

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

OFFICER-INVOLVED SHOOTING – 022-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Officers(s) Involved in Use of Force	Length of Service
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Sergeant A	23 years, 5 months
Officer A	17 years, 5 months
Officer B	15 years, 11 months
Officer C	6 years
Officer D	3 years, 10 months
Officer E	8 months
Officer F	8 years, 5 months
Officer G	4 years, 11 months

Reason for Police Contact

Sergeant A, along with Officers A, B, C, D, E, F and G confronted the Subject at the conclusion of a vehicle pursuit, when he simulated possessing a weapon and threatened the officers, resulting in an officer-involved shooting (OIS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 19 years of age.

Board of Police Commissioners' Review

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

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

The following incident was adjudicated by the BOPC on February 26, 2013.

Incident Summary

On the date of this incident, uniformed Officers A and B were working as partners in a marked black and white police vehicle, when they observed the Subject driving and failing to stop for a red light. Officer A pulled in behind the vehicle and activated his emergency lights, but the Subject failed to yield and fled at a high rate of speed.

Officer B broadcast that the officers were in pursuit of a reckless driver, and requested back-up, an airship and a supervisor. Sergeant A, along with Officers C, D, E, F, G and H responded to the request for back-up. Air Support personnel also responded overhead. The Subject continued driving through residential neighborhoods, traveling at speeds up to 70 miles per hour and violating several traffic laws. During the pursuit, the Subject called Communications Division (CD) via 911 and demanded that the officers back off. CD tried to convince the Subject to pull over, but he refused. The Subject told CD that he had had a weapon and would kill the officers if they drew their weapons against him.

Note: Officers A, E, F, and G believed prior to the end of the pursuit that the Subject had a weapon. They stated that they either heard it over the radio or from the comments of the call.

As the pursuit continued, the Subject entered onto the freeway, driving erratically and at a high rate of speed with no regard for others. At one point, the Subject slowed his vehicle and attempted to negotiate a U-turn, stopping his vehicle. Officer A decided to "T" the Subject's vehicle so that he could not complete the U-turn and drive his vehicle in the opposite direction of traffic. Once contact was made with the Subject's passenger door, Officer A observed the Subject, prior to exiting his vehicle, unbuckle his seatbelt with his right hand, lean to his right toward the passenger side of the vehicle and, with his left hand, reach under the passenger seat. Officer A believed that the Subject was reaching for an unknown object. The Subject then exited his vehicle via the front passenger door and began to run across multiple lanes of freeway traffic and away from the officers. As the Subject ran, he turned toward the officers' direction, extended his arms in front of him and raised them with his hands together.

Note: According to Officer H, the Subject turned toward the officers with his arms raised to eye level, with his elbows tucked into his body. The Subject had what Officer H believed to be a silver handgun in his left hand and pointed it at the officers.

Note: Witnesses A and B were traveling on the freeway in their personal vehicle and pulled over to the right shoulder of the freeway when they

observed police emergency lights in the rear view mirror. Witness A could see the Subject facing off with the officers with his hands drawn out like he was holding a weapon. Witness A recalled that everything about the body language of the Subject suggested that he was holding a weapon and was firing, or was holding a weapon up and was going to shoot.

According to Witness B, the Subject was holding both his hands up shoulder height in front of him, clasped together like he had gun. Witness B heard shots and didn't know if the Subject was shooting or if the police were shooting.

The following is a brief account of each officer's actions during the Officer Involved Shooting (OIS). It does not reflect the precise order in which each officer fired during the OIS; however, based on their respective interviews, it appears that they all fired their weapons at nearly the same time. Based on the officers' statements and their positions on the move, the investigation revealed that all of the officers were aware of potential crossfire.

Sergeant A exited his police vehicle, and believing that the officers would be conducting a felony stop, unholstered his weapon. The Subject exited the front passenger door of his vehicle and began to run along the freeway. Sergeant A heard officers yell to the Subject to stop and put his hands up several times, but the Subject continued to run. Sergeant A moved to the engine block of his vehicle for cover and the Subject turned toward the officers and reached for his waistband. The Subject continued to run as he removed a black object, with chrome or nickel plating, from his waistband that he held with both hands, in a low-ready position. The Subject ran in a zigzag pattern from the officers with his body turned so he could still see the officers as he crossed the freeway. Sergeant A believed that the Subject was tracking them because he was looking from left to right as he moved.

