

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

OFFICER-INVOLVED SHOOTING – 025-20

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	6/3/20		
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Officer(s) Involved in Use of Force	Length of Service
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Officer D	19 years, 6 months
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Reason for Police Contact

Officers responded to a, "Shooting just occurred" radio call. As officers arrived, they began to hear gunfire. An officer observed the Subject firing in his/her direction, which resulted in an officer-involved shooting (OIS).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Male, 29 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 May 18, 2021.

Incident Summary

On June 2, 2020, as a result of the civil unrest throughout the City of Los Angeles, Operations South Bureau (OSB) deployed a mobile field force (MFF) to Hollywood Area. The deployed officers were a part of a large-scale Department mobilization to ensure public safety and to assist with crowd control operations. One of the OSB MFF squads consisted of 10 officers and one sergeant.

On June 3, 2020, at approximately 0005 hours, the officers and sergeant were demobilized from Hollywood Station and directed to return to the South Bureau Command Post. All departed together, traveling in three vehicles.

One of the vehicles contained Police Officer A, (driver), Officer B, (front passenger), Officer C, (right rear passenger) and Officer D (left rear passenger). All four officers were in full uniform, equipped with BWV, and driving a marked sports utility, police vehicle. Officer B was not equipped with a TASER on his/her belt and was not wearing a ballistic vest during this incident.

The second vehicle contained Police Officer E, (driver), Officer F, (front passenger), Officer G, (left rear passenger) and Officer H (right rear passenger). All four officers were in full uniform, equipped with BWV, and driving a marked black and white, sports utility, police vehicle.

The third vehicle contained Sergeant A, (driver), Officer I, (front passenger) and Officer J (right rear passenger). All three were in full uniform, equipped with BWV, and driving a marked black and white, sports utility, police vehicle.

At approximately 0019 hours, as the units were en route back to the Command Post, Witnesses A and B heard more than 10 gunshots and the sounds of people screaming. Witness A immediately called 911. In addition to the call from Witness A, Communications Division received seven more related 911 calls.

At 0021:29 hours, Communications Division broadcast on Southeast Division radio frequency that a shooting was occurring. CD further broadcast that the PR heard approximately ten gunshots and people screaming.

As the units were en route to the South Bureau Command Post, Officer B, who was the front passenger of the lead vehicle, was monitoring Southeast Division base frequency, when he/she heard the CD broadcasts. Officer B advised Officer A, who was the driver officer, of the radio call and made him/her aware that they were near the location. Officer B directed Officer A to make a southbound turn onto Broadway Avenue, toward the call.

As Officer A turned the police vehicle onto Broadway Avenue, Officer D, who was seated in the left rear passenger seat, observed, "A gentleman running on the south sidewalk of Manchester." "One thing I noticed, from my experience there, is this gentleman was not running like you would in a, in a race. He was running like he was maybe holding a weapon. So, his left arm was free, and his right hand was holding his

waistband.” “The way he was running, his concern wasn’t with us, it was, he was running away from something.”

Officer D observed an individual run (from the east side of Broadway Avenue) across the street and around the back of the officers’ vehicle and onto the west sidewalk. Simultaneously, Officer D began to hear rapid gunfire coming from the area of 86th Place and Broadway Avenue.

None of the eleven previously-mentioned involved officers had their BWV activated when the incident began. Nine of the officers activated their cameras at various points during the incident. Officers E and H never activated their cameras and therefore, had no BWV footage related to this incident.

Moments before Officer A conducted the southbound turn onto Broadway Avenue, Sergeant A, who was the driver officer of the third vehicle back, heard what he/she believed to be automatic gunfire. As Sergeant A advised Officers I and J what he/she had heard, they heard the Communications Division broadcast of a shooting in the area.

Sergeant A then observed the lead vehicle drive southbound on Broadway Avenue toward the radio call. Sergeant A also observed the unit that was driving in front of him/her, stop at the intersection of Manchester Avenue and Broadway Avenue.

Sergeant A recalled hearing a second CD broadcast followed by more gunfire when he/she drove by the stopped unit and then southbound onto Broadway Avenue, in the direction of the radio call.

Simultaneously, Officers E, F, G and H, who were stopped at the intersection after hearing gunfire and the two CD broadcasts, also conducted a southbound turn behind Sergeant A’s vehicle. Immediately after turning onto Broadway Avenue, Officer E, who was the driver officer, stopped the police vehicle.

As that was occurring, Officer D, who was in the lead vehicle along with Officers A, B, and C, communicated with his/her partner officers, that he/she had observed an individual running from the location, who he/she believed to be armed. According to Officer D, there wasn’t a lot of verbal communication between him/her and his/her partners and, “We all fell into line, doing what we’ve done in the past.”

The continuous gunfire drew the officers’ attention to Broadway Avenue and 86th Place. Officer A stopped the police vehicle facing south, in the northbound lanes of traffic on Broadway Avenue, north of 86th Place.

As soon as their vehicle came to a stop, Officer D heard people screaming, car engines starting, and tires screeching. According to Officer D, “It was almost like a movie. Just a bunch of people screaming, yelling and a lot of gunfire.”

According to Officer D, he/she felt vulnerable as he/she sat in the rear seat of the police vehicle, because it was a potential target. Officer D exited the vehicle, “As fast as I could,” and unholstered his/her service pistol, pointing it in his/her right hand, in the direction of the gunfire.

Simultaneously, Officers A and B also exited the vehicle as the two trailing units were southbound on Broadway Avenue.

According to Officer D, "My attention was immediately drawn to muzzle flash. I could clearly see a male [...] wearing a black baseball cap, a black or dark T-shirt with a white T-shirt underneath. I could tell by the contrasting colors." "A necklace was worn. And I don't know. I was a little scared sir, to be honest. I, I didn't know if a murder had occurred, was occurring right in front of me, or if I was the person he was trying to shoot. And because of that, I unholstered. Not to mention, I also felt like I was the person in front and my partners were nearby, and I felt you know, I saw the threat, I must address that threat, not only for myself, to defend myself, but also maybe my partners were the target."

Sergeant B, responded to the scene after the OIS and obtained Officer D's public safety statement. Sergeant B transcribed each of Officer D's responses to the questions. Sergeant B asked Officer D, "Is it possible the suspect fired rounds at you? And if so, what direction were the rounds fired? First portion he/she said, "Yes." And he/she said, "And they were firing -- and he was firing at other people northbound." When Sergeant B asked to describe any outstanding subjects, Officer D responded, "The shooter, male black, 5'7" to 6 feet, medium to heavysset, white t-shirt, gold chain."

According to Officer A, "Immediately when we pull up and come to a stop, I hear 20 to 30 rapid-fire gunfire. Which to me kind of sounded like possibly from like an AK-47 style weapon. At that point, we exit the vehicle. We observe a four-door black vehicle style similar to like a Honda coming westbound 86th Place and turns to northbound Broadway at a high rate of speed." "It was all blacked out. Couldn't see who was in it at this point. Fearing for the safety of myself after hearing the gunshots and my -- my partners, I drew my weapon."

Once outside of the police vehicle, Officer A continued to hear gunfire, and he/she believed he/she was the intended target. Officer A stated, "I thought I heard what sounded like an impact on my vehicle or around me. So, I ducked back behind my ballistic panel."

According to Officer C, upon exiting the police vehicle he/she, "Believed the situation was gonna escalate to a use of deadly force due to the fact that we had a radio call of the ADW shots fired. I hear the volley of gunshots and then I see the second volley of gunshots, sir. And then I see the muzzle flash and believe in the -- I was the target. I drew and unholstered my weapon."

As Officer C unholstered his/her service pistol, he/she met Officer D in the middle of Broadway Avenue and together, they began to move eastbound toward 86th Place.

According to Officer D, he/she believed he/she was hearing multiple guns being fired as he/she tried to identify where the gunfire was coming from. It sounded to Officer D like the Subject, "Was trying to unload [his] gun as fast as he can," in his/her direction.

According to Officer D's BWV, at 0022:05 hours, Officer D ran toward 86th Place while holding his/her pistol with a right, single-hand grip and his/her side-handle baton in his/her left hand. At 0022:06 hours, Officer D raised his/her pistol in his/her right hand and fired one round, in a southeasterly direction. Officer D continued to run toward 86th Place, as he/she momentarily lowered his/her pistol. At 0022:08 hours, Officer D raised his/her pistol once again and fired four more rounds in approximately 1 second, in the same direction.

Officer D initially attempted to place his/her side-handle baton in his/her baton ring, which is attached to his/her belt, as he/she exited the police vehicle. However, as Officer D informed investigators, "I didn't want to focus on just holstering my baton, because I felt this threat was in front of me. I fired as I ran. And the suspect I fired at, I could not see."

During a follow-up interview with Officer D, he/she clarified the statement, "And the suspect I fired at, I could not see." Officer D stated he/she was, "Referring to his face. Again, I couldn't see the features of his face and describe him to you but I knew there was a man standing there with a gun that was firing in our direction."

Officer D advised investigators, "I didn't feel like I had the time to communicate. I felt if I didn't immediately address that threat with my firearm that somebody would get hurt or die. And that scared me."

According to Officer D, the Subject was illuminated by a street light or a vehicle's headlights. "It seemed like," the Subject was standing at or near a vehicle and there was not anyone standing next to or behind him. Officer D observed the Subject's chest and, "It looked like he was facing our direction." The Subject was holding a pistol in his right hand with his arm extended. The Subject's pistol was pointed, "Towards us." Officer D could not determine the color or the type of the pistol, but he/she believed it was a semi-automatic, based on the sound of the gunfire. As the Subject fired, Officer D observed numerous flashes coming from the Subject's pistol. Officer D did not want to speculate on the number of rounds he/she observed the Subject fire.

According to Officer D's BWV, at 0025:53 hours, before the public safety statement was taken, Sergeant B asked Officer D, "Who are the suspects you got into a shooting with?" While pointing in a right to left motion (south to north), Officer D replied, "[T]hey were firing over this way, when I fired."

During a follow-up interview with Officer D, he/she clarified that statement and stated, "So what I saw my hand motions in the video, I know initially at that moment, I was processing a lot of information." "It was a very chaotic situation. I've never been involved where there were multiple firearms and people shooting at each other at the same time. And that's what was coming out as I was explaining to the supervisor what was going on. And I was giving a limited and brief statement, because when I did the interview with you guys, I believe it was almost 15 plus hours later." "So, I had time to reflect on what was actually happening and I could better explain in detail. And that's why you get the two differing state —"

At 0028:18 hours, Sergeant B also asked Officer D, "Could you identify the guy you got into a shooting with?" Officer D replied, "(Unintelligible) It was dark."

During a follow-up interview with Officer D, he/she clarified that statement and stated, "Because of the ambient light, and I believe I described to you he was wearing a ball cap, most of the light was coming from above the streetlight so I could not see his face. So when Sarge asked me that as far as identifying by face the subject, I didn't see his face very well. But all the other descriptions of his body that I gave is because of the way the lighting was and what I was focused on."

Officer D recalled that he/she kept both of his/her eyes open and he/she aimed his/her pistol at the Subject's upper body and fired while he/she was on the move. Officer D fired while he/she, "Was assessing if my rounds were effective, if he was, if the threat was stopped. And I fired until I didn't see the threat." Officer D later stated, "I think he went down, but I don't know. He just wasn't there anymore." After Officer D fired his/her last round, he/she no longer heard any gunfire.

Moments before the OIS, according to Officer C, he/she moved toward 86th Place with Officer D and, "Heard another volley of gunfire and then I saw the muzzle flash coming from what I thought was the mouth of the alley. Right next to me, maybe about a couple feet apart, was [Officer D]. I see [him/her] engage. I think [he/she] fires approximately three rounds in an easterly direction. Shortly after that, I tried to move to cover and I stand behind a wall that's -- a building that's on the northeast corner of 86th Place and Broadway. As that's going on, I'm keeping my eye down range because I assume that's where that's coming from because that's where I saw the muzzle flash."

Seconds before the OIS, Officer B was standing to the rear of the police vehicle and according to CD records, at 0021:57 hours, he/she began to broadcast on Southeast Division base frequency, "You got a (inaudible) you got a shots fired vehicle going, standby officer needs help, I got shots fired, shots fired 87 and Broadway."

