

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

IN-CUSTODY DEATH – 053-18

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	9/15/18		
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Officer(s) Involved in Use of Force	Length of Service
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Officer F	13 years, 1 month
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Reason for Police Contact

Officers attempted to detain a domestic violence suspect who they believed to be armed in front of the police station. After failing to comply with officers' commands, the Subject was struck by a 40mm Less-Lethal projectile. After being struck by the projectile, the Subject removed a pistol from his pants pocket and shot himself in the head, resulting in an In-Custody Death (ICD) investigation.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 38 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 and medical 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.

The following incident was adjudicated by the BOPC on July 23, 2019.

Incident Summary

Police Officers A and B responded to a “found property” radio call and met with Witness A. Witness A advised Officers A and B that she discovered a pistol and some narcotics inside of her residence that belonged to the Subject. Witness A also stated that the day prior, she and the Subject engaged in a verbal dispute. During the incident, the Subject became enraged and pushed Witness A to the floor.

Officers A and B determined Witness A was a victim of domestic violence and completed an Intimate Partner Battery without Injury investigative report. Officers issued Witness A an Emergency Protective Order, seized the pistol and narcotics, and booked them into evidence.

Officers A and B activated their Body Worn Video (BWV) cameras, which captured this entire contact and all of Witness A’s statements where she described the Subject’s violence towards her.

The following day, Witness A met the Subject at their apartment. While discussing what occurred two days earlier, the Subject discovered his pistol was missing. The Subject retrieved a second pistol from inside the residence and held it to his head. The Subject told Witness A that if she turned his pistol over to the police, he was going to kill himself. Witness A convinced the Subject she had given his pistol to a friend for safe keeping.

Later that same morning, while driving to an addiction treatment center, the Subject told Witness A to drive to the police station where he wanted her to cancel the restraining order she had against him. According to Witness A, she was afraid the Subject would “take both of our lives,” so she complied.

That morning, Officer C was assigned to the kit room when Witness A entered the station lobby. According to Officer C, an ancillary duty of the kit room officer is to assist the front desk officers when necessary. Officer C observed Witness A, when she first entered the station, use the lobby restroom, and then approach Officer C at the front desk.

According to Officer C, Witness A advised that the Subject was currently across the street from the police station, he had a “small handgun,” and he threatened to shoot himself. Witness A also advised Officer C that the Los Angeles Police Department (LAPD) had been at her residence the day before, and completed a domestic violence report because the Subject had assaulted her. Witness A provided the Subject’s physical descriptors and date of birth to Officer C.

According to Officer C, he/she initially did not activate his BWV during the contact with Witness A.

After speaking with Witness A, Officer C advised the Day-Watch Commander, Lieutenant A, what Witness A told him/her. The following officers met at the police

station and formulated a plan to approach and take the Subject into custody; Officers A, B, C, D, E, F, and G, and Sergeant A. According to Officer B, he/she and Officer A came up with the tactical plan which included staying behind cover while de-escalating the situation.

According to Sergeant A, he/she was present during the planning phase of the incident and provided supervisory oversight.

According to Officer B, he/she was the designated officer using lethal force with a pistol, Officer A was designated as the contact officer, responsible for communicating with the Subject, and Officer F was designated the officer using less-lethal force with the 40mm launcher. Officers D and E were designated to use lethal force with their pistols and assigned as the arrest team. Officer G was also designated to use lethal force with a Department issued shotgun and assigned to the arrest team. Sergeant A was designated as the incident commander.

According to Officer D, while coming up with the tactical plan, he/she was the senior officer there and took it upon him/herself to designate officer assignments. Among the assignments, Officer D designated Officer F as less-lethal, with the 40mm launcher, and Officer D and his/her partner as less-lethal, with the beanbag and TASER if necessary. Officer D also came up with the plan to use their police vehicles and conduct a "felony stop" on the Subject.

According to Lieutenant A, he/she asked Witness A to view one of the police station exterior surveillance system monitors, near the front desk, to have her identify the Subject. After viewing the monitor, Witness A identified the Subject who was on the front lawn of the station, on the corner.