Sergeant A moved from cover, as he did not want to lose sight of the Subject and began to walk towards the Subject. Sergeant A heard someone yell "gun" as the Subject raised his arms up toward him and the other officers with the object in his hands. Sergeant A believed that the Subject was preparing to shoot at them. In defense of his life, Sergeant A fired approximately five to 11 rounds while on the move, as the Subject continued to move away from the officers, toward Witness A's vehicle. Sergeant A stopped firing his weapon and observed the Subject crouched in front of the engine block of the Witness vehicle, using it as cover. Sergeant A heard continuous fire and saw the Subject fall to the pavement.

Officer A exited his police vehicle and unholstered his weapon, believing that he would be conducting a felony stop. The Subject exited his vehicle, turned to his left, and extended both of his arms in front of him, toward Officer B. Officer A observed a black cylindrical object in the Subject's hands, which he believed was a handgun. In defense of Officer B's life, Officer A, who was behind the engine block of the Subject's vehicle, fired approximately four to five rounds.

Officer A lowered his weapon and assessed. He noted the Subject moving towards the direction of Witness A's vehicle while still pointing his handgun at the officers. Officer A went around the front of the Subject's vehicle and while he walked forward, was concerned that the Subject would head toward Witness A's vehicle and possibly take hostages. The Subject had his arms extended and pointed his weapon toward the officers who were on the freeway. The Subject then pointed his weapon at Officer A and then towards Witnesses A and B, who were seated in their stopped vehicle. As the Subject continued to move toward Witness A's vehicle, Officer A fired two to three rounds.

Officer A assessed as the Subject jogged backward past Witness A's vehicle. The Subject's arms were still extended, and he had his weapon in his hands, pointing it in the officers' general direction, and also at Witness A. Therefore Officer A fired one to two rounds. The Subject continued to move toward the mouth of the on-ramp, pointing his weapon at the front end of Witness A's vehicle and at the officers that were near the vehicle. Officer A fired one to two additional rounds, at which time the Subject fell to the ground.

Note: During the incident, Officer A ordered the Subject to drop his weapon twice.

Officer B exited his police vehicle, ran around the rear passenger area of the Subject's vehicle and began to chase the Subject along the freeway. Officer B was approximately five feet from the Subject, when he turned, extended and raised both of his arms toward Officer B. The Subject pointed a shiny cylindrical object, which he held in both of his hands, at Officer B, who believed the object to be a handgun. Officer B unholstered his weapon and continued his chase. The Subject ran for a short distance, when he turned and faced Officer B, again pointing what he believed to be a handgun at him. Officer B stopped chasing the Subject and, in immediate defense of his life, fired two to three rounds.

The Subject continued to run along the freeway to the front of Witness A's vehicle. Officer B ran after the Subject, along the passenger side of Witness A's vehicle and stopped between the front and rear doors. The Subject was approximately ten feet from Officer B, and still on the move, raised his arms again and pointed his weapon at the officers who were on the freeway. Officer B, in the immediate defense of the officers' lives, fired two rounds. Officer B noted that other officers were also firing at the Subject, who fell to the ground.

Officer C exited his police vehicle and observed the Subject running along the freeway, with his back to him. As the Subject turned to his left, Officer C observed a black metal object that he believed to be a firearm in the Subject's right hand. The Subject pointed the black object at the officers to the right of Officer C. Officer C stopped running, unholstered his weapon, and due to his belief that the Subject was going to shoot the other officers, Officer C fired two to three rounds at the Subject.

Officer C assessed and observed that the Subject was still pointing the black object at him and the officers. Believing the Subject was going to shoot him, Officer C, while on the move, fired approximately 12 to 13 rounds. Officer C jumped over the center median, took cover and tactically reloaded his weapon. Officer C reassessed the tactical situation and observed that the Subject was face down.

