

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

OFFICER-INVOLVED SHOOTING – 045-19

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Harbor	9/23/19		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	4 years, 2 months
Officer C	6 years, 4 months
Officer E	16 years, 2 months

Reason for Police Contact

Officers responded to a radio call of an Assault with a Deadly Weapon (ADW) indicating that shots had been fired. Officers arrived and encountered Subject 1 acting in an erratic manner. As officers communicated with Subject 1, Subject 2 walked into the street with his left hand raised above his head and his right hand concealed behind his back. Subject 2 produced a pistol from behind his back, pointed it in the direction of officers, and an Officer-Involved Shooting (OIS) occurred.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject 1: Male, 32 years of age.
Subject 2: Male, 63 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 August 18, 2020.

Incident Summary

On Monday, September 23, 2019, at approximately 1800 hours, Witness A observed Subject 1 assault Witness B. Witness A also observed Subject 2 exit an adjacent mobile home, pick up Subject 1's clothing, and tell Subject 1 to go back inside the residence. Subject 2 then went back inside his residence. According to Witness A, Subject 1 did not comply with Subject 2's request and remained outside. A short time later, Witness A was standing on the steps of her trailer when she observed Subject 2 exit his residence holding a small black handgun, which he held in his right hand. Without saying a word, Subject 2 fired a single shot into the air and then went back inside of his residence, followed by Subject 1. Witness A called 9-1-1 and reported the incident.

According to Witness C, he heard someone yelling outside his home, so he went outside to investigate. When he got outside, he observed Subject 1 and Witness B in a fighting stance. He then saw Subject 2 come outside and point a gun at Witness B, telling him to leave Subject 1 alone. Subject 2 then fired one shot into the air, and Witness C went back inside to call 9-1-1.

In response to Witness A's 9-1-1 call, at approximately 1815:58 hours, Communications Division (CD) broadcast an "ADW shots fired" call at the location and gave the description of Subject 2.

Officers A and B, advised they were responding, as did Officers C and D, along with Sergeant A.

In response to Witness C's 9-1-1 call, at approximately 1817:28 hours, CD broadcast an update with Subject 1's description adding that the shot was fired into the air. Officers E and F and Sergeant B also broadcast that they were all responding to the location.

At approximately 1818:32 hours, as Officers A and B arrived at the entrance to the mobile home park, Officer B updated their status and location (Code Six) over the radio and requested a better location from CD. As Officer A drove the police vehicle into the mobile home park, he/she turned north. Officers A and B's DICVS captured Witness D standing on the east side of the street. Witness D directed the officers' attention further north, along the side of the street, to a mobile home and stated that Subject 2 had a gun.

Upon exiting their vehicle, both Officers A and B unholstered their pistols due to the comments of the call. Officer B's BWV captured Witness C approach him/her and advise him/her to be careful because he believed Subject 2 was armed with a gun.

Officers A and B's DICVS and BWV captured a male voice yelling indiscernibly. According to Officer B, he/she redeployed to the west side of the street for better cover, as he/she did so, he/she advised Officer A that someone was coming out.

Subject 1, who was completely naked, emerged from the walkway on the side of his mobile home and walked into the middle of the street. Officer A ordered Subject 1 to get on the ground. Officer A and B's DICVS captured Subject 1 turn his head to the right, in their direction and raise both his arms in the air. Subject 1 then faced away from the officers and placed himself face down on the ground in a prone position, with his head facing north and his arms and legs spread apart.

According to Officer A, as he/she was giving Subject 1 commands, he/she realized that he/she was in front of the police vehicle and redeployed to the side of the street. As Officer A redeployed, his/her BWV captured him/her hold his/her pistol in his/her right hand, while using his/her left hand to wave at witnesses who were standing north of Subject 1, while ordering them to return to their residence.

As he/she continued to the east, Officer A broadcast that officers had the Subject at gunpoint. Officer A then ordered Witness B to get inside his residence.

According to Officer B, since Subject 1 was naked, and he/she could clearly see that Subject 1 did not have a gun, he/she followed behind Officer A, holding his/her pistol in a two-handed, low-ready position as he/she moved east across the street. Once across the street, Officer B initially stood to the west of Officer A, then redeployed just east of him/her, where Officer B believed he/she had better cover.

Subject 1 stood up, put his hands in the air, and turned around to face south toward the officers. Officer A ordered Subject 1 to get on the ground and not to move. Subject 1 complied and placed himself in a prone position on the ground with his head facing south, and his arms and feet spread.

At approximately 1820:03 hours, Officer A broadcast to responding units the officers' exact location and that Subject 1 was on the ground and not armed with a gun.

As Officer C approached the incident, he/she deactivated his/her emergency (Code Three) equipment, Officer C unholstered his/her service pistol with his/her right hand, and used his/her left hand to steer the police vehicle. According to Officer C, he/she held his/her pistol between his/her legs, with the muzzle pointed down, and his/her finger along the frame

According to Officer C, he/she was aware of multiple shootings in the area and that there was local gang activity. Officer C stated that once he/she heard the unit broadcast they had Subject 1 proned out, he/she holstered his/her pistol.

At approximately 1821 hours, Officers E and F arrived at scene, followed by Officers C and D and Sergeants A and B, who all placed themselves Code Six. These units all arrived at scene within approximately 30 seconds of each other.

Officer F parked their police vehicle slightly south and east of Officers A and B's vehicle. Officer F walked over and stood behind the open driver's door of Officers A and B's vehicle, where he/she activated his/her BWV. According to Officer F, believing the incident was going to escalate to the point where deadly force may be necessary, and because the radio call involved a possible gun, he/she unholstered his/her service pistol.

Simultaneously, Officer E exited his/her vehicle and moved to the trunk, where he/she retrieved his/her police rifle. According to Officer E, the rifle had a magazine already seated in the magazine well, but a round was not chambered. Officer E pointed the rifle into the air and conducted a chamber check before chambering a round.

Officer A re-deployed to the open passenger door of his/her police vehicle and advised Officer F that Subject 1 did not have a gun. Officer F's BWV captured him/her reply that he/she was going to get a beanbag shotgun, as he/she motioned with his/her left hand and pointed south. Officer F then holstered his/her pistol.

When Officers C and D arrived, Officer C parked just south and slightly west of Officers A and B's vehicle. As Officer C exited his/her police vehicle, he/she unholstered his/her pistol, as he/she walked toward Officer F. Officer C deployed to the left of Officer F, next to the open driver's side door of Officers A and B's vehicle. Officer C's BWV captured him/her advising Officer F that his/her partner was deploying less-lethal munitions. The BWV also captured him/her asking Officer A where the second subject listed in the comments of the call was. Officer A indicated to him/her that all the witnesses were pointing to Subject 1 when they arrived.

When Officer C walked north to meet with Officer F, Officer D exited his/her vehicle, and retrieved the 40-millimeter (mm) Less Lethal Launcher from the trunk of the vehicle. As Officer D walked north toward his/her partner, he/she opened the breach and inserted a 40-mm round into the chamber, making the weapon ready to be discharged. Officer D then stood behind Officers C and F, next to the driver's side of Officers A and B's vehicle.

When Sergeant A arrived, he/she parked his/her vehicle slightly south and east of Officers C and D's vehicle and exited.

Sergeant A then walked north, toward Officer E, as Witness C was starting to provide information to Officer E about Subject 2 armed with a gun. Sergeant A asked Witness C if he saw someone with a gun. As Witness C began to answer Sergeant A, Officer B began yelling commands at Subject 2 for him to go back in his home and for him to show his hands. Witness C turned to look north and identified Subject 2 as the gunman as Witness C ran away in an easterly direction.

Sergeant A moved north and stood behind the open passenger door of Officers E and F's vehicle. According to Sergeant A, he/she observed Subject 2 standing holding his right hand behind his back. Due to the comments of the shots fired call, and the fact

that Subject 2 matched the original suspect's description, Sergeant A believed Subject 2 was possibly armed. Believing the situation would escalate to the use of deadly force, Sergeant A unholstered his/her pistol.

Sergeant B arrived and parked his/her police vehicle just south and west of Officers A and B's vehicle. Sergeant B exited and walked north on the street, momentarily standing behind Officers C and F.

Sergeant B then redeployed to the east and stood behind the open driver's door of Officers E and F's vehicle. According to Sergeant B, he/she asked Sergeant A if Witness C was the PR. As Sergeant A started to answer, Sergeant B observed Subject 2 exit from behind a trailer, holding his left hand in the air, and his right hand concealed behind his back. According to Sergeant B, he/she tried to verbalize with Subject 2, ordering him to show his hands. When Sergeant B observed Subject 2 exit the trailer, Sergeant B stated that he/she instinctively began to unholster his/her pistol, however he/she immediately realized his/her supervisory obligation and reholstered his/her pistol.

