

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

**OFFICER-INVOLVED SHOOTING – 019-20**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Southeast	5/14/20		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer B	1 years, 4 months
Officer C	6 years, 7 months
Officer D	3 years, 7 months

**Reason for Police Contact**

Officers responded to an Assault with a Deadly Weapon (ADW) radio call. During their response, the call was upgraded to a possible shooting in progress with a hostage.

Upon their arrival, officers met with witnesses who informed the officers that the Subject was armed with a handgun, shot at a door inside the residence, and that Victim A was still inside the residence with the Subject. While at the scene, officers made telephonic contact with the Subject and Victim A. During the conversation, Victim A advised that the Subject would not allow her to leave the residence. The Subject ultimately exited the residence and pointed a revolver at the officers, resulting in an Officer-Involved Shooting (OIS).

<b>Subject</b>	<b>Deceased (x)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Male, 26 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 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 April 20, 2021.

### **Incident Summary**

On Thursday, May 14, 2020, Witnesses A, B, and C were inside of their residence. Witnesses A and B were sitting at their dining table, when their neighbor, Witness D, knocked on the kitchen window. Witness D said she needed help and requested they call 911. According to Witness A, Witness D informed them that the Subject was armed with a gun and trying to shoot Victim A.

Witness A described Witness D's demeanor as being hysterical and said she appeared to be very nervous. Witness D's hands were shaking, and she was rubbing her face. According to Witness B, Witness D was standing with another female, Witness E. Witness B heard Witness D tell Witness E to call the police.

At approximately 1242:28 hours, Witness A dialed 911 to report the incident. She then relinquished the phone to Witness B, who reported the incident to Communications Division (CD).

At approximately 1244:00 hours, CD broadcast, that an Assault with a Deadly Weapon (ADW) was occurring at the residence. Approximately 30 seconds later, CD broadcast that the Subject was armed with a gun and advised the units to stand by for further information.

Police Officers A and B heard the radio call and advised CD they would back up the primary Unit. They responded to the location as a priority call (Code Two), due to their close proximity to the call. According to Officer B, he/she and Officer A communicated with one another during their response and decided that Officer B would be the contact officer and Officer A would be the cover officer. In addition, they discussed broadcasting pertinent information to the responding units upon arrival.

While waiting for officers to arrive at scene, Witness A remained on the phone with CD. As the Emergency Board Operator (EBO) continued to inquire about what transpired, Witness A advised her that they heard two gunshots, prior to making the 911 call. Communications Division then upgraded the call to a possible shooting in progress.

According to Witness C he heard two loud bangs with a five to 10 second pause between the two sounds. He then heard a commotion outside and the sound of a woman screaming. Shortly thereafter, he was informed by Witness A that someone was armed with a gun.

Witness D called 911 while on the sidewalk in front of her home. Witness D advised CD, that there was an emergency, that the Subject had a gun, and that he had Victim A in the residence. Witness D then relinquished the phone to Witness E. Witness E reported that the Subject and Victim A were inside of the residence. Witness E informed CD that the Subject discharged a firearm and would not let Victim A exit the residence. The EBO asked if the Subject was under the influence, and Witness E replied, "I think so."

Immediately after the call was upgraded, an Air Unit was requested to respond. Air Support Division, Tactical Flight Officer (TFO), Unit Air 18, advised they were en route to the location. Officer A broadcast to CD, requesting they keep the Person Reporting (PR) on the line.

At approximately 1247:10 hours, Southeast Patrol Division uniformed Sergeant A advised CD that he/she was responding to the radio call. He/she responded to the location Code Two.

At approximately 1247:40 hours, CD broadcast additional information. CD advised that Witnesses D and E were standing in front of the location and that the location was the rear unit. They further advised that the Subject was approximately 25-26 years wearing blue jeans and that he was not allowing Victim A to exit the location. The PR heard one gunshot.

At approximately 1248:15 hours, Officers A and B were the first officers to arrive at scene. Upon their arrival, Officer A broadcast the officers' status and location (Code Six). Officer B drove past the location and parked in the street, facing west, one property west of the location. Both officers then exited their vehicle. Officer B observed Witness D flagging them down, while seated on a short wall, just west of the location. According to Officer B, Witness D was crying and appeared to be agitated.

Officer B activated his/her BWV and unholstered his/her pistol because the comments of the call stated that the Subject was armed. According to Officer B, he/she held his/her pistol in his/her right hand, alongside his/her right leg, with the muzzle pointed toward the ground, and his/her finger along the slide.

According to Officer A, he/she believed he/she activated his/her BWV when he/she exited his/her vehicle; however, his/her BWV did not activate at that time.

Officers A and B contacted Witnesses D and E on the north sidewalk, just west of the location. Witness F was seated in his car that was parked in front of the location. According to Officer A, Witness D was crying, so his/her attention was drawn to her.

As captured on Officer B's BWV, Officer A inquired about the Subject's whereabouts. Witness D motioned with her hand in a northerly direction and directed the officers to the residence; indicating that it was the third door north, on the west side of the property. Initially, Witness D advised the officers that the Subject shot at her. Witness D then clarified that the Subject shot at the door.

At approximately 1248:35 hours, Air 18 arrived overhead. Shortly thereafter, the Air Unit began communicating with the officers at scene and establishing containment.

For the duration of the incident, TFO A communicated and coordinated with the officers at scene and exchanged periodic updates. Although the officers and Air Unit utilized both Southeast Division's Base Frequency and simplex, via the police radio, while communicating with one another, their primary communication

was via simplex. Therefore, portions of the communication were not recorded through CD.

Officer A walked east on the north sidewalk and positioned him/herself on the east side of the property, with no communication to his/her partner Officer B about his/her intentions. As he/she repositioned, Officer A requested three additional units; one to respond one to cover the east side of the residence, one to cover the west side, and one to the south. Officer B remained on the sidewalk on the west side of the property, and continued to communicate with Witness D.

The investigation determined that Officers A and B were approximately 51 feet apart and had a line of sight on each other during this time. According to Officer B, they were still able to render aid to each other if necessary.

Witness D informed Officer B that the Subject was on parole and indicated that she spoke with the Subject's parole officer the day prior.

Multiple units responded to the location, including the following Southeast Patrol Division personnel: Police Officers C, D, E, F, G, H, I, J, K, and L and Sergeants A, B, C, and D.

At approximately 1248:58 hours, Officers C and D arrived at scene. Officer C parked in the street, just east of the location, and both officers exited their vehicle. Officer C walked directly to the police vehicle's trunk and retrieved his/her shotgun, while Officer D joined Officer B on the north sidewalk. Upon reaching the sidewalk, Officer D activated his/her BWV.

According to Officer C he/she retrieved his/her shotgun based on the comments of the call, that shots had been fired, that the Subject was armed, and that a victim needed to be rescued. Officer C placed a slug round into the chamber.

Within seconds, Officers E and F arrived at scene. Upon their arrival, Officer F utilized his/her Mobile Data Computer (MDC) to place the officers Code Six. Officer E parked behind Officer C's vehicle and both officers exited. Officer F observed Officer C retrieving his/her shotgun; therefore, he/she went directly to the trunk of his/her vehicle and obtained a 40-millimeter less-lethal launcher, ultimately slinging it in front of him/her. According to Officer F, he/she retrieved and loaded the 40-millimeter launcher due to the nature of the call, indicating that the Subject had a gun.

Upon exiting the vehicle, Officer E unholstered his/her pistol and held it in his/her right hand, with the muzzle pointed down, alongside his/her right leg. Officer E then walked toward the north sidewalk of the street.

Meanwhile, Officer B advised Officer D that he/she was going to join Officer A and jogged east on the north sidewalk of the street. As he/she did so, Officer B held his/her pistol in his/her right hand, with the muzzle pointed toward the ground. Officer B met with Officer A in a front yard, one property east of the location.

Officer D remained with Witnesses D and E and attempted to gather additional information. While speaking with Witness D, Officer D unholstered his/her pistol and held it in his/her right hand.

After loading his/her shotgun, Officer C joined Officers A and B. Officer B informed Officers A and C that the Subject's residence was the third door north, on the west side of the property. Officers A, B, and C then redeployed onto the sidewalk, to the west side of the property.

As Officer C made his/her way west, he/she observed the brick pillar, just west of the driveway, and decided to use it as cover. Officer C positioned him/herself behind the southeast corner of the pillar, held his/her shotgun in a two-handed shooting position, and pointed the muzzle toward the driveway, in a northerly direction. Officers B and D positioned themselves on the sidewalk, southwest of Officer C. Officer D broadcast to CD, advising that they were Code Six.

Officer C positioned him/herself further west, just south of the pillar. Officer C transitioned back into a two-handed shooting position and continued to point the muzzle in a northerly direction, above the pillar.

Officers E and F briefly positioned themselves on the north side of the street, east of the location. According to Officer F, an officer motioned for him/her to redeploy west, so he/she and Officer E walked into the street and redeployed west. As he/she walked west, Officer F unholstered his/her pistol and held it in his/her right hand, with the muzzle pointed down, alongside his/her right leg.

As Officers E and F crossed in front of the residence, they both jogged briefly while holding their pistols in their right hands. As they did so, their muzzles were pointed down, alongside their right legs. Officers D and E joined the aforementioned officers on the west side of the property.

Officer F began conversing with Witness D to gain additional information. As captured by his/her BWV, Witness D reiterated that she spoke with the Subject's parole officer the day prior. Witness D also stated that when she knocked on the door to get Victim A out, the Subject fired two shots. Witness D subsequently observed a bullet hole in the door.

During an examination of the crime scene, subsequent to the OIS, a bullet impact was identified on the front door of the residence. It was consistent with having been fired from inside to outside.

At approximately 1250:40 hours, Officer A advised Air 18 that the Subject's residence was the third door to the rear of the residence and that the door faced north. TFO A acknowledged and advised Officer A that he/she did not see any individuals toward the rear of the location. TFO A then directed Officers K and L to respond to the rear alley for containment.

At approximately 1251:19 hours, Officer E directed Officer F to have Witness E call Victim A, who was still inside of the residence. Officer F approached Witness E and

asked her to make the call. Witness E then directed Witness F to call Victim A, which he did.

Shortly thereafter, Officers G and H arrived at scene, followed by Sergeant A. Upon his/her arrival, Sergeant A observed multiple units at scene, positioned on the sidewalk west of the location. In addition, Sergeant A noted that Officer C was armed with a shotgun, which was pointed north, toward the driveway area.

According to Sergeant A, he/she broadcast that he/she was Code Six upon arrival, however it was not captured on the police radio's Southeast frequency. Sergeant A left his/her BWV Camera at the police station.

As captured on Officer F's BWV, Officer A briefed Sergeant A. Officer A advised him/her that the Subject was high and barricaded inside of the rear unit with Victim A. Officer F informed Sergeant A that Witness F was attempting to call Victim A and that witnesses reported hearing two gunshots.

As Officer E approached the north sidewalk, his/her BWV captured a portion of Officer A's conversation with Witnesses D and E. Officer E's BWV captured Witness E tell him/her, that the Subject may be "high right now."

Sergeant A directed Officer H to retrieve a shield from his/her vehicle, which he/she did. Upon returning, Officer H joined the officers on the north sidewalk and unholstered his/her pistol. Officer H held the shield in his/her left hand and his/her pistol in his/her right hand, with the muzzle pointed toward the ground. According to Officer H, he/she drew and exhibited his/her firearm because he/she had reasonable belief that the tactical situation could escalate to the point where deadly force maybe required due to the fact that the Subject was armed.

Witness F made contact with Victim A and relinquished his cellular phone to Officer A. Officer A placed the phone on speaker mode and began communicating with Victim A. Upon retrieving the cellular phone, Officer A walked one property west, away from the other officers and the witnesses. According to Officer A, his/her intentions were to establish a dialogue with the Subject, attempt to de-escalate the situation, and convince him to put the firearm down and surrender.

Since Officer A's BWV was not yet activated, the first portion of his/her conversation with Victim A was not captured. The environment was loud, due to the sound emitting from the Air Unit overhead. Due to Officer A's distance from the other officers at scene, combined with the noisy environment, the initial conversation was not captured on any BWV.

According to Officer A, Victim A informed him/her that he/she was uninjured; however, the Subject was still armed with a gun. Officer A could hear Victim A and the Subject arguing and cursing in the background. According to Officer A, the context of the conversation was comprised of Victim A asking to leave the residence and the Subject refusing to let her go.

Meanwhile, Officer E advised Sergeant A that they should formulate a plan in the event that shots were fired within the residence. As captured by Officer E's BWV, Sergeant A replied, "Yeah, we need to put a contact team together, to go downrange." Sergeant A advised Officer C that if shots were heard inside of the residence, Officer H would approach first with the shield, followed by Officer C.

