

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

OFFICER-INVOLVED SHOOTING – 018-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
N. Hollywood	03/24/2012		

Officer(s) Involved in Use of Force	Length of Service
Officer A	3 years, 5 months
Officer E	7 years, 1 month
Officer H	4 years, 3 months
Officer J	4 years, 6 months

Reason for Police Contact

Witnesses called 911 to report that the Subject was threatening family members in their home.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject: Male, 35 years of age.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent suspect criminal 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 Inspector General. The Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on February 12, 2013.

Incident Summary

The Los Angeles Police Department (LAPD) Communications Division (CD) received a call from Witness A, who reported his uncle, the Subject, was threatening Witness A and his grandmother, Witness B, with a knife, at their home. During the call, Witness A reported that the Subject had broken down a door to the residence and was threatening to kill them.

CD broadcast, "Any [...] unit, 415 man with a knife, [...] Su[bj]ect is outside at the location, uncle, male, [...] armed with a knife[.]" A second CD broadcast was issued, "units, your 415 man with a knife, [...], just broke down the front door[.]"

Uniformed Police Officers A and B advised CD to assign them the call and they would respond to the location. An Air Unit verbally apprised responding units of their observations of the Subject as he entered and exited the residence and eventually directed officers in setting up a perimeter around the residence.

Officer A advised CD they had arrived in the area and requested an additional unit. Uniformed Police Officers C and D advised they were en-route.

Upon arrival, Officers A and B met with Witness A at the walkway that led to the front of the residence. Witness A informed the officers of the Subject's actions, that he was armed with a knife and appeared to be under the influence of drugs or alcohol. While conversing with Witness A, the Subject walked several feet out the front door. He was sweating profusely and appeared agitated and disoriented. Officer A, cognizant that the Subject had been armed with a knife, drew his handgun; Officer B deployed his shotgun to a low ready and demanded the Subject show his hands. The Subject quickly ran back into the residence. The officers did not notice a weapon and requested a supervisor to respond. Several minutes later, Witness B exited the residence and was directed to a safe location. The officers waited outside for the arrival of backup units.

Numerous units responded to the location. While officers responded to and arrived at the location, members of Witness A's family also began to arrive. They included his parents, Witnesses C and D, his brother, Witness E, as well as his aunt, Witness F, along with her daughters – Witness G, 15 years of age, and Witness H, 13 years of age. Witness F parked her minivan in the driveway of a residence. The family members, from their positions either inside of, or within the vicinity of this vehicle, witnessed and/or heard the incident to varying degrees.

Once the perimeter was secured, the officers discussed a tactical plan to search the premises for the Subject. The entry team consisted of Officers A, B, C, D, E, F and G. Officers H and I joined shortly after the search began.

Prior to making entry, the officers announced themselves as the Los Angeles Police Department (LAPD), called out to the Subject by name, and ordered him to exit the residence. After receiving no response, the officers entered, cleared the residence and determined the Subject was gone.

While the search was ongoing, Sergeant A was the first supervisor to arrive on scene. Upon arrival, Sergeant A met with officers inside the residence and ensured a thorough search was completed.

Officers subsequently exited the residence into the front yard. They were met by Witness J, who lived nearby. Witness J explained that the Subject had just broken into his home and changed into Witness J's clothing.

Officers A, E, H, and I initiated an investigation. Officers B and F took a position in the side yard in an attempt to expand the perimeter. Officers C and D also initially responded.

An Air Unit arrived overhead and requested that additional units respond to the scene. The Air Unit assisted with perimeter placement of officers around the location, as well as positioning additional units in an outer perimeter to prohibit vehicular and pedestrian traffic from entering the area. Per the request for additional units, additional personnel arrived.

The Air Unit observed the Subject jumping fences and entering various residential properties adjacent to the residence. The Air Unit ultimately advised they observed the Subject run and reenter the location.

