

Incident Summary

An unidentified member of the community (Witness A) called the detective desk at Hollenbeck station indicating he wanted to provide information on the identity of a murder suspect. Detective A took the call. While speaking with the caller, Detective A learned that Witness A wished to remain anonymous and that he did not wish to provide the detective with his phone number. Witness A advised Detective A he/she could refer to him by a name, however the witness' identity was never verified by the detective. Witness A told Detective A he did not witness the homicide but overheard a known gang member from a local gang bragging about a murder he had committed. Witness A then identified the gang member by a first name and added that he was also known by two different monikers, and provided them to Detective A. Witness A also provided the Subject's physical descriptors (age, height, weight, distinctive tattoos, etc.). During their conversation, it became apparent to Detective A that Witness A was referring to a homicide that had occurred on the previous day.

Detective A provided Witness A with his/her cellphone number and asked him to call back if he received additional information. Utilizing the information received during the call, Detective A queried Los Angeles Police Department and the State of California computer databases and identified the individual (the Subject in this case) who had been described by Witness A.

Detective A forwarded this information to Police Officer A. As Detective A's shift was ending, he/she requested that Officer A continue to gather whatever information he/she could on the Subject.

Later in evening, Detective A was at his/her residence when he/she received an additional phone call from Witness A. Although the call came from a blocked number, Detective A also received a text from Witness A. The number on the text was not blocked. According to Detective A, "I have his number, so he's no longer an anonymous citizen in my mind. He still wouldn't give his name. Now it's a trusted source, or at least a source that's giving specific information. And he's not anonymous because I can call him back."

According to Detective A, Witness A provided him/her with information about the Subject, including that the Subject had a gun. Witness A also told Detective A that the Subject was wearing a black fanny pack and provided a specific location where the Subject could be located.

Witness A described the Subject as wearing a red baseball cap worn backwards, a gray hoody sweat top, a black fanny pack, gray Nike shorts and shoes and white knee-high socks. Even though Detective A had not met with Witness A, he/she believed that Witness A was providing specific and actionable information to warrant a police response. Detective A equated the information to that received from a citizen calling 911 and reporting a man with a gun.

Based on the specific information Witness A was providing, Detective A called Sergeant A and asked Sergeant A for his/her unit's assistance. Detective A's goal was to safely coordinate a police response with adequate resources to the area provided by Witness A, to look for the Subject and arrest him for illegal possession of a gun.

Sergeant A stated that he/she was obtaining specific, real time information from Detective A. The information was coming from Witness A, who advised that the Subject was at a location and armed. In addition, Witness A had advised Detective A that the Subject was bragging that he had committed a murder.

In response to Detective A's request, Sergeant A directed his/her unit to meet at Hollenbeck station. Sergeant A then provided his/her team with the Subject's clothing description, criminal history and photograph. They formulated a plan and then notified Sergeant B.

The following police personnel were present and received the information pertaining to the Subject: Officers B, C, D, E and F, G, H, I, and J.

Officer B called Detective B and requested his/her assistance. According to Sergeant A, the plan was to have officers in a plain vehicle drive to the area reported by Witness A to look for the Subject. The remaining team members were to stage nearby. If the Subject was seen, the observing officers would communicate their observations via radio to the standby team who then would respond to the location and detain him. Sergeant A stated they could book the Subject for possession of the gun. According to Sergeant A, this would give detectives time to continue their murder investigation.

Detective A notified Lieutenants A and B of the information he/she had received regarding the Subject and the subsequently-developed plan to apprehend him.

Witness A called Detective A again and stated he believed the Subject had seen the police and fled the area. Detective A relayed that information to Sergeant A and the two decided to end the operation. With that, the involved officers returned to Hollenbeck station and debriefed the incident. Sergeant A remained at the station to complete administrative duties.

A short time later, Officers B, C, and D notified Sergeant A that they were going to the area reported by Witness A to look again for the Subject. They further advised their supervisor that they would all be in an unmarked white vehicle and that Officers E and F would be nearby in their black and white patrol vehicle. Officer C was driving the plain vehicle, which was equipped with a forward-facing red light, siren, police radio and blue and amber lights in the rear window. The vehicle was not equipped with a Digital In-Car Video System (DICVS) or ballistic door panels. The officers had received permission to use the plain vehicle from Captain A.

The officers were assigned to a single unit because Officer D's regular partner was on a day off. According to the officers, the three had previously discussed operational

tactics including contact and cover roles and the appropriate times to employ apprehension mode strategies versus those of containment mode. According to the officers, the tactics involved in a three-person unit were the same as a two-person unit. Officer C (the driver) would be the contact officer, Officer D (front passenger seat) would be the cover officer and Officer B (rear right passenger seat) would be an additional cover and/or communications officer. However, they acknowledged their roles could change depending on the dynamics of the situation.

