

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

OFFICER-INVOLVED SHOOTING – 026-20

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

North Hollywood 6/7/20

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

Officer M 30 years, 7 months

Reason for Police Contact

Los Angeles Police Department (LAPD) Special Weapons and Tactics (SWAT) officers were conducting evacuations during a barricaded suspect incident. As the evacuations were occurring, the suspect exited his apartment and fired a crossbow at officers, resulting in an Officer-Involved Shooting (OIS).

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

Subject: Male, 43 years of age.

Board of Police Commissioners' Review

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

The following incident was adjudicated by the BOPC on May 18, 2021.

Investigative Summary

On Saturday, June 6, 2020, at 0854 hours, Officers A and B responded to a residence for a "found property" radio call. The comments of the call indicated that a male suspect was observed brandishing a handgun the night prior. The Subject threw a sword onto the property of Witness A, the person reporting.

Upon arrival, the officers met with Witness A, who advised that on June 6, 2020, between midnight and 2 a.m., she observed the Subject through his second-floor apartment window. The Subject appeared to be videotaping himself holding a rifle. Witness A became fearful and used her cellphone to videotape the Subject. Witness A showed the video to the officers and provided a copy of the footage to Officer B.

Witness A advised that later that morning at 0830 hours, she walked outside of her apartment and discovered a 30-inch sword and an empty gun case in her driveway. According to Witness A, she reviewed her security footage and observed the Subject had thrown the sword out of his window and onto her driveway. Witness A's apartment building was located south of the Subject's apartment window.

Officer A contacted Detective A for advice. Based on the information available, Officer A was advised to complete a property report for the found property and conduct a welfare check on the Subject.

Officers A and B contacted Witness B, the apartment manager, who provided the officers with the Subject's name, apartment number, and vehicle information. Officer B utilized his/her police vehicle's Mobile Data Computer in an attempt to identify the Subject and conduct a want/warrant check. Officer B then contacted the Mental Evaluation Unit (MEU) to inquire if the Subject had prior contacts. Both checks were unsuccessful and did not provide any additional information. When Officer B conducted these checks in the field, he/she did not have the proper spelling of the Subject's name or his date of birth.

Officers A and B requested additional police units and a supervisor to conduct a welfare check on the Subject. Once additional resources, including Sergeant A, arrived at scene, they discussed the circumstances of the welfare check and outlined the tactics they would utilize. The officers knocked on the Subject's door; however, there was no response. After attempting the welfare check, Officers A and B again met with Witness B, who provided them with a copy of the Subject's correct information she had on file.

During the welfare check, Officer B observed a note by the front door of the apartment complex with the Subject's phone number on it. The note was apparently left by the Subject in anticipation of a package delivery. This number was one of several that were used the following day by Department personnel in an attempt to contact the Subject. When Officers A and B returned to North Hollywood Station, they conducted another criminal history query on the Subject using his correct information. The check revealed the Subject was a convicted felon and on probation for an assault with a deadly weapon

(ADW). Officer B contacted MEU and learned the Subject had three prior MEU contacts and was a military veteran who suffered from Post-Traumatic Stress Disorder (PTSD).

Officer A communicated this new information to Detective A and provided him/her with the video footage of the Subject obtained from Witness A. Detective A contacted Lieutenant A, who directed him/her to draft a search warrant due to the suspicion that the Subject might be in illegal possession of an assault rifle.

Lieutenant A stated that he/she initially gave this direction to be proactive and to try to avoid another incident from occurring. However, after reviewing the video, Lieutenant A did not believe a crime had occurred. Lieutenant A stated it could not be determined whether or not it was an assault rifle or a BB gun. In light of that information, Lieutenant A ultimately reconsidered his/her decision and the warrant was not brought before a magistrate and/or served. Lieutenant A said that he/she briefed Captain A, about what had occurred, and that Captain A concurred with the decision not to serve the warrant.

Lieutenant A considered using resources from Major Crimes Division or Metropolitan Division to conduct surveillance of the Subject; however, due to the civil unrest occurring in the city at the time, he/she was unable to obtain those resources. Lieutenant A added that he/she made the decision to document the Subject's address as a Special Location with Communications Division (CD). Lieutenant A also notified the North Hollywood Patrol Division Watch Commander, Lieutenant B, and discussed the incident, in the event there were additional radio calls at the Subject's residence.

On Sunday, June 7, 2020, after 1830 hours, Witness C heard approximately 15 rapid shots hitting the side of his building. Witness C described the sound of the shots as being similar to those fired from a paintball gun. Witness C dropped to the floor and made his way to the hallway. When Witness C looked out his window, he observed the Subject, shirtless and standing by his (the Subject's) apartment window. Witness C later noticed a hole in his kitchen window and door. Witness C suspected the Subject was responsible for the gunshots, but he did not see the Subject with a weapon. Witness C added that that on June 5, 2020, he observed the Subject by his (the Subject's) window holding what appeared to be a rifle in a low-ready position.

At approximately 1843 hours, Witness D was inside her apartment in the same complex when she heard her window break. Witness D stated she turned and observed what she believed was a bullet hole in her window and then heard two additional gunshots. After calling 911 to report incident, she notified her manager and neighbors to get away from their windows. Witnesses C and D's apartments were located south of the Subject's apartment window.

In response to Witness D's call to 911, at approximately 1846 hours, CD broadcast an emergency (Code Three) radio call at the location. The comments of the radio call indicated that the Subject (description provided) was shooting and was armed with an AR15 rifle. At the time of this radio call, the location was listed as a Special Location, which cautioned that the Subject was currently on parole/probation and was a prohibited

possessor of firearms. The comments further stated that as of June 6, 2020, a search warrant was being prepared by North Hollywood detectives to arrest the Subject and recover his weapons.

At 1847 hours, North Hollywood Patrol Division uniformed Police Officers C and D responded to and broadcast themselves as to their status and location (Code Six) in the area of the radio call. The officers were aware of the incident involving the Subject that occurred the day prior, because they had been briefed in roll call at the start of their shift by Officer B, who discussed the Subject's actions, criminal history, and prior MEU contacts. Officers C and D were backed by several additional officers and supervisors, including Sergeant B. During their on-scene investigation, Officer D spoke with additional residents whose property had been damaged by the Subject's gunfire. Investigative Reports (IR) titled, "Shots Fired Into Inhabited Dwelling" were completed for each of those victims.

LAPD Air Support Division Police Officers E (Pilot), and Police Officer F (Tactical Flight Officer), broadcast they were enroute to the call.

