed the condition of the driver of the sedan during this time. They observed that the driver was sweating, appeared scared, and was visibly shaking. All of these observations led Officers A and B to believe that the occupants of the SUV were “hitting up” the occupants of the sedan and showing dominance. This conclusion was strengthened by the presence of fresh graffiti on a building along the east side of the street.

After Officers A and B followed the SUV in the alley, they both assessed the actions of Subjects 1, 2, and 3. Subjects 2 and 3 were observed fleeing and did not pose an active threat to Officers A and B. However, both Officers A and B observed that Subject 1 ran towards Officer A while gripping his waistband. Subject 1's action of running toward Officer A and gripping his waistband led Officers A and B to believe that Subject 1 was armed with a handgun and was intent on attacking Officer A.

Officer A utilized his/her sense of sight and sound during his/her assessment of Subject 1. He/she visually observed that Subject 1 was holding his waistband and removed a handgun from the same location. Officer A stated that after Subject 1

dropped his handgun, Officer A heard the sound of metal striking a hard surface when the handgun fell to the ground which led him/her to believe it was a real handgun and not an airsoft or replica handgun.

As Officer B lost sight of Officer A and Subject 1 due to being on the driver's side of the police vehicle, he/she began to move east, toward the rear of his/her vehicle. Officer B heard nervousness in Officer A's voice and heard Officer A state, "Drop the gun, drop the weapon!" Officer B heard approximately three shots being fired, so he/she unholstered his/her pistol and held it in a two-handed shooting position. As Officer B came out from behind the police vehicle, Officer B observed Subject 1 bent over at the waist, holding a handgun in his right hand. Because Officer B had already heard shots being fired, he/she believed Subject 1 had fired at Officer A. According to Officer B, Subject 1 was turning his torso and shoulders east, looking back in his/her direction, and bringing the handgun up between his torso and shoulders. Based on Subject 1's actions, Officer B believed Subject 1 was trying to acquire him/her and Officer A as a target and intended to shoot at them.

The BOPC was critical of Officer B's placement of the police vehicle as he/she assessed the incident and followed the SUV into the alley. Both Officers A and B stated that they were aware that the alley was a dead-end alley and offered no avenue of exit for a vehicle. It would have been preferable that Officer B followed high risk vehicle pullover procedures and not approached the SUV as closely as he/she did. However, the BOPC also noted that the situation was rapidly evolving and that the SUV's sudden stop may have caused Officer B to stop closer than he/she would have given proper time to assess the situation.

**Time** – The time from Officers A and B initiating contact with the sedan driver and the last round discharged in the OIS was approximately 50 seconds. This compressed time frame caused by Subjects 1 and 2's actions limited Officers A and B's opportunity to utilize de-escalation techniques.

The BOPC noted that the entire incident developed rapidly and ended with Officers A and B being presented with a perceived threat of death or serious bodily injury. This led to a lack of time to utilize alternative de-escalation techniques.

**Redeployment and/or Containment** – Officers A and B initially observed the sedan and SUV stopped at a stop sign. Officer B stopped his/her police vehicle alongside the sedan as he/she assessed the situation. Based on his/her observations and belief that a crime had occurred or was about occur, Officer B reversed the officers' police vehicle and reposition it in a slight northwest direction, angled toward the front hood of the sedan. According to Officer B, he/she stopped his/her vehicle approximately 12 feet away from the sedan.

During the OIS, Officer A was cognizant of Subjects 2 and 3 fleeing in a northwesterly direction. He/she was also aware that Subject 1 was running east and that the movements of these two groups of potentially armed suspects placed

him/her at a disadvantage due to his/her position between each group, without suitable cover from both. In response to his/her loss of appropriate cover, Officer A attempted to redeploy to the driver's side of the police vehicle to utilize it as cover prior to the OIS occurring.

The BOPC considered that it would have been preferable for Officer B, upon his/her initial approach of the two vehicles, to bypass the sedan and SUV and assume a position of advantage behind the SUV. However, the BOPC also weighed the dangers associated with driving next to a potentially armed suspect and noted that Officer B redeployed his/her vehicle so that the engine compartment and ballistic door panels of their police vehicle were facing the sedan and SUV, thus providing cover for Officers A and B.