According to Officer C, prior to the officers leaving the police station and making contact with the Subject, he/she advised Officer D that Officer C would continuously monitor the Subject's location and communicate any changes via police radio.

According to Officer F, prior to leaving the station parking lot, he/she retrieved his/her assigned 40mm less-lethal launcher from the police vehicle trunk and chambered a round. Officer F carried the launcher into his/her police vehicle and held it in his/her lap, as he/she prepared to make contact with the Subject.

Officers lined their vehicles along the side of the police station. The first police vehicle was occupied by Officer B, the driver, and Officer A, the passenger. The second police vehicle was occupied by Officer D, the driver and Officer E, the passenger. The third police vehicle was occupied by Officer G, the driver, and Officer F, the passenger. The fourth police vehicle was occupied by Sergeant A. Each officer and Sergeant A activated their BWV and left the cameras on through the entire incident.

Prior to the incident, each of the involved unit's status showed at the police station. However, according to Officer D's BWV, while the officers lined their police vehicles

along the station, due to an unrelated officer back-up radio transmission, Officer D used his/her handheld police radio and requested that Sergeant A put the units at the location.

The following recounts the actions of the officers at the time of the ICD. The entire incident unfolded rapidly, and many of the officers' actions occurred simultaneously.

According to Officers A and B's BWV, Officer B stopped his/her vehicle along the curb and deployed on the Subject. Officers A and B exited their vehicle, unholstered their duty pistols and stood behind their vehicle's door.

According to Officers D and E's BWV, Officer D positioned his/her vehicle along the driver's side of Officers A and B's vehicle and stopped. Officer D faced the vehicle towards the Subject. As Officers D and E exited their vehicle, they unholstered their pistols and stood behind their vehicle's door.

According to Officers F and G's BWV, Officer G stopped his/her vehicle behind Officers A and B's vehicle. Officer F exited his/her vehicle carrying a 40mm less-lethal launcher. Officer F moved forward and took cover behind Officers A and B's open, front passenger door. Officer F stood to the right of Officers A and aimed the 40mm launcher at the Subject, through the open window. As Officer G exited the police vehicle, he/she deployed a Department shotgun and also stood behind Officers A and B's open, front passenger door. Officer G stood to the right of Officer F.

Sergeant A stopped his/her vehicle behind Officers F and G's vehicle, along the curb. Sergeant A exited his/her police vehicle and stood behind Officers F and G's open, front passenger door. Sergeant A did not unholster his/her pistol, and he/she monitored the situation.

According to Officer A's BWV, at the time of the initial contact, the Subject was in a supine position, looking in the direction of the uniformed officers. Officer A immediately began to give the Subject commands to get on his stomach. The Subject ignored Officer A's commands, stood up, and with his right hand, reached for his right-rear pocket. Officer A ordered the Subject to put his hands up and to get onto the ground. The Subject walked from the grass and onto the sidewalk while facing the officer's direction.

According to Officer D's BWV, as the Subject failed to comply with Officer A's commands, Officers D and E briefly began to give the Subject commands of their own. However, immediately after doing so, Officer D advised Officer E that only one officer should speak to the Subject.

According to Officer A's BWV, Officer A continuously verbalized as the Subject held his hands up and began to walk backward, away from the officers. Officer A repeatedly ordered the Subject to comply. Officer A warned the Subject that he was going to get

bean bagged and warned him not to run. The Subject continued to walk backward away from the officers as he looked around.

According to Officer A, despite knowing that the tactical plan was to deploy the 40mm as the less-lethal option rather than a beanbag shotgun, he/she erroneously warned the Subject he was going to get “bean bagged” and told him not to run. Officer A indicated that when he/she said beanbag, he/she was referring to the 40mm.

According to Officer B’s BWV, he/she can be heard advising the other officers, “beanbag” then “forty up.” According to Officer B, he/she said “beanbag” and “forty up” in an attempt to de-escalate the situation and in reverence for human life.

According to Officer A’s BWV, Officer F fired a single 40mm less-lethal projectile at the Subject. As the projectile struck the Subject’s abdomen, he made an audible groan and he momentarily hunched over.

