

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

OFFICER-INVOLVED SHOOTING – 052-14

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

Hollenbeck 03/24/14

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

Officer A 18 years, 10 months
Officer B 16 years, 1 month

Reason for Police Contact

Officers responded to a “violent male mental” call. Shortly after arriving, the Subject pointed a shotgun at the officers, and an officer-involved shooting (OIS) occurred.

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

Subject: Male, 42 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 Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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

The following incident was adjudicated by the BOPC on July 21, 2015.

Incident Summary

Officers A and B received a radio call of a violent male mental at a residence. The comments of the radio call read, "Contact Mental Evaluation Unit (MEU) upon arrival [...] Subject/brother, male, [...], 42 years, [...] no weapons seen, possibly bipolar, attempted to start a fire in the backyard, the person reporting advised the subject is violent, yelling and making threats."

Note: The officers did not contact MEU prior to the OIS. MEU personnel are currently working with Communications Division (CD) to mandate that officers shall contact MEU after they arrive and have evaluated the circumstances of the radio call.

While the officers were en route, they discussed Officer B taking the TASER due to the comments of the radio call. Officer A parked two houses east of the location on the north side of the street.

Officer B utilized the Mobile Digital Computer (MDC) to advise CD they had arrived at the location. As Officer B exited his vehicle, he armed himself with a TASER, placing it in his right rear pocket. They walked up toward the location and spoke with Witness A, who was the Subject's father.

Witness A told the officers that his son was acting strange and was in the back yard of the residence. Officer B continued speaking to Witness A, attempting to gain additional information from him as to why the police were called. As Officer B was talking with Witness A at the front of the residence, Officer A positioned himself so he could watch the driveway on the west side of the residence. A few moments later, Officer A observed a male standing inside a single car detached garage.

Note: The Subject was identified as the person standing inside the garage. Officer A positioned himself on the southwest corner of the residence, giving him a better view of the rear-detached garage. The garage was set back from the main residence, approximately 53 feet north along the west driveway. A closed double five-foot wide wrought iron gate secured the entrance to the rear portion of the residence. Parked inside of the wrought-iron gate was a silver four-door vehicle.

It appeared to Officer A that the Subject was holding open the garage door with both hands over his head as he was staring at Officer A. Officer A heard the Subject yelling profanity toward them and telling the officers to come and get him. Officer A saw that his partner was still speaking to Witness A trying to ascertain what the problem was. Officer A requested an additional unit for a 415 man.

Officer A's plan was for the officers to maintain their position, contain the area, and keep the Subject from leaving or hurting anyone until additional officers arrived. As Officer B continued to speak with Witness A, the Subject continued screaming and yelling obscenities at the officers. Suddenly, Witness A left the porch and tried to open the

wrought-iron gate leading to the garage area. Officer A grabbed Witness A by his shirt to keep him from getting into the driveway area, fearing it was not safe. Witness A broke free of Officer A's grasp, ripping his shirt, and entered the gated area. Simultaneously, as Witness A broke free, Witness B drove up to the location and approached Officer B. Witness B pointed at the Subject and told Officer B that the Subject started a fire in the rear of Witness B's property. Officer B told Witness B to wait until he figured out what was going on.

Witness A forced his way past the officers because he wanted to speak with his son. The officers did not follow Witness A to the garage area and remained in the front yard. Officer B continued to hear the Subject yelling obscenities and heard him state, "You guys really want to see something. It's going to go down." As the officers looked through the wrought-iron gate, it appeared that the Subject was using his father as a shield as he continued to yell at the officers. Officer A and B asked the Subject numerous times to come out to the front and talk with them. The Subject refused to comply, continuing to yell obscenities at both officers.

Officer B saw the Subject go into what appeared to be a converted room inside the garage area. Officer B heard what he believed to be a chambering of a shotgun. Officer B believed his partner also heard the sound, but Officer A did not indicate he did.

Officer B believed the situation could now escalate to a barricaded subject type of scenario. He then heard Officer A put out a backup call for a 415 man. Officer B advised his partner that he was going to go get his rifle.

According to Officer B, he ran back to his vehicle and retrieved his rifle, utilized his two-point sling, chambered a round, and returned to the location. Upon his return, Officer A told Officer B that the Subject had a shotgun. Officer B was on the sidewalk in front of the residence when he advised CD that they needed a back-up for a man with a shotgun.

