

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

OFFICER-INVOLVED SHOOTING – 070-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Van Nuys	10/17/12		

Officer(s) Involved in Use of Force	Length of Service
Sergeant A	17 years
Sergeant B	28 years, 11 months
Officer A	5 years, 1 month
Officer C	3 years, 5 months
Officer D	4 years, 3 months
Officer E	16 years, 8 months
Officer G	3 years, 4 months
Officer I	15 years, 11 months
Officer J	15 years, 5 months

Reason for Police Contact

Officers were on regular patrol when they observed a vehicle fail to stop at a red light. Subsequently officers heard gunshots coming from the vehicle. A pursuit and an OIS resulted.

Subject	Deceased (X)	Wounded (X)	Non-Hit ()
Subject 1: Male, 22 years old. (Deceased)			
Subject 2: Female, 26 years old. (Wounded)			

Board of Police Commissioners' Review

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

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

The following incident was adjudicated by the BOPC on October 1, 2013.

Incident Summary

Uniformed Police Officers A and B were driving a police vehicle and negotiating a U-turn from the center median of the street when they observed a silver four-door vehicle being driven by a male (Subject 1), traveling in the number one lane. The officers completed their U-turn and as they approached an intersection, they observed Subject 1 fail to stop for a solid red light, in violation of the vehicle code.

The officers followed Subject 1, observed him fail to stop for a second red light, narrowly missing a bicyclist traveling within the crosswalk. Officer A immediately activated his emergency lights and siren in an attempt to initiate a traffic stop. Subject 1 increased his speed, and as the officers cleared the intersection they heard what they believed to be gunshots being fired by an unknown occupant within Subject 1's vehicle.

Note: The investigation revealed the passenger, Subject 2, had fired at the pursuing officers.

Subject 1 began to maneuver around stopped vehicles, and drove over the center median in an attempt to escape.

Officer B notified Communications Division (CD), "[S]hots fired, repeat shots fired, vehicle is going to be southbound...[.] Give me a back-up and an airship."

Subject 1 approached another red light where two streets merge. Because several vehicles were already stopped at the limit line, Subject 1 was also forced to stop. With their vehicle lights and siren still activated, the officers approached Subject 1's location. Officer B broadcast that they had arrived and requested assistance.

With the light still red, Subject 1 drove his vehicle forward, striking the left rear quarter panel of Witness A's vehicle. Officer A stopped behind Subject 1 and both officers, believing they had been fired upon, immediately unholstered their service weapons as they exited their police vehicle. As Subject 1 maneuvered his vehicle around Witness A's vehicle, Witness A observed a hand extend out of the passenger window of the subjects' vehicle. The hand was holding a semiautomatic pistol which was pointed in the direction of Officers A and B. Witness A, out of fear for his own safety, lay across the front seats of his vehicle as Subject 1 drove past him and through the intersection.

Officer A holstered his weapon and Officer B, fearing for his and his partner's safety, opted to keep his weapon unholstered. Both officers re-entered their police vehicle and continued to follow Subject 1 down the street. CD broadcast the officers' location.

Officer B continued to broadcast their direction of travel and CD broadcast that a unit was in pursuit. The pursuit continued southbound, as Officer B broadcast, "we're taking rounds, repeat we're taking rounds."

Uniformed Sergeant A was driving a marked black and white police vehicle and responded to the help call. Sergeant A entered the pursuit as the supervisor and secondary unit, and broadcast accordingly.

Subject 1 continued driving, and Officer B broadcast, “[W]e are still taking rounds, we got to keep our distance.” Simultaneously, Air Support Division personnel arrived overhead and attempted to locate Subject 1’s vehicle.

Uniformed Police Officers C and D responded to the help call from the station. Officer C was driving a marked black and white police vehicle, and became the third unit in the pursuit as it traveled. Uniformed Police Officers E and F also responded from the station. Officer E was driving a marked black and white police vehicle and became the fourth unit in the pursuit, behind Officer C. Uniformed Police Officers G and H were driving a marked black and white police vehicle and responded to the help call. Officer G trailed in behind Officer E and became the fifth unit in the pursuit.