During that radio broadcast, Officer B stated he/she, "Heard another round of shots. I turned to my southeast and observed [Officer C and Officer D] together on the corner, the east side of Broadway. [Officer D] was engaging. I saw [him/her] fire [his/her] service weapon multiple times. I then again put out another help call."

According to Officer B, he/she unholstered after he/she, "Heard numerous shots, as well as witnessing [Officer D] discharge his/her firearm, I believed there was a risk of escalation into deadly force." Officer B held his/her pistol in a right, single-hand grip and his/her handheld police radio in his/her left hand.

As Officer A exited the police vehicle, he/she immediately took cover behind the ballistic door and, "Peeked up and saw [Officer D] moving towards that corner, and I didn't like where I was at so I wanted to get to that corner. As I started to move, there was more muzzle flashes. There was muzzle flash to the south, farther in the parking lot or alleyway. And there was another set of gun -- or muzzle flash that was closer in the alleyway towards 86th Place, and it -- I remember thinking it's moving. I didn't know -- I just remember moving. And that's when I observed [Officer D] firing two or three rounds."

Officer A also stated, "I'm worried about the round that I thought hit my vehicle. So honestly, I'm -- I'm trying to find the target the muzzle flashes are going because I'm scared for my life. And I thought if the muzzle flash is coming but I just -- I couldn't find the target and there was just too many people back there. The background was just -- it was not good. There was just too many people there. There's houses back there."

Officer A described to investigators that he/she observed Officer D fire in a controlled manner, and he/she (Officer D) was, "Putting rounds down towards a target where the, I thought he/she was firing where I was seeing the muzzle flash."

According to Sergeant A, who was the driver of the second vehicle southbound on Broadway Avenue, he/she stopped the police vehicle in the northbound lanes, north of 86th Place, when he/she heard what he/she believed to be rifle and pistol fire. At the same time, Sergeant A observed Officers B and D standing on 86th Place.

Although Sergeant A believed he/she observed Officers B and D standing on 86th Place, the investigation determined it was Officers C and D standing on 86th Place as Sergeant A stopped his/her vehicle.

Sergeant A believed the officers were firing but he/she could not tell which one. According to Sergeant A, "I believe that they were firing back. Muzzle flash and a lower caliber firearm returning fire from where they were standing, but I didn't know if it was one or two. Maybe three or four shots from a pistol."

According to Officer F, who was the front passenger of the trailing vehicle, they stopped on Broadway Avenue near Manchester Avenue, facing southbound, he/she observed the lead vehicle stop and, "I saw officers get out. I saw officers raise their firearms in a shooting stance. And then I heard a volley of shots. I couldn't tell which officers were shooting. I think I saw [Officer A] and [Officer D] out, standing and pointing in the direction of eastbound 86th Place."

According to Officer G's BWV, at 0022:17 hours, Officers E and F, exited the vehicle and assisted Officers G and H out of the backseats. After doing so, Officer E and F entered the front seats of the vehicle and drove southbound toward 86th Place.

Officers G and H were in the rear seats of the police vehicle and unable to exit the vehicle without their doors being opened using the exterior door handles. According to Officer G, "It was scary. Because as we're pulling up, I'm yelling at [Officer E] like, 'Dude, stop the car. Let me out. Let me out. Let me out. Let me out.' And [he/she] drove -- so it's a bad feeling, because you just can't get out of the car. If they would have gone and dumped, we're [expletive]. We're not getting out of the car, because there's no way that my partner and I can fit between the partition plexiglass." "If they would have been put in a situation where they couldn't get out of the car, we're just sitting ducks because we're completely trapped. There's no way to get to the back of the vehicle. The windows were not rolled down. We don't have the capability of rolling the windows down from the rear of the car. We can't unlock the car. Like you're just trapped."

According to Officer H, immediately after exiting the vehicle, he/she observed a male running northbound on the east side of Broadway Avenue, while holding his waistband. Officers G and H believed the male was possibly involved in the shooting when they unholstered and began to run in his direction.

Officer G provided the following reason for unholstering; "I continued to hear shots. I unholstered because of the radio call. And with all of that stuff, I had the reasonable belief that I was going to be involved in a situation that could escalate to deadly force or I was already in that situation."

Officer H provided the following reason for unholstering: "I noticed a gentleman, which I thought was holding his waistband, so at that point reasonably believing that that tactical situation could escalate to the use of deadly force because of gunfire and me perceiving that I'm not -- wasn't sure if this was a suspect, a victim, I drew my firearm. And I kind of start -- I point it down -- downward kind of in the low -- low-ready position."

According to Officer D's BWV, at 0022:18 hours, 12 seconds after the OIS, Officer D continued to move eastbound toward the northeast sidewalk of 86th Place and Broadway Avenue and stood along the right side of Officer C. Officer D stood in front of a dark colored vehicle that was parked along the north curb of 86th Place, as an unknown black vehicle approached westbound. The black vehicle had its headlights turned off and an unknown number of occupants. The vehicle drove past the officers and fled southbound on Broadway Avenue.

According to Officer B, the black vehicle's right side, rear passenger window and possibly the entire rear window was, "shot out." Officers A, B, and C repeatedly shouted to one another to stop the vehicles that were westbound, headed toward their direction.

According to Officer B's BWV, at 0022:21 hours, Officer B broadcast, "Give me an airship and a perimeter, 86 Place and Broadway to Manchester Broadway."

According to Officer D's BWV, at 0022:26 hours, he/she stood on 86th Place, east of Broadway Avenue and held his/her pistol in his/her right hand. Officer D raised his/her pistol and pointed it in the direction of the driver and front passenger of a Black Dodge Charger, that was driving toward him/her. Behind the Charger was a silver Mercedes Benz that was also driving westbound.

Officer D advised investigators that he/she pointed his/her pistol at the occupants of the Dodge Charger because he/she believed, "They were possibly involved in the shooting that occurred."

As the vehicles approached Broadway Avenue, Officer C shouted, "Get out of the car, stop the car." Officer C transitioned his/her pistol to his/her left hand and used his/her flashlight in his/her right hand, to illuminate the vehicles.

Officers B and D stood on 86th Place as the Charger and the Mercedes came to a stop. Officer D stood along the passenger side of the Charger as Officers A, B, and C continued to shout, "Stop the vehicles."

According to Officer G's BWV, at 0022:26 hours, the male that Officers G and H observed running from the location got into a light-colored sports utility vehicle (SUV), that was parked on the eastside of Broadway Avenue north of 86th Place. After he entered the vehicle, the male attempted to close the driver's door. Officer G grabbed hold of the driver's door handle and pulled the door open. Officer G illuminated the male with his/her flashlight until he exited the vehicle and laid on the ground. Officer G's BWV was recording in buffer mode at this time, therefore, no audio of the male's detention was recorded. According to Officers G and H, they both gave the male commands to stop, not to get into the vehicle, and to get down into a prone position.

According to Officer B's BWV, at 0022:30 hours, Officer B broadcast, "Give me as many units as you can. We got multiple shooters."

Simultaneously, Sergeant A and Officer I exited the front seats of their vehicle. Officer I quickly opened the rear door and allowed Officer J to exit the vehicle. Upon exiting the vehicle, Sergeant A and Officers I and J unholstered their service pistols.

According to Sergeant A, he/she had, "A reasonable belief that the situation could escalate to the use of deadly force based on the gunfire heard, my officers shooting, the radio call generated -- two radio calls generated. It was quite clearly chaotic, and it sounded like a gunfight in progress."

Officer I provided the following reason for unholstering; "Due to the tactical situation, in my training and experience, the decision was made that this situation could escalate to the point where deadly force would be justified." "So I hear the shots fired. I have no -- I don't see who is shooting. I don't have no -- I don't have any clue where these shots are coming from."

Officer J provided the following reason for unholstering: "Due to the radio call, due to my supervisor saying that he/she heard shots, I -- I felt that what we were going to had a -- had a reasonable -- I had a reasonable belief that that could escalate to the use of deadly force."

According to Sergeant A, upon unholstering he/she walked to the north side of 86th place and pointed his/her pistol at a male and a female, who he/she believed were "Running from the location of the shooting area," and told them to get down. "It was a prone -- quick prone. But, yes, it was a prone." As the male and female complied with Sergeant A's commands and laid on the ground, he/she continued southbound toward 86th Place.

Sergeant A began to move southbound on the east sidewalk of Broadway Avenue, toward 86th Place. As he/she arrived at the northeast corner, Sergeant A directed the officers to stop the vehicles. Sergeant A pointed his/her pistol, "at the occupants of that vehicle [Charger]. They did have their hands up. Finger off the trigger, along the slide, ready to fire in a minute's -- I mean, there was -- we had just heard the gunfire. It was a very frightening time."

According to Sergeant A's BWV, between 0022:31 and 0022:36 hours, Sergeant A held his/her pistol with a two-handed grip and allowed the muzzle of his/her pistol to cover Officers B and D as they stood with their backs toward him/her.

Sergeant A advised investigators that he/she knew, "An officer stepped in front of me at one point. I never -- I'm very careful about the direction of my muzzle. But when people are stepping in front of me, there's always going to be a brief -- even a depressed muzzle is going to be covering someone for a moment. My finger is on the slide and I'm very cautious about the four safety rules."

According to Officer J's BWV, at 0022:33 hours, Officers I and J detained the two pedestrians who Sergeant A had proned out along the east sidewalk of Broadway Avenue. Officer I holstered his/her pistol and handcuffed the male only, without incident. Both individuals were later determined not to have been involved in the incident and were subsequently released from custody.

According to Sergeant A's BWV, at 0022:37 hours, he/she advanced toward the passenger side of the Charger on 86th Place and shouted, "Stop it, stop your [expletive] car. Stop that [expletive] car. I'm telling you to stop."

According to Officer C's BWV, at 0022:38 hours, as Sergeant A approached the Charger, the Mercedes began to drive in reverse away from the officers.

According to Officer B's BWV, at 0022:38 hours, Officer B broadcast, "You got suspects fleeing eastbound. I need units two blocks to the east."

According to Officer D's BWV, at 0022:39 hours, Officer D placed his/her side-handle baton in his/her baton holder and transitioned to a two-handed grip on his/her pistol, as he/she walked along the passenger side of the Charger, toward the Mercedes. Officer D communicated to his/her partners, "Right here, right here," as he/she pointed his/her pistol at the occupants of the Mercedes. Officer A communicated to Officer D, "Watch this one," referring to the occupants of the Mercedes.

During a follow-up interview, Officer D stated he/she pointed his/her pistol at the occupants of the Mercedes because, "[T]he occupants I thought were armed and were a direct threat." "It was a gang gathering, and just arriving on scene, it's hard for people -- for me to convey the amount of gunfire we heard. It almost seemed like everybody there was armed."

After briefly travelling in reverse, the Mercedes stopped and began to drive forward. Officer D released the two-handed grip on his/her pistol, and he/she retrieved his/her flashlight with his/her left hand. Officer D stood along the passenger side of the Mercedes and used his/her flashlight to illuminate the vehicle's occupants, as they drove by him/her. The front passenger of the Mercedes, Subject 2, held his left hand out of the partially open window and stated, "Please don't shoot," as they drove around the Charger.

Simultaneously, according to Officer G's BWV, at 0022:41 hours, Officers E and F drove their vehicle closer to 86th Place to use it as cover. According to Officer F, as they

drove on Broadway Avenue from Manchester Avenue, he/she, "Could hear rounds im -- like impacting on, because we shoot all the time and we hit metal targets when we shoot so I know what the sound of hitting something metal behind me, behind us as we're moving up. So I'm -- I'm thinking we're being shot at." "I thought I was going to get shot."

According to Officer E, "I was hearing shots. I didn't know. I was having a hard time deciphering exactly if it was get -- I was getting shot at, if I rolled into a -- a -- a shooting in progress or a combination of both. I didn't know." "All I know is I kept on hearing shots and I -- I -- and I can see my fellow officers looking downrange or looking down 86 Place so I -- I assumed that they were in a shooting." "I didn't see anyone shoot but it appeared that I was hearing shots coming from -- because where I was -- where I was positioned at I couldn't see all the way down 86. The other officers that were ahead of me were directly looking down 86." "I was scared. I was -- I felt that -- I was scared that I was going to get shot. Whether they were shooting at me or not I was scared that I was going to get shot and that's what was on my mind."