The officers in the plain vehicle were monitoring the area while Officers E and F were nearby. As Officer C turned right and began driving south, he/she observed a male with a red baseball cap worn backwards, either a white or gray shirt and a fanny pack that was strapped over his right shoulder and hung underneath his left armpit. Officer C further described the individual as standing on the west sidewalk underneath a streetlight that illuminated his face. Officer C immediately recognized the Subject and verbally alerted his/her partners in the car by stating, "Hey, he's the [Subject]" while simultaneously pointing at the Subject.

According to Officer D, he/she also observed the Subject standing on the west sidewalk and immediately recognized him as the subject of the briefing from earlier in the night. Officer D described the Subject as wearing a red baseball cap worn backwards and a charcoal gray hooded sweatshirt. Officer D also communicated this information to his/her partners.

According to Officer B, he/she observed a male south of an east/west alley on the west side of the sidewalk wearing a red hat and gray shirt that matched the description of the Subject. Officer B overheard both Officers C and D simultaneously saying, "Hey is that our guy?"

The Subject turned north and faced the officers' vehicle. Officer C stated he/she observed the Subject looking directly at them and squaring himself toward them. Officer C observed the Subject reach into the fanny pack with his right hand and immediately began shooting at them. Officer C stated he/she heard a loud bang and observed sparks and what appeared to be a round being fired at him/her. Officer C observed what appeared to be pieces of cloth breaking consistent with a firearm being fired from either the fanny pack or through a bag. Based on the physical evidence collected from the scene (Discharged Cartridge Casings, bullets, etc.), it was determined that a minimum of seven rounds were fired at the officers from at least two different firearms.

Officer C stopped the vehicle and placed it in park. Officer C immediately exited from the driver's side door and unholstered his/her pistol with his/her right hand. Officer C took a two-handed grip, aimed and began to shoot at the Subject. Officer C was positioned in between the door frame and the A-pillar of the vehicle and stated he/she lowered his/her body to use the engine block for cover. Officer C fired a total of nine rounds at the Subject from an approximate distance of 50 feet in southwesterly direction. Prior to the OIS, Officer C's BWV camera was powered on and in the

appropriate stand-by mode with a two-minute buffer. Based on the camera's data log, Officer C's camera started audio recording after the OIS. Therefore, no audio of the gunfire was captured.

According to Officer D, as Officer C stopped the vehicle, he/she opened his/her passenger side door, observed the Subject's arms extended, saw a muzzle flash and heard gunshots. Officer D stated that he/she knew he/she was behind the curve. Officer D stated that he/she knew immediately that he/she was being shot at, so he/she drew his/her weapon. In immediate defense of his/her life, Officer D unholstered his/her pistol, aimed and fired two rounds at the Subject in a southerly direction from an approximate distance of 47 feet. Officer D's passenger side window was in the raised position and the first round that he/she fired struck and shattered the window causing glass fragments to fall to the ground. Officer D then saw additional muzzle flashes from the Subject's position so he/she took a kneeling position behind his/her open door for cover. Officer D then observed the Subject was shuffling backwards as he/she fired additional rounds at the officers from behind a parked vehicle. In response, Officer D fired additional rounds at the Subject. The investigation determined Officer D fired a total of four rounds at the Subject from an approximate distance of 47 feet.

Based on Officer D's BWV data log, his/her camera was completely powered down prior to the incident. Officer D did not activate his/her camera until after the OIS. As such, there is only a 30 second video buffer on Officer D's footage instead of the two minutes of video buffer that would have been present had the camera been in standby mode prior to the incident.

Officer B stated he/she exited the vehicle at the same time as Officer D. Officer B moved to his/her right and took a position of cover behind a red vehicle that was parked facing south on the west curb. Officer B then moved to the west sidewalk and observed muzzle flashes from the Subject's position as the Subject fired at them. According to Officer B he/she could not see the firearm in the Subject's hand(s) but did see the Subject's arms extended toward them and the muzzle flashes coming from his position.

Officer B unholstered his/her weapon, assumed a two-handed grip, aimed and fired one round at the Subject in a southerly direction from an approximate distance of 49 feet. Officer B stated that he/she attempted to fire another round at the Subject, but then observed that his/her pistol had malfunctioned. After clearing the malfunction Officer B believed his/her gun was operational again, he/she looked up and saw the Subject running south and eventually out of sight.

Based on Officer B's BWV data log, his/her camera was completely powered down prior to the incident. Officer B activated his/her camera after the OIS. As such, there is only a one minute, eight second video buffer on Officer B's footage instead of the two minutes of video buffer that would have been present had the camera been in standby mode prior to the incident.

Officer C communicated to his/her partners that he/she was moving to the left. Officer C took a position of cover behind a parked vehicle that was facing north on the east side of the street and told his/her partners that the Subject was by a parked vehicle, south of them.