According to Officer F, he/she believed the Subject was armed, the Subject was not complying with officer’s commands, and had the Subject run, the situation would have escalated. Officer F was aiming at the Subject’s naval area when he/she fired a single projectile from the 40mm less-lethal launcher, from approximately sixty to seventy feet. The investigation determined the actual distance was sixty feet.

According to Officer D’s BWV, after the Subject was struck by the 40mm projectile, he slumped over and backed away from the officers, ignoring the commands. The Subject reached into his right front pants pocket and removed an object, later determined to be a pistol. The Subject held the pistol to the right side of his head and fired one time, shooting himself in the head. The Subject immediately fell to the ground and laid on his left side. The pistol also fell to the ground and came to rest approximately three feet away from the Subject.

Officer D left his/her position of cover and told the other officers to move forward with him/her to take the Subject into custody. Officers D and E handcuffed the Subject at the direction of Sergeant A. Officer D told the additional officers to request a Rescue Ambulance (RA), stand over the pistol, request more units for a crime scene, and to set up crime scene tape.

Los Angeles Fire Department personnel arrived at scene, and the Subject was pronounced dead.

The Department Operations Center (DOC) was notified of the ICD.

Force Investigation Division Detectives reviewed all documents surrounding the separation, monitoring, and admonition not to discuss the incident prior to being interviewed by FID investigators.

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 most cases, 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).

A. Tactics

The BOPC found Lieutenant A's, Sergeant A's, and Officers A, B, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A, B, D, E, and G's drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

The BOPC found Officer F's less-lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

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

- In evaluating this incident, the BOPC noted the following tactical considerations:

1. Code Six

Officers did not place themselves Code Six by creating a new incident, prior to making contact with the Subject.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of the officers' location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable.

In this case, the Watch Commander was aware of their location and several station personnel were monitoring the incident. Additionally, each unit's status was either Out to Station or on a follow-up to the police station on unrelated incidents. While the involved units were not on an incident specifically generated by CD for this occurrence, the location for the units was accurate. The officers had sufficient resources as part of the tactical plan and did not require the response of additional personnel. Furthermore, the base frequency was on standby due to an emergency back-up request.

Although Sergeant A articulated his/her reasoning for not being able to place the units Code Six on a newly created incident, the BOPC would have preferred that either Lieutenant A or Sergeant A had delegated the task and utilized CD to create the incident during the tactical planning stage and disseminate additional pertinent tactical information to all uniformed personnel, prior to making contact with the Subject.

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

2. Use of Force Warning

Officers A and F did not provide a complete Use of Force Verbal Warning prior to the deployment of a less-lethal force option.

Officers shall, when feasible, give a verbal warning prior to using less-lethal force on a suspect in an effort to gain compliance and afford the suspect the opportunity to submit to an arrest without injury.

In this case, the officers were faced with a rapidly unfolding situation with an armed suspect. According to Officer F, the Subject continued to back away from the officers while reaching for his waistband, creating an imminent need to stop his actions to prevent the situation from escalating.

The BOPC determined that although Officer A did not provide a complete Less

Lethal Use of Force Warning, he/she did give the Subject numerous commands to “stop” and put his “hands up,” which satisfied the "command" portion of the Use of Force Warning. Officer A’s commands were clear and concise. Officer A also warned the Subject that he would be bean bagged.

The BOPC noted that Officer A warned the Subject that he would be “shot,” while pointing his/her service pistol in the Subject’s direction. The Subject was not deterred from escalating his actions even though he was given a warning that lethal force may be utilized. The Subject had sufficient time and opportunity to comply with the officers’ commands and surrender peacefully without force or injury.

During the tactical planning stage, Officer D advised the officers that a verbal warning may not be possible if the situation was believed to be escalating. In an effort to stabilize and de-escalate the situation, Officer F deployed the less-lethal force option prior to advising the Subject that it would hurt or may cause injury.

Based on the totality of the circumstances, the BOPC determined that Officers A and F’s actions were not a substantial deviation from Department policy or approved tactical training.