Officers B and F held their position while Officers A and D made their way to a position in close proximity to the front door of the location. From his vantage point, Officer A heard a male voice from within the residence use state, "*Don't come in here [expletive] I have guns.*" Officer D recalled verbalizing for the Subject to come out and him replying, "*Don't come in, I've got a gun.*"

The officers immediately redeployed and took cover behind parked vehicles in the street in front of the location and advised Sergeant A as well as other units at the scene.

Sergeant A advised Officers C and D to redeploy to the rear of a nearby residence and hold that position. He positioned Officer J next to Officer E, behind a parked vehicle in front of the location. Officer A walked one house over, met with Witness C and obtained additional background information regarding the Subject.

Sergeant A confirmed that a specialized unit was en route. After ensuring the air unit was coordinating with ground units to set up a secure perimeter, Sergeant A then redeployed, set up a Command Post, and awaited the arrival of additional units, including Sergeant B.

Meanwhile, Officer A, after concluding his interview with Witness C, walked to his vehicle and utilized the Mobile Digital Computer (MDC) to obtain a criminal history on the Subject.

In the meantime, Officer E, who had initially deployed his beanbag shotgun prior to the search of the residence, placed the shotgun in his vehicle, and retrieved his rifle. He donned his ballistic helmet, and took a position of cover behind the trunk on the side of

a sedan, parked near the location. Officer J took cover on the hood of the same vehicle. The officers' objective was to cover the open front door of the location until the arrival of the specialized unit.

Suddenly a loud unidentified sound emanated from within the residence. Without warning, the Subject exited the front door and walked rapidly toward the street. Officer J observed that the Subject held what he described as a black handgun in his right hand, flailing it about, pointing it in different directions. Officer J drew his weapon to a two handed low ready and yelled several times, "*Drop the gun.*"

Officer E, whose visibility was slightly obscured by some bushes and shrubbery, immediately redeployed to a position behind the hood of the sedan, adjacent to Officer J. Officer E heard Officer J yell out numerous times to "drop the gun." As the Subject continued to move, Officer E observed him holding what he described as a black or blue steel handgun, but could not recall within which hand he held it.

Officer G took cover behind a sport utility vehicle parked on the street near the location. From his position, he could not see the front door of the residence. The air unit had illuminated the location from overhead. Officer G heard officers state, "*He's coming out. He's coming out.*" Officer G drew his weapon to a two handed low ready and remained behind cover. Officer G repeatedly heard, "*Put it down. Let me see your hands,*" but at that point did not have a visual of the Subject. Both Officers E and J emphasized they gave the Subject ample opportunity to disarm as both repeatedly shouted at him numerous times to drop his weapon.

Witness I, from his position across the street from the location, observed the Subject exit the residence holding what he believed was a semiautomatic pistol in his left hand with his arm fully extended out in front of him at chest level. He observed the Subject point the gun in a deliberate manner at officers and pedestrians, including himself, that were in the area. Witness I stated the Subject held the weapon canted horizontally, "gangster style."

Witness J from his position near the location, observed the Subject exit the house with a black handgun and point it at the police.

Witness K, from his position, observed the Subject exit the front door walking at a brisk pace with his right arm extended forward holding what appeared to be a black handgun in his right hand and point it at the officers standing in front. Witness L did not hear the police issue any commands.

Witness C, from his position sitting in the van near the location, heard officers command the Subject to drop the weapon and to put his hands up.

Witness I, from her position sitting in the van near the location, heard officers state, "*He's got a gun, he's coming out*" followed by gunfire. She heard no other commands.

Witness G, from his position on the sidewalk near the location, heard Officer E state, "*He's coming out. He's coming out.*" Witness F did not hear any other commands.

Witness D heard someone scream followed by gunshots.

Witness L was inside her residence nearby the location. Her windows were insulated and she could not hear any commands.

Witness M was standing in her front yard when she heard officers state the Subject was coming out, which sounded to her like a command directed towards someone, but she did not have a visual on the officers' positions.

