

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

OFFICER-INVOLVED SHOOTING – 055-19

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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Hollenbeck	11/29/19		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	5 years, 5 months
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Reason for Police Contact

Officers attempted to conduct a pedestrian stop on a subject who was known by the officers to be on formal probation. The Subject ran from the officers and a foot pursuit ensued. During the foot pursuit the Subject produced a gun and shot an officer, resulting in an officer-involved shooting (OIS).

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
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Subject: Male, 21 years of age.

Board of Police Commissioners' Review

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

The following incident was adjudicated by the BOPC on October 20th, 2020.

Incident Summary

On November 29, 2019, at approximately 1908 hours, uniformed Officers A and B were patrolling. Officer B drove a marked black and white police vehicle equipped with a forward-facing red light and siren and digital in-car video system (DICVS), while Officer A was the passenger. Both officers were wearing body worn video (BWV) cameras at the time of the incident.

Officers A and B were responsible for crime suppression in the area. According to the officers, they were familiar with the area and recognized an intersection to be a main location gang members were known to congregate at any given time. Officer A explained an address of interest was located within the “heart of their gang territory.”

Officers A and B knew the Subject was a documented gang member. According to Officer A, he/she arrested the Subject approximately one-month prior for a probation violation. Prior to their shift, the officers confirmed with a Los Angeles County Probation officer that the Subject was on formal probation and had several conditions of probation which included search and seizure conditions.

Officers A and B knew that the Subject did not reside at the address of interest and was prohibited from congregating with other known gang members at that location.

According to Officer B’s BWV, at 1907 hours, he/she and Officer A drove southbound, past the address of interest.

Officer B observed a group of approximately four-to-five documented gang members congregated in the courtyard of the address of interest.

Officers A and B briefly stopped adjacent to the address of interest, then continued to drive past the location. As Officers A and B approached a driveway apron of an east/west alley south of the address of interest, Officer A informed Officer B that he/she observed the Subject on the sidewalk, exiting the alley near the address of interest. The Subject was alone when he (the Subject) was coming out of the alley.

Officer B stopped the vehicle as Officer A opened his/her door and began to exit the vehicle to conduct a pedestrian stop on the Subject as a condition of his probation, prohibiting him from congregating with gang members.

Officer A estimated the Subject was approximately 10 feet west of him/her when he/she observed the Subject.

The Subject immediately ran away from Officer A along the sidewalk in a northerly direction. Officer A told the Subject to stop; however, he failed to comply with Officer

A's command. The Subject continued to run from the officers as Officer A informed Officer B that the Subject was running and started following the Subject, initiating a foot pursuit.

Officer A did not immediately activate his/her BWV prior to exiting the vehicle or during the foot pursuit.

The Subject continued to run in a northerly direction, and then turned in a westerly direction as Officer A continued to follow him on foot. Officer B remained in the police vehicle and followed Officer A as he/she drove in a northerly direction in reverse. According to Officer B, he/she maintained sight of Officer A and remained approximately one car length behind Officer A as he/she gave chase to the Subject.

Officer A continued to chase the Subject and said he/she was still in apprehension mode when he/she made a wide turn from the middle of the street.

Officer A continued to run after the Subject and said he/she ran on the street and utilized parked vehicles as cover so that the vehicles were between him/her and the Subject.

A review of Officer B's BWV captured him/her stop the police vehicle and place it in reverse. Officer B drove slowly in reverse in a northerly direction and stopped the vehicle again. Officer B placed the vehicle in drive and drove forward in a southerly direction. Officer B stopped the vehicle as Officer A opened his/her door and exited when they were adjacent to the south end of an apron to an alley. Simultaneously, Officer B placed the vehicle in reverse, and drove in a northerly direction as he/she followed Officer A, who was out of camera view. According to Officer B, he/she negotiated an "L-turn," while driving in reverse in a northerly direction, then in an easterly direction. After reaching the east/west street, Officer B placed the car into Drive and drove forward in a westerly direction. Officer B then stopped the vehicle and exited to render aid to Officer A.

The Subject looked directly at Officer A and pointed a black object at him/her. According to Officer A, he/she attempted to de-escalate the situation by telling the Subject to stop; however, the situation quickly escalated to deadly force when the Subject began shooting at him/her. Officer A heard two gunshots and observed muzzle flash, when he/she realized he/she had been struck in the arm by the Subject's gunfire. Simultaneously, Officer A unholstered his/her duty pistol with his/her right hand and returned fire at the Subject.

According to Officer A, he/she estimated he/she shot between two to four rounds at the Subject who was standing on the sidewalk behind parked vehicles along the curb. The investigation revealed that Officer A fired five rounds.

After being shot, Officer A fell to the ground, and activated his/her BWV.

Officer B then unholstered his/her duty pistol and held it in two-handed, low-ready position with his/her finger on the frame. Officer B then met with Officer A to render aid to him/her. Officer A informed Officer B that the Subject continued westbound.

Officers A and B did not advise Communications Division (CD) of their Code-Six location prior to contacting the Subject. Officer B informed CD of their Code-Six location when he/she broadcast the help call.

According to Officer B, when he/she was protecting Officer A, he/she heard a sound coming from a southwest direction. Officer B's BWV captured him/her utilize his/her flashlight and walk to the south curb and observe the Subject laying on the south sidewalk in a semi-prone position on his left side with his head in a westerly direction, his right arm extended up in the air, and his left arm extended out on the sidewalk against an adjacent wall. Officer B said he/she initially used a parked Chevy Tahoe as cover, then moved to see the Subject. Officer B said he/she moved out more and observed the Subject's gun. Officer B observed a black pistol on the sidewalk and estimated it to be approximately five feet away from the Subject. Officer B broadcast his/her location and waited for additional units to arrive at scene. According to Officer A, he/she holstered his/her pistol when Officer B made contact with the Subject.