According to Officer A, after approximately one or two minutes, he saw the Subject walk into a doorway adjacent to the detached garage. It appeared to be some type of room addition to the garage. The Subject came out a few seconds later with his right hand behind his right leg. Officer A could not see the Subject's right hand when he first stepped out. Witness A walked over to the Subject, and it appeared to Officer A that they were talking to each other. Witness A had his back toward Officer A and it seemed as though the Subject was again using him as a shield.

The Subject would peek over his father's shoulder and yell profanity, stating, "Come get me." He repeated it multiple times.

As the Subject took a step back toward the garage, Officer A could now see that the Subject had a shotgun in his right hand behind his right leg with the barrel pointed down. Officer A immediately unholstered his weapon and told Officer B, "Hey, partner, he has a shotgun. Put out a help call."

Officer C and his partner responded to the help call along with a sergeant. Additionally, Officers D and F, also responded. Sergeant A also responded from the Station.

Officer B then saw two females and a teenaged male at the front door of the main residence. Officer B instructed them to exit the residence and go east toward their patrol vehicle. Officer B was near the front sidewalk utilizing the residence for cover, holding his rifle at a low ready. Officer B's plan was to move to the west side of the driveway utilizing the neighboring residence for cover, allowing him a better view of the Subject while Officer A maintained his position at the Subject's residence.

As Officer B began to move west across the mouth of the driveway, he thought he heard the Subject yell profanity and, "it's really going down," or "this [...] going down." Suddenly, he saw the Subject shove his father aside and move to a position next to the front of the silver vehicle parked in the driveway. The Subject then moved forward and toward Officer B along the left rear quarter panel of the silver vehicle and a chain link fence. As he did, the Subject raised the shotgun and pointed it in his direction. Officer B, believing that the Subject was going to shoot him, raised his rifle, taking a right-handed shoulder position. Officer B fired three rounds at the Subject from an approximate distance of 30 feet.

According to Witness C (sister of the Subject), she went out the back door of the main house to get Witness D (15 year-old son of the Subject). Witness C stated that her brother (the Subject) pointed the shotgun directly at her and Witness D and began laughing. Witness C grabbed Witness D and ran back into the house. Officers were already out front and directed them to go outside and walk down the sidewalk and stay out of the way.

Note: When Witness C initially made the phone call to 911, she said she had not seen the Subject with the shotgun. However, between the time she called 911 and the arrival of Officers A and B, she had seen the Subject with the shotgun but never told the officers when she exited her residence that the Subject had a shotgun.

According to Witness E (Stepmother), prior to the officer's arrival, she went out the back door and saw her husband talking to the Subject. She saw the Subject sitting on a chair inside the open garage, holding a shotgun and pointing it south, in the direction of the street. Witness A was telling the Subject to put the shotgun away because the police were coming. She heard the Subject reply, "No, let them come." When the police officers did arrive she heard the Subject say, "Come on, come on." In addition, she saw him point the shotgun in the direction of the officers.

Witness E said that after the police arrived they told the witnesses to come out. She, Witness C and Witness D all walked out the front door. According to Witness E, she did not observe the shooting but did hear gunshots. After the shooting, she walked back to her driveway because she thought that her husband had also been shot. She saw that

the police had her son on the ground handcuffed. He was screaming and being very aggressive toward the police.

Witness F was visiting his girlfriend, Witness C Torres at the residence next door. Witness F was inside the residence and was in a position to see Officer B. Witness F saw Officer B run back to his police vehicle and retrieve a rifle from the trunk. Officer B then ran back. He then saw Officer B standing in the parking lane in front of the Subject's residence, pointing his rifle north and saw him fire his rifle three times. Witness F ducked down immediately after the shooting.

According to Officer A, he could see the Subject standing next to his father, holding a shotgun down to his side with his right hand. He saw the Subject continue to work his way closer toward the officers, then abruptly push his father to the side. The Subject then raised the shotgun up with his right hand, also raising his left hand for support. The Subject then pointed the shotgun in his direction. Officer A believed that the Subject was going to shoot him and fired three rounds from his pistol at him.