Officer D exited his police vehicle as the Subject ran along the freeway, with his back toward the officers. Officer D ran to the front of the Subject's vehicle as he turned toward the officers with his arms extended and raised in front of his body. The Subject's hands were together, pointing a black object, with chrome on the bottom, at the officers. Officer D believed it was a firearm. Officer D unholstered his weapon and because he believed that he was going to be shot, fired 15 rounds.

Officer D conducted a tactical reload and observed the Subject standing and pointing the gun at the officers and fired one additional round. The Subject fell to the ground, and Officer D stopped firing.

Officer E exited his police vehicle and unholstered his weapon as he ran to the driver side front quarter panel of the Subjects' vehicle for cover. Officer E unholstered his weapon because he heard over the radio that the Subject may have a firearm and could be a violent criminal. Officer E observed the Subject run toward the center median with his hands near his waistband. Officer E could not see the Subject's hands because his back was toward him. The Subject then ran toward Witness A's vehicle and lifted his hands out of his waistband, extended his arms in front of his body, and pointed a black object that he held in both hands at Officer E. Officer E believed the object was a firearm. Fearing that he was going to be shot and in defense of his life, Officer E fired eight rounds. Officer E assessed and observed the Subject staggering with the object he believed to be a firearm still in his hands, then saw him fall.

Officer F exited his police vehicle and unholstered his weapon because he believed the situation could escalate to deadly force. Officer F observed the Subject along the freeway with his back to him, so he holstered his weapon and ran after the Subject to apprehend him. When the Subject was approximately 40 feet from Officer F, the Subject turned toward him and the other officers with both arms extended and elevated to shoulder level in front of his body. The Subject held a dark black object in both of his hands and Officer F believed it was a firearm being pointed at him. The Subject continued to move backward across the freeway, as he pointed at the officers.

As Officer F slowed to a walk and unholstered his weapon, he observed a muzzle flash and believed the Subject was firing at him. Officer F, for his safety and the safety of his fellow officers, fired approximately 13 rounds.

Officer F then fell to his right knee, as the Subject side-stepped across the freeway and moved closer to Witness A's vehicle, while pointing the handgun at Officer F. Officer F realized that a number of rounds were being fired, and the Subject was not going to the ground. Officer F fired two additional rounds when he observed that the Subject was now on the ground.

Officer G exited his police vehicle and based on the comments of the call believed the Subject was armed; therefore, he unholstered his weapon. Officer G observed the Subject exit the passenger door of his vehicle and begin to move backward. The Subject was facing the officers and raised his arms up as if he had a weapon. Officer G observed a silver object in the Subject's hands and believed it was a firearm. In defense of his life, he fired two to three rounds. Officer G believed that the Subject fired the first shot.

Note: Officer H, Officer G's partner, unholstered his weapon when he exited his police vehicle, but did not fire his weapon due to the potential for crossfire.

As the Subject moved along the freeway, he moved back and forth, and turned away from the officers as if he were going to run. The Subject then turned back toward the officers, with his arms up as if holding a weapon and pointing and shooting it at them. Officer G, in defense of his life, fired 13 to 14 rounds toward the Subject. Officer G observed the Subject stumble and fall face down on the pavement.

Once the Subject fell, Sergeant A ordered the officers to cease fire, and the Subject was handcuffed. Officer A conducted a pat down search of the Subject, and Sergeant A indicated that a cellular telephone was observed under his body. Sergeant A broadcast, a request for a Rescue Ambulance, due to the Subject having sustained multiple gunshot wounds

After the Subject was handcuffed, Officer H, along with other officers, cleared the Subject's vehicle. The Los Angeles Fire Department (LAFD) responded to the scene and administered emergency medical treatment, but the Subject failed to respond and was pronounced dead.

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

A. Tactics

The BOPC found that Sergeant A and Officers A and B, C, D, E, F, G and H's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

The BOPC found that Sergeant A and Officers A and B, C, D, E, F, G and H's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

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

1. Tactical Communication

In this instance, Officer A saw the Subject leaning under the passenger seat as if he was attempting to grab something, but did not relay this information to any of the officers at scene.