Officer B broadcast a help call and requested a perimeter be established. Officer B broadcast the Subject description and last known direction of travel. Air Support responded to the Help Call and began to assist the officers in establishing a perimeter to contain the Subject.

Officer C notified his/her partners that he/she was going to reload his/her pistol. Officer C held his/her pistol with his/her right hand, reached into his/her magazine pouch with his/her left hand and retrieved a full magazine. Officer C then conducted a tactical reload and placed the used magazine into his/her magazine pouch.

Sergeant A responded to the Help Call with lights and siren from Hollenbeck station. Sergeant A arrived on scene and held a perimeter position at an intersection, north of the OIS location, until relieved by responding units.

Sergeant C arrived on scene and was directed by Sergeant A to respond to the involved officers' position and assist them. Sergeant C was the first supervisor to join the officers and immediately began to assess the situation by asking them of the Subject's last known location. Sergeant C also asked the officers if they were injured and learned that Officer D had sustained a minor laceration to his/her knee. Sergeant C took control by directing officers to hold their positions and take cover in case the Subject returned or continued to fire at them. Sergeant A joined Sergeant C and coordinated the establishment of a perimeter, a Command Post (CP) and requested additional supervisors.

Sergeant B and Detective C, and Sergeant D responded to the OIS location. Sergeant A directed Detective C to remove Officer D from the scene and to get him/her medical treatment if necessary. In addition, Detective C was instructed to obtain a Public Safety Statement (PSS) from Officer D and then to monitor him/her.

Detective C drove Officer D away from the location, obtained a PSS and subsequently transported him/her to Hollenbeck station where he/she monitored him/her until relieved.

Sergeant A met with Sergeant B and provided him/her with a briefing of the incident. Sergeant B declared himself/herself the Incident Commander (IC) and directed officers to don their ballistic helmets. The CP was moved from its original location. Sergeant A then collected the BWV cameras assigned to Officers B and C.

Sergeant A obtained a PSS from Officer C and continued to monitor him/her at the CP. Officer C remained at the CP in case the Subject was located, and a field show-up became necessary.

Sergeant D obtained a PSS from Officer B. Sergeant D then transported Officer B to Hollenbeck station and monitored him/her.

Officers assigned to Metropolitan Division’s K9 and Special Weapons and Tactics (SWAT) responded to the scene to assist in the search for the Subject. A systematic search of the area was performed and later concluded when it was determined that the Subject was no longer inside the perimeter.

The Subject was ultimately apprehended on a later date.

BWV and DICVS Policy Compliance

OFFICER	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	No	Yes	N/A	N/A
Sergeant C	Yes	No	No	N/A	N/A
Officer B	No	No	No	N/A	N/A
Officer C	No	Yes	No	N/A	N/A
Officer D	No	No	No	N/A	N/A

Los Angeles Board of Police Commissioners’ Findings

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

A. Tactics

The BOPC found Officers B, C, and D, and Sergeants A and C’s tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers B, C, and D’s drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers B, C, and D’s use of lethal 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), 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 the subject's 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

- *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 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 –Upon receiving information from Detective A, Sergeant A began planning the operation and assigned roles to each officer involved in the operation. Sergeant A planned to only detain the Subject for an active crime of possessing a

firearm as a prohibited possessor, and not for his reported involvement in the homicide. Sergeant A planned to send officers to the area to monitor for the Subject. Sergeant A discussed escape routes commonly used by local gang members and planned accordingly by setting up the appropriate containment near the commonly used egress. Sergeant A also discussed perimeters, foot pursuits, apprehension versus containment, and communication on simplex and base frequencies when operating a police vehicle with three officers inside. Sergeant A stated officers in marked black and white vehicles would assist with containment and apprehension.

Officer C, on the day of the incident, discussed a plan with Officers B and D such as contact and cover, requesting backup if they observed the Subject, and the presence of an air ship before arriving at the location. Officer D's plan was to be a contact officer as the front passenger, but stated Officers B and C could also engage in that role, depending on the tactical situation. Officer D discussed three-officer tactics since he/she and his/her two partners would be deployed in the same vehicle. Officer D ensured he/she had a less-lethal option on his/her person due to the nature of the incident. Officer D stated he/she was familiar with the tactics of his/her partner officers not just due to the conversations from the day of the incident but from previous training days together as well as working together for approximately three months. Officer B stated he/she and his/her two partners created a plan which involved Officer B being a cover officer. Officer B, the rear passenger, stated his/her role could change and could be taken over by Officer D as well. Officer B gathered information on the Subject and conducted the briefing with involved officers. Officer B stated each officer was assigned a role.

After the OIS, Officer B continuously adjusted his/her plan and, after discovering Officer D was injured, utilized an additional unit to transport Officer D for medical treatment.

Sergeant C arrived at the scene of the OIS and began creating a plan to remove involved officers from the location to replace them with additional responding units, once available. Sergeant C also met with Sergeant A and created a plan to assign responding supervisors to each involved officer for monitoring duties.