As Officer E exited the vehicle he/she, "Was fearful that someone was shooting at me and I was going to get shot." "And so, to protect my life and my -- my partners I -- I pulled out my gun." "I unholstered and I stood by the door using the door as -- as cover."

According to Officer C's BWV, at 0022:42 hours, the Mercedes drove westbound as Sergeant A released his/her two-handed grip on his/her pistol, pointed at the Mercedes with his/her left hand, and shouted, "Stop that car, Stop it."

According to Officer B's BWV, at 0022:45 hours, he/she was standing in the roadway, on 86th Place at Broadway Avenue, broadcasting details of the incident on Southeast base frequency when the Mercedes drove in his/her direction. Officer B initially pointed his/her pistol with a single, right-hand grip towards the Mercedes and shouted, "Get on the [expletive] ground," and "Don't you move," multiple times. While shouting toward the vehicle's occupants, Officer B momentarily transitioned to a two-handed grip on his/her pistol, while also maintaining hold of his/her police radio. After approximately two seconds, Officer B released the two-handed grip on his/her pistol and placed the radio in his/her belt holder. At that time, the Mercedes momentarily stopped its forward progress.

Officer B acknowledged his/her use of foul language and stated, "I was very harsh with the driver, I was very immediate and I was aggressive." "Working this area for 25 years, I feel that suspects respond and they know an officer means business, especially a seasoned officer. And I've often spoke[n] to suspects who have confirmed that belief." "I focused my attention on the driver who I believed at that time had access to the weapon if he needed to be, but also had the access to the vehicle which could also be used as a weapon."

According to Officer C's BWV, at 0022:45 hours, Officer A was standing on the northside of 86th Place at Broadway Avenue, when the Mercedes drove toward Officer B. Officer A released the two-handed grip on his/her pistol, pointed at the Mercedes, and stated, "Stop that car, shoot' em." Officer A then took several steps toward the

Mercedes, re-acquired a two-handed grip on his/her pistol, and pointed it at the front passenger.

Officer A advised investigators that he/she pointed his/her pistol at the front passenger of the Mercedes because he/she, "Felt a threat." Officer A did not recall making the specific comment, "Shoot' em," however he/she, "Feared that they were going to run over [Officer B], because it -- for me, it looked like their intent was to escape and get away at all means." "I thought they were going to run [him/her] over."

According to Officer G's BWV, at 0022:46 hours, Officers G and H detained the male who entered the SUV at gunpoint. Officer H ran southbound toward 86th Place as Officer E approached and cleared the SUV for suspects. Officer E then holstered his/her pistol and handcuffed the male without incident.

Officers E and G then escorted the male to an awaiting uniformed patrol officer. Officer E then unholstered once again and walked to the northeast corner of Broadway Avenue and 86th Place to assist the other officers. The male detained from the SUV was later released after officers were unable to determine his involvement with the shooting.

According to Sergeant A's BWV, at 0022:46 hours, Sergeant A held his/her pistol in a two-handed grip, pointed it in the direction of the Mercedes, and shouted, "Stop, stop, you're not going anywhere."

After approximately three-seconds, the Mercedes began to slowly move forward once again, in Officer B's direction. After moving approximately 1 ½ feet, the Mercedes came to a stop. Officer B continued to stand in front of the Mercedes as he/she pointed his/her pistol at the driver. Officer B placed his/her left-hand on the vehicle's hood and gave the commands, "Get off the car," and, "Do not move." Officer B then transferred to a two-handed grip on his/her pistol and placed his/her left foot on the front bumper of the Mercedes. Officer B advised investigators that he/she felt uncomfortable standing in front of the vehicle, but he/she felt that he/she could not re-deploy.

When the Mercedes began to move toward Officer B for the second time, Sergeant A had his/her pistol pointed toward the ground with a single-handed grip and pointed his/her left finger at the Mercedes. Sergeant A shouted, "Stay right there."

Sergeant A advised investigators it would have been a better decision to have Officer B re-deploy from the front of the Mercedes; however, indicated, "I guess I was just so focused on keeping those cars -- like getting their attention off of [him/her] and on us." "I was worried for [Officer B], you know, and I was worried -- [he/she] looked like [he/she] was preparing to get out of the way, if need be, but they needed to stop those cars."

Officer F advised investigators that he/she observed Officer B was, "In a bad position. So, I communicated with [him/her] to get away from the car."

According to Officer D's BWV, at 0022:49 hours, Officer D walked up along the passenger side of the Mercedes while holding his/her pistol in his/her right-hand, along his/her chest, pointed in the direction of the driver and passenger. Officer D, "Did not

want to have my gun all the way extended with my arm extended because I felt the guy in the car could grab it, so I kept it closer to my chest. But it was still ready to be utilized if the need arised, arose.” Officer D ordered the driver, Subject 3 to, “Turn it off.” The front passenger of the Mercedes, Subject 2, shouted from the open window, “Please, they’re shooting at us, we’re sorry,” multiple times.

While standing near the open passenger window, Officer D shouted, “Stop the [expletive] car,” and raised his/her pistol toward Subjects 2 and 3. Officer D then retrieved his/her flashlight from his/her back-left pants pocket and illuminated the interior of the Mercedes.

Officer D advised investigators that it was his/her experience dealing with gang members that foul language, “Is something that they tend to respond to more immediately.”

According to Officer C’s BWV, at 0022:53 hours, Officer C shouted, “Get out of the car,” as Sergeant A pointed toward the Mercedes with his/her left hand and stated, “Stay right there. You’re gonna -- You’re about to get shot. Open that [expletive] car, open that door.”

Regarding his/her language toward the occupants of the Charger and the Mercedes, Sergeant A advised investigators, “As far as I was concerned, they had either been involved in the shooting, just shot at someone else, or shot at my officers. So they were attempt murder suspects in my mind, minimum ADW suspects.” “Very serious situation. I wanted them to know that we were serious about what we were asking.” “At no point did I use a noun. I did not call anyone a pejorative. It was more of an adjective, a descriptive word.”

Sergeant A advised investigators, during the incident he/she did not place him/herself as Incident Commander because he/she did not have the opportunity to do so. Sergeant A stated he/she initially acted in the role of an officer and it was not until things calmed down, that he/she began to direct officers and act as a supervisor.

According to CD, at 0022:55 hours, an Air Unit responded to the location and began to coordinate the response of the ground units.

According to Officer C’s BWV, at 0022:59 hours, Officer A held his/her pistol in a single, left-handed grip and pointed it toward the ground. Officer A ordered the drivers of the Charger and the Mercedes to turn off their vehicles.

At various points, Officers A, B, C, D, F, H and Sergeant A gave Subjects 2 and 3 commands. Officer H advised investigators that he/she gave commands after he/she observed an unknown object in the hand of Subject 2.

According to Sergeant A, “We were very loud and direct. There was a lot of probably confusing commands being given, but it was pretty clear to anyone in the world that they were meant to stop. There were guns pointed at them from two angles -- front and from the side.”

According to Officer D's BWV, at 0023:07 hours, Officer B directed Officer D, "Get them out of the car." Officer D stood near the front passenger door of the vehicle and ordered Subjects 2 and 3 to get out. When Subjects 2 and 3 did not respond, Officer D told Subject 3, "Hey Turn it off. Turn the [expletive] car off. Put the keys on the roof. Put the keys on the roof. Put it in park man."

According to CD records, at 0023:09 hours, Officer B broadcast, "[B]e advised, I need an airship to take control of the scene right now. Give me at least 1 RA and I need units two blocks west, correction east of Broadway and seal the area."

According to Sergeant A's BWV, at 0023:14 hours, he/she attempted to broadcast, "[W]e're also gonna need units to stop traffic. We have units trying to flee ahh eastbound on 86th Place. Let's have units at San Pedro stop these vehicles, 86th Place and San Pedro. We're on Main, Main, Main and San Pe, Main and 86th Place."

According to Sergeant A and CD records, this broadcast was not transmitted on Southeast base frequency. Minutes later, while attempting to put out an additional broadcast, Sergeant A realized that his/her radio was still tuned to the MFF frequency.

According to Officer B's BWV, at 0023:30 hours, Officer B held his/her pistol in a right, single-handed grip, and ordered Subject 3 three separate times to get on the ground.

According to Officer F's BWV, at 0023:36 hours, Officer F stood to the right of Officer B and held his/her pistol in a two-handed grip. Officer B and Officer F ordered Subject 3 to get on the ground. Subject 3 sat on the ground and faced the officer's direction. Officer F ordered Subject 3 to turn around and to get on his stomach. Subject 3 ignored Officer F's commands and sat in that position as Officer F held him at gunpoint.

According to Sergeant A's BWV, at 0023:37 hours, as Subject 3 was being ordered out of the vehicle and onto the ground, Sergeant A shouted, "We got a guy running southbound through the alley." Officer A, who was standing near Sergeant A, ran across 86th Place, behind the officers who were giving Subject 3 commands, and southbound on Broadway Avenue.

Officer A advised investigators that he/she ran across 86th Place in front of the vehicles because, "There was a male [...] in a red shirt that went running southbound through the alley and I knew we still had multiple threats in the alley or possible victims down, so I went southbound further to get a better view of the actual alley."

According to Officer B's BWV, at 0023:41 hours, Officer B broadcast, "I got runners going southbound from 86th be advised this is an OIS. I got multiple suspects involved. Give me one RA. Please keep the frequency clear until the airship gets here."

According to Sergeant A's BWV, at 0023:43 hours, Sergeant A used his/her radio to broadcast, "[W]e got a suspect running southbound. It's gonna be the north south alley west of ah Broadway, east of Broadway, south of 86th Place, going towards 87th street. Got another one, suspects fleeing southbound."

At the conclusion of this broadcast is when Sergeant A realized he/she was not on Southeast Division's base frequency and his/her radio was actually tuned to the MFF frequency.

Simultaneous to the officers attempting to contain the scene at 86th Place and Broadway Avenue, Southeast Area Patrol uniformed Police Officers K, L, M, and N responded to the "officer needs help" call broadcast by Officer B.

According to Officers K and L's Digital In-car Video System, at 0023:45 hours, while responding to the location, Officers Police Officers K, L, M, and N went into pursuit of a grey, Chrysler, driving against traffic on a one-way roadway. Officers believed the vehicle's occupants were possibly involved in the OIS.

According to Officer D's BWV, at 0023:46 hours, after Subject 3 exited the vehicle, Officer D communicated to Officer H that he/she was going to have Subject 2 step out. Officer D ordered Subject 2 out of the vehicle and he complied. Subject 2 stood outside of the Mercedes as Officer D ordered him to keep his hands where he could see them. Officers D and H simultaneously gave Subject 2 commands to walk toward them. Subject 2 walked forward, toward Officer H, with his hands up. As he approached, Officer H holstered his/her pistol and told Subject 2 to turn around. Subject 2 turned around and Officer H placed him in handcuffs. Officer H escorted Subject 2 over to the southeast curb and had him sit on the sidewalk in front of Officer F.

According to Officer D's BWV, at 0024:35 hours, Officer H unholstered his/her pistol a second time. Officer H held his/her pistol in his/her right hand and a flashlight in his/her left, as he/she approached the Mercedes from the front and cleared the vehicle from the passenger side. According to Officer H, while clearing the vehicle, he/she observed a handgun, with a drum magazine, on the passenger side floorboard.

According to Officer H, "I unholstered my gun at that point because as I'm about to clear the vehicle, I note that the tactical situation could escalate to the use of deadly force."

During an initial interview with investigators, Officer H recalled clearing the Mercedes Benz with two other officers. However, BWV footage showed that Officer H cleared the Mercedes alone. During a re-interview with Officer H and reviewing the related BWV footage, Officer H stated although he/she cleared the vehicle alone, he/she was aware that multiple officers were in close proximity, in the event he/she would have needed assistance.

Forensic Services Division (FSD), Firearms Analysis Unit (FAU) recovered a loaded .40 caliber semi-automatic pistol with a high-capacity, drum magazine seated in the magazine well, loaded with fourteen, .40 S&W caliber cartridges from the passenger side floorboard of the Mercedes. The pistol's slide was open due to a jam. During further examination, FAU determined twenty of the discharged cartridge cases recovered at the crime scene were fired from this .40 caliber pistol.