According to Sergeant A, "From there, we also discussed, I discussed with the contact team that if at any point, now that we know that there is a female inside with an armed Subject, if we were to hear any shots being fired from inside the location, that we would go ahead and move towards the target location and utilize a rapid entry or a rapid deployment situation if we - - if we felt that that's where it was headed."

According to Sergeant A, he/she developed a tactical plan and addressed the contact team, consisting of Officers B, C, D, E, F, G, and H. Sergeant A indicated that roles were established for each officer and they discussed the possibility of a rapid deployment/entry situation. However, a review of BWV determined that Sergeant A did not discuss/assign roles to the contact team.

Officer A continued his/her telephonic conversation with Victim A and the Subject and tried to encourage the Subject to exit the residence.

At approximately 1253:58 hours, Officer A broadcast on simplex, via the police radio, advising that the Subject was armed inside of the residence and had already fired one round. In addition, Officer A broadcast that he/she was talking to Victim A and that he/she has said that the Subject will not exit the residence.

At approximately 1254:20 hours, TFO A broadcast on the Southeast Frequency that this incident was going to be a "barricade." And that the Subject fired a round per the PR and was still armed inside of the residence. TFO A then requested additional units for containment and traffic control.

Sergeant A notified the Watch Commander, Lieutenant A of the potential hostage situation. Sergeant A provided him/her with the Subject's information, an overview of the incident, and requested that he/she notify Special Weapons and Tactics (SWAT). Lieutenant A advised Sergeant A to continue verbalizing with the Subject and informed him/her that he/she would notify SWAT.

Sergeant B arrived at scene, exited his/her vehicle, and donned his/her ballistic helmet. Sergeant B broadcast to the Air Unit, inquiring if their inner perimeter was set. TFO A did not immediately respond to Sergeant B's inquiry.

At approximately 1255:16 hours, Officer A activated his/her BWV as he/she was speaking with the Subject on the phone. As captured by his/her BWV, Officer A asked the Subject if he/she was going to come out, he/she informed the Subject that he/she was the police, and that he/she was just trying to help him and that he/she didn't want the Subject to get hurt. The Subject informed Officer A that he/she would come out. Officer A told the Subject to come out with his hands up. Officer A yelled to Officer E, advising him/her that the Subject was going to exit the residence.

Although Officer A had the cellular phone on speaker mode, Victim A and the Subject's voices were unintelligible for most of the conversation, due to the noise emitting from the Air Unit.

At approximately 1255:40 hours, Officer A broadcast over simplex to the Air Unit and officers at scene that the Subject agreed to exit the residence. As captured on BWV, Officer A stated to the Subject, "Alright [Subject], come out and put your hands up alright? Don't come out with the gun. Just come out with your hands up, okay? Everything is going to be alright. We just want to help you. Are you coming out?" The Subject replied, "Yeah, I'm gonna come out right now."

Based on Officer A's previous broadcast, TFO A requested Southeast Base Frequency be put on stand-by. He/she advised CD and the units at scene that the Subject was going to exit the residence. TFO A also verified that all four sides of the property were contained.

At approximately 1255:40 hours, TFO A broadcast that the containment was "pretty much set," and added, "We got all four sides." Shortly thereafter, TFO A broadcast, "If you want to get another unit to cover on the east side, you can."

At approximately 1300:24 hours, Sergeant B's BWV captured TFO A inform the IC that they did not have coverage on the east side.

At approximately 1311:50 hours, TFO A broadcast, "Hey guys, the door is opening to the target location. I'm simulcasting on both frequencies." TFO A then informed the officers that the door opened briefly, then closed. TFO A then broadcast, "You might have a citizen trying to come out. This is what I'm trying to set up for, and it's still open on the east side of the property. On the east side of the property, the door is opening again, it's wide open. We need somebody back there in case the Subject decides to go eastbound."

Officer D's BWV captured him/her discussing tactics with Officer C and begin to identify roles for a contact/arrest team, which consisted of the following personnel. Officer H carried a shield and was armed with his/her pistol; Officer C was point/lethal, armed with his/her Shotgun; Officers B and D were the arrest team and; Officer F was assigned less-lethal (40-millimeter launcher).

Officer A approached the contact team and advised them that the Subject agreed to come out. While they waited, Officer A's BWV captured the contact team discussing tactical scenarios and optimal locations to take the Subject into custody. However, the Subject did not exit the residence at this time.

Officer A walked two properties west of the target location, and continued to communicate with the Subject and Victim A by cell phone. Officer A requested two officers respond to his/her location, to cover the west side of the property. Officers I and J responded to his/her request and positioned themselves to the west of the target location



At approximately 1258:06 hours, Officer A asked Victim A if the Subject was going to come out. She replied, "He wants you guys to come to the window." Officer A denied the request. Officer A explained to the Subject that officers could not go into his residence and speak with him because he was armed with a weapon. The Subject advised Officer A that he was going to open the door; however, he did not open the door at that time.

Sergeant B joined the contact team on the north sidewalk. As captured on Sergeant B's BWV at 1258:12 hours, Sergeant A appeared to attempt to start to brief Sergeant B upon his/her arrival. Sergeant B promptly interrupted Sergeant A and stated, "Yeah, I heard what was going on." Shortly thereafter, Sergeant B asked other officers at the scene where the target address was and who had contact with the PR/Subject.

As captured on Sergeant B's BWV, Sergeant B learned for the first time that there was a hostage in the residence when he/she was informed by Officer A at 1301:04 hours.

At approximately 1258:16 hours, TFO A broadcast on base frequency, inquiring if there was an Incident Commander (IC) at scene who could help him/her with communication. CD requested the IC to identify themselves over base frequency; however, there was no response over Southeast base frequency. Sergeant A subsequently broadcast to the Air Unit on simplex, identifying him/herself as the IC.

As captured on Sergeant B's BWV, Sergeant A identified him/herself as IC with a broadcast on Simplex at approximately 1258:25 hours.

According to the transcript of the Southeast base frequency, at approximately 1307:40 hours Air Unit 18 asked who the Incident Commander was. The dispatcher at CD stated that no one had "come up." At 1308:00 hours, Air Unit 18 stated that L30 (Sergeant A) had identified him/herself as the incident commander and that he/she would switch over and talk to him/her on Simplex.

As captured on his/her BWV, Sergeant B asked Sergeant A if he/she was the IC and offered to assume the responsibility. Sergeant A informed Sergeant B that he/she would handle the role of IC. Sergeant B advised Sergeant A that someone needed to declare the role of IC.

Officer E asked Sergeant B, in the presence of Sergeant A, if they were going to contact SWAT, in the event that the Subject refused to exit the residence. Sergeant A replied, "yes," and informed Officer E that they were giving it a second. If the Subject did not come out, he/she intended to notify their lieutenant. Sergeant A directed Officer E to obtain the Subject's information from the witnesses, so they would have it available for SWAT if necessary.

As captured on Officer E's BWV at 1259:04 hours, Sergeant C arrived at scene and did not receive a briefing from Sergeant A or Sergeant B. Sergeant C spoke to Officer E and to Witnesses D and E. Sergeant C asked, "What's his [the Subject's] story? Is he/she mentally ill?" Officer E responded, "He's tweaked [high on methamphetamine]."

It is unclear from the footage how/whether Witness D responded to the question regarding the Subject's mental state.

When asked by FID investigators, "While you were there, any information relayed, or did you hear any -- any broadcast of a possible barricade?" Sergeant C responded, "No. I don't think we -- that wasn't established right away. I think they were -- we heard that they were -- it was, you know, shooting in progress. I don't even know if they knew. They were setting up a team to clear the house. At that point, I don't -- I don't know what point Sergeant A knew the [Subject] was inside. I didn't know he/she was inside until after going Code 6."

According to Sergeant C, he/she did not broadcast that he/she was Code Six upon arrival as there was a "lot of chatter on the frequency," but believed he/she may have gone Code six later. No Code Six was captured on Southeast Frequency from Sergeant C and no Code Six was recorded for him/her on the Communications Division Incident Recall printout.

Officer A advised the Air Unit and officers at scene that the Subject was being indecisive as to whether he was going to exit the residence. Officer A directed Victim A to exit the residence; however, she advised him that the Subject would not allow her to leave the residence.

Sergeant B began communicating with Sergeant A. Sergeant B advised him/her that their inner containment was set; however, outer containment and the Command Post (CP) still need to be set up. In addition, Sergeant B advised Sergeant A that the contact team needed to don their ballistic helmets. In response to Sergeant B's comment regarding helmets, Sergeant A stated, "Yeah, if we can start swapping them out."

At 1300:17 hours, Sergeant B's BWV captured him/her ask Sergeant A, "So do you want to be in charge of the Tac Team?" No reply was captured on BWV. Sergeant B then stated, "That's good," and walked away.

Officer A informed Sergeant B that the Subject would not allow Victim A to open the door and/or exit the residence and verified that she was being held hostage. Sergeants B and C decided to set up a CP in a nearby street just west of the target location.

At approximately 1301:20 hours, TFO A requested that an additional unit, preferably one armed with a rifle, respond to the west of the residence. TFO A advised that he/she would provide them with additional direction upon arrival. As additional units arrived at scene, TFO A positioned them as needed.

At approximately 1301:30 hours, Sergeant A directed the officers to don their ballistic helmets. Officer B holstered his/her pistol and walked to his/her vehicle that was parked nearby and retrieved his/her own helmet. When he/she returned to the sidewalk, Officer F relinquished his/her 40-millimeter launcher to Officer B while he/she obtained helmets for him/herself and Officers D, E, and H. Simultaneously, Officer G retrieved his/her own helmet, as well as Officer C's helmet.

Officer A was two properties west when Sergeant A advised the officers to don their helmets and was not in a position to hear the direction. According to Officer A, he/she did not consider donning his/her helmet at any time during the incident.

Officer G approached Officer C from behind and placed the helmet on his/her head. Once Officer F dispensed the helmets, he/she momentarily held the shield for Officer H as he/she donned his/her helmet. Officer F held the shield in his/her left hand and unholstered his/her pistol with his/her right hand, with the muzzle pointed down, alongside his/her right leg.

At approximately 2004:47 hours, Officer B attempted to relinquish the 40-millimeter launcher to Officer H, advising that he/she was not qualified to carry it. Officer H informed Officer B that he/she was already assigned to carry the shield. Once Officer H donned his/her helmet, Officer F holstered his/her pistol and relinquished the shield to him/her. Officer H then took the 40-millimeter launcher back from Officer B.

According to Officer A, he/she wanted to ensure the witnesses were in a safe location, in the event that the situation escalated, so he/she directed them to the CP, which was in a street west of their residence.

At approximately 1303:55 hours, Victim A told Officer A, that the Subject wanted to speak to Witness D. Officer A directed the Subject to exit the residence with his hands up, so he could speak with Witness D in the front yard. Officer A continued to communicate with both Victim A and the Subject, and Officer A encouraged the Subject to exit the residence, informing him that he would be able to speak with Witness D.

At approximately 1305:56 hours, Officer A brought the cellular phone to Witness D, hoping a conversation with her could de-escalate the situation. Witness D asked the Subject to exit the residence and offered to get him help. The Subject apologized to Witness D and stated, that he was going to die "right now."

Witness D pleaded for the Subject to exit the residence and follow the officers' directions. Officer A then reassured the Subject that they were there to help him, and no one was going to hurt him. Officer A continued to verbalize with the Subject, attempting to convince him to exit the residence.

Officer A advised the Subject that he was not in trouble and assured the Subject that they just want to make sure that he and Victim A were okay. Officer A asked the Subject to allow Victim A to exit the residence first and he agreed. Seconds later, Victim A advised Officer A that the Subject was going to exit first. Officer A then requested that Victim A advise him/her when the Subject exited the location.

At approximately 1310:20 hours, the Subject stated to Officer A, "Alright, here we go;" however, the Subject did not exit the residence. In an effort to get the Subject to come out, Officer A advised the Subject and Victim A that Witness D was sick, fainted, and needed to go to the hospital.

Officer A's BWV captured Sergeant A inquiring whether the Subject shot at the witnesses. Officer A replied that the Subject shot at the door. When Sergeant A asked

if the shot was fired in anyone's direction, Officer A indicated that he/she was unsure, and walked back to the CP, where the witnesses had relocated.

At approximately 1311:50 hours, TFO A broadcast, "Hey guys, the door is opening to the target location. I'm simulcasting on both frequencies." TFO A then informed the officers that the door opened briefly, then closed. TFO A then broadcast, "You might have a citizen trying to come out. This is what I'm trying to set up for, and it's still open on the east side of the property. On the east side of the property, the door is opening again, it's wide open. We need somebody back there in case the Subject decides to go eastbound."

Officer A walked to the CP and asked Witness D if the Subject shot at her. As captured by his/her BWV, Witness D advised him/her that the Subject heard voices and shot at the door. Officer A asked Witness D if the Subject suffers from anything and Witness D replied, "Mental." Officer A then began walking back toward the residence.