At 19:09:49 hours, Officer B activated his/her BWV, which did not capture the OIS. Officer B's BWV captured him/her locate the Subject on the sidewalk.

According to Officer A, he/she stood up and awaited the arrival of additional units when he/she noticed a crowd of approximately 20 people starting to form in the street. Officer A unholstered his/her pistol again, not knowing their intent.

Officer B closed the distance between him/her and the Subject and used his/her thumb to cock the hammer back on his/her pistol as he/she remained pointing his/her pistol in the Subject's direction, awaiting the arrival of additional officers.

The following uniformed officers were equipped with BWV and DICVS in their vehicles. They activated their DICVS and BWV as they responded with emergency lights and siren (Code-3) to the location of the help request and arrived at scene within a few minutes of each other: Sergeant A; Sergeant B; Sergeant H; Police Officers C and D; Police Officers EE, FF, and GG; Police Officers DD and HH; Police Officers JJ and KK; Police Officers J and LL; Police Officers H and Q; Police Officers O and P; Police Officers M and MM; Sergeant C; Lieutenant A; and Officers BB and CC.

According to Officers C and D's BWV, they arrived at the location at 1911 hours. They parked their vehicle on the south side of the street in an easterly direction, parallel to where Officer B was standing. Officer C ran to assist Officer B who was still on the south sidewalk watching the Subject. Officer C's BWV captured him/her unholster his/her duty pistol and utilize the pistol-mounted tactical flashlight to illuminate the Subject as he/she stood to the left side of Officer B. Officer C stated he/she held his/her pistol in a two-handed, low-ready position with his/her finger on the frame. Officer C asked Officer B if he/she should handcuff the Subject. Officer B informed him/her to hold on. Officers B and C held their pistols at a low-ready position in the Subject's direction and remained standing on the south sidewalk awaiting additional units' arrival.

According to Officer D, he/she unholstered his/her duty pistol as he/she exited his/her vehicle and followed his/her partner to the Subject, then holstered it when he/she observed Officers B and C "with their handguns drawn out." Officer D said he/she held his/her pistol in a low-ready position parallel to his/her hip with his/her finger on the frame and a flashlight in his/her other hand.

Sergeants A and B arrived together at 1912 hours and met Officers B, C, D, FF, and MM. Sergeant A assumed the role of the Incident Commander (IC) and began directing the handcuffing of the Subject.

According to Officer FF's BWV, he/she observed a black semi-automatic pistol on the sidewalk near the Subject. Officer FF's BWV captured him/her use his/her foot to kick the pistol to his/her left. Officer FF then picked the pistol up and placed it back on the ground approximately three feet north of area he/she picked it up from. As Officer FF picked up the pistol, Sergeant A shouted, "Don't touch it!" According to Officer FF, he/she estimated the pistol was approximately one foot away from the Subject.

A review of BWV captured the following:

At 1912 hours, Officers B, C, and D approached the Subject to handcuff him. Officer D told Officer MM to put his/her gun away prior to advancing toward the Subject. The three officers approached the Subject and told him to face away from them and not to move. Officer B holstered his/her pistol as the officers turned off their flashlights and approached the Subject to handcuff him. According to Officer C, he/she was still covering the Subject as Officers B and D were handcuffing the Subject. Officer MM then redeployed behind Officers B, C, and D and moved in a westerly direction near Sergeants A and B. Officers B, C, and D continued the handcuffing process. Officer EE walked over near the location with Officers B, C, and D and remained behind them as they were handcuffing the Subject. Officer EE illuminated the officers with his/her flashlight as they completed the handcuffing process.

According to Officer B, he/she placed his/her left knee on the upper part of the Subject's back with his/her right knee above the Subject's upper shoulder blade between his/her right arm. Officer B said he/she took a grip on the Subject's right wrist, then placed it behind his back and handcuffed the Subject.

Officer C was positioned between Officers B and D and was on the right side of Officer D as they handcuffed the Subject. Officer C said Officer D was holding the Subject's feet and holding him down with both of his/her knees as Officer B was on the Subject's right shoulder handcuffing him.

Officer C said the Subject still had his left hand extended out in front of him while he was pinned up against a brick wall and the sidewalk. Officer C observed Officer B's knees on the Subject's lower right shoulder as he/she was attempting to handcuff him. Officer B was able to put one handcuff on the Subject's right wrist.

Officer C was still covering the Subject with his/her pistol. Officer C holstered his/her pistol, then knelt on the Subject's lower back with both of his/her knees and placed his/her hands on the Subject's right hand. Officer B pulled the Subject's left arm back as Officer C reached to get a grip on the Subject's left arm and handcuffed his left hand.

Officer D stated he/she placed his/her knees and bodyweight on both of the Subject's legs to prevent him from kicking. According to Officer D, he/she did not strike, kick, or step on the Subject's head.

After the Subject was handcuffed, Sergeant A directed uninvolved officers to secure a crime scene and watch the gun on the sidewalk after he/she had Officer B separated and monitored. After the Subject was assisted to his feet, Sergeant A immediately called Officer B over to him/her and directed Sergeant B to monitor Officer B and obtain a Public Safety Statement (PSS). Sergeant B escorted Officer B to his/her vehicle and obtained a PSS away from other officers.

According to Sergeant H, he/she left the crime scene and met with Officer A in the emergency room of the hospital, monitored him/her, obtained his/her BWV, and obtained a PSS.