Meanwhile, Officer E had moved to the rear of his/her police vehicle and reopened the trunk to obtain his/her vest carrier. Officer E was standing to the rear of his/her vehicle with the trunk open when he/she observed Subject 2 appear, holding his left hand in the air and his right hand behind his back. Officer E left the vest carrier in the trunk and walked toward the driver's side of Officers A and B's police vehicle.

As Officer E was walking towards the driver's door of Officers A and B's vehicle, his/her BWV captured the sound of a metallic click, similar to that of the rifle's safety disengaging, as he/she was raising his/her rifle. Officer E took several more steps forward, before taking a position to the left of Officers C and F, slightly left of the open door.

At approximately 1821:51 hours, Officers A and B's DICVS captured Subject 2 exit from the side of his mobile home and begin to walk south along the west side of the street, toward officers. Subject 2 was holding his left arm in the air, and had his right arm concealed behind his back. As Subject 2 was approximately parallel with Subject 1, Subject 1 pushed himself up into a standing position, with both his hands raised above his head. Subject 2 then began side stepping east toward Subject 1, who was in the middle of the street, while continuing to face officers and keep his right arm concealed behind his back.

Subject 2 continued to side-step toward Subject 1, with his hands in the same positions, as Subject 1 began to walk further east. When he reached the middle of the street, Subject 2 momentarily positioned himself in front of Subject 1, then turned to look over his left shoulder, back toward Subject 1. Subject 1 continued moving east, and Subject 2 then walked slightly south and west, all the while keeping his right hand concealed. Subject 2 stopped, held his left arm out parallel to the ground, and waved his arm back toward himself, as if he were motioning for Subject 1 to follow him.

According to Officer D, when he/she saw Subject 2 concealing his hand behind his back, and heard officers first giving Subject 2 commands, he/she started to redeploy to the right side of Officer A and B's vehicle, due to the fact that other officers were in front of him/her. When Officer D reached the rear of the vehicle, Officer D indicated that he/she kept hearing officers issuing Subject 2 commands to put his hands in the air, and he/she knew something wasn't right.

While Officer D was at the rear of the vehicle, standing next to Sergeant B, Sergeant B's BWV captured him/her tell Officer D to get a gun on Subject 2 and get ready to go. Sergeant B then redeployed behind Officers C, E, and F, on the driver's side of Officers A and B's vehicle.

According to Officer D, once at the rear of the police vehicle, he/she observed Subject 2 standing behind Subject 1. Officer D's BWV captured him/her unholster his/her pistol. Officer D then ordered Subject 2 in both English and Spanish to get on the ground.

Meanwhile, officers were verbalizing with Subjects 1 and 2 in English to show their hands and to get on the ground. Sergeant B advised officers to give commands in Spanish. Subject 1 began to prone himself out on the pavement, with his head facing south toward officers. Subject 1 was almost completely down on the ground again when Subject 2 walked east toward him, positioned himself behind Subject 1, and raised his left arm back up in the air. Once Subject 2 was behind him, Subject 1 pushed himself into a standing position with his hands in the air, directly in front of Subject 2.

The following section describes the actions and observations from each individual shooting officer's perspective during the OIS. The investigation determined all three officers involved fired nearly simultaneously. Therefore, the order in which the perspectives are presented does not represent the chronological order in which the officers discharged their weapons. Unless otherwise indicated, the officer's perspective is based on their statement.

According to Officer A, as Subject 2 was behind Subject 1, Officer A observed Subject 2 take a step to his right, going around and in front of Subject 1. As he did so, Subject 2 brought his right hand out from behind his back and toward the front of his body. Officer A observed Subject 2 holding a black semi-automatic handgun, which Subject 2 pointed in their direction. Officer A sat halfway in the front passenger seat of his/her vehicle, with his/her right leg outside of the vehicle on the ground and left leg inside of the vehicle. Officer A had his/her pistol extended in a two-handed grip between the pillar of the windshield and the open door, with his/her muzzle pointed north toward Subject 2. As Subject 2 pointed the gun in the officers' direction, Officer A heard multiple rounds being fired and believed Subject 2 was firing at him/her. Officer A, fearing for his/her life, aligned his/her sights on Subject 2's chest, and discharged approximately five rounds. After his/her last round, Officer A assessed and observed Subject 2 collapsing to the ground.

Officer A believed he/she fired approximately five rounds. The investigation determined that he/she discharged nine rounds.

According to Officer C, as Subject 2 was behind Subject 1, Subject 2 moved a foot or two away from Subject 1 and swung his right hand out from behind his back. Officer C observed the muzzle of a black pistol coming up in Subject 2's right hand, pointing in his/her direction. Believing he/she was going to get shot by Subject 2, Officer C aimed at the center of Subject 2's upper torso and discharged approximately two to three rounds from his/her pistol to stop the deadly threat; however, the rounds did not appear to have an effect on Subject 2, who was still standing.

Due to his/her tall stature, Officer C believed his/her head and neck were exposed, and he/she began to lower himself/herself into a kneeling position behind the vehicle door for additional cover. According to Officer C, Subject 2's pistol was still pointed at him/her, so as Officer C lowered himself/herself onto his/her left knee, he/she aimed his/her pistol through the open driver's window at Subject 2's upper torso and discharged approximately three to four additional rounds. As he/she was firing his/her third and fourth round of this second volley, Officer C opined his/her rounds were making contact with Subject 2, and Subject 2 began to fall. As he did so, the pistol was still in Subject 2's hand; however, it was no longer pointed at Officer C. Once Subject 2 fell to the ground on his back, Officer C no longer saw the pistol, and he/she stopped firing.

Officer C believed that he/she discharged approximately four to seven rounds. The investigation determined that he/she discharged eight rounds.

According to Officer E, once at the driver's door of Officers A and B's vehicle, he/she shouldered his/her rifle and pointed it at Subject 2. It appeared to Officer E that Subject 2 had stepped behind Subject 1 to use him as a shield. Subject 2 then took a half a step to his right, exposing the right side of his body, as he moved his right hand out from behind his back. Officer E observed Subject 2's right hand holding a black pistol, which he pointed in Officer E's direction. It appeared to Officer E that Subject 2 was attempting to acquire a target with his pistol, so he/she aimed the rifle at the right side of Subject 2's chest, because he/she did not want to hit Subject 1, and discharged his/her first round.

After firing his/her first round, it appeared to Officer E that Subject 2 stumbled or walked forward but continued to point the pistol in Officer E's direction. Subject 2 was now almost completely out from behind Subject 1, still pointing the pistol toward him/her, and Officer E discharged his/her second round. Subject 2 started to go down onto his left knee; however, he continued to point the gun in his/her direction, so Officer E aimed at Subject 2's center body mass and discharged an additional round. Once Subject 2 fell to the ground onto his back, Officer E stopped firing. According to Officer E, he/she discharged his/her rifle, slowly and deliberately, until Subject 2 was no longer a threat. Officer E believed that he/she discharged approximately three to four rounds. The investigation determined that he/she discharged five rounds.

The investigation determined that approximately 30 seconds elapsed from the time Subject 2 appeared on Officers A and B's DICVS to the time of the OIS.

At approximately 18:22:28 hours, Sergeant B broadcast that shots had been fired. Officer D was standing behind the right rear bumper of Officers A and B's vehicle with his/her pistol drawn in a one-handed grip when he/she heard multiple gunshots. During the OIS, Officer D's BWV captured him/her crouch slightly behind the rear bumper of the vehicle, before setting the 40-mm less-lethal launcher on the ground at the rear of the vehicle. Officer F can then be seen acquiring a two-handed grip on his/her pistol, standing back up, and aiming his/her muzzle north again. Regarding his/her decision to place the 40-mm less-lethal launcher on the ground, Officer D indicated it was so he/she could unholster because Subject 2 was hiding his hands.

Once Subject 2 was on the ground following the OIS, Sergeant B noted that Subject 2's right hand was away from his body and observed the pistol about one to one and a half feet away from his hand. Sergeant B directed the 40-mm less-lethal launcher to be deployed. Almost simultaneously, Sergeant A's BWV captured him/her ordering Subject 1 to get on the ground. He/she then holstered his/her pistol and called for a beanbag. According to Sergeant A, he/she was unaware that an officer on scene already had a 40-mm less-lethal launcher deployed.

Following the OIS, Officer D observed Subject 1 get back up and attempt to make his way back to his trailer. Observing that Subject 1 wasn't armed, Officer D holstered his/her pistol and picked up the 40-mm less-lethal launcher from the ground. Officer D moved forward, next to Officer A, and stood behind the open front passenger door of Officer A and B's vehicle. Officer D then confirmed he/she was ready with the 40-mm less-lethal launcher as he/she pointed the launcher at Subject 1.

At approximately 1822:41 hours, Sergeant B broadcast to CD that Subject 2 was down and they were still dealing with Subject 1. Officer A continued to verbalize with Subject 1, ordering him to the ground.