According to Witness C, she thought she heard Officer A tell her brother something like, put down the gun. She also heard Officer A tell her father to move away. She said from her vantage point, she saw Officer A fire his weapon two times but heard three shots. Witness C was standing on the sidewalk between her house and her next-door neighbor's house to the west.

According to Officer B, he saw the Subject collapse near the driver's side rear-quarter panel of the silver vehicle. Officer B also described hearing a loud noise, believing the shotgun the Subject was carrying fell to the concrete. Officer B was not aware that Officer A also fired his weapon. Officer B tactically moved forward and saw Officer A was still behind cover at the southwest corner of the residence. They both moved forward; Officer B moved to the west side of the vehicle where he last saw the Subject as Officer A moved forward, along the passenger side and approached via the front of the silver vehicle. Officer B saw the shotgun lying on the ground and the Subject crawling backward toward the front portion of the silver vehicle. Officer B was covering the Subject with his rifle as he simultaneously stepped on the shotgun and remained on it because he was not sure where Witness A was.

According to Officer A, as he approached the front of the vehicle, he saw Witness A run to his son and jump on his back. Officer A saw that the Subject was lying on the concrete driveway between the front tire and the chain-linked fence, with his head in a southbound direction. His arms were out-stretched, attempting to reach for his shotgun approximately three feet in front of him. Officer A yelled out to his partner, Officer B, to secure the shotgun. Officer A saw Officer B kick the shotgun toward the fence and out of the Subject's reach.

Officer A approached the Subject and used his left hand to apply pressure to the back of the Subject's neck and upper shoulder area to hold him down. With his right hand he held his pistol to the back of the Subject's head and waited for additional officers. Once

Officer B felt that his partner had the Subject somewhat controlled, Officer B slung his rifle and thought that he had broadcast a shots fired, help call.

According to Sergeant A, he was the first officer on scene to the back-up request. When he approached the front side of the silver vehicle, he saw the Subject down on the ground on his stomach with his head facing south. Officer A was crouched over the Subject trying to gain control of his left arm. Sergeant A recalled the Subject had both of his hands tucked underneath his upper body. Officer A was struggling with the Subject, attempting to gain control of his right arm. Sergeant A then heard someone yell out twice, "Keep an eye on the gun." Sergeant A had not seen the shotgun lying on the ground, on the driver's side of the vehicle.

Sergeant A gave direction to the officers to grab the Subject by his legs and pull him out and away from the vehicle so they would have more room to maneuver. Sergeant A believed the Subject heard his direction and immediately tucked his legs underneath himself in a fetal position preventing officers from dragging him out by his legs. According to Sergeant A, the officers were able to pull him away approximately one to two feet from the vehicle. Officer A was still attempting to gain control of the Subject's right arm. Sergeant A felt that he needed to assist the officers since no other officers had yet arrived. Sergeant A then reached in and helped control the right arm and, with his assistance, they were able to bring the right arm out from underneath him. At that moment, Officer C arrived and applied a handcuff to the right wrist.

Sergeant B arrived and advised CD he had arrived at the location. He arrived on scene at the same time as Officers C and his partner. According to Officer C, upon arrival, he deployed his shotgun. Officer B advised Officer C that his shotgun was not needed; that they needed help taking the Subject into custody. Officer C turned and handed his shotgun to Sergeant B.

Meanwhile, Sergeant B advised CD that the weapon was in custody but they were still trying to take the Subject into custody.

Officer C described the Subject as lying in a fetal position with his head in a northwesterly direction, attempting to push himself up with his right hand. Officer C took the opportunity to place a handcuff around the Subject's right wrist and began pulling it toward him, causing the Subject to fall to his stomach. The Subject continued to struggle with the officers. He then began grunting as he tried to pull his right wrist back toward his body. The Subject continued to resist and again tried to push himself upright. Officer C used both of his hands to pull on the handcuff, and was finally able to pull the Subject's right wrist out from underneath him. The Subject reached out with his right hand and Officer C believed that the Subject was trying to grab at his holstered pistol. Officer C pushed himself up against the chain-linked fence so the Subject could not grab his weapon.

To gain better control and leverage, Officer C utilized his second handcuff and hooked it onto the first handcuff. The Subject still had his left arm tucked underneath him.