While evaluating Officer A's actions, the BOPC took into consideration that at the point Officer A made these observations, the incident had progressed from a high-speed vehicle pursuit to a rapidly unfolding tactical incident, requiring officers to make split-second decisions, and that the Subject remained in the vehicle for only seconds before fleeing out the passenger door. Therefore, the BOPC determined that based on the totality of the circumstances, Officer A's actions were reasonable and did not represent a substantial deviation from approved Department tactical training.

Nevertheless, effective tactical communications among partner officers during critical incidents is imperative in order to ensure officer safety and maintain a tactical advantage.

2. Post Pursuit Tactics

Following the termination of the vehicle pursuit, the Subject exited the passenger side of his vehicle and fled on foot along the freeway. Officer B exited his police vehicle and immediately engaged in a foot pursuit of the Subject. Officer B initially thought that the Subject was going to run, so he was ready to engage him

in a foot pursuit. The Subject turned toward Officer B with an object that appeared to be a gun and with both hands extended.

While evaluating Officer B's actions, the BOPC took into account the psychological effects that officers are confronted with when vehicle pursuits terminate and subjects flee on foot. Often times, when a vehicle pursuit terminates and the subject remains in the vehicle, officers are afforded time to develop a plan of action and orchestrate a tactical approach to safely take the subjects into custody. When a subject flees from the vehicle following a vehicle pursuit, the officers are forced to make split second decisions while under stressful conditions and may make decisions that would have differed had the officer been afforded additional time to make those decisions.

Once Officer B left his police vehicle and began to pursue the Subject on foot, the availability of cover was limited due to the pursuit terminating on the freeway. When a pursuit terminates on a freeway and a subject flees on foot, officers are faced with unusual circumstances wherein the subject has multiple avenues of escape. Additionally, due to the dangers associated with running on a freeway, such as vehicular traffic, it is preferred that the subject is taken into custody as soon as possible. In objectively reviewing this incident, the BOPC considered that the Subject immediately exited the vehicle, turned and pointed what Officer B believed to be a firearm in his direction. In this case, the BOPC would expect any officer to remain focused on the immediate threat posed by the fleeing subject rather than divert their attention from the subject in order to clear the subject vehicle or seek cover at the side of the freeway.

Although the BOPC would have generally preferred that Officer B had cleared the Subject's vehicle and had sufficient cover during the incident, in light of the totality of the circumstances, Officer B's actions were justified and did not represent a substantial deviation from approved Department tactical training.

3. Crossfire

In this instance, there were multiple officers shooting on the move and changing positions as the incident progressed. As a result, there were circumstances where officers were in front of one another, creating a potential crossfire situation. There was an officer directly in front of Officer H, so he could not fire at the Subject. Also, according to Officer G, as he was preparing to fire at the Subject, another officer nearly stepped in front of him.

Inevitably, when multiple officers are faced with a Subject on the move and the officers are on the move as well, crossfire becomes a potential factor. Although it is evident that crossfire was a factor in this incident and could have resulted in dire circumstances, there was no evidence to support that an officer fired their service pistol while another officer was in their line of fire, substantiating their recognition of potential crossfire.

While multiple officers are shooting on the move, extreme discipline is required in order to simultaneously remain focused on the threat posed by the Subject, as well as maintain an awareness of their surroundings in order to be prepared for the possibility of another officer stepping into their line of fire. With that said, the BOPC believed that the actions of all the officers involved were justified and did not represent a substantial deviation from approved Department tactical training.

4. Foreground

In this instance, several officers utilized lethal force in order to defend themselves, their fellow officers and bystanders in a vehicle stopped on the side of the freeway from the perceived imminent threat posed by the Subject. While engaging the Subject in order to stop his actions, the two bystanders inside the vehicle were in the foreground.

Any time an officer (or officers) utilizes lethal force, and the BOPC learns that bystanders were in the foreground, the BOPC takes into consideration the totality of the circumstances, including their articulation of the threat and the psychological effects which occur during high stress situations. Here, there were several officers who not only knew the bystanders were in the foreground, but articulated firing in defense of them. For instance, one of the reasons that Officer E fired was due to the Subject approaching Witness A's vehicle and there being two people observed inside.