Police Officers O and P responded to the incident. Officer O handcuffed Subject 3 and conducted a pat down search.

After Subject 3 was taken into custody, Officer F holstered his/her pistol, stood Subject 2 up, and escorted him south of 86th Place, where he/she leaned him against a parked vehicle.

Officers O and P escorted Subject 3 to the command post and maintained his/her custody until they were released from the scene. Subject 3 was later booked at 77th Street Jail Facility.

Subject 2 was initially escorted to the command post, then later to Southeast Station where he was inadvertently released from custody by Southeast Area personnel. On June 8, 2020, a warrant was issued for Subject 2's arrest. On June 18, 2020, Subject 2 surrendered at Southeast Station and was placed under arrest for the outstanding felony warrant.

Sergeants B and C were at Southeast Station completing administrative duties, when they heard the officers' request for help on Southeast base frequency. Sergeants B and C responded together and arrived at scene approximately two-minutes and thirty-seconds after the OIS.

Upon arrival, Sergeant B began to monitor Officer D and later obtained his/her public safety statement.

According to CD records, at 0027:57 hours, Sergeant B broadcast over Southeast base frequency that he/she was the Incident Commander.

Southeast Patrol Division, uniformed Sergeant D, arrived at scene two-minutes and 27-seconds after the OIS.

According to Sergeant D's BWV, at 0027:48 hours, Sergeant D advised Sergeant B that he/she would address the tactical aspect of the incident. Moments later, Sergeants C and D together, formulated a plan that they would each lead a separate, 10-officer search team, to clear the north and south parking lots, off 86th Place, for possible victims or suspects. Prior to conducting the search, Sergeants C and D ensured the searching officers had their proper equipment, including their ballistic helmets.

Sergeant D advised investigators, although he/she ensured the officers were wearing their ballistic helmets, he/she was not. When asked why, Sergeant D replied, "I should have had it. I didn't."

During an initial interview with investigators, Sergeant C stated that he/she donned his/her ballistic helmet prior to conducting the search of the parking lots. However, investigators reviewed BWV footage which depicted Sergeant C not wearing a ballistic helmet during various points of the search. During a subsequent interview, Sergeant C stated, "During the commotion and the high stress of the incident, I -- I neglected to put my helmet on. But at the time of the interview, I -- I assumed that I had donned the helmet. And it was not of malice or any forethought that I stated that I had my helmet on because I assumed that I did have -- I did have my helmet on."

Officers E and G were among the officers who participated in the search of the parking lots. According to Officers E and G, prior to beginning the search, Officers E and G unholstered their pistol because they were searching for armed suspects.

At 0033:29 hours, the search teams began clearing the north and south parking lots on 86th Place. During the search, six female and three males were located in the north parking lot. All nine of the individuals were detained without incident and escorted to the command post.

After further investigation, all nine individuals were released from custody after Southeast Area personnel were unable to determine their involvement in the shooting.

At 0039:06 hours, CD broadcast on Southeast base frequency that Los Angeles County Sheriff's Department deputies had contacted a shooting victim, possibly related to the OIS. Victim A was transported to Hospital in critical condition. Detectives conducted a follow-up visit to the hospital and were informed that Victim A was unconscious and was unavailable for questioning.

The following day, on June 4, 2020, Detectives returned to the hospital and interviewed Victim A. During the interview, Victim A stated he was driving in his Dodge Charger on Broadway Avenue when he stopped at a stop sign. While at the stop sign, Victim A heard someone say, "[expletive] cops," and shot him. Victim A then drove from the location and was on his way to hospital when he saw the Sheriff's patrol vehicle.

While at the hospital, Detectives met with the treating physician. He informed detectives that Victim A suffered a gunshot wound to his back and to his right wrist. Detectives were given two fired bullet fragments that were removed from Victim A during surgery. Firearms Analysis Unit later determined the two fired bullet fragments that were removed from Victim A were not fired from Officer D's pistol.

The information provided below is pertaining to the vehicle pursuit initiated by Officers K, L, M, and O at 0023:45 hours.

While responding to 86th Place and Broadway Avenue, Officers K, L, M, and O observed a vehicle, driving eastbound on 86th Place, which is a westbound traffic only roadway, conduct a northbound turn onto Main Street. Officers believed the occupants of the vehicle could have been involved in the shooting and attempted to conduct a traffic stop. Upon activating their forward-facing emergency lights and siren, the driver failed to yield. A 2.3-minute, 2.28-mile pursuit ensued through Southeast, 77th Street and Newton Areas. Officers K and L were the primary unit and Officers M and O were the secondary unit in the pursuit.

During the pursuit, Officers K and L observed a pistol thrown from the passenger side window of the Subject's vehicle, on 80th Street between Main Street and San Pedro Street, in a residential neighborhood.

After the pursuit terminated, Officer L returned to 80th Street and located a 9-millimeter semi-automatic pistol. According to Officer L, the pistol had the hammer back, with a 9-millimeter, Luger caliber, cartridge in the chamber and a seated magazine. Officer L

recovered the items and transported them back to the crime scene where they were collected by FAU. FAU later determined seven of the discharged cartridge cases recovered from the area where Officer D placed Subject 1 during the OIS, were fired from this 9-millimeter, pistol. FSD, Serology also determined that Subject 1's DNA was present on this pistol.

According to Officer K and L's DICVS at 0024:19 hours, an item could be seen sliding across the street. This was not observed by the officers during the pursuit. Later in the day, at approximately 1210 hours, Police Officers Q and R, were dispatched to a found handgun radio call. Upon arrival, officers were directed to a second 9-millimeter semi-automatic pistol. Officer's Q and R recovered the pistol and booked it as analyzed evidence. During further examination, FAU determined four of the discharged cartridge cases recovered from the crime scene, were fired from this 9-millimeter.

The vehicle continued to evade officers before it abruptly stopped on San Pedro Avenue and let two occupants out, Subjects 4 and 5. The subjects fled on foot, as the driver of the vehicle continued to evade the officers. Officer L engaged in a foot pursuit, while Officer K drove forward and parked the police vehicle. Officer K established a perimeter to contain the individuals. Officers M and N continued pursuing the vehicle.

Metropolitan Division, K-9 units responded to the location and after a lengthy search, located both individuals. Subject 4 was taken into custody without incident. As Subject 5 was located, a canine contact occurred. Subject 5 was transported to hospital where he was treated and cleared for booking.

Subjects 4 and 5 were later released from custody after investigators were unable to determine their involvement with the shooting or establish their possession of the pistols thrown from the vehicle.

During the pursuit the driver committed numerous traffic violations in an attempt to evade officers, having no regard for the communities' safety or the rules of the road. The pursuit terminated after the driver collided with a curb. According to Officer N's BWV, at 0027:22 hours, the driver, Subject 1 was taken into custody after a short foot pursuit.

Upon taking Subject 1 into custody, Officers M and N discovered that Subject 1 had a gunshot wound on the left side of his face. At 0027:17 hours, Officer M requested a Rescue Ambulance for Subject 1. FAU later determined the fired bullet removed from the left side of Subject 1's face was fired from Officer D's pistol.

At 0042:30 hours, a LAFD Rescue Ambulance arrived at scene and transported Subject 1 to hospital for medical treatment.

Investigators determined that Subject 1's clothing was not consistent with the clothing description provided by Officer D. Subject 1 was wearing a long sleeve, royal blue shirt and black jeans, that were rolled up just above his calves. As previously mentioned in this summary, Officer D initially described the subject as wearing a white T-shirt with a gold chain. Hours later during an interview with investigators, Officer D described the

subject as wearing: a black baseball cap, a black or dark colored T-shirt with a white T-shirt underneath and a gold necklace.

On June 5, 2020, detectives interviewed Subject 1 regarding the incident. Subject 1 stated while trying to break up a fight, he began to hear gunfire. Subject 1 ran to his vehicle and got in. While trying to drive from the parking lot, Subject 1 observed someone run up from his left side and shoot him in the face.

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	Yes	No	Yes	N/A	N/A
Officer A	Yes	No	Yes	N/A	N/A
Officer B	Yes	Yes	Yes	N/A	N/A
Officer C	Yes	No	Yes	N/A	N/A
Officer D	Yes	No	Yes	N/A	N/A
Officer E	No	No	No	N/A	N/A
Officer F	Yes	No	Yes	N/A	N/A
Officer G	No	Yes	No	N/A	N/A
Officer H	No	No	No	N/A	N/A
Officer I	No	Yes	No	N/A	N/A
Officer J	Yes	No	Yes	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found Sergeant A and Officers A, B, D, G, and H's tactics to warrant Administrative Disapproval. The BOPC found Officers C, E, F, I, and J's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Lethal Use of Force

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

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

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

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation Techniques

- Planning
- Assessment
- Time

- Redeployment and/or Containment
- Other Resources
- Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his 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 – At the time of the OIS, Officer E heard shots being fired but could not determine the exact location of the shots. As this was happening, Officer E believed he/she did not have time to create a “plan” with his/her partner officers.

However, after Officer E arrived at the intersection of 86th Place and Broadway Avenue, he/she exited his/her vehicle and realized he/she did not hear shots being fired anymore. At that time, Officer E observed a male which he/she believed to possibly be the shooting suspect, running away from the OIS location. Officer E was standing near Officer G and they both observed the male running to a vehicle parked on the east curb of Broadway Avenue, north of 86th Place. Officer E discussed a plan with Officer G to take this individual into custody. Officer E told Officer G that he/she (Officer E) would approach and handcuff the suspect. Officer G advised Officer E to wait a few seconds and after waiting, Officer E holstered his/her service pistol, approached the male, and handcuffed him. Officer F and the officers within his/her unit frequently engaged in training as a unit. Officer F redeployed to the southeast corner of 86th Place and Broadway Avenue in the event that Subject 2 or Subject 3 attempted to flee southbound on Broadway Avenue. Subject 3 was ordered by officers to exit his vehicle and was directed to an area approximately six feet in front of Officer F. Officer F made a plan with nearby officers to approach Subject 3 and order him into a prone position so they could safely approach and take him into custody.

Officer I observed an unidentified male with short hair on the east sidewalk wearing a green shirt with black sleeves, unknown color pants, and a small gold chain. Officer I made the decision to detain the male while holding him at gunpoint. Officer I maintained his/her service pistol pointed at a low-ready position in the direction of the male. Once the scene had calmed down, Officer J discussed a plan with Officer I to take the male into custody.

On the day of the incident, Officer C and his/her partner officers discussed their tactical response to the MFF deployment and also discussed the importance of having their ballistic helmets and less-lethal weapon systems with them during the deployment.

Sergeant D advised Sergeant B that he/she and Sergeant C would oversee that tactical aspect of the incident. Sergeant D began forming a plan with Sergeants A, B, and C to secure the area. Sergeant D’s plan was to look for any victims and any possible suspects that were still in the area of the parking lot on the north and south side of 86th Place, east of Broadway Avenue. Sergeant D gathered ten officers to conduct the search while Sergeant C gathered ten officers for his/her search team.

Sergeant D ensured the search teams had either a 40mm LLL or a Bean Bag Shotgun.

Assessment – Officer D assessed the background of the subject at whom he/she fired his/her service pistol. Officer D observed the background to be a wall or inanimate object. Officer D observed the subject was standing at or near a car. Officer D believed his/her background was clear and was not firing into a crowd. After the OIS, Officer D assessed to see if his/her rounds were effective by seeing if the threat was stopped.

Officer F exited his/her police vehicle and stood behind his/her vehicle's door as cover while he/she assessed the scene. Officer F observed Officer B standing in front of a silver Mercedes on Broadway Avenue at 86th Place and redeployed to Officer B to provide assistance with numerous suspects.

After exiting his/her police vehicle, Officer H assessed the scene and redeployed toward Officers B and D. Officer H observed Officer B's attention focused on a silver Mercedes containing Subjects 2 and 3. Officer H provided assistance to Officer B while Subjects 2 and 3 were taken into custody.

Officer G exited his/her police vehicle and looked to the southeast toward 86th Place and Broadway Avenue and assessed the area. Officer G continued to hear shots and had reasonable belief that he/she was going to be involved in a situation that could escalate to deadly force or was already in that situation. Officer G observed a male which he/she believed to possibly be a suspect. Officer G approached the male in an effort to detain him as a possible shooting suspect.