During the struggle to control the Subject, and after Officer C applied the handcuff to his right wrist, Officer A noticed the Subject turn his head around. Officer A believed the Subject was going to bite and spit on him. Officer A punched the Subject three times with his right fist on the right side of his head, above his right ear, to get him to stop trying to bite and spit on him. Officer A then noticed blood in the area where he punched the Subject. The Subject was wearing glasses, and Officer A thought that a part of the glasses cut the Subject, which caused the bleeding.

Note: According to Officers C and F, in addition to Sergeant A, during the struggle with the Subject, the Subject was yelling, screaming, kicking and fighting the whole time. Officers were continually verbalizing with the Subject, telling him to cooperate and to stop resisting.

Officer F had now arrived and approached along the passenger side of the silver vehicle and saw Officer B holding his rifle with his right hand and the barrel pointed skyward. With his left hand, it appeared to Officer F, that he was struggling with the Subject's left hand. Officer F went to Officer B's aid and took control of the Subject's left arm. Officer B then stepped back.

Officer F grabbed onto the Subject's left triceps with both of his hands, holding it down on the ground. The Subject would not stop moving, as he was continually trying to reach for his lower waistband area with his left hand. Someone yelled out that he had a knife in his waistband area. Officer F saw that the Subject was trying to reach for the knife with his left hand. Officer F released his right hand from the Subject's left triceps and removed the knife from his waistband. Officer F handed it to Sergeant A who in turn handed it to another officer. The knife was 10" in length, with a 6" blade inside a sheath.

Officer F saw that the Subject's right wrist had a handcuff attached to it. Officer F then took hold of the chain portion of the handcuff and held onto it to hold the Subject's right arm down. Officer C then told Officer F to go and monitor the Subject's shotgun. Officer F released his hold of the Subject and went to relieve Officer B, who was still monitoring the shotgun. Officer C assumed control of the handcuff.

Officer B still had his rifle slung as he moved forward and assisted Officers A and C. The Subject grabbed onto the chain-linked fence, refusing to submit to arrest. Officer B grabbed the Subject's left arm and struck him twice in the hand with an open palm strike. The Subject finally released his left hand from the chain-linked fence.

Once officers were able to control his left arm and bring it around his back, Officer C forcefully handed the attached handcuff to Sergeant A. Sergeant A took control of the handcuff and another officer completed the handcuffing to the left wrist. The Subject was handcuffed, but still in a fetal position. He then began to roll side to side and started kicking his legs.

In the meantime, Sergeant A advised CD that the Subject was in custody and the incident had been resolved. According to Officer C, he continued to apply pressure to the Subject's lower back and hips to stop him from rolling. The Subject then extended his legs out and tried kicking at the officers. According to Sergeant A, the Subject was still struggling and attempting to get up. Sergeant A was verbalizing with the Subject, telling him to calm down and stop resisting. Because the Subject began kicking his legs, he directed officers to apply the Hobble Restraint Device (HRD).

Simultaneously, as Sergeant B was holding Officer C's shotgun and standing next to Officer B, Officer B told Sergeant B that he fired his weapon at the Subject and showed him the impacts to the rear of the vehicle parked in the driveway. Sergeant B was, up to that point, unaware that an Officer-Involved-Shooting (OIS) had occurred.

Sergeant B, who was standing at the mouth of the driveway, yelled out to Sergeant A, who was still monitoring and directing the arrest of the Subject, that there was an OIS. Sergeant A then turned his attention back to Officer A, who was still on top of the Subject holding him down. Sergeant A asked Officer A if he was involved in a shooting. Officer A replied that he was and thought he shot the Subject.

Sergeant A did not see who actually applied the HRD when he went out to the front of the residence where a Los Angeles Fire Department (LAFD) Engine Company had just arrived. He advised them that there was an OIS and there was a subject with a gunshot wound. Sergeant A did not go back to monitor what LAFD and the officers were doing. He remained out in front of the residence and coordinated the crime scene management with Sergeant B.

As Officers A, B, C and Sergeant A were struggling to handcuff the Subject, Officer E and his partner arrived. Upon verbally advising CD that they had arrived, Officer E approached the location. He saw the Subject on the ground and officers placing handcuffs on him.