At 1822:55 hours, Sergeant A broadcast a request for a Rescue Ambulance (RA)

Plainclothes Officers G and H heard the shots fired radio call and also responded to the incident. According to Officers G and H, they arrived at scene and were just exiting their vehicle when the OIS occurred, and they each heard approximately 10 rounds being fired. Officer G donned his/her ballistic vest and Department raid jacket, while Officer H donned his/her tactical vest.

Officer H took a position on the passenger side of Offices A and B's vehicle, near Sergeant B, while Officer G took a position on the driver's side, behind Officers C, E and F.

Officers A and B's DICVS captured Subject 1 slowly walk south toward the officers, stepping around Subject 2's body. Subject 1 was yelling incoherently while officers gave commands for him to get on the ground. Subject 1 stopped in the middle of the street, south of Subject 2's body, and lowered himself into a kneeling position, facing officers. He continued to yell while repeatedly pushing himself up and down on his hands and knees and flailing his arms.

Officers held their positions as Subject 1 stood again, and slowly walked north on the street. As he did so, Sergeant B's BWV captured him/her asking officers if Subject 2's hands were empty. Officer B moved west until he/she was able to observe Subject 2's gun on the ground, approximately one to two feet north of Subject 2's right hand. His/her BWV captured him/her advising officers he/she observed a black object to the side of Subject 2's hand.

According to Sergeant A, he/she then unholstered his/her pistol and traversed, northeast, from the passenger door of Officer E and F's police vehicle, to Officer B's position behind the mobile home. As Sergeant A neared Officer B, he/she placed his/her pistol in a low-ready position and stood behind him/her. Once behind Officer B, Sergeant A directed him/her to maintain a visual on the mobile home that the Subjects had come from.

Meanwhile, Officer A and B's DICVS captured Subject 1 continue to walk north, in the middle of the street. Subject 1 raised his hands above his head, and Officer D yelled for Subject 1 to get on the ground. The DICVS captured Subject 1 turn west and go down onto both knees while keeping his arms above his head. Subject 1 then placed himself into a prone position, with his head facing west, and his hands out in front of him.

According to Sergeant B, he/she could see a pistol approximately one and a half feet away from Subject 2's hand. Sergeant B was concerned that Subject 1 could get access to the pistol. Sergeant B directed a contact team to move forward. Sergeant B did not verbally assign specific officers to a contact team or specifically assign roles to individual officers.

According to Officer H, he/she and Officer G joined the contact team. Both Officers G and H indicated they could see the gun on the ground near Subject 2 and believed the situation could escalate to one involving the use of deadly force, so they each unholstered their pistols.

Officer H held his/her pistol in a two-handed, low-ready position and walked north along the east side of the street. Officer A was to his/her left, also armed with his/her pistol, and Officer D was to his/her right, armed with the 40-mm less-lethal launcher. Sergeant B followed behind Officer D, and Officer G trailed behind, and slightly west of Sergeant B, while holding his/her pistol in a one-handed, low-ready position.

As Sergeant B and the group of officers passed Subject 1, Sergeant A followed behind them, walking north. Sergeant A's BWV captured him/her aiming his/her pistol in a

northwesterly direction, toward the Subjects' home, and advised officers to watch the residence as they continued walking north.

When they reached Subject 2, Officers A, G, and H stopped near Subject 2's head. Officers G and H continued to hold their pistols at the low-ready position while Officer A holstered his/hers.

Officer H could be heard on Officer A's BWV directing him/her to don gloves. Officer A started putting on gloves, then stopped, and proceeded to handcuff Subject 2. Once Subject 2 was handcuffed, Officer H holstered his/her pistol.

According to Officer A, he/she observed that Subject 2 did not appear to be breathing. Officer A donned latex gloves, searched him, and placed Subject 2 onto his left side. Officer A then pressed his/her fingers to the left side of Subject 2's neck to check for a pulse; however, according to Officer A, he/she did not feel one.

As the officers and Sergeant B walked north on the east side of the street, Officers C, E, and F also started to walk north from the west side of the street, holding their respective weapons at the low-ready position. Officer E's BWV captured him/her discussing areas of responsibility to cover with Officer C, directing him/her to cover the Subject's home, while Officer E covered Subject 1.

Sergeant B and Officer D continued to move past Subject 2, toward Subject 1. As they approached Subject 1, the BWV also captured Subject 1 lifting his head off the ground, looking south at officers. Both Sergeant B and Officer D ordered Subject 1 to stay on the ground, which he did. They stopped by Subject 1's feet and Sergeant B called for two additional officers.

According to Officer C, in response to Sergeant B's request, he/she holstered his/her firearm, and removed his/her handcuffs with his/her right hand as he/she approached Subject 1. Officer C then placed his/her left knee in the middle of Subject 1's back. Officer C used his/her left hand to grab Subject 1's right wrist and applied one ratchet of the handcuffs on Subject 1's right wrist.

According to Officer C, as he/she applied the handcuff, Subject 1 began resisting and attempted to place his right arm underneath his body. Officer C then attempted to lock out Subject 1's right elbow to prevent him from placing his arm underneath his body. However, due to Subject 1 being naked and perspiring, Officer C began to slip off Subject 1's back. According to Officer C, he/she decided to use bodyweight and placed his/her chest on top of Subject 1's back.

In response to Sergeant B's request, Officer F holstered his/her pistol and went to assist Officer C in handcuffing Subject 1. Officer F's BWV captured him/her use his/her left hand to grab Subject 1's left forearm, and his/her right hand to grab Subject 1's right wrist; however, Subject 1 was able to pull his hand free and place it under his upper torso. Officer F then reacquired a grip on Subject 1's wrist with his/her left hand and

was able to use physical force and bodyweight to get Subject 1's arm out from underneath him. Once Subject 1's left hand was out from underneath him, Officer F's BWV captured him/her switch his/her hand position, and grip Subject 1's left wrist with his/her right hand, while he/she placed his/her left forearm on Subject 1's upper left arm/shoulder area. According to Officer F, he/she was able to use bodyweight to get Subject 1's arm out and apply a handcuff to Subject 1's left wrist.

According to Officer C, he/she was concerned there may be additional suspects inside of the mobile home and did not want to continue to struggle with Subject 1 for a lengthy time, and possibly be shot at from someone inside the trailer. Officer C felt that he/she had to hurry to end the struggle with Subject 1. Therefore, Officer C used his/her left and right elbows and struck Subject 1 on the front of his head. According to Officer C, Subject 1 tucked his head in at one point, so he/she continued to use his/her elbows to strike Subject 1 on the back of his head to get Subject 1 to comply. According to Officer C, Subject 1 placed his head against the ground and, while attempting another elbow strike, Officer C's elbow struck the ground. Officer C was unsure exactly how many elbow strikes he/she delivered.

As Officers C and F were struggling to control Subject 1, Officer D, who was still armed with the 40-mm less-lethal launcher, requested another officer to assist them. In response, Officer G holstered his/her pistol and responded to assist. As captured on Officer D's BWV, Officer G positioned himself/herself to Subject 1's right side and used both hands to grab Subject 1's right wrist. Officer G was able to maneuver Subject 1's right arm up near his back, before losing his/her grip with his/her right hand.

Officer C's BWV briefly captured Subject 1 pulling his right arm free and moving it underneath his torso. According to Officer G, he/she directed Subject 1 to stop resisting. Officer G then decided to deliver knee strikes to extract Subject 1's right arm from underneath his body to take him into custody. While remaining on Subject 1's right side, Officer G stated that he/she used his/her right knee to deliver two knee strikes to Subject 1's right side, in the upper rib area. According to Officer G, he/she then directed Subject 1 to stop resisting. After issuing that command, Officer G stated that he/she assessed, and Subject 1 was still not complying. According to Officer G, he/she used his/her right knee and issued two more knee strikes to Subject 1's right side, in the upper rib area, but they did not appear to have an effect on him. According to Officer G, he/she issued one additional knee strike to Subject 1's right side, in the upper rib area, which caused Subject 1 to stop resisting.

Officer H observed the officers struggling with Subject 1 and also went over to assist. According to Officer H, he/she placed his/her right knee on the back of Subject 1's right thigh, above his knee, to pin his leg to the ground. Officer H then wrapped his/her arms around Subject 1's legs and crossed his ankles. Officer H held this position while officers completed handcuffing.

Once Subject 1 stopped resisting, Officers C and G were able to place Subject 1's right arm behind his back. Officer F moved Subject 1's left arm behind his back and

together, the officers attached the two pairs of handcuffs together to complete handcuffing.