Assessment – Sergeant A, upon receiving information about the Subject from Detective A, assessed the exigency of the information provided by Detective A. Sergeant A determined it would be in the interest of public safety to respond immediately to prevent the Subject from possibly injuring community members.

Officer C assessed the Subject upon seeing him and determined, based on tattoos and his description, that he was the Subject they were looking for. Officer B assessed after firing his/her first round at the Subject and observed his/her service pistol had malfunctioned. After clearing the malfunction, Officer B assessed and observed the Subject running away.

After the OIS occurred Sergeant A arrived at the officer's location. Sergeant A observed shattered glass from the police vehicle and rounds on the ground that he/she assessed to have been fired in a southbound direction. Sergeant A began broadcasting his/her observations to Communications Division and requested containment as well as additional officers and supervisors.

Time – Sergeant A determined that while the information Detective A provided was exigent and a public safety issue, a brief was important to create a plan and disseminate the information. The utilization of time allowed them to not only create their plan, but to also gather additional units for assistance. Officers B, C, D, all articulated their observations between and after they fired rounds at the Subject. Each officer utilized time to observe the Subject's actions and cease fire appropriately. Sergeant C ordered the officers to maintain cover as he/she utilized time to wait for additional resources before taking additional action in finding the Subject.

Redeployment and/or Containment – Officer C, during the OIS, observed the Subject had stopped firing and was running in a direction away from the officers. Officer C redeployed away from his/her vehicle towards a parked car to obtain a better position of cover, on the east sidewalk. Officer D observed the Subject flee and lost sight of the Subject behind a large vehicle. Officer D redeployed to a position from which he/she would have a better view of the Subject's last location, on the west sidewalk.

Officer B immediately requested containment be set up and provided CD with the Subject's description. Officer B also determined they were standing directly in front of a known location which commonly housed gang members and directed his/her partners to redeploy in a northern direction to move away from the known gang house location.

Sergeant A held a containment position upon his/her arrival to prevent the Subject from returning to his original location. However, as soon as additional units responded Sergeant A redeployed to the involved officers' location.

Other Resources – Officer B, requested the assistance of Hollenbeck detectives. Officer B believed the detectives would be more effective at monitoring the park for the Subject since the detectives were in plain clothes and unmarked vehicles. Officer B also utilized the information gathered by Detective A and Officer K as he/she disseminated the information to his/her fellow officers and detectives during the briefing.

After the OIS, additional resources including an air unit, the K-9 unit, and SWAT team were utilized in an effort to safely locate the Subject and resolve the incident.

Lines of Communication – Officer C communicated his/her actions during the OIS to his/her partners. Officer C stated he/she was going to redeploy to another

position of cover, east of his/her original location. Officer C also advised his/her partners that he/she was conducting a tactical reload and requested they cover him/her while he/she did so. Officer D observed the Subject run away and communicated his/her observations to his/her partners.

Officer B gathered additional information on the Subject from Officer K by maintaining lines of communication with him/her. Officer B, throughout the OIS, continuously relayed his/her observations to CD and ensured responding officers knew the direction the Subject was traveling and that he was armed. Officer B also maintained communications with his/her partner officers after the OIS and determined Officer D had sustained an injury. Officer B communicated the injury to CD to obtain medical treatment for Officer D.

Sergeant C began communicating with the involved officers immediately upon arrival and gathered information regarding the ongoing tactical incident. Sergeant C also relayed that information to Sergeant A when he/she responded.

Sergeant A ensured lines of communication were preplanned while preparing for the operation and instructed Officers B, C, and D, to have one officer broadcast on Hollenbeck Simplex and one on Hollenbeck Base Frequency, in the event they encountered the Subject. Upon Sergeant A's arrival at the scene of the OIS, he/she immediately began communicating with the involved officers as well as the air unit, to set up containment and request additional resources. Sergeant A also ensured responding personnel were given updated information.

The BOPC noted the exigency of the circumstances originally provided by Detective A to Sergeant A. Due to its nature, the information was similar to that of a high priority radio call. In this case, the BOPC noted a patrol unit would have been deployed to look for the individual if the information was utilized to generate a radio call. The BOPC noted in this instance, an operation plan was not required and were satisfied with Sergeant A's decision to conduct a thorough briefing prior to deploying officers to look for and monitor the Subject. The BOPC was also determined the notification to Sergeant B concerning the information the officers had received with regard to the murder Subject and their course of action by Officers B and D was adequate. The BOPC noted Sergeant A and Officers B and D's actions met the department expectations given these delineated circumstances.