3. Approaching an Armed Suspect

Officer D left his/her position of cover and approached the Subject, who had just shot himself in the head with a handgun.

When officers encounter a suspect, whom they believe is armed with a weapon, they are trained to conduct a high-risk search technique to safely take the suspect into custody. This tactic provides the officers a tactical advantage and allows them to plan, communicate, redeploy, utilize cover, issue commands, and approach the suspect from a position of advantage.

In this case, Officer D observed the Subject shoot himself in the head and immediately collapse. Officer D then observed the handgun land on the ground near the Subject. Officer D’s BWV revealed the gun was not within close reach of the Subject, and Officer D announced that the gun was away from the Subject. Officer D decided to approach the Subject to prevent him from re-arming himself. Additionally, Officer D immediately directed officers to request an RA to respond for the Subject, who appeared to be critically injured.

The BOPC agreed that in this instance, Officer D’s decision to approach the Subject was not unreasonable due to the Subject sustaining an obvious gunshot wound to the head and dropping the firearm.

Based on the totality of the circumstances, the BOPC determined Officer D’s decision to approach an armed suspect was a substantial deviation, with

justification, from approved Department tactical training.

- The BOPC also considered the following:

1. Effective Encounters with Mentally Ill Persons

The investigation revealed that the officers and supervisors were advised that the Subject was armed and experiencing a mental health crisis in front of the police station. Officers were reminded of the protocols and resources for encountering persons suffering from mental illness, including contacting MEU.

2. Tactical Planning

The investigation revealed that although a tactical plan was developed, considerations for donning ballistic helmets, requesting an Air Unit, utilization of the ballistic shields, and requests for traffic control were not conducted. Additionally, other field personnel in the area were not advised of the tactical plan to approach an armed suspect in front of the police station. Officers were reminded to consider all Department resources while formulating a tactical plan, and of the importance of effective radio communication to ensure an optimal outcome.

3. Basic Firearms Safety Rules

The investigation revealed that Officer A opened his/her police vehicle door with his/her left hand as he/she drew his/her service pistol with his/her right hand. Officer A allowed the muzzle of his/her service pistol to cover his/her left arm as he/she opened the door. Officer A was reminded of the importance of the Department's Basic Firearm Safety Rules.

4. Non-Conflicting Simultaneous Commands

The investigation revealed that multiple officers gave simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

5. Rapid Approach with Service Pistols/Shotgun

The investigation revealed that officers rapidly approached with their service pistols drawn and that Officer G rapidly approached with his/her shotgun when the officers moved to take the Subject into custody. Officers were reminded that there is a heightened concern for an unintentional discharge when an officer moves rapidly with a drawn service pistol or shotgun. The BOPC recognized this situation quickly unfolded and in this instance, it was reasonable to quickly approach the Subject with service pistols drawn.

6. Crossfire

The investigation revealed that Officer D ran into the foreground of officers who had their pistols pointed towards the Subject after the Subject had shot himself, creating the potential for a crossfire situation. A review of the officers' BWV captured the officers identifying the potential for a crossfire situation and lowering their service pistols. The officers then redeployed to Officer D's position. Officer D was reminded of the danger of moving independently from the arrest team.

7. Personal Protective Equipment

The investigation revealed that Officers A, D, and E did not don protective gloves prior to initiating physical contact with the Subject. Officers were reminded of the importance of personal protective equipment when exposed to blood and other bodily fluids.

These topics were to be discussed at the Tactical Debrief.

Command and Control

- In reviewing this incident, the BOPC acknowledged the supervisors' overall effectiveness in developing a tactical plan that mitigated the risk and exposure to the community, the Subject, and the involved officers.

Sergeant A arrived at scene, ensured sufficient resources were requested and effectively communicated with the officers as they formulated a tactical plan to approach and apprehend an armed suspect. This plan included designated less-lethal and lethal force options, a contact officer and two arrest teams. Upon approach, Sergeant A directed citizens in the vicinity to move away from the incident, ensuring their safety. Sergeant A then oversaw the tactical plan. Following the incident, Sergeant A directed additional officers to secure the scene and ordered the involved officers not to discuss the incident.