Officer A recalled that the Subject was holding what he perceived to be a gun and was pointing it toward Witness A's car. The Subject had a straight shot to the vehicle containing the two civilians.

Officer F recalled that he heard rounds going off and believed he was being shot at. According to Officer F, for his own safety, as well as the safety of his fellow officers and the civilians parked on the ramp, he fired at the Subject.

According to Sergeant A, one of the things he considered when making his decision to fire was that he observed a vehicle parked on the freeway. Sergeant A couldn't see at that point if there were people inside the vehicle, but he was concerned that if the vehicle was occupied, the Subject would force entry and cause physical or deadly harm to the vehicle's occupants.

In assessing foreground/background issues, the BOPC evaluated whether the circumstances of the lethal force were in immediate defense of life. Where officers respond to the imminent threat of death, the foreground/background is a secondary consideration. The BOPC expects officers to focus on the threat, while making an effort to evaluate the risks to others, when that assessment is reasonable under the circumstances.

Ultimately, regardless of what the background or foreground is, officers have the right to utilize lethal force in order to protect themselves or others from an

imminent threat of great bodily injury or death. Occasionally, innocent bystanders may be caught in a hazardous position. However, the first priority is stopping the threat posed by the subject.

In conclusion, the BOPC determined that the actions of the involved personnel regarding shooting position did not result in a substantial deviation from approved Department tactical training.

5. Command and Control

In this case, the BOPC agreed on the tactical issues involved in Sergeant A's actions, as well as his commendable actions taken.

The BOPC considered the positioning of Sergeant A at the termination of the pursuit, and whether he should have remained behind the officers in order to maintain a wide perspective of the unfolding events which would enable him to provide effective command and control over the incident. The BOPC agreed that due to the spontaneous nature of the Subject's actions, Sergeant A did not have time to direct involved officers to park their police vehicle to the rear of the Subject's vehicle to prevent him from backing up. Sergeant A took action to prevent the Subject, who had already demonstrated a disregard for public safety, from further endangering the lives of citizens traveling on the freeway.

Regarding this point, the BOPC considered that Sergeant A had to balance his competing roles as first responder and as supervisor. The BOPC also considers the dynamic nature of these critical incidents, and understands that sometimes supervisors have to involve themselves directly in police action, depending on the circumstances, number of officers on-scene, and the amount of time available to take action.

In this case, objectively evaluating the video involved, Sergeant A had the presence of mind, based on his experience and training, to identify the threat that the Subject posed when he stopped while trying to make a U-turn on the freeway. In the BOPC's estimation, Sergeant A did not have sufficient time to direct another officer to block the Subject's car and proactively took the actions necessary. The BOPC believes that based on the circumstances, his actions were well reasoned and commendable.

The BOPC also reviewed the handcuffing of the Subject and the involvement of Sergeant A. Regarding this point, the BOPC believed that there was sufficient time for Sergeant A to identify a designated shooter as well as coordinate the approach and handcuffing of the Subject. The BOPC felt that Sergeant A did not need to continue to act in a hands-on role in the incident and should have stepped back into a command and control role and trusted the officers present to take appropriate direction.

In conducting their overall assessment of the actions of supervisors, the BOPC did so with a focus on Department-wide consistency with the objective of ensuring overall improved leadership performance, both on an individual and an organizational basis. The BOPC also must take a supervisor's training and experience into consideration and evaluate the reasoning behind their specific actions based on circumstances.

Although the BOPC was critical of Sergeant A's decision to designate himself as the designated cover officer, the BOPC also realizes that Sergeant A was directing officers during the handcuffing process, thereby providing some degree of command and control.

In conclusion, after taking into consideration the totality of the circumstances and Sergeant A's actions, the BOPC determined that based on an objective assessment of the circumstances, Sergeant A's actions did not substantially deviate from approved Department tactical-supervisory training and were reasonable in this case.