Additionally, the BOPC noted solid communications by Officers B, C, and D, amongst themselves during the OIS. The officers communicated their respective tactical procedures such as redeploying to alternative positions of cover and when conducting a tactical reload. The BOPC noted the extensive communication between Sergeants A and C at the scene of the OIS. This assisted Sergeants A and C to enact their plan quickly and without incident. Sergeant A's communication before the OIS, and after, kept Sergeant B apprised of the incident and prevented the need for additional briefings during this critical incident.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Retention of Firearm During Tactical Scenario

After Officer D discharged his/her service pistol at the Subject, Officer D held his/her service pistol in his/her right hand and his/her police radio in his/her left hand. Officer D placed his/her service pistol on the ground directly in front of himself/herself and utilized his/her right hand to increase the volume control on his/her police radio. Officer D then picked up his/her service pistol and held it in his/her right hand. Officer D completed these actions while remaining behind cover.

Although the incident had rapidly escalated and Officer D increased the volume of his/her police radio, a critical component to hearing transmissions, the BOPC would have preferred that Officer D had holstered his/her service pistol as he/she manipulated his/her police radio. The BOPC noted the placement of his/her service pistol down onto the ground allowed for a greater risk of a possible negligent discharge. However, the BOPC also noted that officers are allowed flexibility in their tactical response. If Officer D had holstered his/her service pistol while he/she was in a kneeling position, it may have required him/her to move his/her service pistol and hand a greater distance than the location where he/she placed his/her service pistol down. In this incident, Officer D placed his/her service pistol directly in front of him/her which allowed quicker access to his/her service pistol.

The BOPC assessed Officer D's actions of placing his/her service pistol onto the ground in front of himself/herself. The BOPC determined Officer D's action was momentary while he/she still had immediate access to his/her service pistol at all times. After having been fired upon by the Subject, Officer D believed the need to ensure a "shots fired" call was being broadcast was of greater importance than maintaining his/her grip on his/her service pistol. Since Officer D was behind cover and his/her service pistol was in close proximity, the BOPC determined his/her actions were appropriate.

Based on the totality of the circumstances, the BOPC determined that Officer D's actions were reasonable given the deadly actions of the Subject and did not deviate from approved Department tactical training.

Debriefing Point No. 2 Utilization of Cover

After the OIS occurred, Officer D left his/her position of cover and walked southbound on the west sidewalk without the benefit of cover.

The BOPC noted the aggressive nature of the Subject and that the Subject fired upon the officers without provocation. The BOPC noted Officer D not only had to protect his/her own life and the lives of his/her partners, but additionally had a duty to stop the Subject's aggressive deadly actions for the sake of public safety. Officer D attempted to maintain observation of the Subject and moved from cover to do so.

In this case, it was understandable for Officer D to obtain a better visual of the Subject to stop the threat and, to do so, had to momentarily leave a position of cover for those reasons.

The BOPC assessed the trade off by Officer D between having sufficient cover or stopping a deadly threat. For the protection of community members in the nearby park, and the fact that this incident took place on a residential street, the BOPC determined the need for cover was less than the need for Officer D to protect community members by attempting to maintain observation of the Subject's movements.

Based on the totality of the circumstances, the BOPC determined that Officer D's actions were reasonable given the deadly actions of the Subject and did not deviate from approved Department tactical training. In order to enhance future performance, the BOPC directed that the two issues noted above will be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Loading Standards** – The investigation revealed Officer B had loaded 14 rounds in the magazine of his/her service pistol. The fully loaded capacity for the magazine was 15 rounds. Officers are reminded to maintain their magazines in a fully loaded capacity.
- **Tactical Planning** – Officers B, C, and D, stated their tactical plan was to take the Subject into custody if they observed the Subject at the location. Sergeant A stated the tactical plan for Officers B, C, and D was to monitor the area from a distance and, if the Subject was observed, they would call in nearby officers who were driving a marked black and white police vehicle in order to conduct the stop. Due to the threat the Subject presented to community members and his connection to a recent homicide developed by Detective A and then provided to Sergeant A, the need for a quick response was evident to Sergeant A. Sergeant A conducted a thorough briefing wherein officers were assigned roles and plan was created. However, a discussion for clarity of the actions for each role could have prevented the confusion between the officers and Sergeant A as to their planned response if the Subject was observed.
- **Service Pistol Malfunction** – Officer B's service pistol malfunctioned during the OIS. Officer B stated his/her service pistol, prior to the OIS, had previously malfunctioned several times during training. Officer B believed the malfunction could have been the result of dirt inside of his/her magazine, as well as his/her service pistol. It is necessary for officers to ensure their service pistols are well maintained and in good working order. Additionally, if an officer experiences a reoccurring malfunction they shall take their weapon to the Department Armory for inspection. Officer B's service pistol has now been inspected and received maintenance from a Department armorer.