Officer G stated the Subject suddenly appeared; his right arm, at chest level, was fully extended out in front of him, holding what Officer G believed was a pistol in his right hand. The Subject waved the gun in a back and forth motion, alternately pointing it at the officers and likely at pedestrians across the street.

Through the optical scope of his rifle, Officer E observed the Subject point his handgun in Officer E's direction. Officer E recalled being in fear for his life, so Officer E toggled the rifle's selector switch from safe to fire mode, aimed for the Subject's center body mass and to the best of his recollection, fired at least two times, assessing between rounds, from an approximate distance of 45 feet.

Officer E was almost certain his first round struck the Subject in the chest. He noticed the Subject briefly flinch as if he was hit, but then he kept advancing. The second round appeared to have had no effect at all.

Officer J observed the Subject extend his right arm in front of him. He held the handgun in his right hand and pointed it in Officer J's direction. Officer J came up on target, aimed for the Subject's center body mass and fired his weapon approximately four to five times from an approximate distance of 44 feet. It appeared the Subject may have been impacted by the rounds, but Officer J could not discern the location the rounds struck.

Note: Officer G described hearing officers yell, *"Let me see your hands. Put it down. Put it down. Let me see your hands"* just prior to hearing one gunshot, a very brief pause, then approximately three additional gunshots.

Witness I believed the Subject was shot in the left leg because he observed the Subject scream and go down to the ground while holding his left leg. He observed the Subject drop his weapon, then pick it back up with his right hand again and point it at the officers.

Officer A, from his position, heard a commotion and observed the Subject exit the residence. Officer A verbalized accordingly to Officer H and they, along with Officer I, ran toward the location.

Officer A recalled hearing a male civilian state, *"He has a gun,"* and also heard numerous gunshots, which he estimated were between 5-10 rounds. He did not

observe who had fired. Officer H described hearing officers yell out, *"Drop the gun. He's got a gun."*

Officer B broadcast, "Shots fired, officer needs help," and provided the location. CD initiated a broadcast with the information, also requesting a backup, Air Unit and a supervisor.

Officers A, H and I stopped near a parked vehicle. Officers A and H took cover behind the vehicle, and drew their weapons to a two handed low ready position. Officer I took a position of cover several feet away and drew his weapon to a two handed low ready. Officer I perceived he did not have a clear line of fire and held his weapon.

After the initial volley of rounds, the Subject made his way up the driveway. At one point, the Subject, holding what Officer H believed to be a semiautomatic pistol in his right hand, pointed the weapon at officers who were standing near the location. Believing the Subject was about to shoot at those officers, Officer H came up on target, aimed for center body mass and fired two or three rounds from an approximate distance of 47 feet. Officer H assessed and was not sure if any rounds had impacted the Subject as he continued to sway back and forth.

The officers continued to command the Subject to drop his weapon. At that point, the Subject fell to the ground on the driveway. The officers described that the Subject came to rest in a seated position, somewhat reclined, and supported himself on his elbows with his feet pointed down. His weapon was still in his right hand. Officers described how the Subject lifted his right hand up off the ground, pointed the weapon at his own head and alternately aimed it in the officers' direction. The officers explained in the instants that the Subject pointed his weapon in the officers' direction, they engaged in firing at his position.

Officer E again came up on target, aimed for the Subject's center body mass and fired approximately two to four times from an approximate distance of 60 feet. Officer E described that prior to firing his second volley, the Subject had collapsed down onto his back, but he was still propped up on the ground, and he was still pointing the gun at the officers. He assessed between rounds and did not engage in rapid fire. At that point, the Subject fell to the ground and appeared motionless.

Officer J moved approximately two steps and recalled, *"He's going to shoot me, [...and] maybe even kill me"* as he again came up on target, aimed for the Subject's center body mass and fired his weapon four or five times from an approximate distance of 58 feet. Officer J described the Subject pointing the handgun at his own head and then pointing it in the direction of Officers A and E.