At approximately 1312:30 hours, TFO A broadcast, "Okay, are you guys copying? I need you guys to come up and acknowledge here what's going on, so you guys are safe here. The door is opening to the north. And, the [Subject] is behind the door. He's taking cover behind the door, so heads up. he might be either setting up to get out front or just taking a peek. Coppers in the alley, heads up, heads up, heads up."

TFO A observed the Subject exit the residence followed by Victim A. According to TFO A, the Subject walked in a westerly direction while holding a handgun in his right hand. Victim A was walking on the Subject's left side, and it appeared to TFO A that he was pointing the muzzle in Victim A's direction. According to TFO A, as the Subject made his way west, he appeared to be crouching down, similar to a low crawl.

According to TFO A, when the Subject and Victim A reached the west side of the property, she separated from him slightly and was positioned further north. The Subject stood near the west wall and pointed the handgun toward the south; where the officers were positioned. Shortly thereafter, the Subject looked at Victim A, and appeared to be motioning to her with his left hand, as if directing her to walk in his direction. As he did so, the Subject was still holding the handgun in his right hand.

According to TFO A, the Subject stopped motioning to Victim A and walked in a southeasterly direction, toward the east side of the wrought iron fence. Victim A remained on the west side of the property, with her back against the wall.

TFO A advised the containment personnel to remain in place and put out the following broadcast on simplex and Southeast Base Frequency, "The [Subject] is crouching down right now. Male [...]. Heads up guys, he's coming out the back looks like, crouching down. Yeah, he's got a gun in his hand guys. He's got a gun in his hand. On the west side, he's walking towards the front of the house right now. He's walking towards the front of the house and he's got a female with him. Walking out to the front now guys. To the front. Male [...] with a gun in his hand right now."

Following TFO A's broadcast, Officers B, D, and G each unholstered their pistols, and held them in two-handed shooting positions with their muzzles pointed in a northerly

direction. Officer C yelled to the contact team, "Gun, gun." Nearly simultaneously, Sergeant A yelled, "He's got a gun, he's got a gun!"

According to Sergeant A, he/she directed the contact team to begin verbalizing with the Subject. However, a review of BWV determined that Sergeant A did not direct the contact team to verbalize with the Subject.

Sergeant A believed Victim A remained inside of the residence and exited subsequent to the OIS.

Officer C observed the Subject at the top of the driveway near the gate, walking in the officers' direction. As captured on BWV, Officer C yelled, "I see him! I see him!" As the Subject approached the wrought iron fence, Officer C was able to see the Subject's upper torso and believed he was wearing a long-sleeve flannel shirt. Officer C thought the Subject's attire was unusual, considering the warm weather conditions. The investigation determined that the Subject was wearing a short sleeve flannel shirt.

In addition, Officer C noted that the Subject's shirt appeared to be very bulky, which caused him/her to believe that the Subject could potentially be wearing some type of body armor. According to Officer C, as the Subject crossed the threshold of the pedestrian gate, he/she looked down the driveway, in the officers' direction. Officer C pointed the muzzle of his/her shotgun toward the Subject's upper torso; the area visible to him/her.

According to Officer C, "Once that happened, the suspect immediately began a brisk - - essentially running. So now he's picked up his speed, and now he's running beside the wall and the vehicle. As soon as the suspect crossed the rear of the vehicle, I could see the suspect raising his right arm, and a - - firearm was in his hand in an elevated position in our direction. At that point I felt my life was in danger."

As captured by BWV, Officer C ordered the Subject to "drop it," but he did not comply. Officer C added, "And the [Subject], based on his actions, to me, made it very clear that his intention was to kill me...And I was afraid."

Officer C believed the Subject intended to kill him/her and felt that his/her life was in danger. Believing that the Subject was wearing body armor, Officer C aimed at the Subject's head and fired five rounds from his/her shotgun in a north to northeasterly direction from an approximate distance of 45 ½ feet. After firing his/her final shot, Officer C realized his/her shotgun was empty; therefore, retrieved one slug shotshell from his/her side saddle and placed it into the chamber.

Officer C only recalled firing one round; however, the investigation revealed that Officer C fired five rounds. According to Officer C, after firing his/her first round, the Subject continued approaching the officers, with the handgun pointed in their direction. Officer C heard additional officers fire their pistols and observed the Subject fall down.

According to Officer B, approximately five seconds after hearing TFO A's broadcast, he/she observed the Subject walking at an accelerated pace in the officers' direction with a firearm in his hand.

According to Officer B, "...he [the Subject] lifted up his right arm, he had the gun in his hand, and he shot. So it wasn't - - I didn't exactly see that he pointed it right at us, but I knew that he lifted his arm up and he shot in a southerly direction."

According to Officer B, he/she formed the opinion that the Subject fired in the officers' direction because he/she observed the Subject's hand jerk or lift up, while simultaneously hearing a gunshot. Officer B did not feel he/she had any options, other than discharging his/her pistol. Officer B added, "Because the suspect was shooting in our direction, and that's placing in imminent threat of death or serious bodily injury on me and my partner, as well as anyone who could be around in the - - in the houses that were across the street or - - so I - - I believe that the threat was imminent to the point where we needed to take - - take action."

Believing the Subject was firing a handgun in their direction, Officer B aimed at the Subject's upper torso and fired six rounds at the Subject in a north to northeasterly direction from an approximate distance of 48 ½ feet.

According to Officer B, he/she fired three volleys, consisting of two rounds each. He/she assessed between the first two volleys and observed the Subject still standing and pointing the handgun in the officers' direction. After the third volley, Officer B assessed and observed the Subject fall to the ground.

According to Officer B, there were no citizens in his/her background at the time of the OIS; only the residence.

According to Officer D, he/she observed a shadow on the north side of the wrought iron fence. The shadow appeared to be moving rapidly in the officers' direction. As captured by BWV, Officer D stated, "I see movement, I see movement."

According to Officer D, he/she observed the Subject emerge from between the wrought iron fence and the residence (pedestrian gate), holding a handgun in his right hand. He/she observed the Subject raise his right arm and point the muzzle in the officers' direction. According to Officer D, "So when I first see the suspect, it was quick. I see his face, and I see a muzzle. And I hear a pop, and I see smoke coming out of his gun." This caused Officer D to form the opinion that the Subject was shooting at him/her and his/her fellow officers.

Believing the Subject was firing at him/her and his/her fellow officers, Officer D aimed at the Subject's torso and fired seven rounds at the Subject in a north to northeasterly direction from an approximate distance of 47 feet.

According to Officer D, he/she believed he/she fired four to five rounds. Officer D indicated he/she did not have the opportunity to assess the situation in between the rounds he/she fired, and stated that he/she stopped firing once the Subject fell to the ground.

According to Officer D, at the time of the OIS, the white wrought iron fence and a portion of a wall were within the Subject's background.

According to TFO A, "At the time of the shooting, the suspect was pointing, had the gun up towards his chest and extended towards the officers and actually turned towards the officers. So, he had his right hand extended in a southwesterly direction, I believe it was." TFO A estimated that Victim A was approximately 60 feet northwest of the Subject at the time of the OIS.

According to Officer H, he/she observed the Subject appear between the white vehicle and the residence. Shortly thereafter, he/she heard a gunshot that appeared to originate from where the Subject was standing. Immediately after the initial gunshot, Officer H heard the OIS take place.

The video evidence did not capture the Subject fire his weapon, nor did it capture the sound of a gunshot emitting from his direction. An examination of the crime scene was conducted subsequent to the OIS. During the examination, no impacts were identified for projectiles traveling from north to south in the officers' direction.

The Subject was struck by gunfire and fell onto the ground, near the threshold of the pedestrian gate. He landed on his back with his head facing in a northerly direction. The Subject's handgun fell onto the ground, west of his body. Officer D stated, "He's down" multiple times.

At approximately 1313:41 hours, TFO A broadcast that shots were fired and that the Subject was down. TFO A advised the units that Victim A was just north of the Subject and required assistance.

Officer A heard the shots being fired and began running east on the north sidewalk, toward the location. Officer A approached the contact team and verified that no officers were injured. Officer A looked north and observed the Subject lying on the ground. According to Officer A, the Subject was not moving and appeared to be bleeding.

At approximately 1313:54 hours, Officer E requested a Rescue Ambulance (RA) for the Subject. A review of Southeast Division Frequency revealed that Officer E and CD made simultaneous broadcasts. Therefore, the frequency only captured Officer E state, "Need an RA." Officer E was cognizant that his/her RA request may not have been received; therefore, advised Sergeant C that an RA request needed to be made.

Officer A devised a tactical plan to approach the Subject and take him into custody.

Officer A approached Officer C from behind and placed his/her hands on his/her shoulders. Officer A directed Officer C to position him/herself near the white vehicle that was still parked in the driveway. He/she directed the remainder of the contact team to approach from the east side of the driveway. Officer A verbally ensured that everyone was ready before the contact team initiated their approach.

At approximately 1314:39 hours, the contact team made their approach. They were lined up in the following order, Officer H (shield), Officer C (shotgun), Officers B, D, G, Sergeant A, followed by Officers E and F. With the exception of Officer F and Sergeant A, the aforementioned personnel had their pistols drawn.

During their approach, Sergeant C made a second request for an ambulance. He/she requested the RA stage to the west, until there was a Code Four at the location.

Officer C positioned him/herself behind the driver's side rear bumper of the white vehicle. From that position, he/she was able to see Victim A over the wrought iron fence. Officer C held his/her shotgun with his/her right hand and raised his/her left hand so Victim A could see him/her over the fence. Officer C ordered her to put her hands up and she complied with his/her commands. Officer C then ordered Victim A to move to the west side of the driveway and she complied.

Simultaneously, Officer H positioned him/herself near the rear passenger side door of the white vehicle. He/she held the shield in his/her left hand and his/her pistol in his/her right hand, with the muzzle pointed in a northerly direction.

Officer A made his/her way up the driveway, to the rear of the group, and directed Officers B and D to holster their pistols and take the Subject into custody. Officers B and D complied and holstered their pistols.

Officer H then approached the Subject, followed by Officers B and D. Officer H stepped to his/her left, positioning him/herself just west of the Subject. Officer D approached the Subject's right side, while Officer B approached the Subject's left side. Officer C moved forward with the arrest team, positioning him/herself near the front bumper on the driver's side of the white vehicle.

Officer B advised that he/she was going to turn the Subject over and grabbed the Subject's left wrist using his/her left hand. Officer B then grabbed the Subject's left elbow using his/her right hand and pulled the Subject's upper body in an easterly direction. Officer B then pulled upward, lifting the Subject's left side slightly off of the ground. Officer B then released his/her right hand from the Subject's elbow and placed it onto the Subject's left shoulder area.

Officer D grabbed the Subject's left elbow area and together they rolled the Subject onto his stomach. As a result, the Subject's left arm was exposed, but his right arm was tucked underneath his body. Officer D retrieved his/her handcuffs and cuffed the Subject's left wrist. Officer B then lifted the Subject's shirt, exposing his lower back and rear waistband area.

Officer D advised Officer B the gun was near his/her left foot, and Officer B acknowledged the statement. Officers B and D reached under the Subject's right torso and pulled his right arm out from under him. Officer D pulled the Subject's right arm behind his back and completed the handcuffing process.

Officer B did not don protective gloves prior to taking the Subject into custody, and he/she inadvertently got the Subject's blood on his/her right hand during the handcuffing



process. According to Officer B, he/she considered donning gloves, but did not have any in his/her possession.

Once the Subject was in custody, Officer C walked east, in front of the white vehicle, and joined the front of the contact team. Officers B and D remained with the Subject, while the remainder of the contact team stepped over the Subject and walked north, lining up against the west wall of the residence. Shortly thereafter, Officer F also unholstered his/her pistol. The 40-millimeter launcher was still slung over his/her shoulder, in front of his/her body.

As captured on BWV, Officer B advised Officer D that he/she was going to move the gun away from the Subject. Officer D directed Officer B to leave the gun in place.

As the contact team lined up along the west wall of the residence, Officer C directed Victim A to walk south, in his/her direction; which he/she did. Officer A asked Victim A if anyone else was inside of the residence and she replied that there was not. Officer A asked Victim A where the gun was. Using her left hand, Victim A pointed in the Subject's direction and said, that the Subject had it. Officer A asked Victim A if there were any additional guns in the house and she replied, that there was not.

Sergeant A directed Officer D to remain in place and directed him/her not to move or touch the Subject's handgun. Officer B then informed Sergeant A that he/she had blood on his/her hands. Sergeant C reiterated not to touch the gun and obtained sanitizing wipes for Officer B.

At approximately 1317:04 hours, the contact team approached the front door, which was open. Officer H announced their presence and ordered any occupants to exit the residence. They received no response.