Once Subject 1 was handcuffed, Officer H requested a Hobble Restraint Device (HRD). Officer F's BWV captured Officer H maintain control of Subject 1's legs, which were crossed at the ankles. Officer F opened the loop of the HRD and placed it around Subject 1's ankles, with the assistance of Officer H. While Officer H maintained a grip on Subject 1's legs, Officer F began to cinch the loop of the HRD with assistance from Officer H. Officer F continued to hold the strap to the HRD

As the officers were applying the HRD, Sergeant B's BWV captured him/her directing Officer C to get Subject 1 up and walk him out of the area, which Officer C acknowledged.

Once the HRD was applied, Officer F's BWV captured Officer C and G roll Subject 1 on to his right side; however, Subject 1 rolled back onto his stomach. Officers C and H then rolled Subject 1 into a seated position before standing him up. With the HRD applied, Subject 1 was unable to walk on his own, so Officer H attempted to loosen the hobble. According to Officer H, Subject 1 started flailing his legs and started to kick, so the decision was made to carry him to a position of cover. Officer C held Subject 1 under his left arm, Officer F held Subject 1 under his right arm, and Officer H grabbed Subject 1's feet, and they carried Subject 1 to the passenger side of Officers E and F's police vehicle.

Once at the vehicle, officers placed Subject 1 on the ground on his left side. Officers F and H each took turns holding the HRD strap and remained with Subject 1 until the RA arrived.

The DICVS from Sergeant A's police vehicle captured Officers F and H place Subject 1 in a left lateral recumbent (reclined) position, hobbled next to the passenger side of the police vehicle at 1826:33 hours. At 1834:10 hours Subject 1 rolled onto his stomach where he remained until Officer G approached and assisted sitting Subject 1 up against the police vehicle at 1835:42 hours.

According to Sergeant B, while managing the two arrest teams, he/she was mindful that officers were in front of the mobile home that Subject 2 had exited. Sergeant B assigned Officer E to cover on the right (east facing) window of the trailer with his/her rifle. Sergeant B then directed other officers to cover the left side of the trailer and one officer to cover the right side. According to Sergeant B, he/she was attempting to get the attention of additional officers to cover the left (east facing) window of the trailer; however, it wasn't being done to his/her liking. According to Sergeant B, he/she unholstered and took up a position of cover on the windows as well. Once Sergeant B was able to get officers readjusted to have that window covered, he/she reholstered.

According to Sergeant B, he/she observed an elderly female, Witness E, appear in the north (east facing) window of the trailer. Officers D and G gave Witness E directions in

Spanish to exit the trailer and she complied. As she exited, Officer D's BWV captured him/her asking her if anyone else was inside. Officer D can then be heard advising other officers that no one else was inside the trailer. Officer G stated that Witness E appeared very nervous, and didn't appear to be a threat, so he/she holstered his/her pistol and guided Witness E away from the trailer

Meanwhile, Sergeant B's BWV captured him/her directing Officer E to redeploy. He/she requested that officers quickly obtain information from Witness E regarding the mobile home, so officers could make entry. Sergeant B's BWV also captured him/her coordinating with Sergeant A and compiling one team of officers to remain on the south side of the trailer and one search team to make entry.

The search team, which included Sergeant B and Officers C, D and E, ultimately entered and cleared the residence without incident. No additional subjects or victims were located inside.

Uniformed Sergeant C arrived at scene and made his/her way inside the mobile home complex. Sergeant A met with Sergeant C and briefed him/her regarding the incident. As the search of the trailer was taking place, Sergeant C began coordinating crime scene efforts and post Categorical Use of Force protocols.

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	Yes	Yes	Yes	Yes
Sergeant B	Yes	Yes	Yes	N/A	N/A
Officer A	Yes	No	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer D	Yes	Yes	Yes	Yes	Yes
Officer E	Yes	Yes	No	N/A	N/A
Officer F	Yes	Yes	Yes	N/A	N/A
Officer G	N/A	N/A	N/A	N/A	N/A
Officer H	N/A	N/A	N/A	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 Sergeants A and B, along with Officers C, D, E, F and H's tactics to warrant Administrative Disapproval. The BOPC found Officers A, B, and G's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Sergeant A's and Officer C's (First Drawing/Exhibiting) drawing and exhibiting of a firearm to be Out of Policy. The BOPC found Sergeant B, along with Officers A, B, C (Second Drawing/Exhibiting) D, E, F, G, and H's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officers C, F, G, and H's non-lethal use of force to be In Policy.

D. Lethal Use of Force

The BOPC found Officers A, C, and E'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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

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), which states 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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. 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. (Tactical De-Escalation Techniques, October 2016.)

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 – Officers A and B had discussed tactics and designated contact and cover roles prior to arriving at the radio call location. While enroute, they also discussed the comments of the radio call with each other and requested additional information.

Officers E and F, while driving to the radio call location, discussed cover and contact roles. Officers C and D discussed their roles of contact and cover as well as determining that the officer that is not in contact with an individual would become the cover officer.

According to the FID investigation, Sergeant B coordinated with Sergeant A by compiling one team of officers to remain on the south side of the trailer and one search team to make entry. Sergeant B led the search team, which included some of the officers involved in the OIS, into the mobile home to clear it for possible downed individuals, rather than utilize or request uninvolved officers to conduct the warrantless search. Neither Sergeant A nor Sergeant B addressed Subject 2's location or his removal from in front of the mobile home. Sergeant B ensured a RA had already been requested.

Officers G and H discussed donning their ballistic vests and a raid jackets over their plainclothes attire, so they would be properly identified as police officers and not be confused as civilians. Officers G and H also discussed the topic of contact and cover with Officer G being the contact officer and Officer H being the cover officer.

Assessment – Upon his/her arrival, Officer C assessed the scene and observed only one of the described individuals (Subject 1) from the radio call. Officer C asked Officer A if they had located the second individual (Subject 2) described in the radio call as shooting a handgun into the air.

Officer E assessed after firing his/her final round and observed Subject 2 was down and no longer pointing the handgun at the officers, so Officer E ceased firing.

Officer C fired his/her eighth round and then stopped and assessed. Officer C noted that Subject 2 no longer had a handgun in his hand and stopped firing.

Officer A assessed after firing all nine rounds, and observed the threat was no longer there since Subject 2's handgun was down.

After the OIS occurred, Sergeant B assessed the situation and advised the officers to be mindful of Subject 1, who was still downrange. Sergeant B observed that Subject 2's handgun was about one to one and a half feet away from Subject 2's hand and Sergeant B assessed the distance from Subject 1 to Subject 2's handgun on the ground. After his/her assessment, Sergeant B moved forward with his/her contact team to take Subject 1 into custody.

Sergeant A arrived and observed Officer E gathering information from a nearby witness. Sergeant A directed Officer E to obtain more information from the witness to ascertain if the witness had observed a handgun. Unaware that Officer D had already deployed a 40mm LLL, Sergeant A requested a beanbag shotgun. While Sergeant B made his/her approach with the contact teams, Sergeant A observed Officer B position himself/herself farther east along the mobile home. Sergeant A assessed that Officer B was too far back and had him/her redeploy west towards the corner of the mobile home to get a better vantage point on the target location.

Time – Officers A and B utilized time to their advantage by not attempting to approach Subject 1 prematurely. Officer A attempted to communicate with Subject 1 to de-escalate the situation, which provided the officers time until additional units arrived.

Responding Officers C, D, E, F and Sergeants A and B all utilized time to formulate plans and make their approach after the OIS occurred.

Subject 2 unexpectedly exited the residence and produced a handgun, which reduced the amount of time the officers had to continue to de-escalate the incident.

Redeployment and/or Containment – Realizing he/she was not in a beneficial position of cover; Officer A immediately made his/her way toward the back of a mobile home with Officer B while communicating with Subject 1. Officer A was positioned offset and at an angle from Subject 1 facing northwest.

Upon his/her arrival, Sergeant B believed it was a tactical concern to have officers exposed while standing in front of the mobile home where Subject 2 had just exited. Sergeant B positioned Officer E to a position of advantage by covering the right window of the mobile home, which faced out towards the contact team.

Aware of his/her foreground consisting of Officers C, E and F, Officer D began to redeploy from the left side of the police vehicle to the right, passenger side.

Sergeant A assessed the officers' positions and noted that Officer B was too far to the east and had him/her redeploy west towards the corner of the mobile home for a better vantage point on the target location.

Lines of Communication – Officer A gave numerous commands to Subject 1 and Subject 2 throughout the incident to de-escalate the situation. Officer A directed Subject 1 to get on the ground and onto his knees. Aware of additional units responding to the radio call, Officer A took hold of his/her police radio and broadcast pertinent information to guide responding officers to the officers' location. Officer A broadcast that Subject 1 was on the ground, was not armed, and that the officers had him at gunpoint. Officer A communicated to Officer B and told him/her to stay at the mobile home and to watch Subject 1 while he/she walked back to their police vehicle to brief Officers E and F. Officer A continued to wait behind his/her opened passenger door's ballistic panel until the third additional unit arrived to brief them.

Officer D attempted to communicate with Subject 2 and gave him commands in both English and Spanish to get him to comply. Officer C also gave Subject 2 commands to show his hands.