BWV and DICVS Policy Compliance

Officer	Reduced Buffer	Late Activation
Police Officer E	X	
Police Officer F	X	
Police Officer G	X	
Police Officer H	X	
Police Officer Q	X	
Police Officer J	X	
Police Officer K	X	
Police Officer L	X	

Police Officer M	X	
Police Officer N	X	
Police Officer O	X	
Police Officer P	X	
Sergeant G	X	
Sergeant C	X	
Police Officer R	X	
Police Officer S	X	
Police Officer T	X	
Police Officer U	X	
Police Officer V	X	
Sergeant F	X	
Sergeant E	X	
Police Officer Y	X	
Police Officer Z	X	
Police Officer W	X	
Police Officer X	X	
Police Officer AA	X	
Police Officer BB	X	
Police Officer CC	X	
Police Officer DD	X	
Police Officer EE	X	
Police Officer FF	X	
Police Officer GG	X	
Police Officer A		X
Police Officer B		X
Sergeant A	X	
Sergeant B	X	

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 A and B's tactics to warrant Administrative Disapproval. The BOPC found Sergeants A and B, and Officers C and D's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

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

D. Lethal Use of Force

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

Basis for Findings

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

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

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for

the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

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

Law enforcement officers are authorized to use deadly force to:

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

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

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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*

- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers A and B had worked together for approximately one year and, during that time, had discussed tactical plans for different types of scenarios. Officers A and B discussed apprehension mode and containment mode, as well as setting up perimeters when in containment mode. Officers A and B discussed transporting themselves to a hospital if they were injured while on duty. Officers A and B discussed crime trends, recent homicides, and gang activity. They also discussed the Subject's formal probation status, conditions of his probation, and prior criminal history.

Officers C and D, prior to start of watch, discussed a plan of who would be driving and who would be contact and cover officer. They determined the passenger would be the cover officer, and the driver would be the contact officer.

Sergeants A and B responded to the help call, in the same vehicle, and discussed the administrative and tactical portions of their responsibilities. Sergeant A discussed separating the involved officers to obtain their Public Safety Statements and getting medical treatment for wounded officers once at scene. After arriving, Sergeant A ordered Officers B, C, and D to ensure the Subject was on his stomach before they approached him to take him into custody.

Officers C and D arrived at the OIS location and went to assist Officer B, who was monitoring the Subject. Officers B, C, and D formulated a plan and determined that Officer B would handcuff while Officers C and D would gain control of the Subject's arms initially.

Sergeant A began assigning sergeants to monitor the involved officers, obtain the officers' PSS, and began setting up the CP location.

Assessment – Prior to the OIS, Officers A and B began driving down the street, and observed five gang members at the address of interest. Assessing his/her surroundings led to Officer A identifying the Subject exiting the alley. Shortly after, Officer A, while in foot pursuit of the Subject, began approaching the east/west street and assessed his/her positioning in relation to the Subject, making a wide turn onto the east/west street to prevent placing him/herself in a disadvantageous position. After Officer A was fired upon by the Subject and struck, Officer B arrived and approached Officer A. Unable to see the Subject, Officer B assessed his/her

surroundings and heard a noise south of his/her location, which led him/her to locate the Subject lying on the south sidewalk. While on the ground, Officer A continued to assess and observed a crowd approaching him/her. Officer A effectively ordered the crowd to stay back.

Sergeants A and B exited their vehicle upon their arrival and immediately assessed the scene. When doing so, Sergeant A observed Officer FF bend down and pick up the Subject's handgun. Sergeant A immediately ordered Officer FF not to touch the handgun. BWV at the scene captured Officer FF replacing the Subject's handgun to the approximate location where he/she picked it up.

Sergeant B began looking for additional suspects. While Sergeant A was talking to Officer FF, Sergeant B walked over to Officer B and ensured an arrest team was in place.

Time – Officer B monitored the Subject as he/she waited for responding units to arrive. When the responding units arrived, Officer B reminded officers to wait until a full arrest team was formed. Officers again urged Officer B to take the Subject into custody. However, Officer B again reminded his/her fellow officers that they could wait longer. Officer B waited for the formation of a full arrest team, then made his/her approach to take the Subject into custody.

Sergeants A and B utilized the time it took for them to drive from the police station to the OIS location and planned for the administrative portion of the incident as well as the tactical aspect.

Redeployment and/or Containment – Officer A stated he/she was unaware of the Subject possessing a handgun and was therefore in apprehension mode. Officer B chose to redeploy from within his/her vehicle by reversing in the direction of Officer A to maintain a line of sight. Officer B stated he/she did not want to leave his/her vehicle in front of the gang location of the address of interest due to vehicle damage or a mob coming after them.

Following the OIS and assessing his/her partner, Officer B advanced on the Subject and maintained a position of advantage by utilizing cover behind a Chevrolet sport utility vehicle parked along the curb.

Other Resources – Officers A and B attempted to engage the Subject without coordinating with other units.

Officer B waited for additional units to respond before taking the Subject into custody.

Sergeant A utilized responding supervisors and assigned them each to an officer involved in the OIS.

Lines of Communication – Officer A communicated with Officer B about seeing the Subject exiting the alley. However, the officers did not communicate their Code Six location prior to initiating contact with the Subject. Following the OIS, Officer B utilized his/her handheld police radio to put out a help call and the Subject's location.

With additional officers at scene, the officers coordinated their actions by communicating with each other. Specifically, Officer D communicated with Officers B and C while taking the Subject into custody about how to position the Subject's body and to straighten his legs.