- The BOPC additionally considered the following:

1. Evidence Preservation

In this instance, following the OIS, Sergeant A conducted a tactical reload. After determining the situation had de-escalated and there was no longer a threat, Sergeant A should have maintained his service pistol in its current condition in order to preserve evidence. Officers are trained to leave weapons systems in the current condition following an OIS, unless circumstances surrounding the incident render it unsafe to do so. Therefore, conducting a tactical reload by Sergeant A at this point was not necessary and will be a topic of discussion at the Tactical Debrief.

2. Running with Service Pistol Drawn

The investigation revealed that several involved officers ran while holding the service pistols. Although reasonable in this instance because Arian continued to present a threat, the officers are to be reminded of the inherent dangers associated with running with their service pistols drawn.

- 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.

Consequently, after a thorough review of the incident, the BOPC determined that the identified areas for improvement neither individually nor collectively substantially and justifiably deviated from approved Department tactical training. Therefore, a Tactical

Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC found Sergeant A and Officers A, B, C, D, E, F, G and H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

At the termination of the pursuit, the officers exited their vehicles and prepared for a possible confrontation. As a result, as the incident progressed, the officers drew and exhibited their service pistols.

In evaluating the actions of the involved personnel, the BOPC took into consideration that during the pursuit, many officers recalled hearing broadcasts that the Subject was armed with a weapon. Additionally, due to the inherent dangers associated with conducting high risk vehicle stops and the tactical advantage possessed by the subject, officers are trained to draw their service pistols in order to be prepared to respond to a potential deadly force situation.

In this instance, officers with similar training and experience as Sergeant A and Officers A, B, C, D, E, F, G, and H would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Sergeant A and Officers A, B, C, D, E, F, G, and H's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

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

First sequence of fire:

At the termination of the pursuit, Officer A observed the Subject exit the passenger door of his vehicle and run down the freeway. The Subject suddenly stopped, turned and pointed an object in Officer B's direction. Officer A recalled that the Subject came up holding both hands and a black object, which Officer A believed to be a gun pointed in the direction of his partner. One of the things that went through Officer A's mind was that he was not going to bury his partner. Believing it was a gun, Officer A fired. The Subject did not go down, but instead ran toward a vehicle parked on the shoulder of the freeway.

Second sequence of fire:

After engaging in his first sequence of fire, Officer A followed the Subject who continued to point the object in his hand at the officers and the occupants inside the

stopped vehicle. As a result, Officer A engaged the Subject for a second time. Officer A recalled that the Subject ran in a direction towards other vehicles. Officer A broke off and ran around his vehicle, engaging him once again in a fight and firing two times at him. Officer A believed he hit the Subject, but the Subject continued to run.

Officer A later indicated that the Subject was still pointing the object at the officers, which he believed to be a gun. He still had the object in his hand and was pointing it at Officer A, in addition to the civilians who were parked in the car.

After the second sequence of fire, the Subject did not appear to be affected by the rounds and continued to point the object in the general direction of the occupied parked vehicle.

Third sequence of fire:

According to Officer A, prior to his third sequence of fire, the Subject was still moving and his hands were still holding the object and pointing it in the same general direction. The Subject had a straight shot at the car that was parked with the two civilians inside, so the Subject was pointing what Officer A believed to be a gun into the vehicle. Officer A went back up on target, gained his sights and fired one to two rounds.

Fourth sequence of fire:

Following the third sequence of fire, the Subject walked away from the front of the vehicle while pointing the object in the direction of the officers. Officer A acquired his sights and again fired once or twice. The Subject was still pointing and still walking with his hands in an isosceles configuration and the still pointing towards the front of the car, as well as towards the officers nearby. At that point, Officer A observed the Subject take two steps and drop to the ground face down.

An officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe that the Subject was armed with a handgun and that his actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

- **Officer B** (pistol, five rounds)

First sequence of fire:

Once the pursuit terminated, the Subject exited his vehicle through the passenger door and ran down the freeway. Officer B recalled following him, at which time the Subject turned around and again pointed what appeared to be a firearm at Officer B. At that point in fear for his safety, the safety of others and in defense of life, he fired his weapon what he believed to be two or three times to stop the Subject.

Officer B then moved in a southeasterly direction and positioned himself along the passenger side of an occupied vehicle stopped on the shoulder of the freeway.