Sergeant A utilized his/her radio for communicating additional information and directed officers at scene to obtain additional information from the witnesses. Sergeant A broadcast a request over the police radio for additional units to conduct the search and provide rear containment.

Sergeant B communicated with the officers at scene during his/her assessment of the incident, although he/she did not assign specific roles.

The BOPC noted that due to the rapidly unfolding nature of this incident, the officers had limited time to react to the deadly actions of Subject 2. The sergeants and officers at scene were required to make decisions that took into account their background, the quickly evolving actions of Subject 1 and Subject 2, and the officers' own safety. Officers A, C and E's assessment and utilization of time also prevented Subject 1 from being harmed and from Subject 2 endangering the residents within the community.

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

1. Tactical Vehicle Deployment

Officers A and B drove into the mobile home park and were directed towards the radio call address by community members within the mobile home park. Officer A stopped his/her vehicle near the center of the street and two spaces south of the radio call location. Officer A's tactical vehicle deployment was not beneficial to the officers as it left distances between points of cover.

The BOPC noted the width of the street on which Officers A and B parked. As noted by FID investigators, the street width was considered to be narrow, and the BOPC determined there would have been little benefit had the officers parked in

a different position. The BOPC also noted that Officers A and B had a good sense of situational awareness as evidenced by their immediate redeployment.

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

2. Utilization of Cover (Substantial Deviation, without Justification – Officer E)

Officers A and B arrived at the location and exited their vehicles. Subject 1 entered the officers' view and was standing naked in the middle of the street. Officer A noticed that he/she and his/her partner were in front of their police vehicle and, while giving Subject 1 commands, began to redeploy to the right side of their police vehicle to a different area of cover. Officers A and B made their way toward the back of a mobile home and signpost. Officer A was positioned offset and at an angle from the Subject 1. After doing so, Officer A temporarily left the cover of the signpost, standing in the open as he/she was manipulating his/her radio; however, he/she corrected him/herself and redeployed to cover thereafter. Officer A then redeployed to his/her police vehicle in order to brief the arriving officers.

Officer C arrived at the location as officers at scene were giving commands to Subject 1. As Officer C gathered additional information about the possibility of a second subject, he/she stood partially behind the police vehicle's ballistic door as cover. After Subject 2 exited the mobile home, Officer C gave Subject 2 commands since Subject 2's right hand was behind his back. Officer C also did this without the full benefit of cover, leaving the left side of his/her body partially exposed. Once Officer C observed Subject 2 had produced a handgun, Officer C moved to his/her right to obtain additional cover behind the driver side door of the police vehicle.

Officer E deployed his/her Patrol Rifle and walked to Officers A and B's police vehicle. Officer E stood next to and outside of the opened front driver's side door prior to the OIS. Officer E did not utilize available cover prior to or during the OIS in order to obtain a safe and optimal shooting platform.

The utilization of cover, coupled with distance, enables an officer to confront an armed individual while simultaneously minimizing their own exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options by using available cover.

In this case, Officers A and B assessed after exiting their vehicle and realized they were not in an advantageous position of cover. The officers adjusted their tactics and moved to a position of cover. The BOPC noted that after moving to a position of cover, Officer A at times stood outside of his/her position of cover. Officer A had observed that Subject 1 was naked and had not seen Subject 1

holding a weapon. However, even though Subject 1 was not armed, Officer A continued to remain next to his/her position of cover and was conscientious of the need for it as evident by his/her continued redeployment to other positions of cover. Officers were reminded to utilize available cover whenever responding to a “shots fired” radio call if cover is afforded.

While the BOPC would have preferred that Officer C fully utilize the police vehicle’s ballistic door panel, the BOPC determined that Officer C’s partial use of cover behind the police vehicle’s ballistic door panel did not substantially deviate from approved Department tactical training.

The BOPC noted that Officer E arrived and immediately moved towards positions of cover; however, he/she did not utilize the available cover to his/her advantage. Officer E could have redeployed to a more advantageous position. Officer E believed taking an advantageous shooting platform was a higher priority than taking cover. Officer E was in the open and could have been struck by a round had Subject 2 fired his handgun. Ultimately, for the safety of officers, the BOPC determined that officers are not trained to sacrifice cover and place themselves at risk of harm.

Based upon the totality of the circumstances, the BOPC determined, that Officer E’s decision to maintain a position without the benefit of cover on a “shots fired” call where a potential Subject was not complying and concealing his hand, was a substantial deviation, without justification, from approved Department tactical training.

3. Basic Firearms Safety Rules / Operating a Moving Vehicle with a Service Pistol Drawn (Substantial Deviation, without Justification – Officers C, D, and E)

Officer C unholstered his/her service pistol while driving his/her police vehicle to the incident, allowing the muzzle of his/her service pistol to cover his/her left arm as he/she was driving. Officer C then placed his/her service pistol in between his/her legs with the muzzle pointed down. Officer C had his/her service pistol unholstered for approximately two minutes until he/she holstered it upon hearing the officers had an individual in a prone position.

When Officer D initially drew his/her service pistol at the rear bumper of Officers A and B’s police vehicle, Officer D’s BWV captured him/her holding his/her service pistol in a one-handed, low-ready position. Shortly thereafter, Officer D can be seen raising the muzzle higher, pointing it north toward Subject 2. As he/she did so, Officer A can be seen in the foreground, in the open driver’s door of the vehicle, in between Officer D and Subject 2. Additionally, Officer D placed his/her finger on the trigger of his/her 40mm LLL while manipulating the weapon. Officer D also placed his/her finger on the trigger of his/her 40mm LLL while he/she approached with the arrest team and with the 40mm LLL pointed in Subject 1’s direction.

Officer E placed his/her finger on the trigger of his/her Patrol Rifle while approaching Subject 1 with the arrest team, thereby endangering Subject 1 and increasing the possibility of an unintentional discharge.

The BOPC analyzed the lengthy distance with which Officer C drove his/her vehicle while holding his/her service pistol. The BOPC noted Officer C was not in immediate danger and determined it was unnecessary. The BOPC discussed their concern for Officer C's safety due to BWV evidence indicating his/her unnecessary drawing also lead to him/her covering his/her left hand with the muzzle of his/her service pistol. The BOPC determined this to be an unnecessary and unsafe risk.

The BOPC noted that Officer D should have had the situational awareness to realize he/she was in a disadvantageous position and did not take the opportunity to redeploy to a different point of cover. The BOPC also noted the available space at the passenger door of the police vehicle, which Officer D was standing behind. Since Officer A was partially seated inside his/her vehicle, there was ample room for Officer D to take up that position. However, Officer D instead jeopardized Officer A's safety and placed Officer A in danger by having Officer A in his/her line of fire. The BOPC took into account the fact that Sergeant B was heard on Officer D's BWV stating, "get a gun on him," however, the BOPC noted it was Officer D's responsibility to ensure he/she had a clear background before doing so. The BOPC also noted that after the OIS, Officer D unnecessarily placed his/her finger on the trigger of his/her weapon while walking towards Subject 1 and pointing the weapon at Subject 1.

The BOPC also noted that Officer E, while approaching Subject 1, unnecessarily placed his/her finger on the trigger of his/her Patrol Rifle, placing Subject 1 in danger. Officers were reminded to utilize situational awareness and adhere to the basic firearms safety rules.

Based upon the totality of the circumstances, the BOPC determined that Officer C's decision to unholster his/her service pistol, while driving to the radio call location, was a substantial deviation, without justification, from approved Department tactical training. The BOPC determined that Officers D and E's actions of placing their fingers on the trigger of their weapons systems while pointed in the direction of other officers, as Officer D did, and pointed at other individuals, as both officers did, were a substantial deviation, without justification, from Department policy and approved tactical training.

4. Hobble Restraint Device (HRD) Procedures (Substantial Deviation, without Justification – Officers F and H)

Officers F and H moved Subject 1, who was handcuffed and hobbled, to the passenger side of Officers E and F's police vehicle, where they placed him in a

left lateral recumbent position at 1826:33 hours. Subject 1 remained at that location for approximately 30 minutes before LAFD rendered medical aid to him at approximately 1858 hours. During this time, Subject 1 was conscious and talkative. On a number of occasions, Officers F and H encouraged Subject 1 to remain on his side or helped reposition him onto his left side after he had moved off of it. At 1834:10 hours however, Subject 1 rolled onto his stomach and remained in a prone position for approximately one minute and thirty-two seconds. It was not until 1835:42 hours that Officer G approached and took action to move Subject 1 off of his stomach by assisting Officers F and H in sitting him up against the nearby police vehicle.