Officer A's BWV captured the contact team approach the door of the residence. At 1317:17 hours, Officer A told Officer H, "Put the shield down, let's make entry." Officer H then put the shield down and the team made entry into the residence. Officer H remained point once he/she was ordered to put the shield down. Officer C, armed with the shotgun, was positioned behind Officer H.

At approximately 1318:20 hours, while searching the residence, Officer C's BWV captured him/her using the barrel of his/her shotgun to push into a pile of blankets that were stored within a closet.

The contact team entered and cleared the premises, and discovered that there were no occupants inside of the location. No supervisor accompanied the search team as it conducted the search of the residence

At approximately 1318:07 hours, Officer A broadcast over simplex that there was a Code Four inside of the residence. Officer A opened the west side of the wrought iron fence, opposite of where the Subject was lying and escorted Victim A to the CP. A review of BWV determined that Officer A broadcast a Code Four approximately one minute prior to the officers completing their search of the premises.

At approximately 1322 hours, Los Angeles Fire Department (LAFD), RA arrived at the scene and rendered aid to the Subject. The Subject succumbed to his injuries and was pronounced dead at scene at approximately 1325 hours.

### **BWV and DICVS Policy Compliance**

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

### **Los Angeles Board of Police Commissioners' Findings**

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

#### **A. Tactics**

The BOPC found Officer A's Tactics to warrant Administrative Disapproval. The BOPC also found Sergeants A and B's and Officers B, C, D, E, F, G, and H's tactics to warrant a Tactical Debrief.

#### **B. Drawing and Exhibiting**

The BOPC found Sergeant B's and Officers B, C, D, E, F, G, and H's drawing and exhibiting of a firearm to be In Policy.

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

The BOPC found Officers B, C, and D's lethal use of force to be In Policy.

## **Basis for Findings**

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

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

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

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

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

**Use of De-Escalation Techniques.** It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

**Use of Force – Non-Deadly.** It is the policy of the Department that personnel may use

only that force which is “objectively reasonable” to:

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

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

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

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

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

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

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

## **A. Tactics**

### Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his 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** – Officers A and B were the first officers to arrive at the scene of a radio call of an assault with a deadly weapon in which the Subject was armed with a handgun. Additionally, the call was upgraded to a possible shooting in progress during their response. Officers A and B independently stated that they have discussed tactics, particularly relevant to this situation, and previously discussed broadcasting pertinent information to the responding units upon arrival. Upon arrival, Officers A and B spoke with the witnesses in an attempt to gain information regarding the situation. Officers A and B learned the Subject was armed with a handgun, had fired the handgun, and was not allowing Victim A to leave the residence.

Southeast Patrol Division Officers C, D, E, F, G, H, I, J, K, and L along with Sergeants A, B, C, and D responded to the location to assist with the incident. Officers C and D discussed the comments of the call as they responded to the location, discussed tactics and scenarios, and the designation of lethal and less-lethal options. When Officers C and D arrived at scene, Officer C retrieved his/her shotgun based on the comments of the call, which indicated there was a victim involved and shots had been fired. Officer C positioned him/herself behind the southeast corner of pillar at the end of the driveway of the location for cover. Officers E and F arrived at scene within seconds of Officers C and D. Officer F observed Officer C retrieve his/her shotgun and obtained a 40mm LLL to have a less-lethal force option available. Officers E and F then met with the other officers who were near the driveway of the location. The officers met with Officers A and B and were briefed on the incident.

Sergeant A was the first supervisor to arrive at scene and assumed the role of the IC. Sergeant A met with the officers who were at scene and was briefed by on-scene officers regarding the information that was obtained regarding the Subject and the tactical situation. Sergeant A developed a tactical plan and communicated with the officers designated as the contact team consisting of Officers B, C, D, E, F, G, and H. Sergeant A indicated that roles were established for each officer and they discussed the possibility of a rapid deployment/entry situation. Sergeant A directed Officer H to retrieve a ballistic shield from his/her vehicle. Officer H deployed the ballistic shield and took a position beside Officer C who was utilizing a pillar as cover for the contact team.

Officer E and Sergeant A formulated a plan in the event that shots were fired within the residence. Sergeant A stated that they needed to put a contact team together to go downrange. The officers stacked up at the end of the driveway and formulated a tactical plan to take the Subject into custody if the Subject surrendered or if he began to discharge his handgun. Sergeant A advised Officer C if shots were heard inside of the residence, Officer H would approach first with the ballistic shield, followed by Officer C. According to Sergeant A, he/she told the officers if there were any shots being fired from inside the location, they would move toward the target location and utilize a rapid entry or a rapid deployment.

Sergeant B was the second supervisor to arrive at the scene. Upon his/her arrival, Sergeant B began to assess the scene and the tactical situation. Sergeant B attempted to communicate with the Air Unit to determine if there was proper containment of the location. Sergeant B received information regarding the incident by Sergeant A and on scene officers. After conferring with Sergeant B, Sergeant A informed Sergeant B that he/she would assume the role of the IC. Sergeant B began to communicate and assist Sergeant A with coordinating the tactical situation, advised him/her that a CP and outer containment need to be established, and that officers should don their ballistic helmets due to safety concerns. Sergeant B in conjunction with Sergeant C who had arrived, established a CP. Sergeant B continued to attempt to communicate with the Air Unit and secure containment of the outer perimeter of the location.

The BOPC noted that the officers should have been more aware of their surroundings and utilization of cover. Although the officers had cover, it would have been preferred that they identify the need to utilize more sufficient cover to protect themselves against gunfire. The officers on the contact team identified the need to utilize cover, however, there were minimal options in the area that the contact team of officers were deployed at. The contact team of officers were partially exposed and vulnerable to gunfire. The only cover utilized by the contact team of officers who were closest to the location were a brick pillar, a ballistic shield, and a palm tree. The area the officers were deployed at did not provide them optimal protection.

After Officer A had been communicating with the Subject and made multiple efforts to persuade the Subject to surrender for approximately 20 minutes, officers were provided minimal time to form tactical plans and utilized the resources and tools at their disposal. The Subject exited his residence, walked towards officers while armed with a handgun, then pointed it in the officers' direction, subsequently leading to an OIS.

The BOPC acknowledged that the tactical situation was dynamic, emotional, rapidly evolving, and compounding, which did not allow sufficient time for thorough tactical planning by the officers on scene or to have SWAT resources respond in time. The BOPC considered that the officers on scene throughout the incident were forced to react quickly without the opportunity to devise detailed tactical plans as the incident involved a barricaded suspect while SWAT was contacted. However, the BOPC was critical of the officers' tactical plan with regards to barricaded suspects. The BOPC was critical of Sergeant A's directions and planning. The BOPC opined that Sergeant A and the other officers should have been clearer formulating a tactical

plan and roles to evacuate the nearby residences, should have considered the option to begin citizen evacuations, and develop a clearer plan in the event that the Subject exited the residence.

At the conclusion of the OIS, Officer A formulated a tactical plan to take the Subject into custody. Officer A advised the officers of their roles as well as where they should move prior to making the approach. As the team approached the Subject, Officer A continued to direct officers to potential threats while Sergeant A provided supervisory oversight. The officers took the Subject into custody and an RA was requested to provide medical aid to the Subject.

The BOPC opined that Officer A demonstrated a senior officer's ability in command and control of the incident. Officer A gave his/her directions in a calm, clear manner which assisted in the officers' ability to formulate a plan and keep a visual on the area of the Subject's residence.

Once the Subject was handcuffed, the contact team continued to the residence and the Subject exited from and conduct a warrantless search of the interior in an effort to ascertain if there were any victims that needed medical attention. Officer G utilized lines of communication by advising his/her partner to make an announcement at the residence prior to conducting the search.

**Assessment** – Officer A continued to de-escalate the situation and assess throughout the incident. Officer A first spoke to Witnesses D and E to obtain as much information as quickly as possible, including the Subject's mental state, and did this while also multi-tasking to coordinate a perimeter and communicate with a contact team. Officer A also assessed the tactical situation and relocated the witnesses to the CP once additional units arrived and he/she was free to do so. Sergeant A arrived at the scene of a tactical situation that was chaotic and uncertain. Sergeant A obtained information from the officers at scene and continued his/her assessment. Sergeant A communicated with the officers at scene and continuously assessed the tactical situation by recognizing that there was a barricaded suspect with a hostage in an elevated position of advantage. Officer C assessed the tactical situation and took point with his/her shotgun behind cover that gave him/her a clear view of a pedestrian gate leading to the Subject's residence. Officer H assessed and recognized that officers needed more cover as he/she took a position beside Officer C with a ballistic shield to provide additional cover.

The officers on the contact team assessed the incident and identified the need to utilize cover; however, there were minimal options in the area the contact team of officers were deployed at. The contact team of officers were partially exposed and vulnerable to gunfire. The only cover utilized by the contact team of officers who were closest to the location were a brick pillar, a ballistic shield, and a palm tree. The area the officers were deployed at did not give them optimal protection and redeployed as the Subject exited his residence. The BOPC noted that the officers should have been more aware of their surroundings and utilization of cover. Although the officers had cover, it was preferred that they identify the need to utilize more sufficient cover to protect themselves against gunfire.

Sergeant B was the second supervisor to arrive at the scene. Upon his/her arrival, Sergeant B began to assess the scene and the tactical situation. Sergeant B attempted to communicate with the Air Unit to determine if there was proper containment of the location. Sergeant B received information regarding the incident by Sergeant A and on scene officers. Sergeant A informed Sergeant B that he/she would assume the role of the IC. Sergeant B began to communicate and assist Sergeant A with coordinating the tactical situation, advised him/her that a CP and outer containment need to be established, and that officers should don their ballistic helmets due to safety concerns. Sergeant B in conjunction with Sergeant C, established a CP. Sergeant B continued to attempt to communicate with the Air Unit to assess the incident and secure containment of the outer perimeter of the location.

Sergeants A and B continuously assessed the incident and communicated with each other in addition to providing direction to the officers at scene and provide supervisory oversight of the officers' tactics. Sergeant A contacted Lieutenant A and provided him/her with the Subject's information, an overview of the incident, and requested that he/she notify SWAT. Lieutenant A advised Sergeant A to continue verbalizing with the Subject and informed Sergeant A that he/she would notify SWAT.

Although the Subject was barricaded and contained, officers were provided minimal time to form tactical plans and utilize the resources and tools at their disposal. The Subject exited his residence and walked towards officers while armed with a handgun, then pointing it in officers' direction subsequently leading to an OIS. The officers quickly assessed the imminently dangerous situation they were confronted with.

**Time** – All personnel at scene, including Officer A and Sergeant A, attempted to use time to de-escalate the incident. None of the officers at scene rushed into the Subject's location, nor did they move from their positions towards the Subject once he exited his residence. From the time Officers A and B arrived, to the moment officers discharged their weapons approximately 25 minutes transpired.

Officer A was constantly communicating with the Subject during the majority of the time he/she was at scene. During the time Officer A was communicating with the Subject, Officer A attempted to establish rapport with him as Officer A made multiple requests for the Subject to comply and surrender while emphasizing to the Subject that he needed to leave the gun in his residence. The Subject advised Officer A he would exit his residence several times during the duration of the communication with Officer A. However, the Subject did not exit his residence until approximately 20 minutes after Office A began speaking with the Subject.

When the Subject exited his residence, he was armed with a handgun with Victim A following behind him. The Subject's unpredictable behavior created a dynamic and evolving tactical scenario in which officers were required to adapt their tactics to the Subject's actions. Although the Subject was barricaded and contained, officers were provided minimal time to form tactical plans and utilize the resources and tools at their disposal. The Subject exited his residence and walked towards officers while



armed with a handgun, then pointing it in officers' direction, subsequently leading to an OIS. The officers made immediate decisions based on the Subject's actions.

Sergeant A contacted Lieutenant A and advised him/her of the status of the incident and communication with the Subject. Lieutenant A advised Sergeant A to continue verbalizing with the Subject and informed Sergeant A that he/she would notify SWAT. The OIS occurred as Lieutenant A was in the process of making a notification to SWAT.

The BOPC considered the investigation and determined that approximately 25 minutes had elapsed from when Officers A and B arrived, to the moment the Subject exited his residence. Although Lieutenant A was in the process of contacting SWAT, there would not have been time for SWAT resources to respond and assume tactical operations. The BOPC also noted that the tactical situation was dynamic, emotional, rapidly evolving, and compounding, which did not allow sufficient time for thorough tactical planning by the officers on scene or to have SWAT resources respond in time. The officers' obligation to the public and community's safety was clear. The BOPC opined that the tactical situation was constantly evolving based on the Subject's unpredictable behavior, in which he shot at Witness D, barricaded himself, and held Victim A in the residence against her will. Multiple times during the incident, it appeared that the Subject was going to surrender to officers. This postponed the initiation of additional barricaded suspect procedures, such as the evacuation of residences, as the officers expected the Subject to surrender.