Officer J then observed the Subject fall backwards onto the ground.

Officer A observed the Subject with a blue steel semiautomatic pistol, which Officer A believed to be similar to a 9 millimeter, in his right hand with his right arm extended forward and waved it at the officers' positions.

Officer A came up on target, aimed for the Subject's center body mass and fired approximately five rounds from an approximate distance of 62 feet. Officer A assessed and could not detect if any of his rounds impacted the Subject as he continued to wave his weapon in the same fashion. Once again, Officer A came up on target, aimed for center body mass and fired approximately five additional rounds from the same distance. Officer A again assessed and noted that the Subject continued to wave his weapon in the same manner, albeit at a slower pace and at a lower angle. Officer A came up on target, aimed for the Subject's center body mass and fired approximately six rounds in the same direction and from the same distance. Officer A noted the Subject fell onto his back and was near completely still. Officer A conducted a speed reload, dropping the empty magazine to the ground.

Officer H recalled the Subject, made eye contact with him as he extended his right arm forward and pointed his weapon directly at Officer H. Although there had been a significant amount of gunfire, the Subject refused to drop his weapon. Officer H came up on target, aimed for the Subject's center body mass and fired two or three rounds from an approximate distance of 65 feet.

Officer H assessed and believed the Subject had been impacted by one of his rounds because he fell backwards onto the ground. He heard officers state, *"He's not moving, but he still has the gun in his hand."*

Officer E yelled, *"Cease fire. Assess. Assess,"* and then heard Officer J state he was going to reload. Officer E considered the Subject may have been playing possum as he lay on the ground so he decided to conduct a tactical reload; however, as he removed the 20 round magazine from the magazine well of his rifle, he inadvertently dropped it on the ground. He then conducted a speed reload with his 30 round magazine and left the 20 round magazine where it fell.

Officer J recalled yelling, *"Reloading"* and conducted a tactical reload, placing the magazine into his front left pants pocket.

Officer H remembered he heard Officer A state he was reloading. Officer H decided to conduct a tactical reload and did so, placing the magazine from the magazine well of his pistol into his front left pants pocket.

Based on the crime scene investigation and officer and witness statements, it appeared the officers all fired almost simultaneously during their respective sequences of fire.

In the interim, Sergeant B, upon hearing gunshots while at the CP with Sergeant A, ran to the location along with Officer K. Both Sergeant B and Officer K heard multiple gunshots in two different volleys separated by a short pause. By the time they reached the location, the gunfire had ceased and the Subject was down on the ground, laying on his right side, and a black or blue steel handgun in his right hand with his index finger along the trigger of the weapon.

Sergeant B directed an arrest team consisting of Officers C, D, and K to take custody of the Subject. Sergeant B and the arrest team approached the Subject's location, as

Officers E and J moved up closer to the residence and covered the open front door. Officer A took a position on the end of the driveway and he and Officers H and I covered the Subject.

Sergeant B physically removed the handgun from the Subject's grasp, moved it approximately 12 inches and placed it on the ground beyond the Subject's reach. Officers D and K handcuffed the Subject without incident.

Sergeant B, concerned with ensuring the residence the Subject exited was safe, directed a team of officers to search the residence. The search was completed and secured without incident.

Sergeant B broadcast that the incident was contained, the Subject was in custody, and requested a Rescue Ambulance. LAFD personnel subsequently arrived on scene. The patient was apneic and pulseless. He was promptly transported to a local hospital where he was pronounced dead.

Officer L accompanied the ambulance and rode as a front passenger to the hospital. Officer L did not hear the Subject make any statements. Officer M followed the ambulance to the hospital in his patrol vehicle. While at the hospital Officer M did not have contact with the Subject.