The BOPC acknowledged the efforts that Officers F and H took to keep Subject 1, who was handcuffed and hobbled, on his side for an extended period of time in the aftermath of a critical incident. However, the BOPC was concerned that the officers did not immediately return Subject 1 to his side once he had rolled onto his stomach, instead allowing him to stay in the prone position for more than one and-a-half minutes. As indicated by the applicable tactics directive regarding utilization of the HRD, it is not only a requirement to place subjects who are secured with an HRD into an upright seated or lateral recumbent position immediately, but it is further incumbent upon officers to ensure that subjects are kept in one of the approved positions as long as they are hobbled.

Officers F and H's failure to keep Subject 1 off of his stomach while he was handcuffed and hobbled constituted an unjustified and substantial deviation from approved Department tactical training regarding the use of the HRD.

- The BOPC also considered the following:
 - **Initiating Contact While Seated in Police Vehicle** – Officers A and B arrived in the area of the incident where an individual approached them to provide additional information. The officers spoke with the individual while seated inside their police vehicle. The officers were reminded to exit their vehicles for the purposes of officer safety, when feasible, while talking to individuals at the scene of a radio call.
 - **Use of Safety Belt** – Officer C was driving his/her police vehicle and was not wearing a safety belt until driving Code Three. In addition, Officer C prematurely removed his/her safety belt prior to arriving to the radio call. Employees and all others operating or riding in Department vehicles are required to wear three-point safety belts when provided. As a tactical consideration, officers may remove their safety belts immediately prior to arriving at a location or stopping an individual. However, officers should be careful not to remove their safety belts prematurely and thus risk being without safety belt protection during a pursuit. Officer C was reminded that the use of safety belts while operating a Department vehicle is mandatory.

- **Holding a Radio in One Hand and a Service Pistol in the Other** – Officer A held his/her service pistol in his/her right hand while broadcasting additional information to responding units with his/her radio in his/her left hand. Officer A did this twice while waiting for additional units to arrive. Officers were reminded to have both hands available during a “shots fired” radio call and to delegate such tasks to other officers who are in a better position to holster and utilize their radio.
- **Tactical Communications** – Officer B redeployed during the OIS. Officer B did not communicate his/her redeployment to the officers nearby. Officer B’s service pistol was pointed perpendicular based on the angle of his/her position to the officers taking cover behind the police vehicle and actively firing at Subject 2. Officer B was reminded to be aware of his/her background and ensure he/she was not placing himself/herself in a position where he/she may potentially cover a partner officer based on his/her positioned angle and where his/her weapon was not in close proximity to a perpendicular position to other officers.
- **Holding a Service Pistol in One Hand and 40mm LLL in Other** – Officer D held his/her 40mm LLL in his/her left hand while maintaining control of his/her service pistol in his/her right hand. Officer D was reminded to have both hands available when handling his/her service pistol.
- **Simultaneous Non-Conflicting Commands** – Officers A and C were giving simultaneous non-conflicting commands to Subject 2 as they ordered him to show his right hand, which was hidden behind his back. Officers A and C were reminded to designate one communications officer to verbalize with individuals to avoid confusion.
- **Designated Less-Lethal Duties/ Maintaining Control of Equipment** – Officer D designated himself/herself as the less-lethal option and deployed the 40mm LLL from the trunk of his/her vehicle. However, when Officer D observed Subject 2 enter into their view with his hand behind his back, Officer D set his/her 40mm LLL on the ground in front of him/her instead of utilizing the sling. Officer D drew his/her service pistol, leaving no less-lethal option available. Officer D was reminded of the importance of each officer’s role and the need to maintain it.
- **Determining Death** – Officer A approached Subject 2 to take him into custody. Officer A handcuffed Subject 2 and checked his pulse. Officer A determined that Subject 2 had no pulse. Subject 1 was moved to safety prior to the warrantless search being conducted; however, the supervisors at scene did not direct the movement of Subject 2. LAFD was not able to enter the scene until it was rendered safe. It is the responsibility of the ambulance crew, except when a person is obviously dead, to determine if death has occurred.
- **Updating Status** – Officers G and H utilized their Mobile Digital Computer to place themselves Code Six. However, they were not placed at scene until fifteen

minutes after arriving. Officers G and H were reminded to ensure they were placed Code Six upon their arrival and discuss the benefits of voicing their Code Six over the police radio, when feasible.

- **Personal Protective Equipment** – Officer A approached Subject 2 to take him into custody and observed blood on Subject 2. Officer A began putting on his/her gloves but stopped and proceeded to handcuff Subject 2 without donning his/her gloves. Officer A was reminded of the importance of officer safety in regard to blood-borne pathogens.

These topics were to be discussed at the Tactical Debrief.

- **Command and Control**

Sergeant B arrived at scene, assessed the incident, and assumed the responsibilities of the Incident Commander (IC). However, he/she did not broadcast that he/she would be the IC due to his/her perception that officers at scene already knew he/she was the Incident Commander. As Subject 1 was standing naked in the center of the street and yelling at the officers, Sergeant B ordered officers to ensure they had both lethal and less-lethal weapons. Sergeant B did not designate a cover officer nor a designated lethal officer. Sergeant B stated that he/she actively managed the incident by continually communicating with the officers and advising them to watch Subject 1's hands. He/she additionally instructed the officers to attempt giving commands to Subject 1 in Spanish. Aside from the officers at scene, Sergeants A and B also gave commands to Subject 2. After the OIS, Sergeant B formed three teams, including some of the officers directly involved in the OIS. Sergeant B ordered a team to form near him/her to take Subject 1 into custody. Sergeant B also advised officers to take Subject 2 into custody and to ensure the handgun was not moved in an effort to preserve evidence. Additionally, Sergeant B advised officers to provide cover of the mobile home in the event additional subjects were inside. While supervising the Non-Lethal Use of Force, Sergeant B advised the officers to apply an HRD on Subject 1 and to move him from the area in front of the mobile home, but neither Sergeant A nor Sergeant B addressed Subject 2's location or his removal from in front of the mobile home. Sergeant B ensured that a RA had already been requested. Sergeant B coordinated with Sergeant A by compiling one team of officers to remain on the south side of the trailer and one search team to make entry. Sergeant B led the search team, which included some of the officers involved in the OIS, into the mobile home to clear it for possible downed individuals, rather than utilize or request uninvolved officers to conduct the warrantless search.

The BOPC noted that while Sergeant B attempted to actively manage the incident, he/she did not utilize command and control in this incident. Sergeant B observed three of the officers at the opened driver side door of a police vehicle. Two of the three officers, Officers C and E, were not in positions of cover. The BOPC determined it was incumbent upon Sergeant B to redeploy resources when

necessary. With Officer E having the Patrol Rifle, it was Sergeant B's responsibility to prioritize such weapon systems by moving them to advantageous positions of cover and stable shooting platforms. In addition, Sergeant B was standing directly behind Officer D, the only designated less-lethal officer, and stated, "get a gun on him." Sergeant B did not assign additional officers or a specific officer to be a less-lethal option, as Officer D had taken it upon himself/herself. Sergeant B was not specific when giving orders and assigning roles to officers. Although some of the officers present may have been familiar with Sergeant B's tactical planning and verbiage, there were other officers involved in the incident who were not.

The BOPC determined that Sergeant B did not exercise control over the incident by providing appropriate commands to officers at scene and appropriately positioning and designating resources. Sergeant B's statements and recollections were not supported in the investigation and by BWV. Sergeant B did not formulate a plan, nor did he/she communicate this information to Sergeant A. In addition, Sergeant B stated he/she ordered officers to move Subject 1 away from the scene, but did not assign officers to move Subject 2 to safety. Sergeant B directed officers to cover the south window of the mobile home but unholstered his/her own service pistol post-OIS because the window was not covered in a manner as he/she preferred. Sergeant B then directed officers to conduct a search of the subjects' mobile home without communicating to the officers or to Sergeant A their reason for conducting the search or designating roles. Specifically, Sergeant B's overall lack of a plan, clear and concise communication, and subsequent lack of command and control over the incident was not consistent with using available resources, coordinating a response, accomplishing tasks, and minimizing risks as outlined in the Department's Training Bulletin on Command and Control.

As a result, the BOPC determined that the overall lack of appropriate supervisory oversight exercised by Sergeant B during the tactical incident prior to and after the OIS, substantially deviated without justification from approved Department supervisory training, and thus warranted a tactics finding of Administrative Disapproval.

Sergeant A arrived simultaneously with Sergeant B. Sergeant A assisted Sergeant B in guiding the officers during their approach to cover the mobile home as the other teams took Subject 1 and Subject 2 into custody. Sergeant A did request a beanbag and was unaware a 40mm LLL had been deployed. Sergeant A broadcast a request over the police radio for additional units to conduct the search and provide rear containment. Sergeant A requested a RA after the OIS. Sergeant A also began admonishing all involved officers at scene and ensured they were transported for monitoring to the local police station. Sergeant A ensured that Officer E's rifle was secured in the trunk of his/her (Sergeant A's) vehicle and that the vehicle was locked and secured as well.