At 1854 hours, Sergeant B placed him/herself Code Six over the radio and declared him/herself Incident Commander (IC). Sergeant B met with Sergeant C, who was directing units to meet with him/her to establish a Command Post (CP) and form a tactical plan. Based on the nature of the radio call and the Subject's prior history, Sergeant B began establishing a perimeter around the Subject's apartment building. Sergeant B indicated that he/she was the IC for approximately 20 to 30 minutes before he/she was relieved by Captain B.

At 1903 hours, Officer F broadcast over the police radio that he/she had observed the Subject walking in his apartment, armed with a rifle. Officer F began assisting with the placement of the responding units to ensure the perimeter around the Subject's apartment building was complete.

Sergeant D heard the radio call and responded to the CP. Sergeant D did not recall who the IC was, but he/she advised the CP that he/she would put together an immediate action/rapid deployment team in the event the Subject became mobile and had access to additional victims. Sergeant D also assembled a rescue team in the event there were injured victims. Once the teams were established, Sergeant D positioned them two buildings north of the Subject's apartment building.

At 1926 hours, upon Sergeant D's arrival, his/her Body Worn Video (BWV) depicted Captain B already at the CP. Sergeant D was tasked with communicating with the Subject in the hope that he would submit to arrest. Sergeant D made several attempts to contact the Subject telephonically, but the calls went to voicemail. Sergeant D then directed the Air Unit to request the Subject exit his apartment by using their Public Address (PA) system. The Air Unit specifically asked for the Subject by name and apartment number to exit. Despite that broadcast, the Subject did not respond and remained inside his apartment.

At the time the above announcement was made, Sergeant D was standing approximately a half block north of the Subject's apartment complex. The announcement from the Air Unit could be heard on his/her BWV. Witness D indicated she was inside her neighboring apartment complex at the time and also heard the announcement.

At 1930 hours, Detective B responded to Sergeant D's location to assist. Once at scene, Captain B and Sergeant D requested that Detective B assume responsibility of the ongoing attempts to contact the Subject.

At 1959 hours, Detective B was able to make telephonic contact with the Subject. Detective B explained to the Subject what was occurring and requested he exit his apartment without any weapons. The Subject began speaking incoherently and advised he would exit, but he never did. Detective B continued his/her efforts to get the Subject to exit his apartment by calling and texting him; however, those attempts were also unsuccessful. According to Detective B, during one of the calls, the Subject seemed to be having a conversation with himself. One of Detective B's text messages to the Subject read, "please come out and talk to us. Leave weapons behind. We are here to help you. Come out on the street. We do not want anyone to get hurt, especially you, so please respond by coming out." Detective B continued his/her attempts to communicate with the Subject through calls and text messages, encouraging him to come out peacefully and surrender. The last phone call was attempted at 2138 hours.

According to Detective B, Captain B received advice from a SWAT Crisis Negotiation Team (CNT) member via telephone to have a former Marine attempt to talk to the Subject. Detective B asked Sergeant D, who had prior military experience as a Staff Sergeant in the Marines, to speak with the Subject and order him to exit his apartment. Detective B called the Subject, who answered the phone. Sergeant D began speaking to the Subject at that point and identified him/herself as having been in the Marine Corps. Sergeant D ordered the Subject to exit his apartment, but Subject did not respond.

According to Lieutenant C, at approximately 2000 hours, Captain B called him/her to discuss the potential barricade situation and told him/her that his/her (Captain B's) personnel were in the process of trying to communicate with the Subject. Lieutenant C was aware an IR for the incident had been completed, however, he/she preferred a search warrant to recover Subject's weapons because of the stronger legal justification it would provide, in the event SWAT had to respond.

After speaking with Captain B, Lieutenant C made an early text notification to Metropolitan Division SWAT Sergeant E, the primary tactical supervisor, and Officer G, the primary tactical team leader, advising them of a potential SWAT call-out. The text also contained a photograph of the Subject holding a rifle from the June 6, 2020, incident. Based on the photograph, Sergeant E believed the weapon was potentially a high-powered rifle.

At approximately 2100 hours, Lieutenant C contacted Captain B for an update and was told the officers' attempts to communicate with the Subject and have him surrender had failed.

As a result, SWAT personnel were activated and began responding to the incident. Upon Officer G's arrival, he/she met with Lieutenant C at the CP, who showed him/her a diagram of the apartment complex and pointed out the Subject's residence.

In an effort to begin replacing patrol resources with SWAT personnel, Officer G and Lieutenant C assigned Police Officer H to take over a high ground position from patrol officers, who were south of the Subject's apartment complex on a nearby rooftop. This position provided a direct line of sight into the Subject's south-facing windows and was referred to during this incident by SWAT personnel as a "Sierra" position. Officer H was joined by SWAT Officer I, who arrived at the CP minutes later. Both officers were assigned as snipers and were transported to the Sierra location by armored vehicle.

After meeting with additional SWAT personnel, Officer G responded to the Subject's apartment building to help further establish containment around the location. Officer G met with Detective D, who pointed out the Subject's apartment window and informed him/her that the apartment complex had not been evacuated. Due to the photograph depicting the Subject with a potential high-powered rifle, and because it was reported the Subject was suffering from PTSD, Officer G was concerned for the safety of the apartment's residents and formed a plan to begin evacuating them.

At Officer G's direction, armored vehicles were strategically placed in front of Subject's apartment complex and driveway to provide cover for SWAT personnel, as well as to prevent the Subject from driving out of the parking garage.

Prior to entering the building, Officer G met with Metropolitan Division SWAT Sergeant F, the secondary tactical supervisor, who assumed the role of the primary tactical supervisor pending Sergeant E's arrival. Sergeant F agreed with Officer G to immediately start evacuating Subject's building. According to Sergeant F, the officers also collectively decided to begin their evacuations on the second floor to limit the Subject's access to other residents, who could potentially be taken as hostages.

The following additional Metropolitan Division SWAT officers were among those who responded to the scene and assisted with the tactical operation: Officers J, K, L, M, N, O, P, Q, R, S, T, U, V, and W.

At approximately 2204 hours, Officers G, J, K, O, P, S, and Sergeant F entered the apartment complex. Using the east stairwell, they moved up to the second floor to view the Subject's front door and to begin evacuating tenants who resided in units east of his residence.

Officer G asked Officers J and M to go to the west end of the second floor and begin evacuating residents west of the Subject's apartment. According to Officer J, this was done to avoid officers having to cross in front of the Subject's apartment door.