**Redeployment and/or Containment** – According to the FID investigation, Officer A walked east on the north sidewalk and positioned him/herself on the east side of the property where the Subject was located. As he/she repositioned him/herself, Officer A requested three additional units; one to respond to the east side of the residence, and one to cover the west side.

Officer B informed Officers A and C that the Subject's residence was the third door north, on the west side of the property. Officers A, B, and C then redeployed onto the sidewalk, to the west side of the property. As Officer C made his/her way west, he/she observed a brick pillar, just west of end of the driveway, and decided to utilize it as cover.

With the assistance of the Air Unit, responding officers were directed to a street north of the location and to other areas of containment. The officers at scene were aware that the Subject was armed, had a hostage, and that he had shot at least once already. The officers at scene maintained their distance from the residence and the Subject in order to maintain containment and to provide themselves a tactically advantageous position. The officers at scene maintained containment and kept visual contact of the Subject's residence in an effort to minimize the danger to the surrounding community members and other officers.

The BOPC noted that choosing to not contain the Subject could have allowed him to flee and pose a greater danger to the public or officers. The incident did not afford the officers the option to disengage. The officers had knowledge that the incident involved a hostage and were aware of the urgency, dynamic, and critical elements of

the incident. Instead of surrendering and leaving the handgun in his residence, the Subject chose to advance towards the officers while armed with a handgun. Officer C ordered the Subject to stop as he/she continued to approach the officers while pointing a handgun in their direction, subsequently leading to an OIS.

The BOPC also noted, considering the totality of the circumstances of the hostage situation, that it was unreasonable for officers to redeploy or disengage from their positions. Due to the Subject's unpredictable behavior, officers adapted their tactics and positions and chose the most advantageous positions afforded them in the short time they had to make their tactical decisions.

**Other Resources** – An Air Unit was requested to respond to the scene to assist as officers were responding to the location. Upon arrival, Officer A requested additional units and assisted in coordinating containment of the location.

Officer H utilized other resources when he/she retrieved the ballistic shield after being directed to do so by Sergeant A. Officer G utilized other resources when he/she and Officer F retrieved ballistic helmets.

Sergeant A notified Lieutenant A, of the circumstances of the barricaded hostage situation. Sergeant A provided Lieutenant A with the Subject's information, an overview of the incident, and requested he/she notify SWAT. Lieutenant A advised Sergeant A to continue verbalizing with the Subject and informed him/her he/she would notify SWAT. The OIS occurred as Lieutenant A was in the process of making a notification to SWAT.

The BOPC considered that the tactical situation unfolded quickly and was dynamic, which did not allow time for SWAT resources to be requested and respond. The BOPC noted the officers utilized many of the resources they had at their disposal during the chaotic and dynamic encounter.

**Lines of Communication** – Officer A met with Witnesses D and E and established verbal communications with the Subject via cellular phone as the contact team of officers in front of the residence set up near the brick pillar at the end of the driveway. Officer A established rapport with the Subject and attempted to de-escalate the situation by attempting to persuade the Subject to surrender himself to officers and to leave his handgun in his residence. In establishing the lines of communication, Officer A strongly demonstrated the Department's guiding principle of Reverence for Life. In addition to attempting ruses to attempt to persuade the Subject to surrender peacefully, Officer A was heard speaking empathetically throughout his/her dialogue with the Subject, while continuously encouraging him to leave the handgun in his residence and surrender to the police. After Officer A made several requests to the Subject to convince him to surrender, the Subject told Officer A he was going to exit his residence. Officer A approached the contact team and advised them that the Subject agreed to come out. While the officers waited, the contact team communicated with each other and discussed tactical scenarios and optimal locations to take the Subject into custody. However, the Subject did not exit the residence during that time. In addition to not surrendering, the Subject would not allow Victim A to open the door and/or exit the residence. Officer A

continued his/her efforts to persuade the Subject to surrender and leave his handgun in his residence. The Subject refused to surrender and leave his handgun in his residence.

The Air Unit arrived overhead began communicating with the officers at scene and coordinated containment. TFO A communicated and coordinated with the officers at scene and exchanged periodic updates. The Air Unit provided pertinent information to the officers regarding the tactical situation and the Subject's actions.

Sergeant B asked Sergeant A if he/she was the IC and offered to assume the responsibility. Sergeant A informed Sergeant B that he/she would maintain his/her role as the IC. Sergeant B advised Sergeant A that someone needed to declare the role of IC. Sergeant A subsequently broadcast to the Air Unit on simplex, identifying him/herself as the IC. Sergeant B began communicating with Sergeant A. He/she advised him/her that their inner containment was set; however, outer containment and the CP still need to be set up. In addition, Sergeant B advised Sergeant A that the contact team needed to don their ballistic helmets. Officer A informed Sergeant B the Subject would not allow Victim A to open the door and/or exit the residence and verified that she was being held hostage. Sergeants B and C decided to set up a CP to the west of the residence.

Upon his/her arrival, Officer A established lines of communication with the Air Unit that arrived overhead shortly after. The Air Unit communicated with additional responding officers and coordinated containment. Additionally, Officer A established lines of communication with the Subject by utilizing a cellular phone to de-escalate the encounter and attempt to resolve in the incident in a peaceful, non-confrontational manner. The Subject refused to surrender and leave his handgun in his residence.

Sergeant A notified Lieutenant A of the circumstances of the barricaded hostage situation. Sergeant A provided Lieutenant A with the Subject's information, an overview of the incident, and requested he/she notify SWAT. Lieutenant A advised Sergeant A to continue verbalizing with the Subject and informed him/her that he/she would notify SWAT. The OIS occurred as Lieutenant A was in the process of making a notification to SWAT.

The Subject exited his residence and walked toward officers while armed with a handgun, then pointed it in officers' direction, subsequently leading to an OIS. Officer C informed the officers near him/her that he/she observed the Subject when he/she exited the residence and walked out from the pedestrian gate. Officer C communicated with the Subject and ordered him to "drop it," referring to the Subject's handgun, and indicated to the other officers, "Gun. Gun."

Immediately following the OIS, the officers communicated that the Subject was down and needed to be handcuffed. Sergeant A and Officer A formulated a tactical plan to take the Subject into custody. The contact team approached the Subject and handcuffed him. After the Subject was handcuffed, Officer E and Sergeant C both requested a RA to respond for injuries sustained during the OIS. Officer A maintained communication with the other officers on scene and designated officers

on the contact team to be an arrest team. Sergeant A provided supervisory oversight of the contact and arrest team as they approached the Subject.

After the Subject was handcuffed, the contact team continued to the residence the Subject exited to conduct a warrantless search of the interior in an effort to ascertain if there were any victims that needed medical attention. Officer G used lines of communication by advising his/her partner to make an announcement at the residence prior to conducting the search.

The BOPC noted that officers' lines of communication were adequate. The BOPC considered the incident was dynamic, emotional, and rapidly evolving. The BOPC would have preferred that Sergeant A provide more active oversight and communicated with officers with clearer directions with regard to tactical planning.

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

- 1. Required Equipment – TASER** (Substantial Deviation, without justification – Officer A)

The FID investigation revealed that Officer A was not equipped with a TASER on his/her person at the time of the incident. Officer A was not personally assigned a TASER and according to the Kit room Inventory Tracking System (KITS) for that date, Officer A did not check out a TASER from the Kit room. Southeast Area conducted an audit on the availability of TASERs for check out by personnel on the morning of May 14, 2020, the date of this incident, and concluded there were 10 TASERs available for Officer A to check out from the Southeast Area Kit room.

In this case, the BOPC considered Officer A was not equipped with a TASER and did not check out a TASER from the Southeast Area Kit room, which limited the available force options to him/her when he/she and Officer B arrived at the ADW with a gun radio call location, as well as during any further field operations. The BOPC noted that although Officer A took on a communication role in this incident, it is the Department's expectation that officers are equipped with their less-lethal force options.

The BOPC would have preferred that Officer A, as a senior officer and the first responding unit on scene, adhere to the Department's standard and expectation of having all available force options to deal with various tactical situations. Though the BOPC acknowledges that Officer A took on a communications role which placed him/her in a position in which it was unlikely for him/her to utilize his/her TASER in this particular incident, the BOPC's expectation of all uniformed officers working a field assignment, is to have all required force options available to them in the event they are required during all field incidents.

Based on the totality of the circumstances, the BOPC determined that Officer A's lack of having a TASER on his/her person was a substantial deviation, without justification, from approved Department tactical training.

The investigation also determined that Officer A was also not equipped with OC spray or a Hobble Restraint Device (HRD) on his/her person.

## **2. Tactical Planning/Communication**

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

The BOPC considered that Officers A and B did not discuss contact and cover roles while enroute to the radio call. However, they had worked together for approximately two to three months and according to Officer B, had discussed various tactical concepts and strategies, including contact and cover roles during their prior shifts. The BOPC noted that though contact and cover roles may not have been discussed on the date of the incident, it was clear that Officer B, who was a probationary officer at the time, allowed the senior officer, Officer A, to take the lead on tactics and adjusted his/her role based on the tactical situation.

Additionally, Sergeant A was the first supervisor to arrive at scene and assumed the role of the IC. Additionally, he/she declared him/herself the IC and was briefed by on scene officers regarding the information that was gained regarding the Subject and the tactical situation. The BOPC noted that Sergeant A formulated a tactical plan for contact team officers to move forward towards the Subject's residence should officers hear active gunfire inside of the residence. Sergeant A discussed utilizing a "rapid entry or a rapid deployment" strategy to ensure the safety of Victim A if the tactical situation escalated and dictated the need to deploy the tactic. However, the BOPC considered that there was confusion with regards to the role of the contact team officers should the Subject exit his residence and surrender as he stated he would.

The BOPC opined that Sergeant A's direction and communication with the contact team officers regarding the tactical plan was unclear and that it would have been beneficial to clarify each officer's role depending on whether the Subject exited his residence and surrendered or if the tactical situation escalated into an active shooter with a hostage. The BOPC noted that Sergeant A's overall communication with the Air Unit on scene would have benefited from clearer coordination with regards to containment of the location and the distribution of resources. Additionally, the BOPC noted that Officers B and D, who had been involved in the OIS, were designated as the arrest team officers assigned to handcuff the Subject. The BOPC opined that though it would be preferable to utilize other available personnel to be involved in the handcuffing of the Subject, utilizing the same officers involved in the OIS to handcuff the Subject was based on the necessity to quickly approach the Subject and provide him medical aid.

In this case, though the BOPC would have preferred Officers A and B to reinforce contact and cover roles each day they work together, the BOPC acknowledges that officers assume roles based on the fluidity of the tactical situation. Additionally, the BOPC would have preferred that Sergeant A had provided clearer direction to the contact team on their roles with regards to the different tactical scenarios that potentially could have occurred. However, the BOPC acknowledges that he/she attempted to formulate tactical plans and communicate them to the officers while attempting to manage a dynamic, chaotic, and uncertain tactical situation.

Based on the totality of the circumstances, the BOPC determined that Sergeant A along with Officers A and B's tactical planning and communications were not a deviation from approved Department tactical training.

### **3. Code Six**

In this case, the investigation determined that Officers C and D were the second unit to arrive at scene; however, Officer D did not broadcast they were Code Six until approximately 56 seconds after their arrival at scene due to heavy radio traffic at the time. The BOPC considered that as the second unit to arrive at scene, the tactical situation was unfolding rapidly; and based on the knowledge of the comments of the radio call, Officers C and D deployed rapidly from their police vehicle with Officer C taking a point position with his/her shotgun for a possible shooting in progress with a Subject armed with a firearm.

When Sergeant A arrived at scene, the tactical situation was chaotic and uncertain. Upon his/her arrival, Sergeant A assessed the tactical situation and attempted to gain information from the officers at scene. The BOPC considered that Sergeant A recalled broadcasting he/she was Code Six; however, the investigation determined that his/her broadcast was not captured on Southeast Frequency. The BOPC considered that at the time Sergeant A arrived, there were multiple Southeast units on scene, an Air Unit overhead, and heavy radio traffic. The BOPC noted that Sergeant A, as the first arriving supervisor, should have clarified with CD regarding his/her Code Six status in order for on scene officers, responding resources, and the WC to have knowledge when supervisors arrive at scene so that proper communications and incident command systems could be established.

Based on the totality of the circumstances, the BOPC determined that Sergeant A, along with Officers C and D's actions with regards to their Code Six broadcasts were not a deviation from approved Department tactical training.

### **4. Barricaded Suspects**

In general, the IC is responsible for the overall management of the incident and possesses the real-time information necessary to make the tactical decisions relative to the response of appropriate resources.

In this case, Sergeant A was the first supervisor to arrive on scene and declared him/herself the IC. Sergeant A formulated a tactical plan to have a contact team near the front of the residence to contain the location and take the Subject into custody in the event he decided to exit his residence and surrender. The OIS occurred within 20 minutes of Sergeant A believing a barricade situation existed, limiting the opportunity to implement a more precise tactical plan which included a request for SWAT to respond.