The BOPC noted that Sergeant A had arrived fifteen seconds prior to Sergeant B but took little action in creating a tactical plan with the officers. Sergeant A did not

assign a less-lethal officer or a designated cover officer. The BOPC noted it is the expectation of the Department for supervisors to take active leadership and not rely on another supervisor to complete all the required tasks. The BOPC noted that it was not sufficient that Sergeant A's only significant action in this incident was requesting an RA. In addition, the lack of communication between Sergeant A and Sergeant B was evident when Sergeant A notified LAFD that the scene was not safe to enter to provide immediate aid to Subject 2. The BOPC noted that Sergeant B was conducting a search for victims which would have made it safe for LAFD to enter and provide treatment to Subject 1 and Subject 2. As a result of the search, LAFD was not able to enter the scene until it was rendered safe, causing a delay in Subject 2's medical treatment. The BOPC noted the interactions between Sergeants A and B were not based on communication but rather on body language and assumptions, which caused mismanagement of the scene.

As a result, the BOPC determined that the lack of appropriate supervisory oversight exercised by Sergeant A during the tactical incident prior to and after the OIS, substantially deviated without justification from approved Department supervisory training, and thus warranted a tactics finding of Administrative Disapproval.

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

B. Drawing and Exhibiting

- **Sergeant A**

According to Sergeant A, he/she observed Subject 2 holding his right hand behind his back and refusing to comply when directed to show his right hand. Based on Subject 2's actions and the comments of the radio call stating shots had been fired, Sergeant A drew his/her service pistol, believing the situation would escalate to a potential use of deadly force. According to Sergeant A, after the OIS occurred, he/she immediately holstered his/her service pistol.

Sergeant A observed Officer B position himself/herself farther east along the mobile home. Sergeant A noticed Officer B was too far back and wanted him/her to move west towards the corner of the trailer to get a better vantage point on the target location. Sergeant A unholstered his/her service pistol, post-OIS, to advance to Officer B's position while covering the target location. Upon reaching Officer B's position and redeploying to a better vantage point with him/her, Sergeant A reholstered his/her firearm.

- **Sergeant B**

According to Sergeant B, he/she began unholstering his/her service pistol when he/she observed Subject 1 exit the mobile home at the scene of the radio call.

Sergeant B unsnapped his/her holster and began to draw his/her service pistol halfway out of its holster. Sergeant B realized his/her role as a supervisor in this incident, re-holstered his/her service pistol, and secured it in the holster by snapping it close. Sergeant B did not completely unholster his/her service pistol.

According to Sergeant B, he/she directed officers to cover the south window of the trailer. Sergeant B unholstered his/her service pistol since the window was not being covered to his/her liking. Sergeant B readjusted his/her officers to have the window covered to his/her liking and holstered.

- **Officer A**

According to Officer A, due to the comments of the radio call, which stated that shots had been fired at the location, Officer A unholstered his/her service pistol.

- **Officer B**

According to Officer B, he/she heard the comments of the radio call, which stated witnesses observed a man with a handgun and witnesses at the location advised the officers that they did see a man with a gun. Officer B believed the situation could escalate to the point where deadly force would be justified. Officer B exited his/her police vehicle upon arrival and utilized his/her right hand to unholster and draw his/her service pistol. Officer B maintained his/her finger along the frame of the pistol and held it in a two-handed, low-ready position.

- **Officer C (First Drawing/Exhibiting)**

According to Officer C, he/she was aware of multiple shootings which had occurred in the area and had heard the comments of the "shots fired" radio call. Officer C observed multiple cars on the west side of the street and could not see between the cars. Officer C was unsure if a possible suspect was hiding between the cars, waiting to ambush them. Officer C, while driving towards the location, unholstered his/her service pistol with his/her right hand while maneuvering his/her police vehicle with his/her left hand. Officer C pointed his/her service pistol down and, while looking straight ahead, placed his/her service pistol between his/her legs, with his/her finger along the frame.

The BOPC discussed Officer C's first instance of drawing and exhibiting and determined that Officer C was not in any danger at that point due to the distance from radio call and instead, put himself/herself at risk by driving with his/her service pistol drawn. Additionally, the BOPC noted that Officer C had his/her service pistol drawn for an extended period of time while driving.

- **Officer C (Second Drawing/Exhibiting)**

According to Officer C, while driving to the location, he/she heard a unit broadcast that they had an individual proned out. Officer C holstered his/her service pistol. Officer C arrived at the location, exited his/her vehicle, and asked the officers at scene if they had located the second guy from the radio call who was shooting in the air. After learning he/she had not been located, Officer C unholstered his/her service pistol again, believing that there was a second subject who could have been inside one of the residences. Officer C held his/her service pistol in the low-ready position with two hands, and his/her finger on the slide.

- **Officer D**

According to Officer D, he/she observed a second male exit the mobile home who was concealing his right arm behind his back. Officer D knew something was not right since it was not common for individuals to be hiding their hands behind their back. Officer D knew it was common for individuals to hide their hands once they are armed. Officer D set down his/her 40mm LLL and unholstered and drew his/her service pistol.

- **Officer E**

According to Officer E, he/she knew the radio call was a “shots fired” call. Because the situation could have risen to one involving the use of deadly force and due to his/her distance from Subject 1, Officer E chose to deploy his/her Patrol Rifle for accuracy. Officer E retrieved the Patrol Rifle from the trunk of his/her police vehicle. After conducting a chamber check, Officer E chambered a round, then held the Patrol Rifle in a port arms position. Officer E brought his/her Patrol Rifle to a low-ready position as he/she made his/her way towards the front of the police vehicle.

- **Officer F**

According to Officer F, he/she heard the comments of the radio call, which stated there was a possible gun involved. Officer F believed the situation was going to escalate to the point where deadly force could be necessary and unholstered and drew his/her service pistol.

- **Officer G**

According to Officer G, he/she heard the comments of the call indicating a male was shooting into the air. Upon arriving, Officer G heard gunshots and observed a male laying on the ground. Officer G also observed a handgun near Subject 2. Officer G believed Subject 1, who was not listening to commands, could have easily grabbed the gun too. Unsure if Subject 2 would grab the handgun, Officer G unholstered his/her service pistol and took cover at Officers A and B’s driver’s side door.

- **Officer H**

According to Officer H, he/she heard approximately ten gunshots upon arriving at the location. Officer H believed the tactical situation could have easily escalated to the point of deadly force. Officer H unholstered his/her service pistol and took cover at the passenger side door of Officers A and B's police vehicle. Officer H observed a handgun approximately three feet away from Subject 2, who was laying on the ground and bleeding.

In this case, the BOPC conducted a thorough review and evaluation of the reasonableness of Sergeants A and B, as well as Officers A, B, C, D, E, F, G, and H's drawing and exhibiting of a firearm. The BOPC noted that Officers A, B, D, E, F, G, and H's initially drew their service pistols due to the nature of the radio call. The radio call indicated there was an armed subject who had already fired his/her handgun. Each officer was fearful for not only the safety of him/herself but of each other's safety as well. Sergeant B did not complete the unholstering and drawing of his/her service pistol initially, recognizing his/her responsibility as a supervisor on scene. When Sergeant B unholstered his/her pistol to cover the trailer's southern window facing east, he/she did so upon recognizing a tactical deficiency. Upon correcting the tactical concern by re-positioning officers, he/she re-holstered his/her service pistol.

In the case of Sergeant A, this incident may have benefitted from the redeployment of officers for a more effective use of cover and designated assignments to reduce the number of lethal options deployed and incorporate additional less-lethal options at scene. Sergeants A and B were in the best positions to initiate such a redeployment of resources as several officers had already unholstered and drawn their service pistols and a rifle. As a tenured supervisor, Sergeant A's decision to draw and exhibit his/her service pistol behind the cover of a police vehicle, and again when he/she redeployed to Officer B's position at a trailer, limited his/her ability to provide oversight, assess the rapidly evolving incident, designate roles to the officers, and reposition the officers at scene.

Therefore, the BOPC determined that Sergeant A's drawing and exhibiting of a firearm was Out of Policy.

The BOPC noted Officer C's drawing and exhibiting of a firearm at the scene of the radio call was the second time he/she had done so prior to the OIS. Officer C also stated that he/she drew his/her service pistol due to the comments of the radio call but added that, upon his/her arrival, he/she was concerned that there was a second subject who had not been located. The BOPC determined that Officer C's second instance of drawing and exhibiting was justified and for his/her own safety. However, the BOPC discussed Officer C's first instance of drawing and exhibiting and determined that he/she was not in any danger and, instead, put himself/herself at risk by driving with his/her service pistol drawn. Additionally, Officer C had his/her service pistol drawn for an extended period of time while driving.

Therefore, the BOPC determined that Officer C's first instance of drawing and exhibiting of a firearm was Out of Policy.