According to Officer D, he saw the Subject handcuffed but was still attempting to push himself up with his right hand. He also saw that Officer A was on top of the Subject trying to keep him down.

While dealing with the Subject, Officer A directed an officer to detain Witness A because he interfered. Officer A said that Witness A would not get out of the way and he even ripped his shirtsleeve off trying to prevent him from getting in the way before the OIS occurred.

Officer A instructed Officer D to detain Witness A. With the assistance of two other officers, they handcuffed Witness A.

Note: Witness A was arrested for interfering, and transported to the Station. Upon further review, Witness A was subsequently released from

custody and transported back to his residence. Witness A refused to be interviewed.

Officer D then turned his attention back to the officers attempting to hold the Subject down. Officer D believed it was Officer C who said to put the hobble on the Subject. Officer D bent down and grabbed both of the Subject's legs below his knees. He then crossed the Subject's legs while Officer C applied the hobble.

Officer E observed the Subject handcuffed, but officers were still struggling to control him. Officer E noted two sets of handcuffs linked together. The Subject was kicking, spitting and violently moving around. Officer E utilized his left foot to apply body weight to the Subject's calves while Officer A still had control of his upper body. Officer E said his reasoning for standing up and not getting down on his knees to apply direct pressure to the Subject's legs was because he was aware that the Subject had a knife and in case he needed to utilize deadly force, he wanted his gun hand free. Officer E was aware that a knife was recovered. He did not see the knife but was also concerned that the Subject could possibly have another.

Officer E got down on both knees and tried to hold the Subject's legs while Officer C was applying the HRD. The Subject continued to move around and kick his legs. Officer E thought that the Subject could possibly kick him and Officer C in the head while he tried to control his legs. After the HRD was applied to the Subject's ankles, Officer E continued to hold onto his legs because he continued to violently move and kick his legs. As he was holding onto both the Subject's legs, he recalled Officer A still on top of the Subject's back.

Officer D then stood up and saw Officer A still attempting to hold the Subject down, preventing him from spinning around on him. At that time, Officer D saw that Officer A's hands were bloody and he was not wearing any gloves.

According to Officer F, it appeared to him that Officer C was out of breath and needed assistance. Officer F told Officer C that he would take over and exchanged places with him. Officer C released his hold on the Subject.

Officer D donned his gloves and told Officer A that he would take over and hold the Subject so he could clean the blood off his hands. Officer D attempted to verbalize with the Subject, telling him to stop fighting and to cooperate. The Subject would not comply. Officer D was concerned that as the Subject was screaming and yelling, saliva and blood was spraying from his mouth. Officer D indicated that before they sat him up and turned him around, he wanted a spit mask applied so he could not spit blood and saliva on them. When the first Los Angeles Fire Department (LAFD) personnel arrived, Officer D asked for a spit mask.

Firefighter/Paramedic A arrived on scene. Firefighter/Paramedic A was informed that the Subject sustained a gunshot wound. He recalled the Subject was handcuffed and

lying on his side. He also saw that the Subject was spitting and trying to bite officers. Firefighter/Paramedic A placed a spit hood over the Subject's head.

Firefighter/Paramedic A also recalled the Subject was trying to get out of the restraints the entire time and would not cooperate, nor allow them to do any kind of medical assessment. Firefighter/Paramedic A stated that from the time he arrived until the time they put the Subject in the back of the RA Unit, he was combative.

A LAFD Rescue Ambulance (RA) arrived, staffed by Firefighter/Paramedics B and C. Both responded to the location of where the Subject was being detained. Officers advised them that the Subject had sustained a gunshot wound. The paramedics asked the Subject if he had been shot. The Subject refused to answer any questions.

Firefighter/Paramedic B did not believe that the Subject's violent behavior was consistent with someone who had been shot. He believed he was possibly under the influence of some type of narcotic. Firefighter/Paramedic C stated they needed assistance with the Subject so he, along with Firefighter/Paramedic B remained in the back with the Subject. Firefighter/Paramedic A and Officer E also rode in the back of the RA.

Officer E stated that when the Subject was placed on the gurney, he was never handcuffed to the gurney railing. Based on the circumstances of the incident and the violent behavior of the Subject, Officer E wanted to keep the handcuffs on the Subject at all times and never handcuffed the Subject to the gurney.