Officer A was the senior officer of the first unit at scene who had the greatest situational awareness of the incident. Sergeant A allowed Officer A to assume the role of the initial communicator with the Subject. The BOPC considered that no additional officers were assigned by Sergeant A to assist with communicating with the Subject or to relay information to him/her regarding the progress of the incident. However, the BOPC noted that Officer A was intermittently in relatively close proximity to Sergeant A and the contact team and would communicate to them occasional progress of his/her communication with the Subject. Additionally, Officer A while attempting to de-escalate the situation, utilized Witness D, to attempt to speak to the Subject as a third-party negotiator and attempt to gain his compliance in surrendering peacefully. The BOPC noted that it is not recommended to utilize real time third-party negotiators while communicating with a potential barricaded suspect. They opined Officer A's intention was to bring about a peaceful resolution to the incident and have the Subject surrender without incident.

Sergeant A determined the incident was a barricaded suspect tactical situation in which the Subject was armed with a handgun, was holding Victim A against her will, was not visible inside of the residence, which was located on an elevated driveway, and failed to surrender after advising multiple times that he would do so. The BOPC noted that Sergeant A notified Lieutenant A once he/she determined they were confronted with a barricaded suspect and requested SWAT resources to respond. The BOPC considered that Sergeant A believed Lieutenant A would notify SWAT as he/she managed the on scene tactical situation. While waiting for SWAT resources, Sergeant A was notified multiple times by Officer A that the Subject stated he/she would be exiting the residence. The BOPC noted that since the Subject stated that he/she was in the process of surrendering, it was reasonable for Sergeant A and the officers to prepare for such activity. This anticipation of the Subject's surrender would reasonably postpone the initiation of other procedures for dealing with barricaded suspects, such as an evacuation. The BOPC considered that a short time later, Sergeant A and the contact team were advised by the Air Unit that the door to the residence opened and the Subject was armed with a handgun. The Subject proceeded to approach the officers, subsequently resulting in an OIS. The BOPC opined that due to the dynamic and shifting tactical situation in which the Subject had stated he would be exiting, along with the Air Unit's observations and broadcasts that the Subject exited while armed with a handgun, the incident was problematic and it was unfeasible for officers to attempt to evacuate the nearby residents, including the occupants inside the first two units of the location.

In this case, the BOPC would have preferred that Sergeant A provide greater oversight of Officer A's communication with the Subject and the overall tactical incident. However, Sergeant A was dealing with a continually uncertain and dynamic tactical situation in which he/she was required to process various information and make effective tactical plans and decisions. Additionally, though the tactical situation escalated in a rapid manner due to the Subject's actions, the BOPC would have preferred that Lieutenant A make a notification for SWAT resources sooner. Lieutenant A was reminded of the importance of making timely notifications to the appropriate entities to enhance the available resources at the scene in order to bring the incident to a successful resolution.

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

- The BOPC also considered the following:
  - **Code Three Response** – Officers A and B responded Code Two based on their proximity to the radio call. According to Officer A, Officer B activated their emergency lights and siren briefly to clear an intersection. Officers A and B were reminded that the purpose of broadcasting a Code Three response is to advise CD and officers in the area of their emergency response, as well as to avoid potential traffic collisions with other officers responding to the same incident.
  - **Situational Awareness (Location)** – Officers A and B were the first unit to arrive at scene. Officers A and B passed the location of the radio call and parked their police vehicle in the street west of the location. Officers A and B were reminded that all officers should be aware of the location they are responding to in order to approach in a safe tactical manner and maintain officer safety when responding to emergency calls of a suspect armed with a firearm.
  - **Radio Communications** – Throughout the incident, on scene officers and the Air Unit utilized both Southeast Base frequency as well as the simplex frequency. However, due to the utilization of both frequencies, there were difficulties that arose with the communication of information and coordination of additional resources. Sergeant A, who was the IC, did not request personnel to utilize a specific frequency. Sergeant A was reminded that the determination of a primary communications frequency is the responsibility of the IC in order to support the coordination and communications of on scene and responding resources at a tactical incident.
  - **Shotgun Manipulation** – Officer C conducted a Select Slug Loading; however, his/her understanding of the terminology was incorrect as he/she stated that he/she conducted a "Select Slug Roll Out," which is a slug loading sequence when an officer replaces an existing munition, loaded within the chamber of a shotgun, with a slug round. Officer C was reminded that understanding the terminology and proper shotgun manipulations enhances an officer's ability to operate and utilize their shotgun in an effective manner.



- **Ballistic Helmet** – Officer A did not don his/her ballistic helmet during the incident. Officer A was a short distance from the contact team and was not in a position to hear Sergeant A's direction for the contact team officers to don their ballistic helmets. Officer A was reminded of the importance of donning his/her ballistic helmet while involved in a tactical situation involving a suspect armed with a handgun, to ensure officer safety.
- **Utilization of Cover** – Upon their arrival at scene, Officers A and B, while attempting to determine the Subject's location, did not utilize their cover in an effective manner. Additionally, once the Air Unit advised that the Subject was approaching the front of the location, Officers B and D adjusted their tactical positions in order to maintain visual contact with areas where the Subject may appear from. When they adjusted their tactical positions, they did not utilize their cover in an effective manner. Officers were reminded that when involved in a tactical situation involving a Subject armed with a handgun, they should utilize their available cover as effectively as possible to ensure officer safety.
- **Department Loading Standard** – Immediately following the OIS, Officer C chamber loaded a single slug round into the open chamber of his/her shotgun. However, Officer C did not load the remaining available slug or buckshot rounds affixed to his/her shotgun. Officer C was reminded of the importance of ensuring his/her weapon system is reloaded in a manner that meets Department loading standards.
- **Bloodborne Pathogens** – Officer B did not don protective latex gloves prior to taking the Subject into custody, which resulted in him/her making contact with and being exposed to the Subject's blood. Given the tactical situation and circumstances, it was understandable that Officer B found it necessary to handcuff the Subject without further delay. Officer B was reminded of the importance of donning protective equipment when feasible in order to prevent unnecessary exposure to bloodborne pathogens.
- **Contact/Cover Roles** – Officer C was assigned as the designated cover officer. Officers B and D were positioned in close proximity to Officer C and transitioned into designated cover roles prior to the OIS as the Subject approached armed with a handgun. No specific officer was designated to strictly a contact/communication role once the Subject exited to the front of the location. Additionally, during the search, Officer C utilized the barrel of his/her shotgun to push into a pile of blankets stored in a closet to clear the area instead of maintaining the designated cover officer role as a contact officer cleared the blankets. Officers were reminded that when feasible, to communicate any changes of their tactical plan and roles with their partner officers in order to optimize coordination and officer safety. Additionally, the officers were reminded to utilize the concept of contact and cover, during which one officer initiates contact while the other officer is the designated cover officer.
- **Situational Awareness (Broadcast prior to location being cleared)** – Officer A broadcast over simplex that there was a Code Four inside the Subject's

residence approximately one minute prior to officers completing their search of the location. Officer A was reminded of the importance of communicating accurate information to ensure officer safety and provide current information to additional resources.

- **Designated Cover Officer** – Prior to the arrival of supervisors, Officer C deployed his/her semi-automatic shotgun and assumed the role of the designated cover officer. According to Sergeant A, as a plan was formulated, he/she “designated Officers B and D as cover officers.” During the OIS, roles changed rapidly. Although the officers were confronted with a dangerous situation, the BOPC would have preferred that the supervisors clarify roles of the designated cover officer and a secondary cover officer to limit the number of personnel discharging their firearms and number of rounds fired.

These topics were to be discussed at the Tactical Debrief.

### **Command and Control**

- Officer A took steps to assert command and control when he/she conducted an assessment immediately after arriving on scene and making contact with Witnesses D and E. Officer A attempted to gain pertinent information from Witnesses D and E with regards to the Subject’s location, whether he was armed, what had occurred prior to the arrival of officers, and additional related information significant to officer safety. The BOPC noted that Officer A exhibited leadership, maintained his/her composure, and assumed the role of the initial communications officer. The BOPC considered that Officer A maintained lines of communication with the Subject and attempted to de-escalate the encounter and persuade the Subject to peacefully surrender throughout the incident. The BOPC took note of Officer A’s leadership role in establishing command and control of the incident prior to the arrival of the first supervisor and his/her formulation of a tactical plan to approach the Subject and take him into custody subsequent to the OIS.

Officer A’s actions were consistent with Department training and the BOPC’s expectations of a senior officer during a critical incident.

Sergeant A was the first supervisor to arrive at the scene. Upon his/her arrival at scene, Sergeant A immediately assessed the tactical situation, observed the positioning of the officers, and attempted to gain information regarding the incident from on scene officers. Sergeant A was provided information regarding the incident by Officers A and F and formulated tactical plans. The tactical plans included directing Officer H to retrieve and deploy a ballistic shield located in Sergeant A’s police vehicle as well as directing officers that if shots were heard, officers would approach the location and utilize rapid deployment tactics. Sergeant A notified the WC of the circumstances of the incident and requested that SWAT be notified. Sergeant A conferred with Sergeant B upon his/her arrival and determined that he/she would assume the role of IC at which time he/she subsequently broadcast on simplex and identified him/herself as the IC. Sergeant A provided oversight of the tactical situation prior to, during, and subsequent to the OIS. Once

the residence was cleared, Sergeant A assisted with identifying the involved officers and with the implementation of Use of Force Protocols Subsequent to a Categorical Use of Force.

Sergeant B was the second supervisor to arrive at the scene. Upon his/her arrival, Sergeant B began to assess the scene and the tactical situation. Sergeant B attempted to communicate with the Air Unit to determine if there was proper containment of the location. Sergeant B received information regarding the incident by Sergeant A and on scene officers. Sergeant A informed Sergeant B that he/she would assume the role of the IC. Sergeant B began to communicate and assist Sergeant A with coordinating the tactical situation, advised him/her that a CP and outer containment needed to be established, and that officers should don their ballistic helmets due to safety concerns. Sergeant B, in conjunction with Sergeant C, established a CP to the west of the residence. Sergeant B continued to attempt to communicate with the Air Unit and secure containment of the outer perimeter of the location.

Sergeant C was the third supervisor to arrive at the scene. Sergeant C in conjunction with Sergeant B, established a CP to the west of the residence. Following the OIS, Sergeant C communicated a second request for an ambulance, after being informed that the initial RA request may not have been broadcast through the radio traffic and requested the RA stage in the area of the CP until the location had been cleared. After the OIS, Sergeant C emphasized to officers not to move the Subject's handgun, and proceeded to identify the involved officers. Sergeant C gathered information on the officers involved in the OIS, ensured they were separated and monitored, and retrieved their BWV cameras.

Lieutenant A was the WC at the time of the incident. He/she was notified of the circumstances of the incident by Sergeant A who was on scene and requested SWAT be notified. Lieutenant A utilized personnel at the Southeast Community Police Station to verify the Subject's information, and have the necessary information for SWAT upon his/her notification. Additionally, Lieutenant A directed additional supervisors to respond to the scene based on the information being broadcast by on scene officers. The OIS occurred as Lieutenant A was in the process of notifying SWAT, who then discontinued the notification to SWAT.

The BOPC noted that Sergeant A took an active leadership role when he/she arrived at scene and attempted to assess and gain information regarding the tactical situation. The BOPC considered that Sergeant A provided oversight of the officers on scene and formulated a tactical plan should the incident escalate into an active shooter scenario. The BOPC opined that clarification regarding the tactical plan, including officers' roles, should have been given by Sergeant A in order to prevent confusion and to provide clear direction. Additionally, the BOPC acknowledged that though there were improvements that could have been made regarding strategies related to barricaded suspects, including the consideration to evacuate nearby residences, Sergeant A was dealing with an uncertain tactical situation in which the Subject had stated multiple times that he would be exiting the location. The BOPC noted that Sergeant A, attempted to prioritize the Department's guiding principle of

Reverence for Human Life by maintaining verbal communication with the Subject and attempting to provide him the opportunity to peacefully surrender.

The BOPC would have preferred that Lieutenant A had notified SWAT in a more timely manner in order to establish contact with SWAT and facilitate their response to the incident. The BOPC considered that Lieutenant A was attempting to verify the Subject's information and direct additional resources to the scene, which caused a delay in his/her notification. The BOPC noted that Lieutenant A was in the process of notifying SWAT when the OIS occurred, and then discontinued his/her request to have them respond.

BOPC determined that there were identified areas for improvement for Sergeant A and Lieutenant A with regard to tactical planning/communications related to barricaded suspects and timely notifications for additional resources; however, they did not deviate from approved Department supervisory training. Additionally, the sergeants at scene were afforded time on this incident to develop a clearer plan and specify roles. The BOPC would have preferred for Sergeants A and B to have taken a more active role and utilize time to assess and collaborate more to designate a cover officer and order officers who were not specifically assigned as designated cover officers to holster their service pistols. The reasonable management of lethal cover would have helped lessen both the number of officers who discharged their firearms and the number of rounds fired.