The Los Angeles County Department of Coroner performed a post mortem examination of the Subject's remains. The doctor concluded the Subject's death was attributable to multiple gunshot wounds. A Laboratory Analysis Summary Report indicated the Subject's blood contained Alcohol, Amphetamine, Methamphetamine and Gamma Hydroxybutyrate (GHB) and his urine contained Marijuana.

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/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

A. Tactics

The BOPC found Sergeants A and B, as well as Officers A, E, H and J's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeant A and Officers A, E, H, and J's drawing and exhibiting to be in policy, no further action.

C. Lethal Use of Force

The BOPC found Officers A, E, H and J's lethal use of force to be in policy, no further action.

Basis for Findings

A. Tactics

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

1. Command and Control/Line Supervision

Sergeant A

During his FID interview, Sergeant A stated that he focused on securing the perimeter, confirming a felony crime had occurred, ensuring a specialized command response and the establishment of a Command Post. The FID investigation did not determine if Sergeant A considered evacuation as part of the tactical plan; however, it was determined that during Sergeant A's walk-through, there was a contingency plan to evacuate the surrounding area, although the plan had not yet been implemented.

The BOPC determined that the supervisory span of control was not ideal in this situation. Another field sergeant was involved in a traffic collision while responding to the incident, which prevented additional supervision from being present during the initial stages of the incident, and requiring Sergeant A to manage multiple, ever-changing tasks without supervisory assistance. An additional supervisor was requested and Sergeant B responded to the CP to assist.

Given Sergeant A's planned intent to evacuate the area, as well as the tactical and administrative tasks underway by Sergeant A during the evolving incident, it was reasonable that the evacuation had not yet occurred.

In conclusion, the BOPC determined that Sergeant A's actions did not substantially deviate from approved Department tactical training. However, in an effort to enhance future tactical performance, the BOPC will direct that this topic be discussed during the Tactical Debrief.

Sergeant B

Sergeant B responded to the CP upon request for an additional supervisor. While being briefed by Sergeant A, Sergeant B heard shots fired from the area. Sergeant B ran toward the residence and observed officers standing behind a position of cover provided by a parked vehicle with their weapons aimed at the residence. The Subject was lying in the driveway and appeared to be incapacitated.

Sergeant B assembled an arrest team. Sergeant B, with his service pistol drawn, (see Drawing and Exhibiting) approached the Subject with the team and removed the handgun from the Subject's hand. The Subject was taken into custody without further incident.

The BOPC determined that it was appropriate for Sergeant B to approach the Subject with the arrest team; however, the BOPC would have preferred that Sergeant B direct another officer on the team to disarm him rather than removing the handgun himself. In conclusion, although improvement can be made, the BOPC determined that Sergeant B's actions did not substantially deviate from approved Department tactical training. However, in an effort to enhance future tactical performance, the BOPC will direct that this topic be discussed during the Tactical Debrief.

Fire Department personnel responded, found the Subject unresponsive to treatment and transported him to a local hospital where he was pronounced dead.

Toxicology reports indicated that the Subject had alcohol, amphetamine, methamphetamine and marijuana in his system at the time of the OIS. The Subject also had abrasions and contusions to his abdomen and forehead, which were sustained by unknown means.

B. Drawing/Exhibiting

Officers A, E, H and J responded to a radio call wherein the Subject was armed with a knife and threatening to kill persons inside of a residence. As the incident unfolded, the Subject left the initial residence, entered into a neighbor's residence and threatened to kill Witness I. Upon returning to the original residence, the Subject shouted from within the house, *"Don't come in here [expletive], I have guns."*

Officer E indicated the officers still believed that the Subject had a knife and had threatened to kill either his nephew and the grandma inside the house. The Subject had also indicated he was under the influence of either drugs or alcohol or both.

Officer J indicated he had reason to believe that the tactical situation could escalate where the use of deadly force could be justified, given that the Subject could come out running with the handgun, and flailing the gun around.