Note: Firefighter/Paramedics B and C both recalled the Subject handcuffed to the gurney railing.

Fire Department personnel strapped the Subject to the gurney, securing his upper chest and lower legs while in transport. The straps were not used as a restraint device. His hands were behind his back with two handcuffs linked together and the Hobble Restraint Device still around his ankles.

The Subject was able to turn his body and sit up on the gurney. He was also able to get his feet outside of the straps and, according to Officer E, attempted to kick Firefighter/Paramedic A. Officer E continued to verbalize with the Subject, telling him to calm down. He then saw the Subject attempt to kick Firefighter/Paramedic A. Officer E struck the Subject four times while en route to the hospital. Officer E's intention was to get the Subject to stop attempting to kick Firefighter/Paramedic A. Officer E also used his body weight to hold the Subject down on the gurney. Firefighter/Paramedic A stated the Subject struck his arm with his feet as he was squirming around and attempting to get his legs free from the straps.

According to Firefighter/Paramedic C, they were doing whatever they could to hold the Subject down, from coming off the gurney and at the same time trying to protect themselves from being injured, while they continued to verbalize with the Subject.

Officer E said that when they arrived at the hospital, the Subject continued to be uncooperative. The hospital security staff, along with two Los Angeles County Sheriff Deputies, assisted with controlling the Subject while in the emergency room. Officer E continued to control his legs while doctors sedated him.

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

A. Tactics

The BOPC found Sergeant A, along with Officers A through F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Sergeant A, along with Officers A through F's non-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers A and B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 1. Encounters with the Mentally Ill

Officers A and B responded to a radio call of a Violent Male with Mental Illness. The officers discussed tactics while en route to the location and the possibility of the individual becoming violent. Officers A and B discussed less-lethal force options, and Officer B equipped himself with the TASER.

According to Officer A, the officers wanted to meet with the family, to see what exactly the problem was, if he actually did have a mental illness, if he needed medical assistance and what the situation was. In fear for her own, and the family's safety, Witness C called the police because of the Subject's violent behavior. Officers facing similar circumstances should continuously assess the tactical situation when persons with mental illness are involved; in particular one where the individual is described as being violent and potentially starting fires. An officer's training and experience are also crucial when handling incidents involving potentially dangerous mentally ill persons.

2. Tactical Deployment

As soon as the Subject observed the officers, the Subject became upset and started yelling at the officers. Officer A requested an additional unit for a 415 man. Officer A took a position of cover at the southwest corner of the residence and maintained sight of the detached garage while verbalizing with the Subject. Officer B was behind him and attempted to gather additional information regarding the incident. When Witness A left the porch area, Officer B joined Officer A, utilizing the southwest corner of the residence as cover.

Officer A was positioned on the southwest corner of the residence and continued to issue verbal commands to the Subject. Officers must continuously assess the tactical situation while engaged with an uncooperative and potentially violent subject. That being said, after a review of the officers' tactical deployment, under the circumstances, both officers performed well given the rapidly unfolding nature of this incident, consistent with approved Department tactical training.

3. Tactical Communications / Situational Awareness

Officers A and B have been partners for approximately eight years and discussed tactics, along with contact and cover roles, on a routine basis. From the onset of the radio call, Officers A and B communicated effectively with each other.

The officers were aware of the dangers associated with armed subjects, and when they observed additional family members run out of the residence, they immediately advised them to leave the area. Officers A and B continued by verbalizing with Witness A to also leave the area. The officers could not effectively control Witness A's behavior while dealing with his son and were aware that Witness A's presence could be detrimental to the safety of all involved.

The process of communicating with a subject armed with a firearm involves a variety of concerns while determining the most effective method to control the situation. The officers remained a safe distance away from the Subject, wherein they could still effectively verbalize with him, while maintaining the tactical advantage.