Officer A arrived at the location and exited his/her police vehicle. Officer A looked in the direction of moving muzzle flash, in an easterly direction on 86th Place, and observed a silver Mercedes attempting to drive westbound 86th Place toward Broadway Avenue. Officer A believed the occupants were possible shooting suspects and assisted in containing the scene.

Time – Officers A and B utilized time to their advantage. Officers A and B heard shots being fired and observed muzzle flash from the area of 86th Place, east of Broadway Avenue. However, Officers A and B both maintained positions near their police vehicle to utilize cover and to request help from CD. Officer E was standing near Officer G when they both observed a male running to a vehicle parked on the east curb of Broadway Avenue, north of 86th Place. Officer E discussed a plan with Officer G to take this individual into custody which included Officer G advising Officer E to utilize time and to not rush the approach.

Redeployment and/or Containment – During this dynamic situation, Officer D believed being seated in a black and white police vehicle made him/her an identifiable target and he/she wanted to exit his/her police vehicle to redeploy to the northeast corner of 86th Place and Broadway Avenue. Officer C observed Officer D redeploying towards 86th Place. Officer C redeployed in the direction of Officer D and caught up to Officer D in the middle of the intersection of Broadway, west of 86th Place. According to Officer A, he/she observed Officer D redeploying to the

northeast corner of 86th Place and Broadway Avenue, and he/she began to redeploy toward 86th Place and Broadway Avenue. After the OIS, Officer B broadcast a help call and requested a perimeter to contain the suspects. Officer F observed other officers focused on a silver Mercedes and believed that Subjects 2 and 3 were possible suspects from the shooting. Officer F redeployed to the southeast corner of 86th Place and Broadway Avenue in case Subject 2 or 3 attempted to flee southbound on Broadway Avenue. Officer B did not feel comfortable standing in front of the Mercedes but felt he/she could not redeploy. Officer B believed he/she needed to keep all the shooters from 86th Place, to his/her east as opposed to allowing them to get west, behind all of the officers.

Other Resources – Officer B requested various resources throughout the incident. Officer B requested additional officers, a Rescue Ambulance, and an Air Unit to assist with managing the scene. Officer C discussed the officers’ tactical response to the MFF and emphasized the importance of having their ballistic helmets and less-lethal weapon systems with them. Sergeant D ensured the search teams had either a 40mm LLL or a Bean Bag Shotgun. Additionally, Sergeant D heard Sergeant C tell all officers on the search teams to don their ballistic helmets. Sergeant D ensured the search teams had either a 40mm LLL or a Bean Bag Shotgun.

Lines of Communication – While Officer A drove toward the shooting location, a male ran behind Officer A’s police vehicle and southbound on the west sidewalk of Broadway Avenue. The male appeared to be running away from something and Officer D communicated his/her observations to Officers A, B, and C. After the OIS, Officer D communicated to Officer H requesting his/her assistance in taking Subject 2 into custody. Officer B broadcast throughout the incident to CD giving updated information for responding officers. Officers B and D maintained communication with occupants of vehicles attempting to flee the location. Officer B broadcast a “shots fired” help call and put out the description of the vehicle and its direction of travel. Sergeant A heard confusing commands being given but believed it was clear to the occupants of the vehicles that they were to stop their vehicles. Sergeant A communicated to Subjects 2 and 3 to stop their vehicle. Additionally, Sergeant A briefed responding sergeants regarding the OIS.

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

1. Body Armor/Ballistic Vest

Officer B was not wearing his/her ballistic vest during the incident. Officer B stated he/she took the vest off after his/her unit was demobilized. Officer B stated he/she took off his/her ballistic vest for comfort.

The BOPC noted at the time Officer B removed his/her ballistic vest, he/she was on-duty. Shortly after, Officer B was travelling to the 77th Street station. Officer B made no attempt to don his/her ballistic vest prior to travelling to the station. Officer B’s removal of his/her ballistic vest was a substantial deviation from Department policy as Officer B was on-duty prior to the OIS and during the OIS.

Based on the totality of the circumstances, the BOPC determined that Officer B's actions were a substantial deviation without justification from approved Department tactical training.

2. Required Equipment- TASER

Officer B was not equipped with a TASER and explained to detectives that he/she did not have one assigned to him/her. Additionally, after hearing sergeants and officers advise that there was an equipment shortage, Officer B did not attempt to check a TASER out from the Kit Room at the start of his/her shift on the day of the incident.

The BOPC noted at the beginning of Officer B's shift on the day of the incident, he/she believed he/she was told there were equipment shortages due to Department wide mobilization as a result of civil unrest. Officer B had previously been assigned a TASER but believed it had been reassigned to another officer. Officer B made no attempt to retrieve a TASER from the equipment room at the start of his/her shift. Officer B's deployment into the field without a TASER device was a substantial deviation from Department Policy as Officer B was on-duty prior to the OIS and during the OIS.

Based on the totality of the circumstances, the BOPC determined, that Officer B's actions were a substantial deviation without justification, from approved Department tactical training.

3. Updating Status

Officer B directed Officer A to respond to the "shots fired" radio call. Officer B did not update his/her status. Sergeant A and Officers A, B, C, D, E, F, G, H, I, and J did not broadcast their updated locations when following behind Officer A toward the location of the radio call.

The BOPC noted there were a total of ten officers and one sergeant deployed into three vehicles. Sergeant A and Officers A, B, C, D, E, F, G, H, I, and J made no attempt to advise CD of their intent to respond to the radio call at 86th Place and Broadway Avenue. Additionally, Officer B was the sole officer who made the decision to respond to the radio call location upon hearing the radio call broadcast by CD. Officer B made no attempt to update the officers' status.

Based on the totality of the circumstances, the BOPC determined, that the actions of Officers C, D, E, F, G, H, I, and J were a substantial deviation, with justification, from approved Department tactical training.

The BOPC determined that Sergeant A, as the supervisor assigned to the MFF squad, had the responsibility to ensure that CD was notified of the unit's intention to respond to the radio call prior to arriving at scene. Although Officer B broadcast his/her Code Six location after exiting his/her police vehicle, Officers A and B as the lead vehicle in the MFF configuration had the responsibility to notify

not only CD but the officers trailing behind them of their intention to respond to the area of the radio call.

Based on the totality of the circumstances, the BOPC determined, that the actions of Sergeant A and Officers A and B were a substantial deviation, without justification, from approved Department tactical training

4. Tactical Communication/Tactical Planning

Officer B was monitoring Southeast base frequency and heard CD's broadcasts regarding the shots fired radio call near 87th Street and Broadway Avenue. Officer B told Officer A, the driver officer, to turn and drive in the direction of the radio call location due to their close proximity. Officer B did not communicate a plan with the other officers in his/her vehicle and did not communicate his/her plans to respond to the radio call with Sergeant A or any of the other six officers in trail behind his/her vehicle.

Sergeant A walked to the north side of 86th Place, on the east sidewalk, and observed a male and female who he/she believed were running from the shooting location. Sergeant A ordered the male and female to get onto the ground and into a prone position. After the male and female complied with Sergeant A's commands and laid on the ground, Sergeant A left the male and female and continued walking southbound toward the northeast corner of 86th Place and Broadway Avenue. Officers I and J followed behind Sergeant A and shortly after took custody of the male and female. However, no tactical plan was discussed between Sergeant A and Officers I and J to take the individuals into custody.

Sergeant A did not communicate his/her observations or intended actions to Officers I or J, on multiple occasions throughout the incident. Containment of armed suspects demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of officers to effectively communicate, thus ensuring a coordinated effort and successful resolution. As a result, Sergeant A's actions placed the officers in a tactical disadvantage.

The BOPC noted that Officer B was the sole officer who made the decision to respond to the location of the radio call upon hearing the broadcast from CD. Officer B made no attempt to communicate this decision with Sergeant A or Officers A, C, D, E, F, G, H, I, and J. The BOPC also noted Sergeant A's actions when he/she gave commands to a possible male and female suspect as he/she was walking to Officer D's position. Sergeant A was followed by Officer I who was behind him/her, however, Sergeant A did not communicate with Officer I or direct him/her to detain the male and female or warn Officer I that the male and female were possible suspects of the shooting. Sergeant A, after giving the male and female commands to get onto the ground, walked past the male and female and approached Officers A and D, leaving the male and female unmonitored.

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 ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

Based on the totality of the circumstances, the BOPC determined, that Sergeant A and Officers A and B's actions were a substantial deviation without justification from approved Department tactical training.

5. Tactical Vehicle Deployment

Officer A drove southbound on Broadway Avenue toward 87th Place. However, the gunfire emanating from 86th Place drew his/her attention. Officer A stopped his/her police vehicle in the northbound lanes of traffic on Broadway Avenue, north of 86th Place. Officer A stopped his/her vehicle in a disadvantageous position in the direction of on-coming traffic and a half street width's distance from the next available cover. Sergeant A and Officer E later followed and parked in the northbound traffic lanes of Broadway Avenue, north of 86th Place.

The BOPC noted Officer A's quick assessment of the area which was beneficial to all officers. Officer A's assessment prevented him/her from driving past the shooting location which was broadcast to have been at 87th Place. However, the shooting location was on 86th Place and Officer A was able to stop north of the shooting location. However, the BOPC noted Officer A parked his/her police vehicle in the northbound lanes of traffic, facing southbound, and into on-coming traffic. The BOPC would have preferred Officer A to have stopped prior to the northbound lanes of traffic and parked in a more tactically advantageous position.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were a substantial deviation with justification from approved Department tactical training.

6. Running with Firearm

Officer D drew his/her service pistol then ran eastbound from his/her police vehicle toward the northeast corner of 86th Place and Broadway Avenue.

The BOPC noted the urgency of the situation caused by the Subject's deadly actions. However, the BOPC discussed the necessary balance between urgency and officer safety. The BOPC discussed Officer D's actions of running with his/her service pistol could have led to an unintentional discharge.

Based on the totality of the circumstances, the BOPC determined, that Officer D's actions were a substantial deviation with justification from approved Department tactical training.

7. Approaching Possibly Armed Suspect

Officers G and H exited their police vehicle and observed a male running northbound on Broadway Avenue on the east sidewalk and believed the male was involved in the shooting that had occurred. Officers G and H ran toward the

male as the male entered a vehicle parked along the east curb of Broadway Avenue, north of 86th Place. Before the male could close the driver's side door, Officer G took hold of the door and ordered the male out of the vehicle and into a prone position where he was taken into custody, without incident.

The BOPC noted the urgency of the situation at the time that Officers G and H approached a male who they believed to be armed and a possible suspect of the shooting. However, the BOPC noted that Officers G and H had the benefit of their police vehicle nearby which they could have utilized for cover. Officers G and H chose to approach the Subject as he was entering his vehicle in what appeared to be an attempt to flee. Officers G and H approached the driver's door, as the male was attempting to close it, and ordered the Subject out of the vehicle. The BOPC noted that Officers G and H placed themselves in positions of danger as they approached a possibly armed suspect. The BOPC would have preferred that Officers G and H had utilized cover to their advantage as they gave commands to the possible suspect.

The BOPC considered the facts and circumstances surrounding Officers G and H's decision to not seek cover and approach a possibly armed suspect.

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officers G and H placed themselves at a tactical disadvantage by not seeking cover and initiating contact with a suspect who they believed was possibly armed. Officers G and H chose to approach the Subject as he was entering his vehicle in what appeared to be an attempt to flee the location. By taking unilateral action, Officers G and H took an unnecessary risk, and the BOPC would have preferred for them to wait behind cover and request additional resources so that they could communicate, assign contact and cover roles, and devise a plan to take the Subject into custody.

Based on the totality of the circumstances, the BOPC determined that Officers G and H's actions were a substantial deviation, without justification, from approved Department tactical training.

8. Utilization of Cover

Officer D left his/her available cover of a parked vehicle and approached the passenger side of a black Dodge Charger, without the benefit of cover. Later during the incident, Officer D walked to the driver's side of the uncleared Dodge Charger as it was stopped at the intersection of 86th Place and Broadway Avenue. Officer D approached the passenger side of the silver Mercedes and was standing between the two uncleared vehicles, which he/she believed contained occupants that were involved in the shooting.