Second sequence of fire:

Officer B recalled that the Subject ran to the front of the vehicle, at which time he again held up the object towards the officers. Officer B ran along the passenger side of the stopped vehicle as he was pointing in the directions of the officers in the distance. Again, in immediate defense of those officers' lives and the lives of others, Officer B shot to stop the Subject. The Subject then spun around and landed face down on the pavement.

An officer with similar training and experience as Officer B, while faced with similar circumstances, would reasonably believe that the Subject was armed with a handgun and that his actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

- **Officer C** (pistol, sixteen rounds)

First sequence of fire:

Upon his arrival, Officer C observed the Subject exit his vehicle through the passenger side door and run. The Subject then suddenly stopped, turned and pointed a black object in Officer C's direction. Officer C recalled observing that the Subject turned around and held a black object in his hand. He proceeded to point it at the other officers. Officer C stopped his pursuit, withdrew his firearm and took approximately two or three shots.

Second sequence of fire:

Immediately following his first sequence of fire, Officer C assessed, observed the Subject unaffected by the rounds and still pointing the black object in his direction. Officer C recalled that after he fired two or three rounds, the Subject continued to point the black object at Officer C. Officer C immediately started jogging and fired additional rounds as he was moving.

Officer C continued to observe the Subject's actions with the black object pointed towards him, so he proceeded to stop the threat by shooting multiple rounds at him.

After firing his last round, Officer C jumped over the center median and conducted a speed reload while using the median as cover. Once he finished the speed reload, Officer C observed that the Subject was down.

An officer with similar training and experience as Officer C, while faced with similar circumstances, would reasonably believe that the Subject was armed with a

handgun and that his actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

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

In this instance, Officers C and D arrived at the termination of the pursuit. Officer D ran toward the Subject's vehicle to provide back-up to the other officers. Upon reaching the Subject's vehicle, Officer D observed the Subject exit his vehicle through the passenger side and run down the freeway.

First sequence of fire:

Officer D observed the Subject turning around towards the officers. When he did that, he pointed a black object towards the officers that looked to be a handgun and was holding it with two hands as though it was a handgun.

In response to the Subject's actions, Officer D fired 15-16 rounds at the Subject.

Second sequence of fire:

Immediately upon firing his last round, Officer D conducted a speed reload and observed the other officers advancing on the Subject. According to Officer D, the Subject still did not go down, so he fired what he believed to be one additional round because he believed he was about to be shot. The Subject was jumping around, holding his hands toward the officers, and still had the black object in his hand. Additionally, Officer D perceived the Subject was shooting at him because the Subject was holding a black object, and Officer D had heard the sound of gunfire.

An officer with similar training and experience as Officer D, while faced with similar circumstances, would reasonably believe that the Subject was armed with a handgun and that his actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

- **Officer E** (pistol, eight rounds)

Upon arrival, Officer E exited his vehicle and observed the Subject run toward the center median of the freeway with his hands near his waistband. As the Subject ran, he would intermittently stop, turn and point a black object at the officers. Officer E observed the Subject reach for his waistband, remove an object which he believed to be a firearm and take a position as if he were going to fire at Officer E and the other officers. Officer E engaged the Subject and an OIS ensued. Following the OIS, the Subject staggered and fell to the ground.

An officer with similar training and experience as Officer E, while faced with similar circumstances, would reasonably believe that the Subject was armed with a

handgun and that his actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

- **Officer F** (pistol, 15 rounds)

As Officer F exited his police vehicle and took a position of cover, he observed the Subject begin to run and then suddenly stop and turn in the direction of the officers.

First sequence of fire:

When the Subject turned and faced the officers, Officer F recalled that both the Subject's hands appeared, and he began moving around as if he had a firearm. Based on the fact that the radio call indicated the Subject had a firearm, his actions during the pursuit, the fact that he exhibited a dark object that appeared to be a gun in Officer F's direction, and was also holding that object like a gun, Officer F believed the Subject had a gun. Officer F observed multiple muzzle flashes and heard rounds being fired. At that time he believed he was being shot at. For his safety and the safety of his fellow officers, as well as those in the parked vehicle, Officer F slowed from a run to a controlled walk and began firing his pistol.