**Other Resources** – During the initial investigatory stop, Officer B reoriented the police vehicle towards the sedan and SUV, at which point he/she and Officer A began to discuss requesting additional units to assist them in their investigatory traffic stop. However, simultaneous to the beginning of their discussion on additional units, the SUV reversed away from them causing Officers A and B to re-enter their police vehicle and follow the fleeing SUV. After observing the SUV collide with two parked vehicles, Officer B followed the SUV into an adjacent alley. As Officers A and B entered the alley, Officer B instructed Officer A to request a backup to summon emergency assistance. After the OIS, Officer A broadcast a “shots fired” help call.

The BOPC would have preferred Officer A to broadcast his/her back-up request when the SUV reversed or when the SUV collided with the parked vehicles, prior to entering the alley and attempting to detain the occupants of the SUV.

**Lines of Communication** – When Officer B followed the fleeing SUV into the alley, he/she advised Officer A to request a back-up. Officer B then exited his/her police vehicle and issued a verbal command to the occupants of the SUV. The occupants of the SUV did not follow Officer B's verbal command and fled from the vehicle. When Subject 1 ran towards Officer A, Officer A ordered Subject 1 to drop his handgun. Subject 1 disregarded Officer A's command.

The BOPC was critical of Officers A and B's communication prior to their investigative stop. Officers A and B did not discuss their observations or what they intended to do regarding the two stopped vehicles. The BOPC would have preferred that Officers A and B had communicated with each other and formulated a plan to initiate an investigatory stop, including placing themselves Code Six and properly positioning their police vehicle. Additionally, the BOPC would have preferred that Officer A broadcast the back-up request prior to attempting to stop the SUV in the alley. The BOPC additionally noted that neither officer communicated their observations that Subject 1 was armed with a handgun, but the BOPC also took into consideration how rapidly the incident unfolded.

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

### **1. Code Six**

Officers A and B did not broadcast a Code Six location when they initiated their investigation into possible gang related vandalism involving two stopped vehicles.

Officers A and B observed a black sedan stopped facing southbound. A black SUV was stopped directly behind the sedan. According to Officer B, the area is an area of high gang activity and was the founding area for a local street gang. The surrounding area had fresh spray painting for the street gang. In addition, Officer B observed facial tattoos on the occupants of the vehicles and this led him/her to believe they were gang members. The driver of the sedan had a fearful expression on his face as he sat in his vehicle that was stopped at the intersection. The facial tattoos, the fresh spray graffiti painting, and the fearful expression on the driver of the sedan led Officer B to believe the occupants of the vehicles were involved in “tagging” and “hitting up” people for the street gang. Officer B stopped his/her police vehicle in the northbound lanes so that the hood of his/her police vehicle and the hood of the sedan were side by side. Officer B then proceeded to question the driver of the sedan as to whether the occupants of the SUV had demanded to know if he was affiliated with a criminal street gang. Officer B then reversed his/her police vehicle and reoriented it in a northwesterly direction facing both vehicles. Officer B opened the door to his/her police vehicle, stepped out, and stood behind the open door of his/her police vehicle.

According to Officer A, when he/she and Officer B approached the stopped vehicles, the driver of the sedan looked fearful and was shaking and sweating. The occupants of the SUV had shaved heads, tattoos and looked like local gang members. The surrounding area also had fresh “tagging.” As Officer B questioned the driver of the sedan, Officer A believed that the driver of the sedan might be a victim of a gang crime that had just occurred.

Approximately 28 seconds passed after Officer B initiated contact with the sedan driver, until the SUV reversed away from Officers A and B’s police vehicle at a high speed.

The BOPC discussed that Officers A and B were uncertain of what was occurring when they initially approached the two stopped vehicles. Officers A and B were occupied with assessing the situation and the multiple involved individuals, both in the sedan and the SUV. Their assessment indicated that there were multiple possible gang members in the SUV and that the sedan driver appeared to be in fear. This magnified Officer A’s awareness that this was a dangerous situation with gang members who were possibly involved in a crime. Officer A believed that they may possibly be armed, as, in his/her training and experience, gang

members are frequently armed. Officer A believed that he/she was unable to take his/her eyes off of the suspects in the vehicle in order to broadcast a Code Six location.