- **Basic Firearm Safety Rules** – Officer D momentarily placed his/her right index finger onto the trigger of his/her service pistol as he/she used his/her right hand to turn up the volume on his/her police radio. Later in the incident, Officer D again placed his/her right index finger onto the trigger of his/her service pistol as he/she held his/her service pistol in a low-ready position. Officers are reminded of basic firearm safety rules and their importance not only for the safety of themselves and those around them, but also as a measure to prevent unintentional discharges.
- **Situational Awareness** – Officer B broadcast a help call immediately after the OIS occurred. While doing so, Officer B incorrectly broadcast his/her unit designation. Officers are reminded of the importance of stating their correct unit designation to avoid confusion about their location for responding officers.
- **Command and Control**

Detective A contacted Sergeant A upon receiving information from a caller. Detective A requested Sergeant A's assistance in locating the Subject. Detective A advised Sergeant A to treat the incident as a man with a firearm, similar to a radio call. Knowing the Subject was a documented gang member, Detective A advised Sergeant A that the Subject could not be detained in relation to the homicide investigation, but instead, could be arrested if the officers observed him in possession of the firearm. When Detective A was advised by the informant that the Subject had fled the area at the sight of a police vehicle, he/she informed Sergeant A to call off the operation.

The BOPC noted Detective A provided clear instructions to Sergeant A by discussing the ongoing homicide investigation and its separation from the Subject's prohibited possession of a firearm and public safety issue. Detective A provided thorough parameters for the basis of the detention of the Subject for Sergeant A and officers. Without delay, Detective A advised Sergeant A to discontinue the response, as he/she became aware of new information and in the interest of public safety.

The actions of Detective A were consistent with Department supervisory training and met the BOPC's expectations of a supervisor during an on-going investigation and related operations.

Sergeant A received the information with regard to the Subject from Detective A. Sergeant A directed officers to meet at the station for a briefing. During the brief, Sergeant A ensured officers had the assistance of not only a set back up unit driving a marked black and white police vehicle, but also two additional units to assist with containment. Sergeant A maintained contact with Detective A and continually updated personnel on the operation.

When Detective A requested the operation be ended, Sergeant A immediately pulled officers off the operation and returned to the station to debrief the incident. Officers B, C, D, E and F, advised Sergeant A they were going to continue their patrol in the area. Sergeant A remained at the station to complete administrative duties. When Sergeant A heard that Officers B, C, and D requested help over the police radio, Sergeant A initiated his/her response. Upon his/her initial arrival, Sergeant A did not respond to the officer's location, instead he/she held a perimeter position at an intersection. After he/she observed Sergeant C responding he/she directed him/her to respond to the involved officer's location. Approximately three minutes later, Sergeant A flagged down responding officers to replace him/her, allowing him/her to respond to the location of Officers B, C, and D. Sergeant A did so and began gathering Subject information. Sergeant A identified Officer C as an officer involved in the OIS, separated him/her and drove him/her to the CP location where he/she and obtained his/her PSS.

The BOPC evaluated Sergeant A's actions during this incident and noted that he/she demonstrated active leadership and displayed a calm and patient demeanor. While it is often expected that Department supervisors respond to assert control of a tactical incident instead of other duties, such as holding a portion of the perimeter, Sergeant A's rationale and reasoning, and the need to balance the immediate tactical situation to contain the location was understandable with the need to respond to the scene of the OIS. Sergeant A directed Sergeant C to continue his/her response to the scene to ensure that supervisory oversight was being initiated. Sergeant A held his/her perimeter position for approximately two minutes. At the first opportunity, Sergeant A replaced himself/herself with a patrol unit and responded to the scene of the OIS with a minimal delay. Once at the location, Sergeant A utilized planning, time, additional resources, and communication to effectively manage an ongoing and dynamic tactical incident as officers attempted to contain a shooting Subject.

The actions of Sergeant A were consistent with Department supervisory training and met the BOPC's expectations of a supervisor during a critical incident.

Sergeant C arrived at the location of the involved officers. Sergeant C directed officers to take cover and began assessing Officer D's injuries. Sergeant C advised officers to maintain cover until he/she could access a ballistic shield. Sergeant C began developing a plan with the officers and explained their priority was to direct community members back into their homes. The BOPC noted Sergeant C's continuous communication with the officers at scene as he/she was planning. Sergeant C also communicated with Sergeant A and took an active role in the planning and management of the incident, while working in conjunction with additional responding supervision. The actions of Sergeant C were consistent with Department supervisory training and met the BOPC's expectations of a supervisor during a critical incident.

Detective C arrived at the incident and identified Officer D as an officer involved in the OIS. Detective C separated Officer D, transported him/her to the CP location, and obtained a PSS. The actions of Detective C were consistent with Department supervisory training and met the BOPC's expectations of a field supervisor during a critical incident.

Sergeant B responded to the location from Hollenbeck CPS and assumed the role of IC wherein he/she broadcast his/her IC status. Sergeant B directed all officers at scene, via CD, to don their ballistic helmets as he/she established the CP.