Officer B walked to the center of the intersection at 86th Place and Broadway Avenue facing eastbound, as a silver Mercedes attempted to maneuver around the stopped Dodge Charger and drive eastbound on 86th Place to Broadway Avenue.

The BOPC noted that Officers B and D redeployed from their police vehicle and went across Broadway Avenue to the northeast corner of 86th Place. Officer D ran across Broadway Avenue as shots were being fired in what he/she believed to be his/her direction. Once Officer D arrived at the northeast corner, he/she found cover behind a vehicle that was parked on the north curb of 86th Place, east of Broadway Avenue. However, when a vehicle approached Broadway Avenue from 86th Place, Officers B and D believed the occupants were suspects from the shooting. Officers B and D left available cover and walked toward the vehicles, without the benefit of cover. Officer D stood by the passenger side of the moving Dodge Charger while Officer B walked to the center 86th Place at Broadway Avenue.

Based on the totality of the circumstances, the BOPC determined, that Officers Officer B and D's actions were a substantial deviation without justification from approved Department tactical training.

9. Situational Awareness

As Officer B was standing in front of the Mercedes at the intersection of 86th Place and Broadway Avenue, the Mercedes moved approximately one and a half feet forward toward Officer B. Officer B placed his/her left hand on the hood of the Mercedes while holding his/her service pistol in his/her right hand and pointing it at the driver (Subject 3). Officer B then transitioned to a two-handed grip and placed his/her left foot on the front bumper of the Mercedes. Officer B stated that he/she felt uncomfortable being in front of the vehicle but did not believe he/she could redeploy.

Officer A ran southbound on Broadway Avenue, behind Officer B, as Officer B was giving commands to Subject 3 and had his/her service pistols pointed in Subject 3's direction, and southbound on the south side of 86th Place. Officer A placed him/herself in the background of Officer B as Officer B had his/her service pistol drawn.

The BOPC noted Officer B's decision to utilize his/her body to block a fleeing vehicle from leaving a location at which a shooting had just occurred. Officer B ordered the Subjects out of their vehicle as Officer B placed his/her hand and foot on the vehicle's front hood and bumper. The BOPC noted Officer B did not have the available resources with him/her to take both Subject 2 and 3 into custody were they to have complied with Officer B's orders to exit the vehicle. The BOPC noted the vehicle could have been used by Subject 3 as a deadly weapon. Additionally, Subject 3's actions of moving his vehicle forward, towards Officer B, showed he was not complying with orders. Officer B had the opportunity to redeploy to a position of cover at this point and did not. Officer B placed him/herself in a poor tactical position which then encouraged additional

officers to also place themselves in poor tactical positions in an effort to assist Officer B. Officer B's actions not only placed him/herself in danger, but he/she also placed his/her partner officers in danger as well.

Based on the totality of the circumstances, the BOPC determined, that Officer B's actions were a substantial deviation without justification from approved Department tactical training.

10. General Officer Safety and Communications

Officer A heard Sergeant A state a male was seen running away from the scene of the shooting and southbound in the north/south alley, south of 86th Place and east of Broadway Avenue. Officer A ran southbound on Broadway Avenue, behind Officer B, as Officer B faced eastbound and was giving commands to Subject 3. Officer A ran to the entrance of the alley by him/herself in search for the male.

The BOPC noted Officer A paralleled the north/south alley of 86th Place, east of Broadway Avenue, by running southbound on Broadway Avenue to obtain a visual of a possible suspect that was believed to be running southbound in the alley. The BOPC discussed that Officer A estimated he/she ran southbound, by him/herself, approximately 200 feet away from his/her partner officers. The BOPC noted that Officer A also did this without communicating with his/her partner officers.

Generally, officers are discouraged from pursuing potentially armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed suspect.

Officer A was directed by Sergeant A to a potential shooting suspect, at which time Officer A left cover and ran after the Subject by him/herself. In this case, Officer A made the decision to run after and attempt to locate a potentially armed suspect without waiting for his/her partners to join him/her. It was Officer A's responsibility to have communicated his/her observations, coordinated with his/her partners, and sought cover, until his/her partners were close enough to join in his/her search for the subject.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 - **Service Pistol in One Hand and Side Handle Baton in Other** – Officer D stated that he/she tried to place his/her side-handle baton in his/her baton ring on his/her duty belt when he/she exited his/her police vehicle but was unable to do so. Officer D observed the muzzle flashes on 86th Place and as he/she ran toward the northeast corner of 86th Place and Broadway Avenue, he/she held

his/her service pistol in his/her right hand and his/her side-handle baton in his/her left hand.

- **Two-Handed Grip on Service Pistol while Holding Radio** – Officer B was standing in the middle of the roadway at the intersection of 86th Place and Broadway Avenue as a silver Mercedes drove toward him/her. Officer B transitioned from his/her single, right-hand grip of his/her service pistol to a two-handed grip while maintaining a grasp on his/her handheld police radio. Officer B pointed his/her service pistol at the occupants of the Mercedes. Approximately two seconds later, Officer B placed his/her handheld police radio in its holder on his/her duty belt and re-acquired his/her two-handed grip on his/her service pistol.
- **Non-Conflicting Simultaneous Commands** – Sergeant A and Officers A, B, C, D, F, and H gave non-conflicting simultaneous commands to Subjects 2 and 3.
- **Non-Medical Face Coverings** – Sergeant A and Officers A, B, C, D, E, F, H, I, and J were not wearing face coverings during this incident. Officers were reminded of the importance of wearing personal protective equipment for their safety and the safety of the public.
- **Radio Communications** – Officer B broadcast a “shots fired” call to CD. While doing so, he/she broadcast utilizing the wrong unit designation. Officers were reminded of the importance of utilizing the correct unit designation for the benefit of responding units and for communications division accuracy.

Sergeant A made multiple broadcasts on the MFF frequency. Sergeant A incorrectly identified his/her unit designation. Sergeant A was reminded of the importance of utilizing the correct unit designation for the benefit of responding units and for communications division accuracy. Additionally, Sergeant A was reminded to ensure at least one officer from each vehicle containing department personnel have their radio on the base frequency for whichever division they are assigned or traveling through.

- **Service Pistol Positioning** – Officer D held his/her service pistol in his/her right-hand and along the front of his/her chest as it was pointed in a low-ready position in the direction of Subjects 2 and 3 as they sat in the front passenger and driver’s seat of the Mercedes. Officer D did not want Subject 2 to be able to reach for his/her service pistol.

Officer A ordered the drivers of the Charger and the Mercedes to turn off their vehicles. While doing so, Officer A held his/her service pistol in a single hand grip with his/her service pistol’s muzzle pointed toward the ground.

- **Requesting a Rescue Ambulance (RA)** – Officer J approached a female who was seated on the east sidewalk of Broadway Avenue, north of 86th Place and asked if she had been injured. Officer J informed the female that she would be walked to the CP for questioning regarding her role as a possible witness to the shooting incident. According to Officer J’s BWV, he/she asked the female if she

was having a seizure and an intermittent clinking noise can be heard as the female sat next to a wrought iron gate. Officer J raised his/her handheld police radio numerous times, but the frequency was being utilized for an extended period of time. Officer J stated that he/she believed he/she would have to wait until a Code Four was broadcast before he/she could utilize the frequency to request an RA. As LAFD arrived at the location at the request of an unidentified officer for a shooting victim, Officer J approached LAFD personnel and asked them to assess the female whom he/she believed had a seizure. LAFD personnel told Officer J they would assess her after the shooting victim. Officer J returned to the female, who told Officer J she did not want to be seen by the RA and that she frequently had seizures. Officer J informed her that he/she could not let her leave without being seen by the RA. Officer J walked the female to the CP and notified the officers taking custody of her that she would require an assessment by the RA.

Command and Control

Sergeant A was the first and only supervisor at scene leading up to and during the OIS. Sergeant A, upon hearing shots fired, communicated to Officers I and J what he/she heard. Sergeant A immediately ordered Officer I to open the rear passenger compartment door of the police vehicle for Officer J so he/she would be able to exit the police vehicle. Sergeant A observed Officer D as the OIS occurred and began to assess the scene. Sergeant A exited his/her police vehicle and observed numerous community members exiting 86th Place onto Broadway Avenue. Sergeant A detained two community members who he/she believed were possible suspects of the shooting. At this point, Sergeant A powered on his/her BWV device. Sergeant A explained that he/she typically powered off his/her BWV device when deployed to a MFF because the BWV battery would not last for a 14-16 hour shift. Therefore, to save battery time Sergeant A powered off his/her BWV device.

Sergeant A walked to Officer D and began giving commands to the occupants of two vehicles that were trying to exit 86th Place onto Broadway Avenue. Sergeant A observed Subjects 2 and 3, in the silver Mercedes, begin to drive toward Officer B. Sergeant A became concerned for Officer B but did not give Officer B orders to redeploy. Sergeant A believed in hindsight that he/she would have preferred to have directed Officer B to redeploy. However, Sergeant A believed they were all in a good tactical position since he/she and Officer B had their service pistols ready to fire if Subject 3 had driven into Officer B. While this was occurring, Sergeant A allowed the muzzle of his/her service pistol to cover the backs of the officers standing in front of him/her. Sergeant A stated there would always be brief covering of another officer and stated he/she was very cautious since his/her finger was on the slide of his/her service pistol. Sergeant A stated that he/she did not have the opportunity to broadcast his/her status as Incident Commander due to a lack of time. Additionally, Sergeant A believed that he/she initially acted in the role of an officer and not a sergeant but then transitioned to the role of a sergeant once the situation had de-escalated. Sergeant A broadcast multiple times but discovered his/her handheld police radio was still on the MFF frequency and was not on Southeast base frequency. Sergeant A then heard the initiation of the vehicle pursuit that occurred in relation to the OIS. Sergeant A stated it was difficult to control the scene

while a pursuit was in progress and its resulting radio traffic. After the occupants of the two vehicles were handcuffed, Sergeant A began organizing a team to search for victims. However, Sergeants C and D arrived and ensured Sergeant A did not begin a search and was separated and monitored due to his/her involvement in the OIS.

The BOPC noted that Sergeant A had the benefit of arriving with the officers to the shooting call and was present during the OIS. The BOPC considered Sergeant A's statement regarding his/her inability to act as a supervisor and instead acted in the role of an officer. The BOPC determined that Sergeant A did not adequately provide command and control to the officers leading up to or during the OIS. The BOPC noted his/her lack of action was a substantial deviation from Department policy and Sergeant A's role as a supervisor.

The actions of Sergeant A were not consistent with Department supervisory training and did not meet the BOPC's expectation of a field supervisor during a critical incident.

Sergeants B and C were completing administrative duties when they heard the help call broadcast by CD. Sergeants B and C responded to the scene together in one police vehicle. Upon their arrival, Sergeant B declared him/herself as the Incident Commander. Captain A arrived and Sergeant B relinquished IC duties to Captain A. Sergeant B began to establish the CP.

Sergeant C arrived and placed him/herself and Sergeant B Code Six. Sergeant C met with Sergeant D, who had arrived shortly after Sergeants B and C, and created a plan to conduct a search for victims in the area of the incident. Sergeant C took one group of ten officers. After ensuring all officers had donned their ballistic helmets, Sergeants C and D ensured they had enough personnel for an arrest team, a less-lethal team, a lethal officer, and cover officers. Sergeant C explained he/she wanted to ensure that these elements were in place in the event suspects were still in the area. After the search was complete, witnesses were escorted to the CP.

Sergeant D created a plan with Sergeant B wherein Sergeant D would assist with IC duties and would be the IC of the tactical duties such as the search for victims. Sergeant D took one group of ten officers. After ensuring all officers had donned their ballistic helmets, Sergeants C and D ensured they had enough personnel for an arrest team, a less-lethal team, a lethal officer, and cover officers. Sergeant D explained that he/she wanted to ensure he/she had these elements in place in the event suspects were still in the area.

The BOPC noted that Sergeants C and D did not don their ballistic helmets prior to initiating their searches of the parking lots. The BOPC determined that Sergeants C and D would benefit from attending the Tactical Debrief.

The actions of Sergeants B, C, and D were consistent with Department supervisory training and the BOPC's expectations of field supervisors 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.