The BOPC noted that Officers A and B articulated that they were working in an area of high gang activity and they had experience patrolling this area. Officers A and B initiated an investigation into a possible gang crime in progress. Despite the fact that Officers A and B were unsure of the exact crime that was being committed, they articulated that the occupants of the SUV posed a potential danger to the officers due to being gang members. Officer A stated that the situation was exigent and that he/she did not feel comfortable taking his/her eyes off the perceived threat of the gang members inside the SUV. However, approximately 28 seconds passed from the initiation of Officers A and B's investigatory stop to the moment the SUV reversed. This window of time provided an opportunity, despite Officer A's perception of an exigency, to broadcast a Code Six location. A Code Six broadcast would have placed Officers A and B in an advantageous position in the event that the situation escalated and additional resources were necessary. The lack of a Code Six broadcast left the rest of the units working in the area unaware of Officers A and B's exact location and their investigative efforts involving possible gang members. The lack of a Code Six broadcast placed Officers A and B in a position of disadvantage when the incident escalated and hindered the response of additional units.

The BOPC additionally noted that the lack of a Code Six broadcast continued into the latter part of the incident. As Officers A and B followed the rapidly reversing SUV, they did not broadcast a Code Six location, nor did they broadcast a Code Six location when they observed the SUV collide into parked vehicles and flee without stopping to exchange insurance information. Both Officers A and B stated they knew the alley that the SUV fled into was a dead end and Officer B stated that he/she intended to detain the SUV for a hit and run investigation; however, a Code Six broadcast was not made. The back-up request was broadcast as the occupants of the SUV fled from the police vehicle. This led to Officers A and B, without additional resources, attempting to detain a car with approximately three possible gang members inside.

Based on the totality of the circumstances, the BOPC found that Officers A and B's lack of a Code Six broadcast was a substantial deviation, without justification, from approved Department tactical training.

## **2. Tactical Vehicle Deployment**

Officers A and B stopped their police vehicle alongside two vehicles they believe were involved in a gang-related crime and spoke with the driver of one of the vehicles while seated inside of their police vehicle. When they made the decision to exit their police vehicle to further investigate, Officer B re-orientated their



police vehicle from an offset, side by side, position to a diagonal position facing the front hood of the sedan vehicle. The distance between the involved vehicles and the police vehicle was approximately 12 feet.

The BOPC noted the positioning of Officers A and B's police vehicle during both their initial investigation of the stopped sedan and SUV, in addition to the attempted traffic stop of the SUV in the alley. The BOPC noted Officers A and B's assessment of the occupants of the SUV. The officers believed they were possible gang members and that they were possibly armed. This led to a discussion of the benefits of redeploying the police vehicle from its initial position. The BOPC was provided input from a Subject Matter Expert (SME) from the Tactics Training Unit. The SME advised the UOFRB that the Department training for conducting a traffic stop when officers find themselves in a less than ideal position would be to bypass the emerging situation and re-approach in order to gain a position of advantage.

Although the BOPC was critical of Officer B's positioning of the police vehicle, they also noted Officers A and B's belief that the occupants of the SUV were possible gang members and that they were possibly armed. In this particular case, the officers chose not to expose themselves further by driving by the SUV in a narrow street, which would have brought them closer to the threat they were investigating, and would have additionally exposed the back of their vehicle as they would have reset their traffic stop. The officers chose to reverse their police vehicle, reposition it in a slight northwest direction, angled toward the threat, and utilize the police vehicle engine block and ballistic panels. While this position was not ideal, it allowed the officers to react to the incident in a timely manner, as the alternative would have possibly placed the officers in a position of disadvantage with the suspects located behind them as the officers attempted to redeploy.

Based on the totality of the circumstances, the BOPC found that Officer B's decision on the deployment of the police vehicle was a substantial deviation, with justification, from approved Department policy.

### **3. Occupying Moving Vehicle with Service Pistol Drawn**

Officer A drew his/her service pistol while still seated inside of his/her police vehicle. Officer A then attempted to broadcast a back-up request and open his/her door while maintaining his/her service pistol in his/her primary hand. Officer A was delayed and hindered in these efforts by maintaining his/her service pistol unholstered during the vehicle following of the SUV.