Sergeant A immediately began communicating with officers once he/she arrived at the OIS location. Sergeant A ordered Officer FF to preserve evidence by monitoring the Subject's handgun. Sergeant A also ordered the officers to not approach the Subject until he was safe to approach. When Sergeant A was unsure if the officers heard him/her, he/she ordered the Subject to roll onto his stomach. Sergeant A also announced him/herself as IC via Communications Division.

The BOPC noted that Officers A and B's plan, prior to their shift, showed thorough communication with each other regarding contact, cover, and radio communications. Officer B's quick use of his/her police radio to broadcast information on the OIS, their location, Officer A's condition, and the Subject's location ensured that the responding units had the necessary information needed to safely and effectively respond to their location. Officer B immediately observed a handgun next to the Subject and held his/her position until backup units arrived.

The BOPC also noted Officer B's method of redeployment which caused unnecessary separation between the officers. Officer B remained in his/her vehicle over concern that gang members from the address of interest might damage their police vehicle were he/she to leave the vehicle in front of the location and get out on foot to maintain a close distance to Officer A.

Additionally, the BOPC noted Officers A and B's knowledge of gang members and, specifically, the Subject, his/her recent release and subsequent probation conditions permitting search and seizure. Despite these facts, Officers A and B failed to create a plan in the event they contacted the Subject. The BOPC noted Officer B's statement in which he/she acknowledged that he/she and Officer A did not plan to stop the Subject.

Additionally, upon seeing the Subject, Officers A and B did not utilize time to their advantage and instead, Officer A reacted to the Subject by chasing after him,

leaving Officer B without advising him/her. Officer A's actions had a domino effect resulting in Officers A and B being separated and eventually, Officer A being alone with the Subject. Additionally, Officer B was at such a great distance from Officer A that he/she was not able to engage with the Subject at the time the Subject shot at Officer A.

The BOPC noted Sergeants A and B's effective communication with each other while enroute to the OIS.

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

1. **Code Six** (Substantial Deviation, Without Justification – Officers A and B)

Officers A and B verified the Subject was on formal probation, with search conditions, prior to the beginning of their shift. During their shift, Officers A and B drove past a documented gang apartment building and observed four to five gang members in the courtyard. After passing the apartment building, they continued driving southbound and approached an east/west alley, just south of the apartment building. The Subject exited the alley, walking eastbound, and approached the west sidewalk. Officer A observed the Subject exiting the alley and notified Officer B of his/her observation. Officer B stopped his/her vehicle and Officer A exited. Officer A stated he/she planned to conduct a pedestrian stop on the Subject because he was prohibited from congregating with gang members, as part of his probation conditions.

Neither Officer A nor Officer B broadcast their activity (pedestrian stop) to CD and did not broadcast their Code Six location.

In this incident, Officers A and B were driving in a known gang area towards a known gang location, the address of interest. Officers A and B had knowledge of the Subject's probation status and conditions. Although the officers were not specifically going to the location to conduct a stop on the Subject, officers are required to broadcast their Code Six location prior to initiating enforcement actions such as a pedestrian stop. Officer A, upon observing the Subject, did not broadcast their Code Six location. Additionally, Officer A stepped out of his/her vehicle and verbally engaged with the Subject. Officer A stated that he/she intended to stop the Subject at that point. Officer A did not broadcast a pedestrian stop. Officer A then engaged the Subject in a foot pursuit and did not broadcast his/her engagement at that point either.

The BOPC noted that prior to initiating contact with the Subject, there were no circumstances creating an exigency. The lack of exigency provided Officers A and B ample time to place themselves Code Six upon Officer A's observation of

the Subject and prior to Officer A exiting his/her police vehicle. Additionally, the expectation for officers engaging in foot pursuit is a broadcast to notify Communications Division of the tactical situation as well as direction of travel and suspect description.

The BOPC also noted Officer B's reason for not being able to broadcast the officers' Code Six location or the foot pursuit. Due to Officer B following Officer A from inside their police vehicle, Officer B stated that he/she could not broadcast due to driving (in reverse initially) and watching his/her partner, Officer A, simultaneously. Alternatively, if Officer B had gotten out on foot and followed Officer A, he/she would have been able to broadcast the officers' Code Six location, the foot pursuit, a suspect description, and the officers' direction of travel.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were a substantial deviation, without justification, from approved Department tactical training.

2. Utilization of Cover (Substantial Deviation, Without Justification – Officers A and B)

Officer A engaged in a foot pursuit to apprehend the Subject. When Officer A ran west, he/she stated he/she was running down the middle of the street to create distance between him/herself and the Subject. However, as Officer A did so, he/she was not utilizing cover.

The BOPC noted that initially Officer A was in foot pursuit of the Subject and, as he/she did so, he/she utilized vehicles parked along the west curb line. However, after conducting a wide turn to avoid a possible ambush by the Subject, his/her path of travel left him/her running in the middle of the street without cover. Officer A maintained his/her position in the middle of the street and no longer used the benefit of cover provided by vehicles parked along the south curb line. The BOPC noted that Officer A had ample time to redeploy to a position of cover.

Officer B exited his/her vehicle and walked up to Officer A, who was lying on the ground in the center of the street. Officer B was unable to ascertain the Subject's location. While standing near Officer A, Officer B heard a noise coming from the sidewalk, nearby. Officer B walked to the curb, and observed the Subject lying on the sidewalk. Officer B began giving commands to the Subject and ordered him not to move. Officer B observed the Subject's handgun within his (the Subject's) reach. While waiting for backup units to arrive, Officer B stood behind the front right bumper of a Chevy sport utility vehicle which was parked on the south curb. Officer B moved onto the south sidewalk where he/she stayed until

backup officers arrived. Officer B did not utilize cover as he/she stood on the sidewalk near the Subject.