Officers J and M made their way to the west staircase, via the first-floor hallway. Once in position, Officer J contacted Officer G and requested an additional officer to assist them with their evacuations. Officer G assigned Officer N, who joined Officers J and M at the top of the west side second-floor staircase. Officer J discussed tactics with his/her team and designated him/herself as the contact officer, indicating that he/she would be the one to communicate with the Subject, as well as the residents being evacuated. Officer M, who was armed with his/her police rifle, was assigned the role of cover officer. Officer J provided Officer N with a beanbag shotgun and designated him/her as the less-lethal operator.

Prior to starting evacuations on the west end, Officer J communicated with Officer G via radio and established that only one of their two teams would enter the second-floor hallway at a time. Officer J advised that he/she would hold his/her team in the west stairwell while the other team finished their evacuations. This tactic was utilized to avoid a potential crossfire situation if the Subject stepped out of his apartment.

At approximately 2213 hours, the officers on the east end of the hallway resumed their evacuation attempts.

According to Officer G, the officers had received information from the CP that the occupants of an apartment which was the unit directly across from Subject's apartment, did not want to evacuate and were going to "shelter in place." With those apartments accounted for, the evacuation process shifted to Officer J and his/her team, who were waiting at the top of the west staircase.

At approximately 2214 hours, Officer G advised Officer J via radio that they had completed their evacuations and his/her (Officer J's) team could begin knocking on doors at the west end of the hallway. After verifying Officer G's team had moved out of view into the east stairwell, Officer J directed his/her team into the hallway and proceeded to evacuate residents.

At approximately 2215 hours, Sergeant E arrived inside the building and met with Sergeant F, who briefed him/her on the status of the tactical operation. After obtaining situational awareness, Sergeant E assumed the role of primary tactics supervisor and remained with the officers in the east stairwell.

While the team on the west end continued evacuations, Sergeant E, along with Officers G and K, began gathering additional tools needed for the tactical operation, including a TASER "Shockwave" device, tear gas canisters, and a remote-controlled recon robot. Sergeant E also ensured containment had been properly established and verified there were officers positioned to intercept the Subject in the event he attempted to jump from his south-facing window.

At approximately 2222 hours, Officers J, M, and N received information via radio that movement had been seen in the Subject's apartment windows. Based on that information, the officers believed the Subject, whose whereabouts were uncertain up until that point, was inside his residence.

As the evacuation process progressed, Officers G and J continued to communicate with one another via radio and made adjustments as needed to prevent a potential crossfire in the hallway.

Officer J contacted two residents and advised them of the need to evacuate. Officers J and N stepped into the apartment as Officer M assumed a barricaded position behind the door frame facing east in the hallway, with his/her rifle at a low-ready position.

As Officer J was speaking with the residents, Officer M heard what sounded like a door being "manipulated" down the hallway. Moments later at 22:29:02 hours, Officer M observed the Subject standing in his doorway and immediately yelled to him, "Let me see your hands man! Let me see your hands!" According to Officer M, the Subject was wearing a camouflage jacket and was holding a crossbow in his right hand and what appeared to be a rifle in his left hand. The Subject was facing north and appeared to be holding both weapons by the stock, pointed upward toward the ceiling. Officer M said the crossbow and rifle "blended" into Subject's camouflage jacket, which made them difficult to focus on.

When later recovered in front of his apartment door, the Subject's crossbow was found to have been painted or wrapped in a multi-colored camouflage print, similar in design to the jacket he was wearing at the time of the incident. The air rifle was black in color.

Officer M feared the Subject might fire the crossbow and impale him/her with an arrow. Officer M was also concerned for the safety of the officers in the east stairwell and for residents who might unknowingly step out of their apartment and into the Subject's line of fire. Believing there was a great likelihood that he/she might have to use lethal force, Officer M shouldered his/her rifle, while simultaneously moving the selector switch from "safe" to "semi-automatic". Moments later, the Subject re-entered his apartment and closed the door. Officer M then moved the selector switch back to "safe" and returned his/her rifle to a low-ready position.

As depicted on Officer M's BWV, at 22:30:36 hours, Officer M observed the Subject exit his apartment for a second time. According to Officer M, the Subject stepped into the hallway facing north, while holding the crossbow in his right hand pointed upward. On his/her BWV, Officer M can be heard yelling to Subject, "Let me see your hands man!" Officer M said as the Subject turned his head to look at him/her, the Subject shouted an unknown statement. A review of Officer M's BWV determined the Subject yelled, "Who the [expletive] is talking? Who the [expletive] is talking right now? Who are you? Who are you?"

Officer J, who was standing behind Officer M looking over his/her shoulder, replied, "It's the police, man, step out." Simultaneously, Officer M told the Subject to, "Drop it. Drop it!" According to Officer M, as the Subject turned to face him/her, he lowered the crossbow to a low-ready position while assuming a barricaded position in his doorway. Using two hands, the Subject then raised the crossbow and pointed it at Officer M. In further describing the Subject's actions, Officer M indicated the Subject braced his left foot into the doorjamb, bent his knees, and leaned forward in a "fighting" stance.

While using a doorframe as cover, Officer M immediately shouldered his/her rifle, placed the selector switch to semi-automatic, and moved his/her right index finger off the frame and onto the trigger. Officer M utilized his/her rifle's optic and aimed at the Subject's center body mass. Fearing that he/she was going to be shot, Officer M discharged two rounds from his/her rifle in an easterly direction toward Subject, from a distance of approximately 56 feet. The Subject fired a crossbow bolt at Officer M, striking Officer M in the thumb.

Officer M stated that as he/she fired his/her rounds, he/she simultaneously felt a "jolt" to his/her rifle and extreme pain to his/her left thumb. Officer M immediately released his/her grip on the rifle, stepped inside an apartment, and began applying direct pressure to his/her thumb to stop the bleeding. Officer M's rifle remained secured to his/her person by the two-point sling.

Officer J indicated that while looking over Officer M's shoulder, he/she observed the Subject quickly raise and fire the crossbow. Officer J observed the arrow traveling in the air and believed Officer M returned fire as the arrow was coming toward them.

The Subject cannot be seen on BWV as he stood in his doorway, nor can his crossbow be heard when it was discharged. Although the investigation was unable to definitively determine who fired first, it appeared that Officer M and the Subject discharged their weapons nearly simultaneously.

After firing the arrow, the Subject re-entered his apartment and closed his apartment door. The investigation determined the crossbow was struck by gunfire.

Officer N assumed Officer M's position and provided covered with his/her rifle down the east hallway. According to Officer N, as he/she stepped into the doorway, the fire door located between him/her and the Subject's apartment began to close, which prevented him/her from viewing the Subject's apartment door.

Immediately following the OIS, at 22:31:27 hours, Officer J initiated the following broadcast over his police radio, "Hey standby. Those shots were not fired by the [Subject]. That was us. The [Subject] fired a crossbow at us and we got an officer hit."