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

The BOPC found Sergeant A and Officers A, B, D, G, and H's tactics to warrant Administrative Disapproval. The BOPC found Officers C, E, F, I, and J's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Sergeant A**

According to Sergeant A, he/she exited his/her police vehicle and walked to the north side of the street. Sergeant A observed a lot of people exiting the mouth of the alley near 86th Place, east of Broadway Avenue. Sergeant A observed two people on the east sidewalk of Broadway Avenue trying to run northbound. Sergeant A had a reasonable belief that the situation could escalate to one involving the use of deadly force based on the gunfire heard. Sergeant A drew his/her service pistol and held it in a low-ready position. Sergeant A redeployed toward the northeast corner of 86th Place and Broadway Avenue. Sergeant A observed a male and a female running from the shooting location. Sergeant A ordered the two individuals to a prone position on the ground on the east sidewalk, north of 86th Place, and told them not to move. The two individuals complied and laid on the ground. Sergeant A then continued past the two people and approached the northeast corner of 86th Place and Broadway Avenue.

The BOPC conducted a thorough evaluation of the reasonableness of Sergeant A's drawing and exhibiting of his/her service pistol. The BOPC considered that Sergeant A heard gunshots emanating from a shooting call location. Sergeant A, believing that he/she needed to immediately defend his/her life, drew his/her service pistol. Sergeant A drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Sergeant A's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

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

Therefore, the BOPC found Sergeant A's drawing and exhibiting of a firearm to be In Policy.

- **Officer A**

According to Officer A, he/she stopped his/her police vehicle and simultaneously heard 20 to 30 rapid-fire gunfire similar to an AK-47 style weapon and exited his/her police vehicle. Officer A observed a four-door, black vehicle with tinted windows driving westbound on 86th Place then turning northbound onto Broadway Avenue at a high rate of speed. Officer A feared for his/her safety and believed there was an active shooter nearby. Officer A drew his/her service pistol utilizing a two-handed grip and held it in a low-ready position. Officer A turned back toward 86th Place when he/she heard more gunfire had started erupting. Officer A observed muzzle flash emanating from the area of 86th Place. Officer A suddenly realized that he/she had forgotten to open the rear door of his/her police vehicle to let the officers in the rear passenger compartment out of the vehicle. Officer A turned toward his/her police vehicle and when he/she did so, Officer A heard what he/she believed to be an impact on his/her police vehicle and ducked back behind the ballistic panel of his/her vehicle's door. Officer A continued to hear rounds being fired intermittently.

The BOPC conducted a thorough evaluation of the reasonableness of Officer A's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer A heard gunshots emanating from a shooting call location. Officer A, believing he/she needed to immediately defend his/her life, drew his/her service pistol. Officer A drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer A's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, 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 A's drawing and exhibiting of a firearm to be In Policy.

- **Officer B**

According to Officer B, he/she exited his/her police vehicle with Officer A and immediately went Code Six, utilizing his/her handheld radio. Officer B observed a four-door dark sedan leaving the scene as shots were ringing out. The dark sedan appeared to have its windows shot out. Officer B broadcast a "shots fired" help call and put out the description of the vehicle and its direction of travel which was northbound on Broadway Avenue. Officer B observed muzzle flash in the area of Broadway Avenue and 86th Place. Additionally, Officer B observed muzzle flashes going in an easterly direction and a southerly direction. Officer B believed there were at least three shooters. Officer B felt scared and believed there was a risk of escalation into deadly force. Officer B drew his/her service pistol with his/her right hand as he/she continued to hold his/her handheld radio in his/her left hand. Officer B maintained his/her finger along the frame of his/her service pistol.

The BOPC conducted a thorough evaluation of the reasonableness of Officer B's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer B heard gunshots emanating from the location of a radio call of a shooting. Officer B, believing he/she needed to immediately defend his/her life, drew his/her service pistol. Officer B drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer B's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as, Officer 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 Officer B's drawing and exhibiting of a firearm to be In Policy.

- **Officer C**

According to Officer C, he/she heard a volley of gunfire consisting of approximately 10 to 12 rounds or more as their police vehicle was still in motion. Officer C also believed he/she was the target of the gunshots. When Officer A stopped their police vehicle, Officer C reached over his/her door, through the open window, and opened his/her door. Officer C exited his/her police vehicle and walked around to the back of his/her police vehicle. Officer C believed the situation was going to escalate to one involving a use of deadly force and released the first retention of his/her double retention holster. Officer C drew his/her service pistol and held it at a low-ready position with his/her finger along the frame. Officer C observed Officer D redeploying towards 86th Place. Officer C redeployed towards Officer D and caught up with Officer D in the middle of the intersection of Broadway, just west of 86th Place. Officer C heard another volley of gunfire then observed muzzle flash emanating from the mouth of the alley.

The BOPC conducted a thorough evaluation of the reasonableness of Officer C's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer C heard gunshots emanating from a shooting call location. Officer C, believing that he/she needed to immediately defend his/her life, drew his/her service pistol. Officer C drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer C's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

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 D**

According to Officer D, he/she heard multiple guns being fired at the same time in very quick succession. Officer D believed there were semiautomatic firearms being used. Officer D believed that Officer A was driving to the radio call location at 87th Place. However, Officer D's attention was drawn to 86th Place and Broadway Avenue. Officer D observed a business structure on the east side of Broadway Avenue, on the northeast corner at 86th Place and knew there was a vacant lot on the south side of 86th Place. Officer D believed the gunfire was emanating from those two areas. Officer A stopped their police vehicle in the middle of Broadway Avenue just north of the intersection of 86th Place, with their police vehicle parked at an angle in a southeasterly direction. Officer D heard people screaming and yelling and heard tires screeching. Officer D observed a crowd of over one hundred people gathered around the alley, east of Broadway Avenue on 86th Place near the motorcycle club. Officer D observed people fleeing northbound in the alley and eastbound down the street.

During this dynamic situation, Officer D believed that being in a black and white police vehicle made him/her an identifiable target and wanted to exit his/her police vehicle and redeploy away from it. However, the unit was required to have four officers in one car on the day of the incident. Because of this requirement, Officer D was in the rear passenger compartment of the police vehicle and could not get out immediately. However, Officer D's window was rolled down and he/she was able to reach through the open window and open the door utilizing the exterior door handle. After Officer D opened his/her door and exited the police vehicle, he/she held his/her side handle baton in his/her left hand. Officer D began to run away from his/her police vehicle toward the northeast corner of 86th Place and Broadway Avenue in an attempt to identify where the gunfire was coming from. Officer D observed Officer C slightly off to his/her right side. Officer D attempted to holster his/her side handle baton in the baton ring attached to his/her duty belt, however Officer D was unable to secure the baton in the ring properly and continued to hold his/her baton in his/her left hand. Officer D drew his/her service pistol with his/her right hand while running.

The BOPC also conducted a thorough evaluation of the reasonableness of Officer D's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer D heard gunshots emanating from a shooting call location. Officer D, believing that he/she needed to immediately defend his/her life, drew his/her service pistol. Officer D drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer D's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer D, 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 D's drawing and exhibiting of a firearm to be In Policy.

- **Officer E**

First Occurrence

According to Officer E, after letting Officers G and H out of the rear passenger compartment of their police vehicle, he/she re-entered his/her police vehicle in the driver seat and drove it toward 86th Place to utilize it for cover. Officer E stopped his/her vehicle a second time approximately 20 feet north of 86th Place facing the area from which Officer E believed the shots had emanated. Officer E became fearful that someone was shooting at him/her and believed that he/she was going to get shot. To protect his/her life and the lives of his/her partner, Officer E drew his/her service pistol as he/she placed his/her police vehicle into park. Officer E held his/her service pistol at a low-ready position with his/her finger along the frame. After he/she stopped his/her police vehicle, Officer E did not hear shots being fired. Officer E exited his/her police vehicle and stood by his/her driver's door, utilizing it as cover. Officer E observed people getting into vehicles on 86th Place and trying to leave the area from which shots had emanated.

Officer E observed the general area of where the shots were coming from and determined it to be in front of an industrial building and a north/south alley. Further downrange on 86th Place appeared to be approximately two residential structures east of the parking lot on 86th Place. Officer E observed a male enter a gray vehicle parked along the east curb of Broadway Avenue, directly in front of Officer E's police vehicle. The male appeared to be attempting to leave the area. Officer E believed the male was the Subject trying to flee from the scene. Officers E and G ordered the male to exit the vehicle, but the male did not comply. After repeated attempts at verbalizing with the male, the male began to comply. Officer E discussed a plan with Officer G. Officer E told Officer G that he/she (Officer E) would handcuff the Subject. Officer G told Officer E to wait a few seconds. After waiting, Officer E holstered his/her service pistol, approached the male and handcuffed him. Officer E completed a quick search of the male and transferred the custody of the Subject to uniformed officers at scene.

Second Occurrence

According to Officer E, he/she walked to the Mercedes stopped on 86th Place and Broadway Avenue. Officer E drew his/her service pistol a second time due to the ongoing tactical situation and due to the probability of a deadly force scenario.

Third Occurrence

According to Officer E, he/she joined Sergeant C and several other officers to form a search team to locate victims, suspects, or witnesses on 86th Place. Officer E believed the suspects he/she would be searching for would possibly be armed, and Officer E wanted to be able to defend him/herself if a suspect began shooting at him/her during the search. Additionally, Officer E believed the scene was still an

active tactical situation with multiple suspects leaving or trying to leave the area where the shooting occurred. Officer E drew his/her service pistol a second time at the beginning of the search.

The BOPC also conducted a thorough evaluation of the reasonableness of Officer E's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer E drew his/her service pistol on three separate occasions during this incident.

The BOPC conducted a thorough evaluation of the reasonableness of Officer E's first drawing and exhibiting of his/her service pistol. The BOPC considered that Officer E heard gunshots emanating from the location of a shooting call. Officer E, believing that he/she needed to immediately defend his/her life, drew his/her service pistol. Officer E drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer E's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

The BOPC also evaluated Officer E's second occurrence of drawing and exhibiting his/her service pistol. After Officer E had holstered his/her service pistol to handcuff a possible suspect, Officer E turned the male over to the custody of uniformed officers nearby. Officer E observed multiple suspects were still attempting to flee from the area of the shooting. Officer E believed the area was still an ongoing tactical situation and drew his/her service pistol a second time. Officer E believed he/she may have to defend his/her life.

The BOPC also evaluated Officer E's third occurrence of drawing and exhibiting his/her service pistol. Due to the ongoing tactical situation and suspects from the shooting still not located, Officer E drew his/her service pistol a third time during a search for possible shooting suspects. Officer E believed he/she may have to defend his/her life if he/she were to come upon a shooting suspect during the search.

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

- **Officer F**

According to Officer F, he/she re-entered his/her police vehicle with Officer E and they repositioned the police vehicle closer to 86th Place and Broadway Avenue. Officer F heard rounds impacting unidentified metal objects behind him/her and believed he/she was being fired upon. Officer E stopped their police vehicle at 86th Place on Broadway Avenue. Officer F believed the situation was going to rise to the level of deadly force and drew his/her service pistol. Officer F utilized a two-handed grip with his/her finger along the frame. Officer F utilized the door to his/her vehicle

as cover while he/she assessed the scene. Officer F observed Officer B standing in front of a silver Mercedes on Broadway Avenue at 86th Place. Officer F believed Officer B was in a bad position and communicated with him/her to get away from the car. Officer F observed other officers focused on a silver Mercedes and believed that Subjects 2 and 3 were possible suspects from the shooting. Officer F redeployed to the southeast corner of 86th Place and Broadway Avenue in case Subjects 2 and 3 attempted to flee southbound on Broadway Avenue. Subject 3 was ordered to exit the vehicle and was directed to an area approximately six feet in front of Officer F. Officer F planned to do a high risk prone on Subject 3, however Subject 3 was not cooperating with Officer F's orders. Officer F believed Subject 3 was unsafe to approach as he refused to comply with verbal commands. Officer F waited for Officer B to approach Subject 3 with him/her. Officer H told Officer F to make sure Subject 3 was handcuffed since there was a firearm located in Subject 3's vehicle. Officer F waited for an additional unit to approach Subject 3 prior to taking Subject 3 into custody.

The BOPC conducted a thorough evaluation of the reasonableness of Officer F's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer F heard gunshots emanating from a shooting call location. Officer F, believing he/she needed to immediately defend his/her life, drew his/her service pistol. Officer F drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer F's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer F, 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 F's drawing and exhibiting of a firearm to be In Policy.