Due to the SUV reversing away at a high speed, Officer A drew his/her service pistol because he/she believed that the driver might shift gears into drive and ram his/her police vehicle. Officer A then kept his/her service pistol unholstered as he/she and Officer B followed the SUV. This led to Officer A being unable to

utilize his/her primary hand to broadcast a back-up request or open his/her door properly at the termination of the following of the SUV. Officer A was delayed in broadcasting a back-up once in the alley. This delayed broadcasting led to Officer A remaining in the police vehicle to finish his/her broadcast, instead of exiting quickly to confront Subject 1. As Officer A exited his/her police vehicle, he/she utilized his/her primary hand, which was still holding his/her service pistol, to push open the door of the police vehicle. This greatly increased his/her chances of having a negligent discharge with his/her service pistol.

The BOPC reviewed the circumstances of the incident and was critical of Officer A's unholstering of his/her service pistol and the keeping of his/her service pistol unholstered during the vehicle following of the SUV. Officer A's service pistol hindered Officer A's ability to make any broadcasts in response to the SUV's actions. The unholstering of his/her service pistol also limited Officer A's ability to react to the dynamic incident. The BOPC also noted the policy regarding the Shooting at Moving Vehicles and discussed that a moving vehicle alone shall not presumptively constitute a threat that justifies deadly force. Furthermore, the possibility of a negligent discharge increased as Officer A remained unholstered and had been involved in a traffic collision or the vehicle following evolved into a vehicle pursuit. As Officer A kept his/her service pistol unholstered, it hindered his/her ability to safely exit his/her police vehicle in response to Subject 1 running towards him/her. Officer A pushed his/her door open with the same hand he/she was using to maintain control of his/her service pistol. This greatly amplified the risk of a negligent discharge as Officer A exited the police vehicle due to his/her attention being divided between multiple tasks.

Based on the totality of the circumstances, the BOPC found that Officer A's actions placed him/her in a tactically disadvantageous position and therefore was a substantial deviation, without justification, from approved Department tactical training.

#### **4. Crossfire**

Officer B discharged his/her service pistol while Officer A was in the vicinity of Officer B's foreground.

After Subjects 1, 2, and 3 fled from the SUV, Officer B lost sight of Officer A and Subject 1 due to being on the driver's side of the police vehicle, so he/she began to move east, towards the rear of his/her vehicle. Officer B heard nervousness in Officer A's voice and heard Officer A state, "Drop the gun, drop the weapon!" Officer B heard approximately three shots being fired. As Officer B came out from behind the police vehicle, Officer B observed Subject 1 bent over at the waist, holding a handgun in his right hand. According to Officer B, Subject 1 was turning his torso and shoulders east, and looking back in the officers' direction, and bringing the handgun up between his torso and shoulders. Because Officer B had already heard shots being fired, he/she believed Subject 1 had fired at

Officer A. Based on Subject 1's body positioning, Officer B believed Subject 1 was trying to acquire him/her and Officer A as a target and intended to shoot at them. In order to protect his/her life and the life of his/her partner, Officer B aimed his/her pistol at Subject 1 and discharged one round. Immediately after Officer B discharged his/her single round, he/she observed Officer A to his/her left and moving to the east, approximately three to four feet in front of him/her. According to Officer B, he/she immediately lowered his/her muzzle to avoid a crossfire situation. Once Officer A passed to Officer B's right-hand side, Officer B once again brought his/her service pistol up to a low-ready position, orientated toward Subject 1, and assessed if Subject 1 continued to pose a threat to him/her and Officer A.