The BOPC noted that Officer B observed the Subject lying on the south sidewalk. Officer B stood behind a Chevrolet sport utility vehicle parked on the south curb. After broadcasting his/her location and providing information regarding the OIS, Officer B left his/her position of cover and walked towards the sidewalk and the Subject. After approaching the sidewalk and monitoring the Subject, Officer B stated he/she was switching between watching the Subject as well as Officer A, who was directly behind him/her. The BOPC considered Officer B's lack of cover, the presence of the Subject's handgun, and his/her actions of monitoring the Subject while also attempting to monitor Officer A. The BOPC determined these circumstances increased the danger of the situation. Officer B's situation could have been improved had he/she utilized cover while monitoring the Subject.

In this case, the BOPC would have preferred that once Officer B recognized that Officer A had been struck by gunfire, he/she should have remained with him/her and assisted by repositioning him/her to a place of cover. Officers should always be reminded that officer safety is of the utmost importance and rendering aid takes priority over the apprehension of an outstanding suspect.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 1. **Tactical Communication/Planning** – Officer A exited his/her passenger side of the vehicle and stated he/she intended to conduct a pedestrian stop on the Subject. However, Officer B stated that he/she and Officer A did not intend to conduct a pedestrian stop on the Subject at the time. Additionally, after Officer A alerted his/her partner to the presence of the Subject, Officer A did not discuss a plan with Officer B, but instead ran after the Subject without notifying Officer B.
 2. **Foot Pursuit Broadcast** – Officer A exited his/her police vehicle and observed that the Subject was approximately ten feet away from him/her. The Subject immediately ran away along the sidewalk, in a northerly direction and Officer A ordered the Subject to stop. After observing the Subject continue to run, Officer A gave chase and ran after the Subject, on foot, in a northerly direction. Officer B drove his/her police vehicle in reverse in the direction of Officer A. Neither officer broadcasted to CD that Officer A was in foot pursuit of the Subject.
 3. **Separation/Foot Pursuit Tactics** – As Officer A ran after the Subject, Officer B placed his/her stopped vehicle in reverse and drove northbound. Officer B

maintained a visual of Officer A during Officer A's foot pursuit of the Subject. Once Officer A ran west, Officer B conducted an "L-turn." Officer B did so by driving in reverse in a northerly direction, then in an easterly direction, all while maintaining a visual on Officer A. Officer B was not able to see the Subject at that point and did not see the Subject firing his/her handgun at Officer A. Officer B observed Officer A firing his/her service pistol in a southwesterly direction and fall to the ground. Officer B placed his/her vehicle in park, approximately 2 vehicle lengths away from Officer A, and exited to approach Officer A.

During this incident, Officer B had utilized his/her vehicle in attempt to parallel Officer A, for a portion of the foot pursuit, and, while doing so, placed him/herself at a distance that was too lengthy to immediately render aid or to engage in the tactical situation with Officer A. The FID investigation determined that Officer A ran a total distance of 280 feet in approximately 16 seconds. During the entirety of that distance, Officer B was in his/her vehicle.

Officer A began running to the point that Officer B stopped his/her vehicle to approach an already shot and fallen Officer A, during which approximately twenty seconds passed.

4. **Searches of Arrestees** – Officers C and D each simultaneously searched an opposite side of the Subject, before placing him in the back of a black and white police vehicle for transportation. Officer D searched the Subject's left side while Officer C searched the Subject's right side.
5. **Required Equipment** – Officers A and B left their batons in their police vehicle during their interaction with the Subject.
6. **Profanity** – While Officer B waited for back up units to arrive, Officer B held his/her service pistol at a low-ready position while he/she watched the Subject, who was on the sidewalk and used a profanity.

Officer A utilized profanity when speaking to a group of unknown persons approaching him/her as he/she was on the ground, after being shot.

Officer D utilized profanity when speaking to the Subject.

7. **Preservation of Evidence** – Officer FF arrived at the OIS location and ran to meet Officers B, C, D, and MM who were standing near the Subject. Officer FF observed the Subject laying on the ground with a handgun approximately five feet away from his reach. Officer FF used his/her right foot to kick the Subject's handgun to Officer FF's left. Officer FF then picked up the Subject's handgun and placed it on the ground, approximately three feet north of its original location.

8. **Medical Treatment - Requesting Rescue Ambulance** – The Subject had an abrasion on the right side of his/her forehead. Officers C and D did not request a Rescue Ambulance (RA) for a medical evaluation of the Subject's injury.
9. **Body Worn Video** – Officer A observed the Subject walking eastbound out of the east/west alley, directly south of the address of interest. Officer A exited his/her police vehicle to conduct a pedestrian stop on the Subject. Officer A did not activate his/her BWV prior to exiting his/her vehicle. Additionally, Officer A engaged in a foot pursuit to apprehend the Subject. Officer A did not activate his/her BWV during the foot pursuit. Officer A activated his/her BWV device after being shot by the Subject and falling to the ground, approximately 13 seconds after the OIS, resulting in a late activation.

Officer B located the Subject on the sidewalk after the OIS. Officer B activated his/her BWV device, approximately 51 seconds after the OIS, resulting in a late activation.

The FID investigation revealed that Sergeants A, B, C, and Officers E, F, H, J, K, N, Q, R, U, DD, EE, FF, and GG were at their respective Community Police Stations (CPS) prior to activating their BWVs and responding to the help call. As a result, they have less than a two-minute buffer.