Accordingly, the BOPC found Sergeant A's and Officer C's (First Drawing/Exhibiting) drawing and exhibiting of a firearm to be Out of Policy. The BOPC found Sergeant B, along with Officers A, B, C (Second Drawing/Exhibiting) D, E, F, G, and H's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

- **Officer F** – (Firm Grip, Physical Force, Bodyweight)

According to Officer F, he/she approached Subject 1, who was facing stomach down on the ground. Officer F was on Subject 1's left side and began his/her attempt at taking Subject 1 into custody by placing handcuffs on him. Officer F observed that Subject 1 had placed his right arm underneath his body to avoid being handcuffed. Officer F used a firm grip to take control of Subject 1's left arm and left wrist to place the handcuffs on his left wrist. Officer F then utilized his/her upper torso and arms to gain leverage by utilizing bodyweight on Subject 1's left arm. Officer F obtained control of Subject 1's left wrist and placed a handcuff on it.

- **Officer C** – (Strikes, Firm Grip, Bodyweight)

According to Officer C, he/she utilized his/her right hand to place his/her handcuffs on Subject 1's right wrist and placed his/her left knee onto Subject 1's back. Officer C stated he/she utilized a "three points of contact" approach that he/she learned during Department training. Subject 1 began resisting by placing both of his hands under his chest area while facing the ground. Officer C utilized force to keep Subject 1's right hand up. Subject 1 began resisting and attempted to place his arms under his chest. Officer C kept his/her right hand on Subject 1's wrist while trying to lock out Subject 1's elbow, so Subject 1 would stop resisting. However, Officer C realized he/she was slipping off Subject 1 because of his sweat. Officer C utilized bodyweight by laying on Subject 1. Subject 1 continued to resist and kept his hands underneath his chest. Officer C believed there was a third subject nearby and was in the danger zone where someone could fire rounds at him/her. Officer C believed he/she needed to quickly take Subject 1 into custody. Officer C utilized his/her left elbow multiple times to strike Subject 1 in the front and back of his head in order to loosen him up. Officer C also utilized his/her right elbow to strike Subject 1 once or twice more. Officer C struck his/her elbow against the concrete and stopped utilizing his/her elbow to strike Subject 1. Officer C grabbed Subject 1's right arm and successfully connected both handcuffs together.

- **Officer G** – (Strikes, Firm Grip)

According to Officer G, as he/she began to move to Subject 1's legs to take control of them, he/she heard another Officer ask for help with Subject 1's upper torso area.

Officer G approached the right side of Subject 1's body and attempted to utilize a firm grip on Subject 1's right arm, which was tucked under his body. However, Subject 1 slipped out of Officer G's grip due him being sweaty. Officer G gave Subject 1 commands to stop resisting, but Subject 1 did not comply. Officer G utilized his/her right knee to apply two distraction strikes to Subject 1's right upper rib and shoulder area; however, Subject 1 continued to resist the officers. Officer G utilized two additional strikes to Subject 1's upper rib area. Officer G observed it had no effect on Subject 1. Officer G utilized one additional strike to Subject 1's upper rib area. Subject 1 gave up and was taken into custody.

- **Officer H – (Bodyweight, Physical Force)**

According to Officer H, he/she utilized his/her right knee to apply bodyweight to Subject 1's rear thigh, above the knee. Subject 1 was very strong and was able to still lift his legs up. Officer H wrapped his/her arms around Subject 1's legs and crossed Subject 1's ankles. Officer H was given a hobble restraint device (HRD) and assisted in placing it around Subject 1's ankles. Officer H pulled the HRD's strap and tightened it.

The BOPC noted that Subject 1's initial level of resistance was strong enough to warrant the officers' level of force. Officer C approached Subject 1 utilizing a "three points of contact" approach, which is a Department approved tactic to take a resistant suspect into custody. Given Subject 1's reaction to his/her approach, Officer C used reasonable force to overcome his resistance. As Subject 1 continued to resist, Officers C and G used appropriate distraction strikes to lessen the amount of time they were exposed to the front of the mobile home by forcing Subject 1 to release his arms from his chest. The BOPC determined the officers were justified in wanting to remove themselves from the danger zone and in doing so, used elbow strikes and knees to gain compliance. Since Subject 1 was in close proximity, with his hands tucked under his waist, it appeared to be sufficient force that was used and resulted in the successful handcuffing of Subject 1.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, F, G and H, while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Subject 2's resistance and effect his arrest.

Therefore, the BOPC found Officers C, F, G and H's non-lethal use of force to be objectively reasonable and In Policy.

D. Lethal Use of Force

- **Officer A – (pistol, nine rounds)**

According to Officer A, he/she observed Subject 1 stand up. Subject 2 walked behind Subject 1 as he kept his right hand behind his back. Officer A was unable to

see what Subject 2 had in his hand. Officer A observed Subject 2 step, kind of going around Subject 1, and towards the officers. Officer A saw Subject 2 bring his right hand around, and in front of him. Officer A observed that Subject 2 was holding a black handgun and was pointing the gun at him/her. Officer A feared for his/her life and made the decision to protect himself/herself and the other officers from the imminent threat. Officer A was behind the ballistic panels of his/her police vehicle's passenger door, while sitting on the passenger seat with his/her right leg on the ground and his/her left leg inside the police vehicle. After the fifth round, Officer A assessed and observed the threat was no longer there since Subject 2's handgun was down and Subject 2 was collapsing to the ground.

- **Officer C** – (pistol, eight rounds)

First Volley

According to Officer C, he/she observed that Subject 2's right hand was concealed behind his back and Subject 2 was standing behind Subject 1. Subject 2 stepped approximately a foot or two away from Subject 1 and removed his right hand from his back. Officer C observed the muzzle of Subject 2's handgun pointed in his/her direction. Officer C believed he/she was going to get shot. Officer C stated his/her head was exposed as a result of his/her height even though he/she was standing behind a police vehicle door. Officer C utilized his/her service pistol and fired his/her first sequence of rounds to stop the deadly threat. Officer C believed he/she fired two to three shots in this sequence towards Subject 2's direction at his center mass near his upper torso.

Second Volley

According to Officer C, due to his/her head being exposed and to avoid getting shot in the head, he/she adjusted his/her position by kneeling down onto his/her right knee. Officer C transitioned to his/her knee as he/she simultaneously fired three to four additional rounds at Subject 2's upper torso, center mass. Officer C stopped firing when Subject 2 no longer had a handgun in his hand.

- **Officer E** – (rifle, five rounds)

According to Officer E, Subject 2 was facing in his/her direction as he began placing himself behind Subject 1, to use him as a shield. Subject 2 held his right hand behind his back, out of view, and was standing behind Subject 1 when he took one half of a right step, exposing the right side of his body. All in one motion, Subject 2 swung his right hand from his back towards his right hip and produced a black semi-automatic handgun. Subject 2 started punching the handgun out into the direction of Officer E. Officer E utilized his/her Patrol Rifle to stop the threat and fired his/her first round at Subject 2's center body mass, on his right side, to avoid hitting Subject 1 who was unarmed.

According to Officer E, he/she was unsure if Subject 2 was stumbling from being shot or if he was deliberately walking out. Officer E observed Subject 2's body was almost completely out from behind Subject 1. Officer E also observed Subject 2's handgun still out in front of himself and was pointed in the direction of the officers. Officer E fired a second round from his/her Patrol Rifle.

According to Officer E, he/she observed Subject 2 holding his handgun still out in front of him and pointing in the direction of the officers. Officer E observed Subject 2 was starting to go down to his left knee but was still holding the handgun in his right hand and pointing it in his/her direction. Officer E fired a third round at Subject 2's center body mass. Officer E believed he/she fired a total of three or four rounds. At this point, Officer E observed Subject 2 was down and no longer pointing the handgun at them. Officer E stopped firing.

During its review of this incident, the BOPC took into consideration that Subject 2 escalated the incident when he refused to comply with officers' commands, utilized Subject 1 as a shield, and pointed a handgun at the officers.

The BOPC considered the minimal amount of time the officers had to react to the deadly threat caused by Subject 2. The BOPC noted that Officers A, C and E appropriately ceased fire when Subject 2 was no longer a threat. The BOPC noted that other officers at scene did not fire their weapons and showed great restraint even though they were in Subject 2's field of view. The BOPC also noted Officer C's awareness of his/her height and thus his/her head and neck being exposed. Officer C's actions were an accurate account of his/her articulation regarding his/her training and his/her reposition onto a knee while firing to maintain cover. The BOPC noted Officer A's articulation regarding his/her self-stated lack of assessment. However, officers are trained to assess the target while looking through their sights. It was evident that Officer A was indeed assessing since he/she stated he/she watched Subject 2 collapse and stopped shooting.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officers A, C, and E would reasonably believe Subject 2's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

Therefore, the BOPC found Officers A, C, and E's lethal use of force to be In Policy.