The BOPC reviewed the footage from Officer B's BWV and his/her statements regarding his/her knowledge of Officer A's positioning during the OIS and his/her own muzzle direction. Officer B stated that he/she was aware of Officer A's positioning and movement during the OIS and that he/she, Officer B, had taken necessary measures to ensure that he/she had not covered Officer A with his/her service pistol. The BOPC noted that the BWV footage was concerning because it depicted a possible crossfire situation in which Officer A crossed in front of Officer B during the OIS. However, the BOPC considered the limitations and perspective difference between a chest-mounted BWV and the perspective of a police officer. The BOPC also noted that the possible crossfire was momentary, Officer B depressed the muzzle of his/her service pistol to avoid covering Officer A, and Officer B did not continue discharging his/her service pistol. Due to Officer B's statements that he/she was aware of Officer A's movement and that he/she took precautionary measures to avoid crossfire and those actions being reflected in the BWV footage, the BOPC considered that the BWV footage could differ from Officer B's observations and thought process during the OIS. In addition, Officer B was responding to an imminent threat of serious bodily injury (SBI) or death.

Based on the totality of the circumstances, the BOPC found that Officer B's actions were a substantial deviation, however, with justification, from approved Department policy.

- The BOPC also considered the following:
  - **Profanity** – When Officer B exited his/her police vehicle, he/she utilized profanity when he/she gave commands to the occupants of the SUV.
- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas 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.

In conducting an objective assessment of this case, the BOPC found that Officers A and B's tactics were a substantial deviation without justification from Department policy and training, thus requiring a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- **Officer A** – According to Officer A, when he/she and Officer B initially began investigating the stopped sedan and SUV, he/she observed that there were three males with shaved heads and facial tattoos seated in the SUV. Officer A believed that they resembled local gang members. He/she also observed that the driver of the sedan was sweaty and shaking and appeared very scared. Officer A believed that the driver of the sedan was possibly a victim of gang crime. Officer A was concerned about the urgency of the threat and stated that he/she, “Didn’t want to lose sight” of the suspects when he/she and Officer B were speaking with the driver of the sedan. The SUV then reversed at a “high rate of speed.” Officer A stated that he/she unholstered his/her service pistol because he/she believed the situation may escalate to the point where deadly force would have been justified. Officer A believed there was a possibility that the suspect vehicle was going to drive towards him/her and Officer B and ram them. Officer A’s belief stemmed from an incident where his/her partner had recently been rammed in the weeks before this incident.
- **Officer B** – According to Officer B, he/she unholstered his/her service pistol because he/she saw Subject 1 run toward Officer A while holding what he/she believed to be a weapon inside his waistband. As Subject 1 ran towards Officer A, Officer A said, “Drop the weapon.” Officer B heard approximately three shots being fired and unholstered his/her service pistol. Officer B then lost sight of Officer A and Subject 1 behind his/her police vehicle.

The BOPC conducted an evaluation of the reasonableness of Officers A and B’s drawing and exhibiting of their service pistols. The BOPC would have preferred that Officer A had not drawn his/her service pistol prior to initiating a high risk stop of the SUV. The BOPC acknowledged that Officer A believed the incident involved members of a criminal street gang. Officer A was presented with a rapidly developing tactical situation during which he/she was able to utilize his/her service pistol to address an immediate deadly threat posed by Subject 1’s actions. Officer B was presented with a rapidly escalating incident where he/she observed Subject 1 possibly armed with a weapon inside of his/her waistband, heard Officer A state, “Drop the weapon,” and heard three gunshots.

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.

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

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

The FID investigation was unable to determine the exact number of rounds discharged in each volley.

**Volley One** – three to four rounds in a northeasterly direction from an increasing distance of approximately 12 to 17 feet.