Officer A stated that the officers knew the Subject was back inside the house. Officer A heard from inside the house, *“Don’t come in here [expletive], I have guns.”* As Officer A was making his approach toward Officers J and E, he unholstered his weapon due to the tactical situation escalating to one where he believed death could occur. The bystanders were also saying that the Subject had a gun.

Officer H was on the perimeter attempting to obtain the Subject’s criminal history via the mobile data computer when he heard gunfire and Officers J and E ordering the Subject to drop the gun. Although he did not see a gun, Officer H unholstered his gun because he could hear officers saying, *“Drop the gun. Drop the gun.”*

Sergeant B heard the sound of gunfire and responded on foot from the CP. Upon Sergeant B’s arrival to the residence, the Subject appeared to have been struck by gunfire and was lying on the driveway. The Subject’s eyes were open, but he was bleeding profusely and did not appear to be responsive, although the Subject still held the handgun in his right hand.

Sergeant B unholstered his pistol as he approached with the officers to conduct the arrest or place him into handcuffs. He turned his weapon on the Subject because as Sergeant B approached, he could still see the Subject had a finger on the trigger. The Subject still possibly presented a threat to other officers and as Sergeant B went up to disarm the Subject, he believed there was a possibility that the Subject may discharge his weapon at the officer.

The BOPC determined that an officer and sergeant with similar training and experience as Officers A, E, H and J, as well as Sergeant B, while faced with similar circumstances, would reasonably believe that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A, E, H and J and Sergeant B’s Drawing/Exhibiting to be In Policy.

Note: Additional officers who responded to the incident drew/exhibited firearms during the initial search of the residence and when the Subject exited the residence with the handgun. In both instances, their drawing/exhibiting was appropriate and requires no specific findings or action in regard to these officers.

C. Lethal Use of Force

The Subject was known by the officers at scene to be inside the residence armed with a knife. Officer A heard the Subject yell from inside the house, *“Don’t come in here [expletive], I have guns.”* The Subject, being in a position of advantage, prompted the response of specialized units. Officers maintained a position of cover behind a parked vehicle. The Subject exited the residence holding a handgun in his right hand and pointed it at the officers. There were four witnesses who observed the Subject holding the handgun, three of them stating that the Subject pointed the handgun at the officers during the OIS.

Officer E – Seven rounds in two sequences from approximately 45 feet and 60 feet.

Through the optical scope of his rifle, Officer E observed the Subject point a handgun in his direction. Officer E toggled the rifle's selector switch from safe to fire mode, aimed for the Subject's center body mass and to the best of his recollection, fired approximately two rounds, assessing between each round.

Officer E recalled that the Subject was moving in the officers' direction. He raised the gun up, and Officer E saw the Subject pointing the gun in his direction. Officer E thought to himself that he wanted to go home that day. In self-defense and in fear for his life to prevent death from occurring, he fired his rifle, between five and six rounds.

Officer E believed that at least one of his rounds during the first sequence struck the Subject because he observed the Subject flinch. Officer E assessed as the Subject pointed the handgun to his own head, at which point Officer E stopped firing. The Subject moved toward the garage where he pointed his handgun at the officers a second time, causing Officer E to fire approximately four additional rounds at the Subject.

Officer E recalled that the officers gave the Subject many opportunities to put the gun down. And then he moved over to the garage, and he collapsed down onto his back, but he was still propped up on the ground, and still pointing the gun at the officers. There was another exchange of gunfire.

Based on the totality of the circumstances, an officer with similar training and experience as Officer E, would reasonably believe that the Subject's actions represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified. Therefore, the BOPC found Officer E's use of lethal force to be objectively reasonable and In Policy, No Further Action.

Officer J – Ten rounds in two sequences from approximately 44 feet and 58 feet.

Officer J observed the Subject extend his right arm in front of him. He held the handgun in his right hand and pointed it in Officer J's direction. Officer J came up on target, aimed for the Subject's center body mass and fired approximately four to five rounds from his service pistol at the Subject to stop his actions.