The following personnel had less than two-minute buffer times and/or conducted in-field power- offs at scene:

The investigation revealed Sergeant G, and Officers C, L, M, and P did not have a full two-minute buffer for their BWV device. An analysis determined that Sergeant G and Officers C, J, M, and P had no prior BWV non-compliance incidents.

The investigation revealed that Officer O did not have a full two-minute buffer for his/her BWV device. An analysis determined that Officer O had no prior BWV non-compliance incidents. The results of the inspection indicated that Officer O had one deviation in BWV policy. Officer O separated from the Department on April 2, 2020.

The investigation revealed that Officer CC did not have a full two-minute buffer for his/her BWV device. An analysis determined that Officer CC had three prior BWV non-compliance incidents.

The investigation revealed that Officer BB did not have a full two-minute buffer for his/her BWV device. An analysis determined that Officer BB had no prior BWV non-compliance incidents.

The investigation revealed that Sergeants E and F, and Officers T, W, Y, and Z did not have a full two-minute buffer for their BWV devices. An analysis determined Sergeants E and F, and Officers T, W, Y, and Z had no prior BWV non-compliance incidents.

The investigation revealed that Officers X and S did not have a full two-minute buffer for their BWV devices. An analysis determined both Officers S and X had two prior BWV non-compliance incidents. The issue has been addressed with the officers.

The investigation revealed that Officers G and V did not have a full two-minute buffer for their BWV devices. An analysis determined both Officers G and V had no prior BWV non-compliance incidents. The issue has been addressed with the officers.

The investigation revealed that Officer AA, did not have a full two-minute buffer for his/her BWV device. An analysis determined Officer AA had no prior BWV non-compliance incidents. The issue has been addressed with the officer.

The Office of Operations conducted a random inspection of BWV's associated to Sergeants G, E, F, and Officers A, B, E, G, J, M, P, S, T, V, W, X, Y, Z, AA, BB, and CC for a 30-day period, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated all were in compliance.

The Office of Operations conducted a random inspection of BWV's associated to Officers N, Q, and U from June 30, 2020 through July 29, 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated that Officer U had three deviations in Department BWV policy and both Officers N and Q had one deviation in Department BWV policy. These deviations have been addressed with the officers.

The Office of Operations conducted a random inspection of BWV's associated to Officer FF from April 2020 through June 2020, for compliance with BWV policy specific to late activation and no activation. The results of the inspection indicated Officer FF had five deviations in Department BWV policy. These deviations from Department policy have been addressed with the officer.

On-Going BWV Audits: With respect to Officers N, Q, U, and FF, the BOPC directed the Office of Operations to coordinate continued BWV audits through Operations-Central Bureau for these officers to ensure continued compliance with the BWV policy.

These topics were to be discussed at the Tactical Debrief. The failure to use BWV in accordance with policy was a topic about which the BOPC expressed grave concern, and the BOPC requested that the issue be addressed more specifically with the involved Division.

- **Command and Control**

Sergeant A drove to the location of the OIS upon hearing the help call broadcast by Officer B, with Sergeant B as his/her passenger. Sergeants A and B were the first supervisors to arrive at scene. While enroute to the location, he/she discussed, with Sergeant B, actions he/she would need to take once they arrived. Sergeant A discussed separation, medical treatment for Officer A, and a crime scene set up. Sergeant A arrived and approached Officer B. Sergeant A verified that Officer A was being transported immediately. Sergeant A ordered Officer B to have the Subject turn onto his stomach. Sergeant A assigned Officers B, C, and D as the arrest team. Sergeant A provided oversight as the Subject was taken into custody. Once the arrest was completed, Sergeant A directed Sergeant B to separate and monitor Officer B. Sergeant A ordered Sergeant B to take Officer B's PSS. Sergeant A ordered Sergeant E to respond to the hospital to take Officer A's PSS. Sergeant A began establishing a CP. Sergeant A verified there were no outstanding suspects and directed uninvolved officers to establish an inner and outer crime scene.

The BOPC noted Sergeant A's active involvement immediately upon arrival. Sergeant A dealt with high priority issues first, such as ensuring Officer A was receiving medical transportation and forming an arrest team to approach the Subject. Sergeant A also ensured involved officers were immediately separated and monitored while uninvolved officers and sergeants performed important duties such as canvassing for witnesses and ensuring there were no other shooting victims nearby.

The actions of Sergeant A were consistent with Department supervisory training.

Sergeant B arrived with Sergeant A and walked over to Officer B and the Subject. Sergeant B observed the Subject being taken into custody. Immediately after Officer B completed handcuffing the Subject, Sergeant B separated him/her from the other officers and took his/her PSS.

The BOPC noted Sergeant B immediately began looking for additional suspects but returned to assist in the separation and monitoring of involved officers. Sergeant B filled the gaps as Sergeant A was performing his/her duties as an IC.

The actions of Sergeant B were consistent with Department supervisory training.

Sergeant C assisted Sergeant A by setting up the crime scene. Sergeant A directed Sergeant C to act as operations officer at the CP.

The actions of Sergeant C were consistent with Department supervisory training.

Sergeant H met with Officer A and monitored him/her at the hospital. Sergeant H took custody of Officer A's BWV device. Sergeant H took Officer A's PSS and continued to monitor him/her.

The actions of Sergeant H were consistent with Department supervisory training.

Sergeant J notified the DOC of the Categorical Use of Force at 1937 hours.

The actions of Sergeant J were consistent with Department supervisory training.