Sergeant B advised Sergeant A to respond to the CP and assist with organizing the tactical operation. Sergeant B also briefed responding K-9 and SWAT officers of the circumstances concerning the tactical incident. Sergeant B remained at the CP until K-9 and SWAT personnel had completed their searches for the Subject. The BOPC noted Sergeant B maintained continuous lines of communication with officers and Sergeant A throughout the incident. Sergeant B was able to quickly assume the role of IC due to his/her active communication before and during the incident. Sergeant B, along with the rapid response of additional resources and personnel were able to resolve this incident. The actions of Sergeant B were consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident.

Sergeant D arrived and identified Officer B as an officer involved in the OIS. Sergeant D separated Officer B and drove him/her to the CP location where he/she obtained Officer B's PSS. The actions of Sergeant D were consistent with Department supervisory training and met the BOPC's expectations of a field supervisor during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that Sergeants A and C, as well as Officers B, C, D's tactics did not deviate from approved Department tactical training.

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

Therefore, the BOPC directed that Sergeants A and C, as well as Officers B, C, and D attend a Tactical Debrief and that the specific identified topics be discussed.

Drawing/Exhibiting

Officer B

According to Officer B, he/she began to exit the rear passenger seat of his/her vehicle after observing the Subject. Officer B heard shots being fired in his/her and his/her partner officers' direction. Officer B immediately began to "jump out" of his/her vehicle. Officer B heard a window shattering from his/her vehicle. Officer B redeployed slowly to the right of a car parked next to the west sidewalk. Officer B observed the Subject shooting in his/her direction. Officer B drew his/her service pistol utilizing a two-handed grip.

Officer C

According to Officer C, he/she observed the Subject's hand was in his fanny pack. Officer C placed his/her vehicle in park and opened his/her driver door with his/her left hand. As Officer C began exiting the driver seat to conduct a stop on the Subject, he/she observed a muzzle flash and a loud bang from the Subject's direction. Officer C immediately recognized the Subject was shooting at him/her. Officer C leaned out of his/her vehicle as he/she drew his/her service pistol. Officer C utilized a two-handed grip to take hold of his/her service pistol.

Officer D

According to Officer D, he/she opened his/her front passenger door and stepped out of the vehicle after he/she observed the Subject. While stepping out, Officer D observed the muzzle flash and heard gunshots. Officer D made eye contact with the Subject and observed the Subject's arms extending. Officer D knew he/she was being shot at by the Subject. Officer D drew his/her service pistol to defend his/her life and the lives of his/her partners.

In this case, the BOPC noted the Subject was the initiator of aggressive and deadly actions as he fired upon Officers B, C, and D as they exited their vehicle. The BOPC noted the Subject created a substantial risk of death which lead to Officers B, C, and D, defending their lives by drawing their service pistols.

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

Therefore, the BOPC found Officers B, C, and D's Drawing/Exhibiting to be In Policy.

Lethal Use of Force

Officer B – one round, in a southerly direction from an approximate distance of 38 feet.

According to Officer B, when the Subject began shooting, he/she stated it sounded like rapid fire from different weapons, but he/she could only see the muzzle flash of the Subject's firearm. Officer B was unsure if the Subject was utilizing multiple firearms due to the sound of the Subject's firearm being different from Officer B's service pistol. Officer B was in fear for his/her life and the lives of his/her partners. Officer B also considered the community members in the area. Officer B believed the Subject had no remorse or regard for human life. Officer B was in a position of cover behind a vehicle parked near the west sidewalk, north of the Subject. Officer B focused on the Subject from that position. Officer B placed his/her finger on the trigger of his/her service pistol and fired one round while simultaneously, The Subject was firing at Officer B and his/her partner officers. Officer B fired in a southerly direction as he/she was aiming at the Subject. Officer B, after firing his/her first round at the Subject, pressed the trigger of his/her service pistol a second time to fire again and felt that he/she had a spongy trigger. Officer B recognized his/her service pistol had a malfunction, cleared the malfunction, and looked up. Officer B observed the Subject running away southbound and out of sight. Officer B determined the shooting had stopped. Officer B believed the total rounds fired by the Subject were approximately five to seven but was unsure if was counting the shots from the Subject or from his/her partner officers.

The BOPC noted that while attempting to exit his/her vehicle, Officer B was presented with a deadly threat. Officer B returned fire and, after one round, discovered he/she had a malfunction. Officer B's reverted to his/her department firearms training and quickly cleared the malfunction, assessing the scene again. The BOPC noted the Subject's aggressive actions of firing at Officer D. The BOPC also noted that Officer B, in response to the imminent deadly threat, discharged one round from his/her service pistol. Officer B assessed again after he/she cleared the malfunction and ceased fire as he/she observed the Subject was out of his/her sight.

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

Officer C – nine rounds in a southwesterly direction from an approximate distance of 32 feet.