In anticipation tear gas would soon be deployed, Officer J replaced Officer N as the cover officer and instructed him/her (Officer N) to don his/her gas mask. Moments later,

Officers K, R, T, and U arrived in the hallway to help evacuate Officer M out of the building.

Officer M was escorted to a staircase, where he/she was met by Officer W and Los Angeles Fire Department (LAFD) Firefighter/Paramedics. After exiting the building, Officer M was walked to the CP, received first aid from LAFD personnel, and was transported to a nearby hospital.

At 22:32:59 hours, Sergeant E initiated a radio broadcast directing Officers L and Q, who were positioned at ground level on the property south of the Subject's apartment building, to deploy tear gas into the Subject's windows. Regarding this decision, Sergeant E stated that the Subject just tried to kill a Los Angeles police officer and that Sergeant E needed to stop the Subject's actions and his behavior immediately.

Officer J explained the use of tear gas was a tactic they had discussed prior to the OIS, as they were beginning to evacuate the building. Officer J stated that the Subject had already shot into a building and if the Subject engaged them, they would deploy gas immediately.

Prior to gas being deployed, Lieutenant C, who was at the CP, advised Captains A and B about SWAT's intention to immediately use gas. Lieutenant C explained to them that gas was a chemical irritant designed to affect a person's vision, breathing, and nasal passages. Lieutenant C also referred to it as a de-escalation tool used to take the "fight" out of a person assaulting an officer. According to Lieutenant C, both captains agreed with the decision to deploy gas.

Sergeant E was unaware that the approval to use gas was ultimately obtained from the IC. Sergeant E believed gas was deployed at his/her direction due to the exigency of the situation.

At 22:35:13 hours, Officer Q began deploying four canisters of "CS" gas toward the Subject's apartment windows. Three of the four gas canisters made it into the Subject's apartment windows. The remaining canister missed the Subject's windows and fell to the ground outside of the apartment building. Sergeant E indicated that as part of their safety plan, LAFD was standing by in the "highly unlikely" event a fire started due to the deployment of gas.

As the gas was being deployed into the Subject's apartment, Sergeant E was positioned in the first-floor hallway by the east stairwell with several officers. Shortly after the final gas canister was launched, Sergeant E heard the Subject screaming from somewhere on the second floor that he could not breathe. Over the next several minutes, Sergeant E communicated with the Subject via bullhorn and repeatedly ordered him to come out with his hands up and stated no one was going to hurt him. Despite those attempts, the Subject did not respond.

In an effort to monitor the Subject's movement without exposing officers to further risk, Sergeant E directed that a recon robot be deployed in the second-floor hallway. From the first-floor stairway landing, Officer G tossed the recon robot up to the second level. The robot was then remotely operated by Officer O via a device which included a video monitor. At approximately 22:41:09 hours, Officer O advised the officers around him/her that he/she observed the Subject (via the video monitor) sitting on the floor just inside the doorway of his apartment. Using his/her bullhorn, Sergeant E ordered the Subject to keep his hands where the officers could see them and crawl toward the east stairwell.

In preparation to take the Subject into custody, an arrest team was staged at the bottom of a staircase. Officer S, armed with his/her rifle, was the designated cover officer and was positioned to the left of the staircase. To the right of him/her was Officer V, who was designated as less-lethal and armed with a less-lethal projectile launcher. Officers P and R assumed handcuffing responsibilities and stood behind Officers M, S, and V.

As the Subject began to comply and move toward the east stairwell, Officer O was able to track him on the video monitor, confirm he was not holding anything in his hands and communicate his observations to the officers who were with him/her. Sergeant E continued to coax the Subject to come down the stairs and reassured him several times no one wanted to hurt him.

At approximately 22:42:51 hours, the Subject descended the staircase with his hands raised. As the Subject neared the bottom of the stairs, Officers P and R stepped forward and grabbed the Subject's arms. While applying a firm grip to the Subject's right arm, Officer P placed the arm behind the Subject's back and secured it with a handcuff. Officer R then moved Subject's left arm behind his back, where it too was handcuffed by Officer P.

Once Subject was taken into custody, Officer V removed two folding knives that he/she observed secured in a belt around the Subject's waistband and placed them on the floor. The Subject was then escorted out of the building by Officers P and R, who conducted a pat-down search near the front steps of the apartment complex.

During the OIS, the Subject did not sustain an injury; however, he had an elevated heart rate and was transported as a precautionary measure a nearby hospital by LAPD paramedics. The Subject was then cleared to be booked.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer J	Yes	Yes	Yes	N/A	N/A
Officer M	Yes	Yes	Yes	N/A	N/A
Officer N	Yes	Yes	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 Captain A, Lieutenant C, Sergeant E, and Officers J, M, and N's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers J, M, and N's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officer M's lethal use of force to be In Policy.

Basis for Findings

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

Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves,

the community and fellow officers.” (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

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

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

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

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

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

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

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

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

unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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

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

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

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

A. Tactics

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication (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 – As Captain B arrived on scene he/she met with Sergeant B and assumed the role as IC. As IC, Captain B created a plan to secure the scene by setting up containment around the apartment complex and establishing a perimeter to limit the Subject's access to additional victims and the Subject's movement from the location. The containment plan included establishing higher ground positions by utilizing an Air Unit and placing patrol rifle operators in strategic positions, along with

less-lethal assignments, and communication roles. Once containment was established, Captain B enacted a plan to establish communication with the Subject by telephone and the use of the Air Unit. Guided by the advice of Metropolitan/SWAT Crisis Negotiation Team (CNT) personnel, Sergeant B utilized Sergeant D, a prior active duty service Marine Staff Sergeant, to attempt to establish a dialogue with the Subject and convince the Subject to peacefully surrender. As the incident continued without progression, Captain B prepared for SWAT personnel arrival and relieved divisional personnel of their roles as SWAT personnel replaced their positions. As SWAT personnel arrived and took tactical control of the incident, Captain B maintained his/her role as IC and with the guidance of Lieutenant C, continued to plan for the evacuation of residents within the apartment complex, along with authorizing SWAT to utilize de-escalation tools, such as CS gas and a Recon robot.

Upon being contacted and informed of the incident, Lieutenant C began to gather initial intelligence on the Subject and formulated a plan to activate SWAT personnel response should the incident continue. As the incident continued, Lieutenant C was contacted by Captain B and made the decision to activate SWAT where he/she provided SWAT personnel with details regarding the incident and the Subject. When Lieutenant C arrived on scene, he/she met with SWAT Officer G where they formulated a plan to replace divisional personnel with SWAT personnel beginning with rifle operator positions and the establishment of a casualty collection point with LAFD. Lieutenant C also developed a plan with Officer G to evacuate the residents on the second floor of the apartment complex and usher them away to a safe location.