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

- 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 intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

The BOPC found Officer A's Tactics to warrant Administrative Disapproval. The BOPC also found Sergeants A and B's and Officers B, C, D, E, F, G, and H's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

The BOPC conducted an assessment of each officer's articulation regarding their decision to draw their service pistols and deploy the shotgun.

- **Officer C (shotgun)**

According to Officer C, prior to his/her arrival at scene, he/she heard the comments of the call, which indicated there was a victim and that there had been shots fired. Upon his/her arrival at scene, Officer C immediately redeployed to the rear of his/her police vehicle and removed his/her shotgun from its case. Based on comments and broadcasts of the radio call, Officer C believed that there was a "Subject that is

armed and a victim that needs essentially to be rescued” as well as two shots that had already been fired. Officer C deployed his/her shotgun and conducted a chamber load utilizing a slug round based on the information he/she was provided as well as the inherent danger of the tactical situation.

The BOPC conducted a thorough evaluation of the reasonableness of Officer C’s drawing and exhibiting of his/her shotgun. The BOPC noted that based on the initial radio call broadcast by CD regarding the ADW suspect armed with a handgun, which was upgraded a short time later to a possible shooting in progress. The BOPC considered that additional broadcasts by CD informed officers that there had been possible shots fired and that the Subject had Victim A as a potential hostage. Officer C was the second unit to arrive at scene and based on the comments of the radio call of a suspect being armed with a handgun, that shots had been heard, and that the Subject had a possible hostage, Officer C retrieved and deployed his/her shotgun from his/her police vehicle. The BOPC noted that Officer C observed that the residence of the radio call was located on a raised driveway which provided the Subject “higher ground” and a tactically advantageous position. The BOPC considered that officers at scene had not made visual contact with the Subject and that his position was unknown to them. Officer C, based on the comments of the call, as well as his/her belief the Subject was armed with a handgun and had a higher tactically advantageous position, loaded a slug round into the open chamber of his/her shotgun. The BOPC opined that the slug round allowed for increased accuracy and control and permitted Officer C to maintain distance in order to utilize cover and contain a wider area.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer C’s drawing and exhibiting of a firearm to be In-Policy.

- **Officer B (pistol)**

- First Occurrence

- According to Officer B, upon his/her arrival at scene, he/she observed Witness D “flagging” him/her and Officer A down. Officer B indicated the comments of the radio call stated that the Subject was “armed.” Based on the information provided to him/her by the comments of the call, Officer B believed the tactical “situation may escalate to the point where deadly force may be justified,” and immediately drew his/her service pistol upon exiting his/her vehicle.

- Second Occurrence

- According to Officer B, as he/she was positioned along the west side of the driveway of the Subject’s residence, the Air Unit communicated that the Subject was “walking towards officers.” Based on the comments of the call, Officer B believed that the

Subject was armed with a firearm. Officer B drew his/her service pistol a second time based on his/her knowledge that the Subject was coming out, was armed with a handgun, and his/her belief that the tactical “situation may escalate to the point where deadly force may be justified.”

- **Officer D (pistol)**

First Occurrence

According to Officer D, upon his/her arrival at scene, he/she spoke to Witnesses D and E in an effort to gain additional information. Officer D then repositioned him/herself next to his/her partner, Officer C. Officer D believed the tactical situation in which the Subject was possibly armed and could “come out and start shooting at any time,” was unsafe and made him/her feel “vulnerable.” Officer D drew his/her service pistol and held it “down by his/her side pointing at the ground” based on the fact that once he/she positioned him/herself next to his/her partner, he/she was closer to the threat and there was potential for the Subject “running out with a weapon” and engaging officers.

According to Officer D, he/she first drew his/her service pistol when he/she joined Officer C near the brick pillar. The investigation revealed that Officer D drew his/her service pistol while speaking with Witnesses D and E. Officer D indicated that he/she drew and holstered his/her service pistol multiple times throughout the incident; however, he/she was unsure how many times in total.

Second Occurrence

According to Officer D, he/she drew his/her service pistol when the Air Unit provided information that the Subject was “walking to the front with the handgun.” Officer D believed the tactical situation was escalating based on the information being provided by the Air Unit and officers were being approached by a Subject armed with a handgun. Officer D focused on the area of the fence where he/she believed the Subject would be walking out to maintain visual with any threat to the safety of officers.

Officer D indicated that he/she drew and holstered his/her service pistol multiple times throughout the incident; however, he/she was unsure how many times in total.

- **Officer E (pistol)**

According to the FID investigation, Officer E did not reference his/her first drawing of his/her service pistol. The investigation determined that upon his/her arrival at scene and exiting his/her police vehicle, Officer E drew his/her service pistol and held it in his/her right hand, with the muzzle pointed down, alongside his/her right leg. Officer E then walked toward the north sidewalk of the street. The information broadcast prior to his/her arrival at scene by CD indicated that the Subject was armed and that a possible shooting in progress was occurring.

- **Officer F (pistol)**

First Occurrence

According to the FID investigation, Officer F did not recall his/her first drawing of his/her service pistol. Officers E and F briefly positioned themselves on the north side of the street, east of the location. According to Officer F, an officer motioned for him/her to redeploy west, so he/she and Officer E walked into the street and redeployed to the west. According to the FID investigation, as he/she walked west, Officer F drew his/her service pistol and held it in his/her right hand, with the muzzle pointed down, alongside his/her right leg. The information broadcast prior to his/her arrival at scene by CD indicated that the Subject was armed and that a possible shooting in progress was occurring.

Second Occurrence

According to Officer F, as officers that were on the initial contact team began to don their ballistic helmets, he/she took over as the ballistic shield. Officer F advised that he/she was positioned in the front and drew his/her service pistol “in case the Subject came out” and there was a “threat of deadly force.”

Third Occurrence

According to Officer F, he/she drew his/her service pistol as he/she was part of the contact team that would be clearing the residence. Officer F believed that he/she needed to transition to his/her service pistol from his/her 40mm LLL in order to properly assist the contact team officers with clearing the residence.

- **Officer G (pistol)**

According to Officer G, as he/she was positioned near the contact team on the west side of the driveway of the location, he/she heard information being broadcast by the Air Unit that the individual opened the door and was visible. Officer G advised that he/she heard the Air Unit broadcast that the Subject “was coming out and he was armed with a handgun.” Officer G drew his/her service pistol based on the information broadcast he/she heard that the Subject was approaching armed with a gun, as well as prior information provided which stated the incident was a possible domestic incident with a shot already being fired. Officer G believed there was a threat of “serious bodily injury and/or death” to him/herself and the officers at scene.

According to Officer G, he/she did not recall how many times he/she drew his/her service pistol and believed it was possible he/she drew his/her service pistol earlier in the incident.

- **Officer H (pistol)**

According to Officer H, once he/she arrived on scene, he/she was directed by Sergeant A to retrieve a ballistic shield from his/her vehicle. Officer H deployed the ballistic shield and drew his/her service pistol once he/she positioned him/herself

near the officers on the contact team based on being informed that there was an armed suspect. Officer H believed that the tactical situation “could escalate to the point of deadly force” due to the Subject being armed.

- **Sergeant B (pistol)**

According to Sergeant B, as he/she was positioned north of the Subject’s residence attempting to coordinate containment, the Air Unit advised that the Subject was exiting his residence and was crouching while armed with a gun. Sergeant B drew his/her service pistol based on the information provided by the Air Unit and in order to be prepared for the Subject’s unpredictable movements including if the Subject “started to progress or shoot northbound towards” Sergeant B and the officers positioned near him/her.

The BOPC conducted an assessment of each officer’s articulation regarding their decision to draw their service pistols. The BOPC conducted a thorough evaluation of the reasonableness of Officers B, D, E, F, G, and H along with Sergeant B’s drawing of their service pistols. The BOPC noted that the initial radio call broadcast by CD was of an ADW suspect armed with a handgun which was upgraded a short time later to a possible shooting in progress. The BOPC considered that additional broadcasts by CD informed officers that there had been possible shots fired and that the Subject had Victim A as a potential hostage. The officers and Sergeant arrived at various times; however, they all heard the information broadcasted by CD, and formed their opinions that the Subject was armed with a gun and the tactical situation may escalate to the use of deadly force.

The BOPC noted that each officer and Sergeant articulated their reasoning to draw their service pistols based on the comments of the call, the information that was broadcast by CD, and the knowledge known to them at the time that the Subject was armed with a gun and was preventing Victim A from exiting the residence. The BOPC considered that officers drew and exhibited their service pistols while talking to the Witnesses D and E; however, at that time they did not know the exact location of the Subject and believed they had responded to a possible shooting in progress involving an armed Subject who had already fired his handgun. The BOPC opined that based on the fact that a number of the officers had multiple instances in which they drew and exhibited their services pistols, it was clear the officers were actively assessing the tactical situation and holstering their service pistols when they believed the tactical situation no longer could lead to deadly force being utilized. The officers would then draw their service pistols as new information was broadcast or the tactical situation escalated to where deadly force may be necessary. The BOPC noted that Officer D had his/her service pistol drawn and exhibited in the presence of victims while obtaining information. Officer D is reminded to consider the possibility of moving the victims away from the immediate tactical situation so that he/she would not need to keep his/her service pistol drawn.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers B, D, E, F, G, and H along with Sergeant 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 B, D, E, F, G, and H along with Sergeant B's drawing and exhibiting of a firearm to be In Policy.

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

- **Officer C** – (shotgun, one slug round, four buckshot rounds)

The investigation revealed that all 18 rounds discharged by the three officers were discharged within 3.965 seconds. The investigation revealed that Officer C discharged the first round. Approximately 0.656 seconds elapsed between Officer C's first round and the second round heard.

According to Officer C, as he/she was "still holding point" utilizing a pillar as cover southwest of the Subject's residence, officers were informed by the Air Unit that the Subject was armed with a gun and was near the rear of the location. The Air Unit provided further information stating, "He's coming your way. He's coming from the house." As Officer C maintained visual contact with the gate at the top of the driveway, he/she observed the Subject walking towards the "front of the house" and observed the Subject "pass the threshold" of the gate. Officer C observed the Subject's top torso and believed the Subject was wearing a heavy "flannel long-sleeve shirt" which Officer C described as "bulky" and possibly "body armor." Once the Subject walked through the gate, Officer C observed that the Subject "picked up his speed" and began "running" towards officers. Officer C observed the Subject "raising his right arm" while armed with a "firearm" in his hand. Officer C felt his/her "life was in danger" and stated, "Drop it. Drop it." Officer C observed the Subject continue his threatening movements and perceived an "imminent" lethal threat presented by the Subject closing distance to him/her as the Subject raised his right arm while armed with a handgun. Officer C stated that he/she was afraid and believed the Subject's "intention was to kill me [Officer C]." Based on the information provided to officers that the Subject had discharged his handgun at Witness D prior to officers' arrival, in conjunction with his/her observations that the Subject was rapidly approaching him/her while pointing a handgun at him/her and potentially equipped with body armor, Officer C discharged one slug round from his/her shotgun at the Subject's head area in order to stop the imminent lethal threat presented by the Subject's actions.

The FID investigation revealed that Officer C discharged five rounds from his/her shotgun.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer C's use of lethal force. The BOPC noted that the initial radio call broadcast by CD regarding an ADW suspect armed with a handgun was upgraded to a possible shooting in progress a short time later. The BOPC considered that additional broadcasts by CD informed officers that there had been possible shots fired and that the Subject had Victim A and was not allowing her to leave.

Officer C was the second unit to arrive at scene and based on the comments of the radio call of a Subject being armed with a handgun, that shots had been heard, and that the Subject had a possible hostage, Officer C retrieved and deployed his/her shotgun from his/her police vehicle. The BOPC noted that Officer C observed that the residence of the radio call was located on a raised driveway which provided the Subject a tactically advantageous position and that officers could not visually see the Subject. The BOPC noted that Officer C, based on the comments of the call, as well as his/her belief that the Subject was armed with a handgun and had a tactically advantageous position, loaded a slug round into the open chamber of his/her shotgun. The BOPC opined that the slug round allowed for increased accuracy and control and permitted Officer C to maintain distance and contain a larger area.

Officer C took a point position near the southwest portion of the driveway to the location and took a position of cover behind a brick pillar. The BOPC noted that Officer C maintained his/her point position and assumed the role of the designated cover officer based on his/her tactical position and his/her superior weapon system. Officer C was aware of the tactical plans and communication occurring behind him/her and maintained his/her position as lethal cover. The BOPC noted that the Air Unit began to broadcast that the Subject opened the door and was crouching down. A short time later, the Air Unit advised the Subject was armed with a handgun and was moving in a southerly direction toward officers.