According to Officer C, he/she observed sparks from the Subject's direction and pieces of cloth breaking, consistent with a firearm being fired from a fanny pack or through a bag. Officer C believed it was possibly a higher caliber weapon. Officer C determined the Subject was a deadly threat to Officer C and his/her partner officers. Officer C exited the vehicle and crouched low for cover while positioned between the frame of the window of the driver door and the A-pillar of the vehicle.

Officer C utilized a two-handed grip and fired in a southwest direction at the Subject. Each time Officer C would fire, he/she would quickly reassess to see if the Subject was still standing and firing his firearm. Officer C observed during each assessment that it appeared the Subject was still firing rounds at Officer C. Officer C recalled he/she fired nine rounds from his/her service pistol in a consecutive manner, with a pause in between each round fired. Officer C fired in a rapid manner since he/she believed the Subject had more fire-power and needed to be stopped. Officer C believed the Subject fired approximately three to four rounds in his/her direction.

The BOPC noted Officer C initially utilized rapid fire. The BOPC considered that Officer C assessed between each round. Additionally, Officer C communicated his/her redeployment to other officers after firing his/her last round. The BOPC noted his/her communication spoke to Officer C's training in maintaining situational awareness and tactical communication. The BOPC also noted the Subject was actively firing upon Officer C, from a close distance, in a residential neighborhood with a public park and patrons nearby. The incident necessitated Officer C to defend not only his/her own life, but to also stop the Subject from hurting other community members. Additionally, the BOPC noted the Subject fired multiple times at Officer C, demonstrating a notable degree of the Subject's aggression. The BOPC also noted that Officer C, in response to the imminent deadly threat, discharged nine rounds from his/her service pistol. Officer C assessed again after his/her last round and ceased fire as he/she observed the Subject shuffling backwards, away from the Officer C and out of Officer C's view.

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

Officer D – four rounds, in two volleys of fire from an approximate distance of 30 feet.

According to Officer D, he/she did not observe the Subject with a firearm. However, as soon as he/she stepped out of his/her police vehicle, Officer D observed the Subject's hands extended and observed a muzzle flash. Officer D observed each muzzle flash had the same circular pattern.

Volley One – Two rounds, in a southerly direction from an approximate distance of 35 feet.

According to Officer D, in response to seeing the Subject's muzzle flash and observing the Subject shooting at him/her and his/her partners, Officer D, acquired his/her front sight, and fired his/her first round and second round at the Subject, as a controlled pair. As Officer D fired at the Subject from behind the front passenger

door, the window shattered. Officer D was unsure if the shattering was caused by his/her fired rounds or if it was due to the Subject firing at him.

Volley Two – Two rounds, in a southwesterly direction from an approximate distance of 35 feet.

According to Officer D, after firing the first two rounds from his/her service pistol and hearing the glass shatter in front of him/her, Officer D believed the Subject's rounds were striking the vehicle that Officers B, C, and D had deployed from. Officer D took a kneeling position to get low behind his/her passenger door and moved out to see the Subject. Officer D observed the Subject backing up in a shuffling manner, towards a parked vehicle parked along the curb. Officer D observed two muzzle flashes and heard the sound of a fired round. From his/her kneeling position, Officer D fired an additional round at the Subject. Officer D stated the Subject was still standing at a parked vehicle when he/she fired the round at the Subject. Officer D observed the Subject continue to back up. Officer D fired an additional round after the last muzzle flash and gunshot that he/she had heard. Officer D stated the rounds were in a southwesterly direction towards the Subject.

The BOPC noted that the Subject fired upon the officers first, without provocation. During Officer D's first volley, Officer D observed the Subject's arms extended in a manner consistent with holding a firearm. Officer D then observed muzzle flash which indicated that the Subject was firing at Officer D and the other officers. Officer D assessed and returned fire to stop the threat. The Subject continued to present.

The BOPC noted that Officer D heard glass shattering and believed the vehicle was being struck by the Subject's gunfire. Officer D observed additional muzzle flash from the Subject and returned fire for Volley Two. Officer D assessed again after his/her last round and ceased fire as he/she observed the Subject shuffling backwards, away from Officer D and out of his/her view.

The BOPC also noted that Officer D, in response to the imminent deadly threat, discharged two volleys of two rounds each, controlled pairs, for a total of four rounds from his/her service pistol. Both volleys were conducted utilizing the controlled pair technique of fire control. The BOPC conducted a thorough review of Officer D's use of controlled pairs and determined that, in this case, controlled pairs were appropriate utilized due to their efficacy.

Additionally, the BOPC noted the Subject's actions of firing at Officer D demonstrated that the Subject was aggressively attacking the officers.

Based on a preponderance of evidence and totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D, would reasonably believe the Subject's actions presented an imminent threat of death or

serious bodily injury and that the use of lethal force would be objectively reasonable.

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