As the incident proceeded and additional personnel arrived on scene, Officers G and J developed a plan to safely evacuate the second floor by having Officer G's team evacuate the residents who lived east of the Subject residence, and upon their completion, have Officer J's team evacuate the residences to the west of the Subject's residence. As Officer G was evacuating residents, Officer J communicated his/her plan with Officers M and N, designating Officer M as the lethal cover officer, and Officer N as the less-lethal option, while Officer J identified him/herself as communications and contact officer with the residents.

Sergeant F arrived prior to Sergeant E and assumed the role of tactical supervisor. Sergeant F developed a plan and ensured that SWAT personnel replaced patrol resources as they arrived. Sergeant F coordinated an evacuation plan and briefed Sergeant E upon Sergeant E's arrival. While evacuations were being conducted, Sergeant E arrived at the scene where he/she was briefed by Sergeant F and assumed the role of tactical supervisor. Sergeant E implemented contingency plans and began "ordering up" de-escalation equipment, such as the TASER "Shockwave," gas, and a Recon robot to be utilized should they be needed.

Assessment – When Captain B heard the broadcast of the location and nature of the radio call, he/she assessed the information he/she had from the incident the day

prior and readied his/her response to the location. As Captain B arrived on the scene and assumed the role of IC, he/she made the assessment that his/her available resources were limited due to the ongoing civil unrest, and established containment around the perimeter of the apartment complex. Captain B considered the information he/she already had regarding the Subject, including that the Subject had served in the military, suffered from mental illness, was in possession of a rifle, and had prior arrests for weapons violations. Captain B considered that the Subject lived on the second floor of a multi-level apartment complex and that patrol personnel would be at a disadvantage due to the Subject's weapon system and position of advantage. Captain B made the decision to not enter the apartment complex and await SWAT personnel's response.

Upon being contacted by Captain B, Lieutenant C assessed the information he/she was provided and made the determination to activate SWAT personnel. As Lieutenant C and the additional SWAT personnel arrived on scene, they assessed the apartment building and made the plan to evacuate the building, beginning first with those residents in close proximity to the Subject on the second level.

As Officers G and J assessed the second-floor hallway, they made the decision to evacuate the east side of the hallway before beginning evacuations on the west side of the hallway to avoid potential crossfire issues. When the west team, led by Officer J, made contact with the residents in an apartment the officers were vulnerable while standing in the hallway and with the resident's permission, collapsed into the apartment to limit their exposure to the Subject. As the Subject opened his door, Officer M observed the Subject in possession of a crossbow and assessed the danger the Subject presented to him/herself and others. Officers J and M assessed that if the Subject had a high-powered rifle, it would penetrate walls and could injure the officers and the residents. Officer J and M decided to continue with their evacuation of the residents to remove them from the danger the Subject posed. When the Subject re-emerged from his apartment, Officer M assessed the Subject's deadly actions and his manipulation of the crossbow, leading Officer M to discharge his/her rifle towards the Subject. As Officer M was struck with a crossbow bolt and redeployed into the apartment for cover, Officer N accessed the situation and immediately assumed the role of lethal cover officer for the team. Officer J assessed the need to remove Officer M from the scene for immediate medical aid and that the use of gas was near; therefore, Officer J and his/her team relinquished their position and re-deployed to the west end of the hall as Officer M was extracted to receive medical attention.

Based upon the violent actions the Subject displayed, Sergeant E made an assessment and directed personnel to deploy gas into the Subject's apartment to disrupt the Subject's actions.

Time – With the understanding that the Subject was armed with a rifle, was in an elevated position of advantage, suffered from mental illness, and had served in the military, Captain B utilized the time he/she was afforded to establish a perimeter and

containment on the apartment complex. Captain B attempted to de-escalate the situation by taking the time to utilize personnel to verbally contact the Subject and gain the Subject's peaceful compliance, instead of approaching the Subject's apartment. Captain B utilized the time to contact MEU and SWAT personnel and have them arrive on scene, establish a CP, and gather additional resources and personnel to contain and manage the incident.

SWAT personnel utilized the time they were afforded to evacuate as many of the apartment's residents and gather as many resources and de-escalation tools to their location as soon as possible. Their time was reduced due to the Subject emerging from his apartment and discharging a crossbow at Officer M. SWAT personnel utilized time to let the gas irritate the Subject and cause the Subject to surrender peacefully and without further escalation of force.

Redeployment and/or Containment – Captain B utilized the limited number of personnel he/she had available to establish a perimeter and containment around the Subject's apartment complex in order to limit the Subject's opportunity to access victims and contain the Subject in a smaller, more manageable location. Captain B completed this with the assistance of Department personnel on the ground, patrol rifle operators on an elevated platform keeping a visual on the Subject's south facing windows, and the utilization of an Air Unit. Captain B maintained this containment until divisional personnel were relieved by SWAT personnel.

As SWAT personnel arrived at the location, they assumed containment positions from patrol personnel positioned around the apartment complex and established an interior containment inside the apartment complex to the second level. Subsequent to Officer M being struck with an arrow from the Subject's crossbow, SWAT personnel redeployed to the stairwells and utilized gas to cause the Subject's peaceful surrender.

Other Resources – Captain B directed his/her personnel to utilize Department databases to establish intelligence and information on the Subject. Through utilizing these resources, the Subject was confirmed to have served in the military, suffered from mental illness, was in possession of a rifle, and had prior arrests for weapons violations. Captain B utilized patrol rifles to establish high ground on the Subject, an Air Unit to provide an elevated view of the apartment complex and provide communications, MEU and SWAT CNT for guidance and assistance, and the use of the LAPD SWAT team to assist in the barricade of the Subject.

Lieutenant C utilized Department resources to gather intelligence on the Subject. Lieutenant C activated SWAT personnel which included the response of the Los Angeles Fire Department's Tactical Emergency Medical Support (T.E.M.S.) to assist them in case emergency medical treatment was needed. In addition, MEU and the assistance of an Air Unit was available to the IC. While planning for the incident, Sergeant E made preparations for multiple less-lethal options and tactical tools,

which included CS gas and a Recon robot, to be brought to the scene should they be needed during the incident.