According to Officer A, he/she observed Subject 1 running in his/her direction and "holding his waistband, as if he's going to pull a weapon out from his waistband." Officer A dropped the microphone from his/her left hand and turned to his/her right to exit the vehicle. As Subject 1 ran on the sidewalk, Officer A observed Subject 1 remove a blue-steel handgun from his waistband with his right hand. Officer A believed Subject 1 was removing the handgun in an attempt to shoot him/her. As Subject 1 removed the handgun, Officer A believed Subject 1 lost his grip, because the handgun went flying in front of him. Officer A estimated that the gun slid approximately 12 feet in front of Subject 1. Officer A stated he/she knew it was a real handgun when he/she observed the glare from the light reflecting off the handgun as it was flying through the air and heard the steel hit the concrete when it hit the ground. When Subject 1 ran past him/her on the sidewalk, Officer A estimated Subject 1 came within seven to ten feet of him/her. According to Officer A, due to the fact that Subject 1 just dropped a firearm, Officer A moved east in the alley toward the rear of his/her police vehicle. Officer A's intent was to redeploy around the rear of his/her vehicle to be with Officer B on the driver's side of the vehicle, since he/she no longer had the cover of his/her vehicle door. As Officer A moved, he/she began to point his/her service pistol at the middle portion of Subject 1's back. As Subject 1 continued east and neared his handgun lying in the parkway, Subject 1 "reached down and grabbed" the handgun with his right hand. Believing that Subject 1 was going to shoot him/her or his/her partner, Officer A discharged his/her first volley of approximately three to four rounds at the center of Subject 1's back. Officer A stated he/she fired because Subject 1, "had already presented the fact that he was going to pull a" handgun "and shoot" him/her, "because he already tried and dropped it." Officer A also stated that Subject 1 "had a chance" to run, but "instead of running past" the handgun, Subject 1 "grabbed the" handgun "to shoot me and my partner."

**Volley Two** – three to four rounds in a northeasterly direction from an approximate distance of 17 feet.

According to Officer A, after his/her first volley, he/she quickly assessed and observed Subject 1 continue to run east while looking back, west, at him/her and Officer B, with the handgun still in his right hand. Officer A noted Subject 1's body was bladed to right, with his left foot on the ground, and his right foot back toward their direction. Officer A observed Subject 1 raise his right arm to shoulder level and point the handgun at him/her and Officer B. Officer A stepped to his/her right as he/she aimed his/her service pistol at the right side of Subject 1's chest and discharged a second volley of approximately three to four rounds at Subject 1.

- **Officer B – (pistol, one round)**

According to Officer B, he/she had lost sight of Officer A and Subject 1 due to being on the driver's side of the police vehicle, so he/she began to move east, toward the rear of his/her vehicle. Officer B heard nervousness in Officer A's voice and heard Officer A state, "Drop the gun, drop the weapon!" Officer B heard approximately three shots being fired, so he/she unholstered his/her pistol and held it in a two-handed shooting position. As Officer B came out from behind the police vehicle, Officer B observed Subject 1 bent over at the waist, holding a handgun in his right hand. According to Officer B, Subject 1 was turning his torso and shoulders east, and looking back in the officers' direction, and bringing the handgun up between his torso and shoulders. Because Officer B had already heard shots being fired, he/she believed Subject 1 had fired at Officer A. Based on Subject 1's body positioning, Officer B believed Subject 1 was trying to acquire him/her and Officer A as a target and intended to shoot at them. In order to protect his/her life and the life of his/her partner, Officer B aimed his/her pistol at Subject 1's upper torso and lower shoulder area, and discharged one round. Immediately after Officer B discharged his/her single round, he/she observed Officer A to his/her left and moving to the east, approximately three to four feet in front of him/her. According to Officer B, he/she immediately lowered his/her muzzle to avoid a crossfire situation.

- **Background** – The OIS occurred in an east/west alleyway, south of the cross street. The area consisted of apartment complexes on the west side of the cross street and the north side of the alley. Single family residences were located along the east side of the cross street. A warehouse was located along the south side of the alley. The alleyway is the egress/ingress for vehicle parking. The alleyway also allows access to the rear of an industrial clothing warehouse and rear access for a local market. The OIS occurred during the hours of darkness. According to the FID investigation, the officers' background at the time of the OIS was the wall of the apartment complex, located on the north side of the alley. According to the FID investigator, FID canvassed the OIS scene for any potentially injured residents, and determined that no residents were injured as a result of the OIS incident. Forensic Science Division (FSD), Firearms Analysis Unit (FAU) criminalists conducted an examination of the OIS scene for ballistic impacts, trajectories and projectiles. Their examination did not locate any ballistic impacts or trajectories.