- The BOPC also identified the following tactical considerations:
 1. **Physical Contact with Service Pistol Drawn** - Officer A approached the Subject and used his left hand to hold the back of the Subject's neck and upper shoulder area, while holding his service pistol with his right hand, pointed at the back of the Subject's head. Between the rapidly unfolding incident, along with the need to make various split-second decisions, coupled with losing sight of a potentially armed subject and Witness A interfering, under these circumstances, the BOPC determined it reasonable for Officer A to approach the Subject in this manner. The UOFRB also discussed this and determined that it was a deviation from approved Department tactical training; however, this deviation was justified based on the aforementioned analysis and rationale.
 2. **Kicking a Firearm** - Officer B kicked the shotgun toward the fence and placed his foot on top of it to prevent the Subject from reacquiring it. Officer B is reminded that stepping on a firearm may cause an unintentional discharge and does not provide a stable shooting platform if Officer B had to reengage the Subject.
 3. **Equipment Retention** - During the physical altercation with the Subject, Officer A stated the Subject was able to pull his baton from his baton ring, which was attached to his equipment belt. Subsequent to the OIS, the baton remained on the driveway.
 4. **Required Equipment** - Sergeant A, along with Officers A, B and F, were not equipped with their respective HRD. The aforementioned personnel are reminded to have all required equipment on their person while performing field patrol duties.
 5. **Physical Contact with Patrol Rifle Exhibited** - As Officer B approached the Subject, Officer B assisted with controlling him and grabbed one of the Subject's arms. The Subject grabbed the fence and Officer B utilized non-lethal force to release the Subject's grasp of the fence. Officer B had his patrol rifle slung in front of him at this time.
 6. **Stepping on Subject's Limbs** - Officer E stepped on the Subject's calves to prevent him from kicking the officers. Officer E is reminded that stepping on a subject's limbs can cause an officer to become off balance and may reflect unfavorably to the general public in doing so.

7. **Punches to Bony Areas** – Officer A punched the Subject on the right side of his head to stop him from biting and spitting. Officer A is reminded that striking a hard bone area may cause self-injury, resulting in the inability to utilize other force options.

8. **Evidence Preservation** – After the Subject was removed from the OIS scene, an unknown officer picked up Officer A's magazine and handed it to him. Officer A placed that magazine back into his ammunition pouch. This was handled at the Divisional level via his Training Unit.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

In conclusion, the BOPC found Sergeant A, along with Officers A through F's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A drew his service pistol when he observed the Subject walk out of the detached garage and onto the driveway as he held a shotgun behind his leg.

Officer B heard the racking (chambering of a round) of a shotgun and believing the incident could escalate to a barricaded subject, communicated with Officer A that he was going to retrieve his patrol rifle. Officer B went to the trunk of his vehicle, retrieved his patrol rifle and chambered a round. Officer B responded back to the front of the residence, exhibiting his patrol rifle.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience 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.

In conclusion, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

B. Non-Lethal Use of Force

- **Sergeant A - Firm Grip.**

- **Officer A** - Firm Grip, Physical Force, Punches and Bodyweight.
- **Officer B** - Palm Strikes.
- **Officer C** - Physical Force and Bodyweight.
- **Officer D** - Firm Grip.
- **Officer E** - Firm Grip, Punches and Bodyweight.
- **Officer F** - Firm Grip and Physical Force.

After the OIS, the Subject collapsed at the driver's side rear quarter panel of the vehicle parked on the driveway. Officers A and B tactically approached the Subject and controlled him while awaiting additional officers. When Officer B observed the Subject, he was trying to crawl rearward toward the front of the vehicle. Officer A approached from the passenger side and around the front of the vehicle. Officer A observed the Subject lying on the driveway, facing south in between the vehicle and the fence. Officer A observed the Subject's arms stretched out, with the shotgun approximately two to three feet in front of him. Officer A approached the Subject, and with his left hand, placed it on the back of the Subject's neck, while holding his service pistol in his right hand, pointed to the back of the Subject's head until additional personnel arrived.

The Subject continued to aggressively fight with Officer A. According to Sergeant A, he was the first officer to respond to the incident and directed the officers to pull the Subject by his legs away from the vehicle to create room where the officers could effectively take him into custody. Officer A continued to control the Subject's right hand as Sergeant A believed the officers needed assistance. Sergeant A reached in and grabbed the Subject's right arm, and they were able to bring his right arm upward and from underneath his body.