- **Officer G**

- First Occurrence

According to Officer G, he/she exited his/her police vehicle and looked to the southeast towards 86th Place and Broadway Avenue. Officer G continued to hear shots and had reasonable belief that he/she was going to be involved in a situation that could escalate to deadly force or was already in that situation. Officer G drew his/her service pistol with his/her right hand as his/her left hand was underneath, supporting his/her right hand in a firm grip with his/her finger along the frame, and at a low-ready position. Officer G then utilized his/her left hand to take hold of his/her flashlight. Officer G transitioned and placed the back of his/her left hand up against his/her right fist, which was gripping his/her service pistol. Officer G utilized this technique to illuminate any possible threat in front of him/her. Officer G observed parked cars, officers in the street, and a group on the sidewalk. Officer G could see the officers looking eastbound and heard shots being fired to his/her south and to

his/her east where the group on the sidewalk was standing. Officer G could not tell if the shots were being fired in his/her direction. Officer G observed an unknown male running toward him/her. Officers E and G communicated to each other about the male. Officer G held his/her service pistol at a low-ready position and illuminated the male. Officer G observed the male run toward a parked sports utility vehicle along the east curb of Broadway Avenue, north of 86th Place. Officer G ordered the male to stop and to not get into the vehicle. The male ignored Officer G's commands and entered the vehicle.

Second Occurrence

According to Officer G, he/she heard Sergeant C request officers for a search. Officer G volunteered and became part of a search team. Officer G believed he/she would be involved or was about to be involved in a situation that could escalate to the use of deadly force due to the ongoing shooting investigation and the information provided by Sergeant A in which the possible suspect was going to be near the search area. Officer G drew his/her service pistol for a second time. Officer G assisted with searching the area eastbound on 86th Place, which included two parking lots and a north/south alley. Officer G encountered a female witness who was covered in blood and detained by other officers.

The BOPC conducted a thorough evaluation of the reasonableness of Officer G's drawing and exhibiting of his/her service pistol. The BOPC noted Officer G drew his/her service pistol on two separate occasions during this incident.

The BOPC conducted a thorough evaluation of the reasonableness of the first occurrence of Officer G's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer G heard gunshots emanating from a shooting call location. Officer G, believing that he/she needed to immediately defend his/her life, drew his/her service pistol. Officer G drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer G's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

The BOPC also evaluated Officer G's second occurrence of drawing and exhibiting his/her service pistol. Due to the ongoing tactical situation and suspects from the shooting still not located, Officer G drew his/her service pistol a second time during a search for possible shooting suspects. Officer G believed he/she may have to defend his/her life if he/she were to come upon a shooting suspect during the search.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer G, 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 G's drawing and exhibiting of a firearm to be In Policy.

- **Officer H**

First Occurrence

According to Officer H, he/she exited his/her police vehicle and had heard gunshots. Officer H observed a single muzzle flash coming from the area where officers were standing. Officer H could hear the actual rounds close to him/her and was unsure if they were flying over his/her head. Officer H believed the rounds were being fired in his/her direction. Officer H observed people yelling, crying, and pointing in the direction of 86th Place. Officer H observed an officer discharging a service pistol in an easterly direction down 86th Place. Officer H observed people running on Broadway Avenue and observed vehicles trying to exit 86th Place, onto Broadway Avenue. Officer H heard a total of three volleys of gunfire from different caliber weapons. Officer H broadcast a help call utilizing his/her handheld police radio but later found out his/her radio was set to the tactical frequency he/she utilized during the MFF deployment. Officer H observed a male running while holding his/her waistband and reasonably believed that the tactical situation could escalate to a situation involving the use of deadly force because of gunfire. Officer H was unsure if the male was a suspect or a victim. Officer H drew his/her service pistol and held it in a low-ready position while Officer H gave orders to the male to stop. The male was not compliant, but Officer H continued to verbalize with him.

Second Occurrence

According to Officer H, he/she continued to assess the scene and walked toward Officers B and D. Officer H observed Officer B dealing with a silver Mercedes containing Subjects 2 and 3. Subject 2 had an object in his hand, but Officer H could not identify the object. Officer H lost sight of Subject 2's hands as they went below the doorframe and into the passenger compartment of the vehicle. Eventually, Subject 2 complied with verbal orders and allowed Officer H to see his hands. Officer H waited for additional resources to arrive and when an officer approached Officer H from his/her left, he/she and Officer H began giving Subject 2 orders simultaneously. Subject 2 exited the Mercedes, lifted his shirt up to show that he did not have a weapon in his waistband, and began to approach Officer H. Officer H began ordering Subject 2 to stop, turn around, and to get on his knees. Officer H holstered his/her service pistol and placed Subject 2 in handcuffs once he complied with Officer H's orders. Officer H guided Subject 2 to the sidewalk and released custody of Subject 2 to nearby uniformed patrol officers. Officer H returned to the Mercedes to clear it for suspects. Officer H believed the tactical situation could escalate to a situation involving the use of deadly force and therefore drew his/her service pistol a second time to conduct the search. Officer H held his/her service pistol in a low-ready position towards the ground. Officer H believed that he/she cleared the vehicle by him/herself, but he/she had Officer D to his/her left and multiple officers to his/her right that were with him/her to conduct the search. Officer H observed a semi-automatic handgun with a high-capacity magazine attached to it on the passenger side floorboard. Officer H advised nearby officers of his/her observations of the handgun.

The BOPC conducted a thorough evaluation of the reasonableness of Officer H's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer H drew his/her service pistol on two separate occasions during this incident.

The BOPC conducted a thorough evaluation of the reasonableness of Officer H's first drawing and exhibiting of his/her service pistol. The BOPC considered that Officer H heard gunshots emanating from a shooting call location. Officer H, believing that he/she needed to immediately defend his/her life, drew his/her service pistol. Officer H drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer H's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

The BOPC also evaluated Officer H's second occurrence of drawing and exhibiting his/her service pistol. Due to the ongoing tactical situation, Officer H drew his/her service pistol a second time during a search of a vehicle for possible shooting suspects. Officer H believed that he/she may have to defend his/her life if he/she were to come upon a shooting suspect during the search.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer H, 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 H's drawing and exhibiting of a firearm to be In Policy.

- **Officer I**

According to Officer I, he/she and Sergeant A simultaneously exited their police vehicle. Officer I opened the rear door for Officer J. Officer I turned back towards 86th Place and heard shots being fired. Officer I drew his/her service pistol due to the tactical situation and believing the situation could escalate to the point where deadly force would be justified. Officer I held his/her service pistol in his/her right hand with his/her support hand around his/her right hand and his/her finger along the trigger. Officer I took cover behind the hood of a vehicle that was parked alongside the east curb of Broadway Avenue, approximately 20 yards north of 86th Place. Officer I observed a male on the east sidewalk. Officer I made the decision to detain the male while holding him at gunpoint. Officers I maintained his/her service pistols pointed in the direction of the male, in a low-ready position. Once the scene had calmed down, Officer J discussed a plan with Officer I to take the individual into custody. Officer J planned to holster his/her service pistol and take the male into custody.

The BOPC conducted a thorough evaluation of the reasonableness of Officer I's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer I heard gunshots emanating from a shooting call location. Officer I, believing that he/she needed to immediately defend his/her life, drew his/her service pistol. Officer I drew his/her service pistol in response to the shots being fired and the shooting

Subject's actions. The BOPC noted the totality of the circumstances, Officer I's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer I, 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 I's drawing and exhibiting of a firearm to be In Policy.

- **Officer J**

According to Officer J, as Sergeant A drove toward 86th Place and Broadway Avenue, he/she observed officers standing outside their vehicles near 86th Place and did not know what was going on. After Sergeant A parked, Officer J heard about four to five shots. Officer J was still seated in the back-passenger compartment of the police vehicle and could not see who had fired the shots. Officer J exited his/her police vehicle after Officer I let him/her out of the vehicle. Officer J felt that the situation was going to escalate to the use of deadly force and drew his/her service pistol. Officer J placed his/her finger along the frame of his/her service pistol.

The BOPC conducted a thorough evaluation of the reasonableness of Officer J's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer J heard gunshots emanating from a shooting call location. Officer J, believing that he/she needed to immediately defend his/her life, drew his/her service pistol. Officer J drew his/her service pistol in response to the shots being fired and the shooting Subject's actions. The BOPC noted the totality of the circumstances, Officer J's observations, and situational awareness prior to him/her making the decision to draw his/her service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer J, 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 J's drawing and exhibiting of a firearm to be In Policy.

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

C. Lethal Use of Force

- **Officer D–** (pistol, 5 rounds)

According to Officer D, while running towards the northeast corner, his/her attention was immediately drawn to muzzle flash. Officer D believed there were multiple

shooters. The ambient light allowed Officer D to clearly see a male on the south side of 86th Place. The male was standing under streetlights at the entrance to the parking lot in the middle of the alley and south of the alley. The male was facing Officer D. The male was wearing a black baseball cap, a black or dark T-shirt with a white T-shirt underneath, and a necklace. Officer D could not see the features of the male's face but could see the front of his chest and his arm lifted and extended. Officer D believed the male was holding a handgun, and Officer D could see the end of a handgun from which the muzzle flash was emanating. Officer D observed the male, left arm down by his side. Officer D believed the male possessed a semiautomatic firearm. Officer D was unsure if a murder had occurred, was occurring, or if Officer D was the person the male was trying to shoot. Officer D believed the male was trying to unload his gun as fast as he could in Officer D's direction. Officer D felt like he/she was in front of his/her nearby partners and, after seeing the threat, had to address the threat, not only for him/herself but in order to defend him/herself and his/her partners. Officer D believed if he/she did not immediately address the threat, someone would get hurt or die.

Officer D did not seek cover and instead, went with the information he/she had and made the best decisions to handle the situation. Officer D pulled the hammer of his/her service pistol back in a single action. Officer D believed being in single action allowed him/her to be a more accurate when firing his/her service pistol. Officer D assessed the background of the male and observed it to be a wall or an inanimate object of some kind. Officer D observed the male was standing at or near a car. Officer D believed his/her background was good and he/she was not firing into a crowd. Officer D kept both eyes open and acquired his/her sights on the male's upper body at an approximate distance of 50 to 70 yards. Officer D fired approximately four to six rounds while running towards 86th Place and Broadway Avenue. Officer D was assessing to see if his/her rounds were effective by seeing if the threat was stopped. Officer D fired until he/she no longer saw the threat. Officer D looked and observed the male was no longer there. Officer D could not estimate how many rounds the male fired because as the male was firing, Officer D was simultaneously firing towards that threat.

The BOPC conducted a thorough review and analysis of the reasonableness and necessity of Officer D's use of deadly force for all five rounds. The BOPC noted that the investigation had determined that the time between Officer D's first and second rounds was approximately one second, and the total time in which all five rounds had been fired was approximately three seconds.

The BOPC noted that Officer D continually assessed the tactical situation and the Subject's movements prior to and after discharging his/her first round. Officer D, after firing his/her first round, still observed the Subject firing at him/her. Officer D brought his/her service pistol back up on target and discharged four additional rounds.

The BOPC noted that Officer D articulated his/her observations and stated that he/she could not see the Subject after he/she discharged his/her service pistol. Officer D ceased fire and continued to assess the area. Additionally, the investigation determined that casings from a 9mm pistol were recovered 29 ft from

the area that Officer D believed the Subject had been standing at the time of the OIS. Therefore, Officer D discharged his/her service pistol in defense of his/her life and the lives of his/her partner officers based on the continued imminent lethal threat presented by the Subject's actions. Officer D perceived all five of his/her rounds were necessary because he/she believed the Subject would continue firing towards Officer D or the nearby officers.

The BOPC was critical of Officer D's decision to maintain possession of his/her side handle baton while he/she fired his/her service pistol and while running. The BOPC would have preferred that Officer D had holstered his/her side handle baton since addressing a deadly threat would take precedence. Officer D maintaining his/her side handle baton forced Officer D into a single-handed shooting position. The BOPC noted this was not a preferable technique. Additionally, the BOPC would have preferred that Officer D had not fired while on the move. However, the BOPC discussed that Officer D's actions were necessary to defend his/her life and the lives of his/her partners.

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.