Lines of Communication – Captain B ensured lines of communication were open with his/her personnel at all times and his/her plan of containment was followed. Captain B communicated with detectives in their completion of the search warrant for the Subject's apartment. In efforts to de-escalate the incident, Captain B directed telephonic communications with the Subject as well as through the utilization of the Air Unit. As the incident continued, Captain B contacted SWAT personnel and kept them abreast of how communications had stalled and the need for their response. Captain B continued his/her communication with Lieutenant C as SWAT personnel arrived on scene and transferred tactical positions with SWAT personnel. Continued dialogue was used in planning and discussing strategies and developing a plan, which included the possibility and approval of CS gas as a de-escalation tool.

Lieutenant C incorporated a clear line of communication between him/herself and Captain B. This communication was disseminated to the additional SWAT personnel where Lieutenant C acted as a conduit to filter and spread this information. Officers G and J communicated with each other as they developed and enacted a coordinated plan of evacuating the residents of the apartment building to avoid potential crossfire by ensuring only one team conducted evacuations at a time. Officer M communicated his/her observations of the Subject as the Subject exited his apartment and advised Officers J and N of his/her observations of the Subject being in possession of a possible crossbow, which was in turn broadcast by Officer J to SWAT personnel and the CP. Officer M attempted to establish dialogue with the Subject by providing commands to the Subject; however, the Subject escalated the incident and necessitated a deadly force response by lowering and firing his crossbow at Officer M. Subsequent to the Subject being taken into custody, Lieutenant C directed all SWAT officers at scene not to discuss the incident and to leave their equipment in place. According to Lieutenant C, he/she identified which officers witnessed the OIS and those officers who were "heard only" witnesses. Upon doing so, Lieutenant C ensured these officers were separated.

Upon Officer M discharging his/her rifle and being struck by a crossbow bolt, Officer J broadcast that shots had been fired and an officer was struck with a crossbow bolt. Sergeant E considered the exigency of the situation and directed the deployment of CS gas to confuse the Subject and deter an additional attack on officers, which would have resulted in additional force.

Subsequent to gas being introduced into the Subject's apartment, Sergeant E utilized a bullhorn to re-establish communications with the Subject. Sergeant E directed a Recon robot to be deployed on the second floor of the apartment complex where the Subject was observed. Sergeant E continued to communicate with the Subject, where he/she developed and established a trusting rapport wherein the Subject surrendered without further incident.

The BOPC considered the variety of tactical de-escalation techniques employed by Captain B with regard to his/her planning, assessment, containment, request for additional resources, and multiple attempts at establishing a dialogue with the Subject during this incident. The BOPC concluded that Captain B's implementation and utilization of the Incident Command System (ICS) and use of the tactical four C's (Control, Communicate, Coordinate, and Containment) demonstrated his/her leadership and effective command and control over the incident, which the Department expects from its commanding officers. Captain B took control as the IC, and when he/she exhausted his/her resources and available options, he/she utilized SWAT to effectively take the Subject into custody without injury.

The BOPC discussed Lieutenant C, Sergeants E and F, and Officers G, M, J, and N's use of de-escalation techniques in attempting to manage the incident and peacefully reach a desired outcome. The BOPC noted that the Subject's decisions and deadly actions dictated the response of SWAT personnel. The BOPC confirmed that the use of tactical de-escalation techniques was expected; however, utilizing de-escalation should not compromise the safety of the personnel utilizing them. The BOPC was particularly impressed that even after the Subject utilized a lethal crossbow to fire a bolt, which resulted in a significant injury to Officer M, SWAT personnel remained professional and dedicated to taking the Subject into custody in the care and manner in which Los Angeles Police personnel are guided by the principal of the Reverence for Human Life.

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

1. Utilization of Cover

The investigation revealed that Officers J, M, and N momentarily re-deployed from cover and into the hallway in order to evacuate and provide cover to residents as they walked down the hallway and away from the ongoing tactical incident. Upon the residents being safely evacuated from the hallway, Officers J, M, and N re-assumed cover and concealment from the Subject. The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of actions taken during a tactical incident can be enhanced while also increasing an officer's tactical options.

Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work to ensure a successful resolution. The ability to adjust to a tactical situation ensures minimal exposure to the officers.

In this case, the BOPC recognized that the tactical incident was rapidly unfolding, and the officers were concerned that if the Subject were to re-emerge and fire additional rounds from his rifle, they could penetrate the walls into the adjoining

apartments. The officers concluded it was safer to evacuate the residents. The BOPC considered Officer M's concerns that holding the ballistic shield in conjunction with a deployed rifle would compromise his shooting platform and make it difficult for Officers M, J, and N to affect a rescue or an arrest. The BOPC noted that the use of a ballistic shield in a tactical incident was an option and its use varies based on the tactical incident and upon the officer's discretion to utilize the tool.

Based upon the totality of the circumstances, the BOPC determined, that Officers M, J, and N's actions were not a deviation from approved Department tactical training.

- The BOPC also considered the following:
 - **Tactical Planning** – The investigation revealed that the Subject was observed with a rifle one day prior to the current incident, had three prior MEU contacts, was a prior active duty service Marine, and suffered from PTSD. Captain B did not direct patrol officers into the location to conduct evacuations or establish an inner perimeter due to the Subject having a rifle and being in an elevated position of advantage. Patrol personnel were positioned south of the Subject's apartment complex on a nearby rooftop. This position provided a direct line of sight into the Subject's south-facing windows. In addition, Captain B considered his/her limited resources due to the ongoing civil unrest, and he/she was not aware of any victims struck by gunfire. With SWAT initiated and their response confirmed, Captain B maintained an outer perimeter, advised residents to shelter in place, and continued communication with the Subject in an attempt to convince the Subject to surrender peacefully and allow time for SWAT personnel to arrive to evacuate the apartment complex. When planning containment during a tactical incident, consideration should be given to a suspect's ability to access potential victims.
 - **Non-Medical Face Coverings** – This incident required the response of multiple officers, including patrol resources and SWAT personnel. Of the determined substantially involved personnel, Captain B, Lieutenant C, Sergeant E, and Officers J, M, and N were not wearing non-medical face coverings; however, they were involved in an ongoing tactical incident necessitating close proximity for clear and continuous communications. In addition, SWAT personnel must be prepared to don their gas masks should a chemical agent be deployed, and while operating, SWAT officers utilize radio microphones placed near their mouths in conjunction with ear devices.
 - **Non-Conflicting Simultaneous Commands** – The investigation revealed that when the Subject exited his apartment with the crossbow a second time and prior to the OIS, both Officers J and M simultaneously provided commands to the Subject. Although the commands were non-conflicting, the officers were

reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

- **Chemical Agent Deployment Protocols** – The investigation revealed that prior to the OIS, Sergeant E requested additional de-escalation tools in preparation for the officers' contact with the Subject after evacuations had been completed. Sergeant E, along with Officers G and K, began gathering additional tools needed for the tactical operation, including a TASER "Shockwave" device, tear gas canisters, and a remote-controlled Recon robot. Although preparations were in process when the Subject exited unexpectedly with a crossbow, resulting in an OIS, a fire plan was not yet in place. According to FID investigators, an LAFD Battalion Chief and TEMS unit were present at the CP. When feasible and due to the potential fire hazard that the deployment of hot gas presents, Department personnel overseeing a critical incident are reminded of the importance of having a fire plan in place for the safety of the community and the officers present, should the fire plan need to be implemented.
- **Tactical Communication** – According to the FID investigation, following the OIS and assault by the Subject, Sergeant E initiated a radio broadcast directing Officers L and Q to deploy CS gas into the Subject's window due to the exigency of the situation. Sergeant E implemented the emergency gas plan to stop the Subject's actions and disorient the Subject. Prior to gas being deployed, Lieutenant C, who was at the CP, advised the IC, Captain B, about SWAT's intention to immediately use gas; however, Sergeant E was unaware that the approval to use gas was obtained from the IC. Lieutenant C was reminded of the importance of communicating pertinent information during a tactical incident to reduce possible confusion and improve operational success.
- **Profanity** – According to the FID investigation, as the Subject descended the staircase, an unknown officer can be heard saying something to the effect of "Get your [expletive] hands up." It was not clear who made this statement, because there were multiple officers standing side by side at the bottom of the staircase, all of whom were wearing gas masks. Officers were reminded that the use of profanity may unnecessarily escalate the situation and is not in conformance with the Department's expectations of an officer's conduct.

Command and Control

- Captain B arrived at the location and assumed the position of IC from Sergeant B. Upon Captain B's arrival he/she assumed command and control for the incident by requesting additional personnel to respond, as well as directing containment and establishing a perimeter around the outside of the apartment complex. As additional personnel arrived at the scene, Captain B directed the creation of a CP, set up an arrest team, conducted a work-up of the Subject, and attempted to make telephonic contact with the Subject. Captain B continued to control traffic around the location, contacted MEU, and reached out to Lieutenant C to discuss SWAT's possible

response. Captain B stated that he/she did not have personnel enter the apartment complex and attempt evacuations. Captain B informed community members to shelter in place due to the limited personnel with resources responding to the civil unrest, the Subject having the high ground on Department personnel, and the presence of a high-powered rifle that could lead to a deadly fore situation. Upon SWAT's response, Captain B collapsed the perimeter and briefed SWAT personnel on the incident.

Captain B stated that he/she did not direct Patrol personnel into the location to attempt an evacuation due to the Subject having a rifle in an elevated position of advantage and the residents were advised to shelter in place. Captain B considered the limited personnel he/she had accessible due to the ongoing civil unrest as he/she "barely had enough to contain the perimeter and contain the air." In addition, Captain B was not aware of any victims struck by gunfire. With SWAT initiated and their response confirmed, Captain B continued de-escalation efforts with personnel attempting to convince the Subject to surrender peacefully and allow time for SWAT personnel to arrive to evacuate the apartment complex as Captain B recognized it could escalate into a deadly force situation. Upon SWAT response, Captain B collapsed the perimeter and briefed SWAT personnel on the incident.

Lieutenant C confirmed that a crime had occurred and a search warrant was in progress prior to the officers' response. Lieutenant C activated the SWAT response to the incident. While at scene, Lieutenant C provided guidance and advice to Captain B and changed the location of the CP. Lieutenant C attempted to establish dialogue through the Crisis Negotiation Team (CNT) with the Subject prior to implementing a tactical incident and discussed the use of a gas agent should the Subject launch an assault. Subsequent to the OIS incident and the Subject being taken into custody, Lieutenant C directed Sergeant G to respond to the hospital to monitor and obtain a PSS from Officer M. Lieutenant C ensured the scene was undisturbed for FID investigators to document. Prior to gas being deployed, Lieutenant C, who was at the CP, advised Captains A and B about SWAT's intention to immediately use gas. Lieutenant C explained to them that gas was a chemical irritant designed to affect a person's vision, breathing, and nasal passages. Lieutenant C also referred to it as a de-escalation tool used to take the "fight" out of a person assaulting an officer.

Sergeant B responded to the location and declared him/herself as IC until relieved approximately 20 – 30 minutes later by Captain B. According to Sergeant B, while at scene he/she began formulating a plan, directed officers to establish containment, ensured crime reports were being completed for the victims, and ensured MEU was contacted regarding the Subject. When Captain B took over as IC, Sergeant B continued to assist at the CP by ensuring there were shields on the scene, officers donned their helmets, less-lethal options were available, and that rifles were on scene as well.

Sergeant E responded to the scene and met with Sergeant F. Sergeant E assumed responsibility as the Tactical Supervisor and remained on the east side of the

complex during the incident. While at scene Sergeant E requested additional equipment to be delivered from the CP, which included the "Shockwave" TASER device, gas, and Recon robot to assist in managing the incident. Sergeant E ensured the apartment complex was contained on each side should the Subject attempt to flee the location. Subsequent to the OIS incident, Sergeant E provided the order to initiate gas deployment into the Subject's apartment and ordered the deployment of the Recon robot to maintain a visual on the Subject. Sergeant E utilized a bullhorn to talk the Subject into surrendering peacefully and created an arrest team to take the Subject into custody without further incident.

Sergeant D responded to the scene and created an Immediate Action Rapid Deployment and rescue team in the event that the Subject exited his apartment and became mobile or injured anyone that may need a rescue. As a prior active duty service Marine, Sergeant D attempted to communicate with the Subject in an effort to have the Subject peacefully surrender.

Sergeant F responded to the scene as the initial Tactical Supervisor for the incident where he/she established a perimeter, began planning for the incident, and responded inside the apartment complex to begin the initial internal containment of the Subject until relieved by Sergeant E.

Sergeant G responded to the scene and assisted in the preparation of the Command Post. Following the OIS incident, Sergeant G responded to the hospital where he/she monitored Officer M until relieved. Sergeant G did not obtain Officer M's PSS due to Officer M receiving medical treatment at the time.

Sergeant H responded to the scene of a barricaded suspect and supervised the SWAT Crisis Negotiation Team (CNT). Subsequent to the OIS incident, Sergeant H responded to the hospital where he/she assumed monitoring of Officer M and obtained his/her PSS. When Officer M was discharged from the hospital, Sergeant H transported him/her to the CP where Officer M was admonished and released from the scene.