The BOPC considered the circumstances of the OIS and noted that the background when both Officer A and B discharged their service pistol appeared to be a wall of an apartment complex. The BOPC noted that the background of the OIS for both Officers A and B did not have any particular concerns.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer A's use of deadly force. Officer A observed Subject 1 running in his/her direction, holding his waistband, as if he was going to pull a weapon out from his waistband. Officer A turned to his/her right to exit the police vehicle. As Subject 1 ran on the sidewalk, Officer A observed Subject 1 remove a blue-steel handgun from his waistband with his right hand. Officer A believed Subject 1 was removing the handgun in an attempt to shoot him/her. As Subject 1 removed the handgun, Officer A believed Subject 1 lost his grip, because the handgun went flying in front of him. Officer A estimated that the gun slid approximately 12 feet in front of Subject 1. Officer A knew it was a real handgun when he/she observed the glare from the light reflecting off the handgun as it was flying through the air and heard the steel hit the concrete when it hit the ground.

When Subject 1 ran past him/her on the sidewalk, Officer A estimated that Subject 1 came within seven to ten feet of him/her. Due to the fact that Subject 1 just dropped a firearm, Officer A moved east in the alley towards the rear of his/her police vehicle with the intent to redeploy around the rear of his/her police vehicle to be with Officer B on the driver's side of the police vehicle, since Officer A no longer had the cover of his/her vehicle door. As Officer A moved, he/she began to point his/her service pistol at the middle portion of Subject 1's back. As Subject 1 continued east and neared his handgun lying in the parkway, Subject 1 reached down and grabbed the handgun with his right hand. Believing that Subject 1 was going to shoot him/her or his/her partner, Officer A discharged his/her first volley of approximately three to four rounds at the center of Subject 1's back. Officer A stated that he/she fired because Subject 1 had already presented that he was going to pull a handgun and shoot him/her, because Subject 1 had already tried to and dropped the handgun. Officer A assessed that Subject 1 had a chance to run, but instead of running past the handgun, Subject 1 grabbed the handgun to shoot Officers A and B.

The BOPC reviewed Officer A's discharging of an additional three rounds to four rounds (Volley Two). After Officer A's first volley, he/she quickly assessed and observed Subject 1 continue to run east while looking back, west, at him/her and Officer B, with the handgun still in his right hand. Officer A noted that Subject 1's body was bladed to the right, with his left foot on the ground, and his right foot back toward the officers' direction. Officer A observed Subject 1 raise his right arm to shoulder level and point the handgun at him/her and Officer B. Officer A stepped to his/her right as he/she aimed his/her service pistol at the right side of Subject 1's chest and discharged a second volley of approximately three to four rounds at Subject 1. Officer A immediately assessed again after he/she discharged his/her second volley and observed that Subject 1 had fallen to the ground. Officer A determined that Subject 1 was no longer an imminent threat and did not discharge

additional rounds. The BOPC noted the rapid escalation and dynamics of this incident.

The BOPC conducted a thorough review and analysis of the reasonableness of Officer B's use of deadly force. Officer B stated that he/she had lost sight of Officer A and Subject 1 due to being on the driver's side of the police vehicle, so he/she began to move east, toward the rear of his/her police vehicle. Officer B heard nervousness in Officer A's voice and heard Officer A state, "Drop the gun, drop the weapon!" Officer B heard approximately three gunshots being fired, so he/she unholstered his/her pistol and held it in a two-handed shooting position. As Officer B came out from behind the police vehicle, Officer B observed Subject 1 bent over at the waist, holding a handgun in his right hand. According to Officer B, Subject 1 was turning his torso and shoulders east, and looking back in the officers' direction, and bringing the handgun up between his torso and shoulders. Because Officer B had already heard shots being fired, he/she believed Subject 1 had fired at Officer A.

Based on Subject 1's body positioning, Officer B believed Subject 1 was trying to acquire him/her and Officer A as a target and intended to shoot at them. In order to protect his/her life and the life of his/her partner, Officer B aimed his/her pistol at Subject 1's upper torso and lower shoulder area, and discharged one round. Immediately after Officer B discharged his/her single round, he/she observed Officer A to his/her left and moving to the east, approximately three to four feet in front of him/her. According to Officer B, he/she immediately lowered his/her muzzle to avoid a crossfire situation. The BOPC noted that Officer B discharged his/her service pistol in a controlled manner. Officer B discharged a single round, assessed, and was aware of Officer A moving across, and did not discharge any additional rounds.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe that Subject 1's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force was necessary and objectively reasonable.

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