Lieutenant A responded from the police station after hearing the help call. After arriving, he/she declared him/herself as the IC over the police radio. Lieutenant A shadowed Sergeant A and, in between Sergeant A's broadcasts, Lieutenant A asked him/her which officers were involved in the OIS to gather additional details. Lieutenant A observed an unruly crowd forming nearby. Lieutenant A assigned officers to the outer perimeter to ensure the crowd did not tamper with evidence. Lieutenant A assigned a detective and Sergeant G to assist with the setup and management of the CP. Lieutenant A tasked Sergeant C with canvassing the location to identify witnesses. Lieutenant A determined the general direction of Officer A and the Subject's bullet path. Lieutenant A directed officers to canvass the area to ensure there were no other shooting victims. Lieutenant A maintained telephonic communication with Sergeant J to relay pertinent information.

The actions of Lieutenant A were consistent with Department supervisory training.

Sergeant K took over monitoring responsibilities of Officers C and D. Sergeant K transported Officers C and D to the local police station.

The actions of Sergeant K were consistent with Department supervisory training.

The investigation revealed that Sergeants A and B arrived prior to the Non-Lethal Use of Force. Officers B, C, and D approached the Subject to take him/her into custody. Sergeants A and B handled the entire tactical situation, which involved not only taking the Subject into custody, but also setting up a perimeter, keeping residents away from evidence, ensuring Officer A was transported, and canvassing for other possible shooting victims. As Sergeants A and B were completing these tasks, the Non-Lethal Use of Force occurred.

The BOPC noted that Sergeants A and B did not have a direct view of the Non-Lethal Use of Force and, according to their BWV footage, were not directly facing Officer B at the time it appeared that Officer B placed his/her shin on or over the Subject's face.

The BOPC noted all the supervisors responded after the OIS had occurred and completed their assigned tasks while maintaining effective command and control over the incident. The actions of Sergeants A, B, C, H, J, K and Lieutenant A were consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

The BOPC found Officers A and B's tactics to warrant Administrative Disapproval. The BOPC found Sergeants A and B and Officers C and D's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

First Occurrence

According to Officer A, as he/she ran after the Subject in a westerly direction, he/she observed the Subject stop and make eye contact with him/her. Officer A observed the Subject reach into his waistband and produce a black object in his hand. Officer A heard gunshots and observed muzzle flashes. Officer A realized the Subject had shot at him/her, he/she felt immense pain, and could not use his/her left arm. Officer A utilized his/her right hand to draw his/her service pistol from the holster on the right side of his/her duty belt.

Second Occurrence

According to Officer A, he/she was laying on his/her back in the middle of the street. As Officer B left him/her to approach the Subject, Officer A observed a large crowd forming. Officer A believed the group had come from a known gang residence. Officer A was unsure if the group was going to attack him/her and execute him/her as he/she laid on the ground. Officer A drew his/her service pistol again and ordered the group to get back.

- **Officer B**

According to Officer B, he/she exited after stopping his/her police vehicle. As Officer B got closer to Officer A, he/she drew his/her service pistol to provide cover for

Officer A. Officer B approached Officer A while trying to pan from left to right, as far as the south side all the way to the southwest side of the street to see if the Subject had a position of advantage to ambush them. Officer B asked Officer A if he/she knew where the Subject was located but did not receive a response. Officer B then heard a sound coming from a southwest direction. Officer B approached the southwest curb and observed the Subject on the ground. Officer B utilized a specialized technique and activated his/her flashlight to illuminate the Subject. Officer B utilized his/her right thumb to pull back the hammer of his/her double action service pistol and cocked it in the event the Subject got up quickly and Officer B needed to be ready to take one precise shot.

- **Officer C**

According to Officer C, after arriving at scene he/she was unaware if it was still an active tactical situation and was unsure if there were additional suspects in the area. Officer C knew there had already been shots fired at an officer who had already been hit by the gunfire. Officer C drew his/her service pistol.

- **Officer D**

According to Officer D, knowing the Subject was not in custody yet and an officer had been fired upon, he/she believed another shooting incident could have occurred and other officers or citizens on the street could be hurt. Officer D drew his/her service pistol. Officer D observed Officers B and C with their service pistols drawn. Officer D determined he/she did not need to remain drawn and therefore holstered his/her service pistol. Officer D walked to Officer B's location.

The BOPC conducted a thorough evaluation of the reasonableness of Officers A, B, C and D's drawing and exhibiting of their service pistols. The BOPC considered that the Subject had escalated the incident by shooting Officer A in the arm. Officer A drew his/her weapon in response to defend his/her own life. Officer B drew his/her firearm after hearing a shot being fired and seeing his/her partner had been shot. To defend his/her own life and the life of Officer A, Officer B drew his/her service pistol.

The BOPC considered that Officer B was alone with the Subject, who had just shot Officer A. Officer B had observed the Subject's handgun, which was still within the Subject's reach. Officer B pulled back the hammer of his/her service pistol with his/her thumb in the event he/she needed to take a precise shot at the Subject if the Subject attempted to arm him/herself and fire at Officer B. The BOPC determined that Officer B's actions were reasonable due to the extent of the threat which the Subject presented.

Officers C and D heard that shots had been fired during the help call while enroute. Officers C and D arrived after the OIS but knew a deadly threat was possibly still present upon their arrival. Officer A drew his/her service pistol a second time when a crowd appeared to form and approach him/her. The BOPC noted Officer A verbalized a warning with the crowd, which proved to be effective.