In this case, the BOPC would have preferred that Sergeant E maintain his/her position as primary tactical supervisor and utilized one of his/her available officers to verbally communicate with the Subject; however, overall Sergeant E coordinated his/her resources and managed the tactical incident efficiently. The overall actions of Sergeant E were consistent with Department supervisory training and the BOPC's expectations of a field supervisor during a critical incident.

The actions of Captain B, Lieutenant C, and Sergeants, B, D, F, G, and H were consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

- In conducting an objective assessment of this case, the BOPC determined that Captain B, Lieutenant C, Sergeants B and E, and Officers J, M, and N, did not deviate from approved Department tactical training.

Although Officers G, L and Q were not identified as substantially involved, and therefore, would not receive formal findings, the BOPC found that they would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

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

Therefore, the BOPC found Captain B, Lieutenant C, Sergeants B and E, and Officers G, J, L, M, N, and Q's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer M – (Rifle)**

According to Officer M, he/she was briefed on the incident and informed that the Subject, who was a "marine vet" and possibly suffered from Post-Traumatic Stress Disorder (PTSD), was armed with a "high-powered rifle." The Subject had barricaded himself inside of his apartment, discharged his rifle through walls, and had not been observed since. Officer M was also advised that the Subject's exact whereabouts in the apartment complex were unknown. Officer M stated "the priority" was to "evacuate" people out in a safe manner for public safety. While evacuating the second floor, Officer M obtained a barricaded position on the doorjamb of an apartment and heard what sounded like the Subject's door being manipulated. Officer M observed the Subject partially appear into the hallway holding a crossbow in his right hand and a rifle in his left hand. Officer M was concerned that the Subject might try to face him/her and was aware of how deadly and "devastating" a crossbow could be as it is used for hunting large animals.

- **Officer N – (Rifle)**

According to Officer N, he/she was informed that the Subject, a "former marine," was barricaded, armed with a rifle, and had fired rounds. Officer N had additionally been informed that the Subject's vehicle had been located which was observed to have bullet holes in the vehicle indicating gunshots "were fired either through or at a vehicle." Officer N joined Officers J and M on the west side of the second-floor staircase. Officer J was the contact officer, Officer M, who was armed with his/her rifle, was assigned the role of cover officer, and Officer N assigned as less-lethal with the Beanbag shotgun. Officer M advised Officers J and N that he/she observed the Subject armed with a crossbow. When Officer M was struck on his/her left hand

by an arrow, Officer N assumed Officer M's position as DCO and provided cover with his/her rifle down the east hallway.

- **Officer J – (Rifle)**

According to Officer J, he/she was advised that he/she was responding to a SWAT callout of “a barricaded suspect” that was “armed with a rifle.” Upon Officer J's arrival he/she also learned that while the Subject resided in an apartment, there was no containment inside the apartment building. If the Subject had stepped outside of the apartment, the Subject would have “had the run of the building” and could have positioned himself anywhere in the building.

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

Therefore, the BOPC found Officers J, M, and N's drawing and exhibiting of the Department-issued rifle to be In Policy.

C. Lethal Use of Force

- **Officer M – (rifle, two rounds)**

According to Officer M, he/she was assigned as the Designated Cover Officer (DCO), Officer N was assigned less-lethal, and Officer J was assigned communications for evacuation of the west side of the building. The officers made contact with the residents of an apartment. Officers J, M, and N moved inside the apartment to be utilized as concealment and cover as they conversed with the residents and began to assist them with the evacuation. Officer M obtained a barricaded position on the doorjamb of the apartment as he/she continued his/her observation of the Subject's apartment door, which he/she believed was 20-25 yards away from his/her location. Officer M heard what sounded like the Subject's door being manipulated down the hallway and observed the Subject appear partially into the hallway. Officer M observed the Subject holding a crossbow in his right hand and a rifle in his left hand. Officer M provided commands to the Subject stating, "Let me see your hands. Let me see your hands." The Subject yelled incoherently in Officer M's direction and then re-entered his apartment and shut the door.

Officer M again observed the Subject open the door to his apartment and enter into the hallway area, holding the crossbow in a “port arms position” pointed upward towards the ceiling. Officer M recognized that if the Subject faced him/her, Officer M would be “in a peril deadly threat situation” because the arrow “could impale” Officer M. Officer M attempted again to communicate with the Subject when he/she observed the Subject turn his head and then his body towards Officer M and assume a “barricaded position” in his doorway.

The Subject then lowered the crossbow and pointed it at Officer M. As Officer M and the Subject faced each other, the Subject began “shouldering” the crossbow at Officer M. Officer M “simultaneously shouldered” his/her weapon system, manipulated the selector switch with his/her thumb to semi-automatic, and simultaneously, his/her finger came “off the frame onto the trigger.” Officer M simultaneously aimed at the Subject’s center mass and discharged two rounds. Officer M immediately felt pain to his/her left hand as the arrow fired by the Subject hit Officer M’s thumb causing Officer M to drop his/her rifle from his/her hands, which was supported by his/her rifle sling. Officer M’s actions were dictated by the Subject’s actions and “when he (the Subject) raised the deadly weapon at me,” Officer M discharged his/her rifle to protect him/herself, his/her fellow officers, and the apartment residents from the “imminent peril” that the Subject posed.

In this case, the BOPC conducted a review and analysis of the reasonableness and necessity of Officer M’s use of lethal force. The BOPC took into consideration that attempts to establish communication with the Subject had failed and Officer M, along with his/her partners, were evacuating nearby residents for their safety, when the Subject unexpectedly emerged from his apartment, holding a rifle and a crossbow. Officer M utilized the wall at the door frame as cover and attempted to establish dialogue with the Subject as Officers J and N were preparing to evacuate residents.

The Subject did not comply and returned inside his apartment. Officer M communicated his/her observations to Officers J and N, while maintaining his/her position as DCO. The BOPC noted that the Subject’s actions dictated officers’ response when he chose to exit his apartment a second time, armed with a crossbow. Both Officers J and M communicated with the Subject; however, the Subject yelled at the officers, took a barricaded position in his apartment doorway, faced the officers, and lowered his crossbow in Officers J and M’s direction. The BOPC considered Officer M’s reasonable fear of being shot when he/she assessed that the Subject was leveling his crossbow at the officers, limiting their time to de-escalate. In response to the deadly threat, Officer M discharged two rounds from his/her rifle, as the Subject fired his crossbow, striking and injuring Officer M. Officer M re-deployed to the interior portion of an apartment after advising Officers J and N that he/she had been struck and the Subject re-entered his apartment, once again barricading himself. Officer J utilized his/her radio to communicate the occurrence to personnel on scene, as Officer N took over the DCO position.

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

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