The Subject began to run toward the vehicle which was stopped on the shoulder of the freeway.

Second sequence of fire:

Officer F stumbled and fell to the pavement. Officer F recalled seeing multiple muzzle flashes and smoke, so he believed he was still being shot at. Officer F again fired twice.

Shortly thereafter, Officer F realized that multiple rounds were being fired and that the Subject had not gone down. Then it occurred to him that the Subject was approximately 40 feet from him. From a braced kneeling position, Officer F fired approximately two additional rounds at the Subject's center body mass.

After the second sequence of fire, Officer F noticed the Subject disappeared and observed the other officers began to approach the Subject, who was on the ground.

An officer with similar training and experience as Officer F, while faced with similar circumstances, would reasonably believe that the Subject was armed with a handgun and that his actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

- **Officer G** (pistol, 16 rounds)

First sequence of fire:

Officer G exited his police vehicle to provide back-up for the primary unit in the pursuit. As Officer G moved forward to a position of cover, he observed the Subject exit his vehicle through the passenger side door. According to Officer G, the Subject was facing the officers, and his arms came up in a manner, just like he was holding his gun, and he saw something that appeared to be silver in his hand. At that point, Officer G heard gunfire, and he fired as well.

Officer G continued, that the Subject appeared to be firing at him and other officers, so he was trying to stop the threat. Officer G believed the Subject was shooting at the officers.

Appearing to be unaffected by the rounds, the Subject continued down the freeway away from the officers.

Second sequence of fire:

At one point, the Subject stopped, turned toward the officers and again raised a silver object in the direction of the officers, at which time Officer G engaged the Subject in a second OIS. Officer G recalled that the Subject was still facing downrange and still pointing what he perceived to be a gun at the officers. Officer G thought he was firing, so he continued to fire on the move while the Subject was still moving in one direction.

Officer G reloaded his service pistol and came back on target, at which time the Subject was already down on the ground.

An officer with similar training and experience as Officer G, while faced with similar circumstances, would reasonably believe that the Subject was armed with a handgun and that his actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

- **Sergeant A** (pistol, twelve rounds)

Upon his arrival, Sergeant A observed the Subject exit through the passenger door of his vehicle and run along the freeway. The Subject reached for his waistband, removed a black object, and raised the object in the direction of the officers. Sergeant A recalled that the Subject continued to raise the object up towards the officers, and he was facing them and looking in various directions from left to right. It appeared to Sergeant A that the Subject was tracking the officers' position. Sergeant A heard somebody yell, "gun," as the Subject continued to move away from the officers. The Subject was still moving in an upward manner. Sergeant A believed the Subject was preparing to shoot if he was armed, so Sergeant A fired his service pistol approximately five to eleven times in self-defense.

Sergeant A indicated that the Subject continued to move away from the officers. The officers continued moving towards him. Sergeant A considered firing and also noticed that there was a vehicle parked on the freeway almost like an emergency lane. He couldn't see if there were people in it, but he was thinking there probably were. Sergeant A observed the Subject running towards the vehicle such that Sergeant A believed the Subject was probably going to force entry into the vehicle and cause physical or deadly harm to the occupants. As the officers moved forward, Sergeant A continued to discharge his weapon. Sergeant A then ran to the front of vehicle and crouched down behind the engine block.

In the midst of the OIS, Sergeant A observed the Subject fall to the ground, at which time he yelled for the officers to cease fire. Sergeant A then designated two officers as the arrest team and designated himself as the cover officer.

A Sergeant with similar training and experience as Sergeant A, while faced with similar circumstances, would reasonably believe that the Subject was armed with a handgun and that his actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the Subject's actions would be reasonable.

In conclusion, the BOPC found Sergeant A's use of lethal force to be objectively reasonable and in policy.

Note: In conducting an assessment of the officers' description of the Subject's actions and their perceptions, the BOPC also took into account what the civilian witnesses inside the vehicle perceived as the incident was unfolding. The witnesses' statements were consistent with the officers' statements.

In conclusion, the BOPC found Sergeant A and Officers A, B, C, D, F, and G's lethal use of force to be in policy.