The BOPC agreed that though the Subject was no longer perceived to be a threat after shooting himself, it would have preferred that Sergeant A take a more active leadership role by ordering all officers to remain behind cover as he/she formulated a coordinated plan to approach. Additionally, the BOPC would have preferred that Sergeant A's plan include the utilization of ballistic shields.

Lieutenant A gained sufficient situational awareness and approved the tactical plan. Additionally, he/she monitored the situation through the police station video surveillance system in an effort to continuously assess the situation and manage resources. Following the critical incident, Lieutenant A responded to the scene and directed and monitored involved and uninvolved personnel.

The BOPC agreed that they would have preferred that Lieutenant A utilize CD personnel to place the officers Code Six and ensured that all units in the vicinity were aware of the ongoing tactical situation taking place in front of the police station. Additionally, the BOPC would have preferred that Lieutenant A notify and request the assistance of MEU and seek advisement.

The actions of Lieutenant A, along with Sergeant A, were consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident. However, in an effort to enhance future performance, the BOPC found that the topic of Command and Control, and expectations of supervisors during critical incidents, be specifically addressed with Lieutenant A and Sergeant A during the Tactical Debrief.

As the senior officer on scene, Officer D took an active leadership role in implementing the plan of action. He/she communicated with the other officers and attempted to de-escalate the situation. Officer D immediately directed officers to request an RA for the Subject after he shot himself, demonstrating the Department's guiding value of reverence for human life. Officer D's demonstration of Command and Control met the BOPC's expectations as the senior officer at scene of a critical incident.

Lieutenant B assumed the role of IC, ensured the officers were separated and admonished, and made appropriate notifications. The actions of Lieutenant B were also consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident.

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

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

In conducting an objective assessment of this case, the BOPC determined that Lieutenant A and Sergeant A, along with Officers A, B, D, E, F, and G's tactics did not substantially deviate from approved Department tactical training.

Accordingly, the BOPC found Lieutenant A's, Sergeant A's, and Officers A, B, D, E, and F's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer A, he/she drew his/her service pistol because he/she believed the Subject was armed and that the situation could escalate to a situation involving the use of deadly force.

According to Officer B, he/she drew his/her service pistol as he/she exited his/her police vehicle. Officer B had recovered a handgun from the Subject's residence the day prior, and he/she believed that the Subject was armed, and that the situation could escalate to one involving the use of deadly force.

According to Officer D, he/she drew his/her service pistol because he/she believed the Subject was armed and the situation could escalate to one involving the use of lethal force.

According to Officer E, he/she was given information that the Subject was armed with a handgun. Officer E drew his/her service pistol because he/she believed that the situation could escalate to one involving the use of deadly force.

According to Officer G, he/she was told that the Subject was armed with a firearm and that the tactical plan included initiating a high-risk pedestrian stop. Officer G deployed his/her shotgun because he/she was unsure what type of firearm the Subject was armed with.

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

Although Officer G's deployment of the shotgun was reasonable, the BOPC was critical that he/she chose to deploy a shotgun when the Subject had pedestrian and vehicular traffic in his/her background and also momentarily in his/her foreground. The BOPC would have preferred that Officer G take into account the possible distance to the Subject and deploy a weapon system that was more appropriate for the tactical situation.

Additionally, the BOPC would have preferred that Sergeant A consider the number of officers who were assigned lethal cover responsibilities. An essential goal of Command and Control is to manage the number of officers who are assigned lethal cover responsibilities.

C. Less-Lethal Use of Force

- **Officer F** – (40mm Less-Lethal Launcher, one projectile)

According to Officer F, he/she believed that the Subject was armed. Officers gave the Subject commands, which he refused to comply with. The Subject was taking steps backwards as he reached for his waistband. Officer F believed that the Subject was attempting to escape and that if Officer F failed to stop the Subject's actions, the situation could escalate.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer F, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to protect himself and others and to effect the Subject's arrest.

Therefore, the BOPC found Officer F's less-lethal use of force to be objectively reasonable and In Policy.