Officer C arrived and observed Officer A holding the Subject down and assisted by placing bodyweight on top of the Subject. Officer C observed that the Subject's hands were to his side, and he was attempting to push himself up. Officer C assisted Officer A and Sergeant A by grabbing the Subject's right hand and placing a handcuff on his right wrist. The officers continually ordered the Subject to stop resisting, but the Subject refused to comply and continued to aggressively fight with the officers. As the fight continued, the Subject began grunting and attempted to force his hand downward toward his body. Officer C used both of his hands and pulled the Subject's handcuffed right hand, however the Subject pulled his hand back toward the ground. Officer C attached a second handcuff to the handcuff that was attached to the Subject's right wrist.

As Officer C continued to gain control of the Subject's right hand, Officer A observed the Subject's head turn and believed the Subject was going to bite him.

Officer B observed the Subject grab onto the fence with his left hand. Officer B utilized an open palm and administered two to three strikes to the Subject's left hand to get him to release his grasp of the fence. Officer B then held the Subject's left arm as he also held his slung patrol rifle in an upward position. Once the officers

were able to control the Subject's left arm and bring it around his back, Officer C overcame the Subject's resistance and pulled the attached handcuff toward Sergeant A. Sergeant A took control of the handcuff and, with the assistance of another officer, completed the handcuffing.

Officer F relieved Officer B and grabbed the Subject's left biceps/triceps area. As the physical altercation continued, Officer F heard an officer state there was a knife to the rear of the Subject's waistband area. Officer F observed the knife, removed it, and handed the knife to Sergeant A.

As the Subject continued kicking, Officer D utilized a firm grip and held his legs together as the HRD was applied.

The Subject was handcuffed but continued to aggressively resist the officers. The Subject was kicking, spitting, and violently moving about. Officer E utilized his left foot and applied bodyweight onto the Subject's calves.

The Subject was transported in the ambulance by paramedics, but was not handcuffed to the gurney. Paramedics utilized the safety straps and belted the Subject into the gurney, however, the Subject was able to move his feet around and attempted to kick the paramedic. Officer E punched the Subject on his chest area approximately four times to stop him from causing injury to the paramedic.

After a thorough review of the incident, the BOPC determined a sergeant/officer with similar training and experience as Sergeant A, along with Officers A through F would believe that the application of various non-lethal force, under these circumstances, was objectively reasonable to overcome the Subject's resistance, prevent his escape and detain him.

In conclusion, the BOPC found Sergeant A's, along with Officers A, through F's non-lethal use of force to be objectively reasonable and in policy.

C. Lethal Use of Force

Officers A and B observed the Subject holding a shotgun and yelling obscenities at them. The Subject continued to challenge Officers A and B and raised the shotgun upward, pointing it at the officers. Officers A and B believed the Subject was going to shoot them and fired their respective service weapons at the Subject to stop his actions.

- **Officer A** - pistol, three rounds

Officer A recalled that the Subject grabbed his father with his left hand, pushed him out of the way towards the direction of the house, and started running in Officer A's direction. The Subject raised the shotgun with his right hand and was coming up with his left hand. Officer A thought the Subject was going to shoot him, so as soon

as he got within a few feet of the car parked on the driveway, he fired three rounds, at which time he saw the Subject go down behind the car and out of his sight.

Note: After firing the third round, Officer A realized he experienced a service pistol malfunction, identifying the slide locked to the rear, and conducted a speed reload. Officer A dropped the previously seated magazine onto the ground, inserted a fully loaded magazine from his magazine pouch, and chambered a round. When Officer A chambered a round, a live round ejected from the service pistol and fell to the ground.

- **Officer B** - rifle, three rounds

Officer B recalled seeing the Subject push his father. He didn't see the father go down because as soon as the Subject broke away from the confrontation, Officer B was focused on the Subject's gun. All he saw was a big barrel that looked like a cannon. The Subject came up on the target, and that's when Officer B decided to take two shots toward the Subject.

Note: The FID investigation determined the Subject's shotgun functioned as designed. The shotgun was subsequently determined to be unloaded, with the safety in the "off" position and the action was closed, at the time of the incident.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe that the Subject's actions of raising the shotgun and pointing it at the officers, presented an imminent threat of death or serious bodily injury, and the use of lethal force was objectively reasonable.

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