Officer J recalled that he yelled, "Drop the gun. Drop the gun," along with Officer E. The officers were giving the Subject plenty of time to comply. They were behind cover, so Officer J did not know if the Subject saw where the officers were located, but the Subject did eventually look in the officers' direction and pointed the gun toward the officers. Accordingly, Officer J fired about four or five rounds.

It appeared that the Subject had been struck by the rounds, although Officer J could not discern where the rounds impacted the Subject. The Subject walked a short distance and collapsed on the driveway, still holding the handgun in his right hand. The Subject continued to ignore repeated commands to drop the gun and again

pointed his handgun at the officers, resulting in Officer J firing an additional four to five rounds at the Subject.

Officer J recalled that the Subject extended his hand out again, and to protect himself and his partner and the other officers from what he believed was an eminent threat of death – when the Subject pointed the gun at the officers, Officer J shot again four or five rounds.

Based on the totality of the circumstances, an officer with similar training and experience as Officer J would reasonably believe that the Subject's actions represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified. Therefore, the BOPC found Officer J's use of lethal force to be objectively reasonable and In Policy.

Officer A – 16 rounds from approximately 62 feet.

Officer A assumed a position of cover behind a parked vehicle next to Officer E. Officers E, J and H had already fired upon the Subject, and the Subject was lying on the driveway next to the garage door. Officer A observed the Subject waive a handgun toward him and the other officers, resulting in Officer A firing his service pistol to stop the Subject's actions.

Officer A had heard Officers E and J give the Subject multiple commands to drop the weapon prior to and after they already engaged in gunfire. As the Subject was lifting himself up, he was waving his gun in a motion towards the officers and in the officers' direction. At that point Officer A believed it was an immediate defense of life situation to protect himself and his fellow officers. He engaged in the Subject firing approximately five rounds. The Subject continued to move with the handgun in the same fashion. Officer A assessed, fired about five more rounds and assessed again. The Subject continued to wave the gun in that direction and the Subject engaged in firing approximately six additional rounds.

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

Officer H – Six rounds in two volleys from approximately 47 feet and 60 feet.

Officer H was on the perimeter when he heard gunfire and Officers J and E yelling commands for the Subject to drop the gun. The Subject continued to ignore the officers' commands. Officer H observed the Subject raise his handgun toward officers nearby and Officer H fired approximately three rounds at the Subject during his first sequence of fire in defense of the officers' lives. The Subject fell to the driveway in a seated position, at which time he pointed his handgun at his own head. The Subject then pointed his handgun in Officer H's direction and Officer H fired approximately three additional rounds at the Subject to stop his actions.

Note: The investigation established that Officer H fired a total of six rounds during the OIS, however only five of Officer H's expended cartridge casings were located.

Officer H recalled that prior to his firing, the Subject was not making an attempt to put his weapon down or following the officers' directions. Officer H saw the Subject raise his right hand and in his right hand was a gun. The commands continued, "*Drop the gun. Drop the gun.*" Officer H opened fire. Officer H believed he shot approximately two to three rounds. He saw the Subject fall to the ground. And at that time it felt as though the officers were assessing the situation. Officers were still saying, "*Drop the gun. Drop the gun. Leave it there. Don't touch it. Don't pick it up.*" So Officer H believed that the Subject still somewhat had control of the gun. Officer H saw the Subject sit up and raise the gun up. It appeared to Officer H the Subject pointed the gun toward his head. He then looked in the Subject's direction and pointed the gun – canted off to the side, in Officer H's direction. Officer H opened fire again and believed he shot three – or approximately two to three rounds again. He was just trying to stop him from basically shooting. He saw the Subject's body fall to the ground.

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

Therefore, the BOPC found Officer H's use of lethal force to be objectively reasonable and In Policy.