The BOPC noted that from his/her position, Officer C observed the Subject begin walking towards the front of the residence and saw the Subject move forward through the pedestrian gate of the wrought iron fence located at the top of the driveway. Officer C observed that the Subject appeared to be wearing a long sleeve flannel shirt and based on his/her assessment of the warm weather and that it would be usual for an individual to wear such a garment, formed the opinion that the Subject was possibly wearing body armor. The BOPC considered that Officer C observed the Subject raise his right arm which was armed with a handgun and believed his/her life was in danger and that the Subject's intention was to kill him/her. Officer C stated, "Drop it. Drop it," just prior to discharging five rounds from his/her shotgun while targeting the Subject's head in order to rapidly stop the imminent lethal threat presented by the Subject's actions.

The BOPC considered that Officer C's belief that the Subject was wearing body armor was a primary factor in his/her decision to target the Subject's head to stop the imminent lethal threat presented by the Subject's actions. The BOPC noted that although Officer C only recalled discharging one round, Officer C discharged his/her shotgun until the Subject fell to the ground and no longer presented an imminent lethal threat. The BOPC opined that the fact that all three officers involved in the OIS ceased firing almost simultaneously, provided compelling evidence that all three officers were continually assessing and only continued to discharge their service pistols as much as was necessary until the Subject fell to the ground and they determined the Subject no longer presented an imminent lethal threat.

In the BOPC's overall assessment of Officer C's lethal use of force, the BOPC determined that Officer C was presented with a rapidly escalating tactical situation in

which the Subject's actions of approaching officers and pointing a handgun towards their direction, presented an imminent lethal threat. In this case, Officer C responded as a back-up unit to a radio call in which the Subject was known to be armed with a handgun, the Subject fired his handgun prior to the arrival of officers, the Subject was holding Victim A against her will, and then exited his residence while armed with a handgun and pointed the handgun toward officers. Based on the information known to Officer C and the broadcasts of the Air Unit who observed the Subject's movements, Officer C was provided only minimal time to react to the Subject's actions. Officers attempted to maintain lines of communication with the Subject and persuade him to comply and surrender peacefully throughout the encounter; however, the Subject chose to approach officers and point a handgun toward officers, which suddenly escalated the encounter and presented an imminent lethal threat.

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

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

- **Officer B** – (pistol, 6 rounds)

**Volley One** – Two rounds discharged.

According to Officer B, as he/she was standing beside Officers C and D, he/she observed the Subject "walking at an accelerated pace" toward officers and appeared "super agitated." Officer B observed the Subject approximately "10 feet south of the gate in between the car and the building" and observed a "black gun" which he [the Subject] was "holding out with his [the Subject's] right arm" and pointed it in a southerly direction toward officers. Officer B observed the Subject's "hand jerk, and then I [Officer B] heard the sound" of a gunshot and believed that the Subject was firing his handgun toward officers. Officer B "felt a lot of fear" and believed he/she had to take "immediate action" in that moment. Based on his/her belief that the Subject "was shooting" at officers, Officer B discharged a "two-shot burst" from his/her service pistol, targeting the Subject's upper body area in order to stop the imminent lethal threat presented by the Subject's actions. Officer B believed the Subject's actions were "imminent to the point" where he/she needed to take action. Officer B advised that he/she was assessing as he/she discharged his service pistol and observed that the Subject was not going down.

**Volley Two** – Two rounds discharged.

According to Officer B, immediately after he/she discharged his/her first volley, he/she continued to assess and observe that the Subject was still standing and that "he wasn't down." Officer B observed that "the gun was still in his [the Subject's] hand." Officer B stated that he/she was still focused on the Subject and that there was a slight pause of approximately "a quarter of a second" as Officer B continued to assess. Based on Officer B's observations that the Subject was still standing while

armed with a handgun, Officer B discharged a second two-shot burst from his/her service pistol in order to stop the imminent lethal threat presented by the Subject's actions.

**Volley Three** – Two rounds discharged.

According to Officer B, he/she continued to focus and maintain visual contact with the Subject as he/she assessed immediately after he/she discharged his/her second volley. Officer B observed that the Subject was "still standing with the gun" pointed "towards us." Officer B stated that as he/she continued to assess, approximately ".25 seconds" elapsed between his/her second and his/her third volley. Based on his/her observations that the Subject was still armed with a handgun which was pointed in the direction of officers, Officer B discharged two rounds from his/her service pistol in order to stop the imminent lethal threat presented by the Subject's actions. Officer B stated the assessment time between each volley was "very quick" and that he/she ceased firing when he/she observed the Subject fall onto his back.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer B's use of lethal force. The BOPC noted that the initial radio call broadcast by CD regarding an ADW suspect armed with a handgun was upgraded to a possible shooting in progress a short time later. The BOPC considered that additional broadcasts by CD informed officers that there had been possible shots fired and that the Subject had Victim A and was not allowing her to leave.

Officer B and his/her partner Officer A were the first unit to arrive at scene. Officers A and B approached Witnesses D and E and attempted to gain information regarding the situation and locate the Subject. The BOPC considered that Officer B's knowledge regarding the incident was based on the comments of the radio call of a Subject being armed with a handgun, that shots had been heard, and that the Subject was possibly holding Victim A against her will. After briefly speaking with Witnesses D and E, Officer B joined his/her partner and attempted to continue to locate the Subject.

The BOPC noted that Officer B then repositioned him/herself near Officer C and maintained his/her position near Officers C and D behind a pillar near the southwest corner of the driveway. Officer B believed he/she would be part of the arrest team that would handcuff the Subject if he exited his residence and surrendered. The BOPC noted that after some time elapsed and officers were attempting to persuade the Subject to peacefully surrender, the Air Unit began to broadcast that the Subject opened the door and was crouching down. A short time later, the Air Unit advised the Subject was armed with a handgun and was moving in a southerly direction toward officers.

The BOPC noted that once Officer B heard the broadcast from the Air Unit that the Subject was approaching officers while armed with a gun, he/she repositioned him/herself in a westerly direction just west of Officer D and drew his/her service pistol. As Officer B maintained visual on the area of the pedestrian gate of the wrought iron fence near the top of the driveway, he/she noticed the Subject

approaching quickly. Officer B observed the Subject holding out his right arm armed with a "black gun." The BOPC noted that Officer B observed the Subject's hand "jerk" and heard the sound of a gunshot, causing him/her to form the opinion that the Subject was firing at officers and that he/she needed to take "immediate action." Officer B stated that he/she felt a great deal of fear and discharged his/her service pistol a total of six times, in three separate volleys of fire of two rounds per volley, to stop the imminent lethal threat presented by the Subject's actions.

The BOPC noted that Officer B recalled as he/she assessed between each volley of fire, he/she observed the Subject was still pointing a handgun in the direction of officers and continued to present an imminent lethal threat. The BOPC considered that Officer B made rapid assessments between each volley of fire and continued to discharge his/her next volley due to the Subject's continued actions, and ultimately discontinued firing once the Subject fell to the ground and no longer presented an imminent lethal threat. The BOPC noted that the investigation was unable to determine individual volleys of fire due to the officers firing simultaneously; however, the FID investigation was able to determine that Officer B's sequence of fire occurred over the course of approximately 3.3 seconds. The BOPC opined that the fact that all three officers involved in the OIS ceased firing almost simultaneously, provided compelling evidence that all three officers were continually assessing and only continued to discharge their service pistols as much as was necessary until the Subject fell to the ground and they determined the Subject no longer presented an imminent lethal threat.

In the BOPC's overall assessment of Officer B's lethal use of force, the BOPC determined that Officer B was presented with a rapidly escalating tactical situation in which the Subject's actions of approaching officers and pointing a handgun towards their direction presented an imminent lethal threat. In this case, Officer B responded to a radio call in which the Subject was known to be armed with a handgun, the Subject fired his handgun prior to the arrival of officers, the Subject was holding Victim A against her will, and then exited his residence while armed with a handgun and pointed the handgun towards officers. Based on the information known to Officer B and the broadcasts of the Air Unit who observed the Subject's movements, Officer B was provided only minimal time to react to the Subject's actions. Officers attempted to maintain lines of communication with the Subject and persuade him to comply and surrender peacefully throughout the encounter; however, the Subject chose to approach officers and point a handgun toward officers, which suddenly escalated the encounter and presented an imminent lethal threat.

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

Therefore, the BOPC found Officer B's Use of Lethal Force, Volleys One thru Three, to be In Policy.

- **Officer D** – (pistol, 7 rounds)

According to Officer D, as he/she was standing beside his/her partner just west of the driveway of the Subject's residence, he/she heard the Air Unit advise that the Subject was walking towards the front of the residence holding the firearm. Officer D was aware of the potential danger of an armed Subject approaching him/herself and the other officers and was maintaining visual contact on the area where the Subject would be approaching from. Officer D observed movement and stated, "I see movement in the back." Officer D estimated approximately two seconds later, the Subject is "jogging or walking fairly fast" and in a split second observed the Subject point a handgun at officers, heard a pop, and saw "smoke coming out of his gun." Officer D believed the Subject was firing at officers and believed he/she was "going to get hit," and had a physical reaction in which he/she felt like he/she "got the wind sucked out of me." Officer D advised that he/she was in fear of "losing my life or having one of my partners lose their life" and discharged his/her service pistol approximately four to five times to protect him/herself and his/her fellow officers from the imminent lethal threat presented by the Subject pointing a handgun and firing at them. Officer D stated the OIS occurred "really fast," and he/she ceased firing once the Subject was down and Officer D assessed and determined there was no longer an imminent lethal threat.

The FID investigation revealed that Officer D discharged seven rounds from his/her service pistol.

In this case, the BOPC conducted a thorough review and analysis of the reasonableness of Officer D's use of lethal force. The BOPC noted that the initial radio call broadcast by CD regarding an ADW suspect armed with a handgun was upgraded to a possible shooting in progress a short time later. The BOPC considered that additional broadcasts by CD informed officers that there had been possible shots fired and that the Subject had Victim A and was not allowing her to leave.

Officer D and his/her partner Officer C were the second unit to arrive at scene. Officer D approached Witnesses D and E and attempted to gain information regarding the Subject and his location while Officer C retrieved his/her shotgun from their police vehicle. The BOPC noted that Officer D's situational awareness regarding the incident was based on the comments of the radio call of a suspect being armed with a handgun, that shots had been heard, and that the Subject was holding Victim A against her will. After briefly speaking with Witnesses D and E, Officer D joined his/her partner and positioned him/herself just west of Officer C who had assumed a point position with his/her shotgun. The BOPC noted that Officer D maintained his/her position beside his/her partner and believed he/she would be part of the arrest team that would handcuff the Subject if he exited his residence and surrendered. The BOPC considered that after some time elapsed and officers were attempting to persuade the Subject to peacefully surrender, the Air Unit began to broadcast that the Subject opened the door and was crouching down. A short time later, the Air Unit advised the Subject was armed with a handgun and was moving in a southerly direction toward officers.

The BOPC noted that once Officer D heard the broadcast from the Air Unit that the Subject was him/herself in a westerly direction and drew his/her service pistol. As Officer D maintained visual on the area of the pedestrian gate of the wrought iron fence near the top of the driveway, he/she noticed movement and then observed the Subject approaching and point a handgun at officers. The BOPC noted that Officer D heard a "pop" and observed smoke emitting from the Subject's weapon. Officer D believed the Subject was firing at officers and was in fear for both his/her life and his/her partner's life. Officer D discharged his/her service pistol seven times to stop the imminent lethal threat presented by the Subject's actions. The BOPC noted that Officer D believed he/she discharged only four to five rounds, and that he/she assessed after the Subject fell to the ground and no longer presented an imminent lethal threat. The BOPC opined that the fact that all three officers involved in the OIS ceased firing almost simultaneously, provided compelling evidence that all three officers were continually assessing and only continued to discharge their service pistols as much as was necessary until the Subject fell to the ground and they determined the Subject no longer presented an imminent lethal threat.

In the BOPC's overall assessment of Officer D's lethal use of force, the BOPC determined that Officer D was presented with a rapidly escalating tactical situation in which the Subject's actions of approaching officers and pointing a handgun in their direction, presented an imminent lethal threat. In this case, Officer C responded as a back-up unit to a radio call in which the Subject was known to be armed with a handgun, the Subject fired his handgun prior to the arrival of officers, the Subject was holding Victim A against her will, and then exited his residence while armed with a handgun and pointed the handgun toward officers. Based on the information known to Officer D and the broadcasts of the Air Unit who observed the Subject's movements, Officer D was provided only minimal time to react to the Subject's actions. Officers attempted to maintain lines of communication with the Subject and persuade him to comply and surrender peacefully throughout the encounter; however, the Subject chose to approach officers and point a handgun towards them, which suddenly escalated the encounter and presented an imminent lethal threat. The BOPC also evaluated the threat Officer C was presented with and the capacity of the semi-automatic shotgun cycling through rounds.

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

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