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

C. Non-Lethal Use of Force

- **Officer B** – (Bodyweight, Firm Grip)

According to Officer B, he/she maintained his/her position and monitored the Subject until responding units arrived and an arrest team was formed. As soon as Officer B felt he/she had enough officers for an arrest team, which consisted of Officers C and D, Officer B began his/her approach to take the Subject into custody. Officers C and D approached with Officer B. Officer B ordered the Subject to get onto his stomach, but the Subject did not comply. Officer B holstered his/her service pistol and approached the Subject to handcuff him. Officer B knelt and placed his/her left knee on the Subject's upper back while his/her right knee was on the Subject's upper shoulder blade. Officer B utilized a firm grip with both hands to take hold of the Subject's right arm and move his arm and body off the wall. Officer B took hold of the Subject's right wrist, with both hands, and placed it behind the Subject's back. Officer B applied a handcuff with his/her right hand onto the Subject's right wrist.

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

According to Officer C, he/she observed Officer B struggling to take the Subject into custody. Officer C utilized bodyweight and placed his/her knees on the Subject's lower back. Officer C utilized a firm grip with his/her left hand to grab the Subject's left hand and connect it to the handcuff being applied by Officer B.

- **Officer D** – (Bodyweight)

According to Officer D, he/she utilized his/her bodyweight and placed his/her right lower leg onto the Subject's lower legs. Officer D began searching the Subject's waistband for additional weapons.

According to Officer D, after the Subject was taken into custody, the Subject continued to put his feet together as Officer D was searching a second time, prior to placing the Subject in the backseat of the police vehicle. Officer D ordered the Subject to keep his legs apart as Officer D conducted his/her search. The Subject continued to place his feet together. Officer D placed his/her left leg in between the Subject's legs to prevent him from placing his feet together again. While doing so, Officer D accidentally stepped on the Subject's foot.

As Officers B, C, and D approached the Subject to take him into custody, the Subject's body positioning was noted in relation to the wall he had laid next to on the sidewalk. The Subject's left arm and left side was partially on the wall while his right side and arm were on the ground. The Subject's arm appeared to be pinned against the wall and did not follow officer's direction to lie on his stomach. The officers had to move his arm off the wall and behind his back with firm grips. Additionally, it was noted, the Subject complained of pain to his arm while being taken into custody and not pain to his head or neck area. The officers used the minimal amount of force required to take the Subject into custody, while using firm grips and bodyweight to place his hands behind his back and handcuff him.

Thirty seconds passed from the time Officer B knelt onto the Subject's back until the time he/she stood up, after handcuffing the Subject. During these 30 seconds, it appeared Officer B's right shin appeared to be over or on the Subject's face, on the right side. The BOPC closely examined the BWV of the officers involved. The BOPC noted that Officer EE's BWV shows a point when Officer B stands up after having handcuffed the Subject. The BOPC noted the Subject's head did not move at all when this occurred. The BOPC opined that had Officer B been placing his/her bodyweight via his/her shin on the Subject's face, the Subject's head would have been affected, as evident by movement, when Officer B stood up. Additionally, the BOPC noted that during the time which appeared to show Officer B's shin on the Subject's face, the Subject was not complaining about pain to his head but rather to his arm. The Subject did not complain about his head or neck at the time of the Non-Lethal Use of Force.

The BOPC determined that Officer B was not applying pressure with his/her bodyweight onto the Subject's head or neck area as evident by many factors. First, Officer B's right knee can be seen on the Subject's upper shoulder blade. Officer B's right foot appears arched with the toe portion of his/her boot on the ground. This positioning caused the BOPC to determine that Officer B's right shin crossed over the area of the Subject's face, and he/she did not apply pressure to it. The BOPC determined that Officer B's use of non-lethal force in utilizing firm grips to handcuff the Subject, as well as body weight, were reasonable given the Subject was not complying with the officer's commands as well as his actions of trying to "buck" off

the officers with his body. Additionally, Officer D observed the Subject resisting Officer B. Officer D assisted Officer B with the use of bodyweight to take the Subject into custody. Officer C utilized his/her lower legs to apply bodyweight to the Subject to assist in controlling his movement so Officer B could complete handcuffing the Subject.

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 this same application of non-lethal force would be reasonable to overcome the Subject's resistance.

Therefore, the BOPC found Officers B, C, and D's Non-Lethal Use of Force to be objectively reasonable and In Policy.

D. Lethal Use of Force

- **Officer A** – (pistol, 5 rounds)

According to Officer A, he/she realized he/she was being shot at and had got hit by a gunshot. Officer A felt a lot of blood. Officer A wanted to make the Subject stop shooting at him/her. Officer A saw the Subject's face and acquired a target of the Subject's center body mass. Officer A acquired a shooting stance and with his/her right hand and punched out his/her service pistol. Officer A recalled that he/she fired approximately three to four rounds from his/her service pistol in a consecutive manner, from an approximate distance of thirty to forty feet, while assessing between rounds.

In this case, the BOPC assessed the reasonableness of Officer A's use of lethal force. The BOPC noted Officer A's attempts at de-escalation with the Subject. Officer A had identified him/herself as a police officer and ordered the Subject to stop despite his/her search and seizure probation conditions. Officer A, while in pursuit of the Subject, did not draw his/her service pistol until after being shot by the Subject and did not escalate the incident by doing so prematurely. The BOPC noted the Subject's actions initiated and accelerated the incident drastically. The Subject responded to Officer A's order by saying "[expletive] you" then running away. The Subject also stopped and turned to face Officer A. The Subject produced a handgun and fired at Officer A, firing numerous rounds at him/her. In defense of his/her own life, Officer A fired to stop the deadly threat which the Subject presented. Due to the Subject's aggressive actions during the incident, as well as his deadly actions, the BOPC determined an officer with similar training and experience would respond in the same manner as Officer A and that his/her actions were reasonable.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the Lethal Use of Force would be objectively reasonable.

Therefore, the BOPC found Officer A's Lethal Use of Force to be In Policy.