As the pursuit approached, Witness B, who was standing on the sidewalk in front of the street, heard two gunshots and filmed the unfolding events with his video camera. As the pursuit passed his location, he videotaped Subject 2 as she leaned out of the passenger window and fired one round toward him or the officers. Subject 1 then negotiated a turn onto the street, where Witness B reported hearing two additional gunshots.

Note: A discharged cartridge case, later recovered from the street, was tested and was determined to have been fired from the subjects’ weapon.

The Air Unit then broadcast the vehicle’s location.

Police Officers I and J were driving a marked black and white police vehicle and observed the pursuit travel westbound. Officer I opted to parallel and monitor the pursuit in the event a perimeter needed to be established.

Uniformed Sergeant B, driving a marked hybrid police vehicle, heard a supervisor was already with the primary unit. Sergeant B also opted to parallel and monitor the pursuit in the event a perimeter needed to be established.

Officer B broadcast, “we are still taking rounds,” and advised of the officers’ nearing location.

Note: Two additional discharged cartridge cases, later recovered from the street, were tested and were determined to also have been fired from the subjects’ weapon.

Uniformed Police Officers K and L responded to the help call from their station. They were riding their Department motorcycles and made an effort to catch up with the pursuit.

Note: Officer K had a video camera affixed to the right side of his motorcycle helmet, which he activated upon leaving the station. The camera would later record the Officer-Involved Shooting (OIS).

Subject 1 continued driving, followed by pursuing officers. Officer B, observing speed bumps, holstered his weapon. As Officer B and the Air Unit continued to broadcast the direction of travel.

Note: As Subject 1 continued driving, Officers A and B observed what they believed to be gang signs being flashed out of both the driver's and passenger's side open windows. Officer B also indicated he saw a hand from the front passenger side eject something out of the window. The area was searched extensively; however, no evidence was located.

Officer I immediately stopped his vehicle in the middle of the street. Upon looking in his rearview mirror he observed several police vehicles and police motorcycles approaching his location from behind. Officer I redirected his attention and observed the Air Unit rapidly approaching the street. Due to the subject continuously shooting at pursuing units and for fear that he or the officers behind him may be shot if the subject was allowed to drive past his location, Officer I believed it necessary to disable Subject 1's vehicle and advised his partner of his intention to ram it. Officer B broadcast his location.

Within seconds, Subject 1 completed a turn and Officer I immediately accelerated his police vehicle. The front driver's side bumper of Officer I's police vehicle collided with the front driver's door of Subject 1's vehicle, causing both Subject 1's standard airbags to deploy. The impact also caused the rear windshield of Subject 1's vehicle to detach from the window frame and eventually come to rest intact along the pavement located on the street.

Subject 1 lost control of his vehicle, veered, and struck a tree, which abutted a cinder block wall, located on the sidewalk. Upon impact, Subject 2, who was not wearing a seatbelt, lost her grip on the pistol, and Subject 1 grabbed it.

Officer I's vehicle came to rest. Officer A, having observed the collision, stopped his vehicle. At this time, Officer B notified CD he and Officer A had arrived at the location. Sergeant A immediately stopped behind Officer A.

Simultaneously Sergeant B, realizing he was nearest to Subject 1's vehicle and in an effort to prevent him from continuing his flight, parked his vehicle behind Subject 1's. Officer C stopped his vehicle behind Sergeant A's. Officer E passed Officer C's location and positioned his vehicle, behind the rear passenger side of Sergeant A's vehicle.

Aware the subject had fired repeatedly at the pursuing units and believing the situation may rise to the level of deadly force, the officers immediately unholstered their Department-approved weapons upon exiting their police vehicles.

Sergeant B deployed to the right side rear trunk area of his vehicle.

Officer J deployed behind the open ballistic panel driver's door of Sergeant B's police vehicle.

Officer I forced open his own vehicle door and deployed between Sergeant B and Officer J at the left side rear trunk area of Sergeant B's police vehicle.

Note: Officer I advised he had to kick his door open with his foot due to the damage caused by the traffic collision. His driver's side air bag did not deploy.

Officer A, the driver of the primary unit in the pursuit, deployed in front of the open ballistic panel driver's door of Officer I's police vehicle.

Officer C, the driver of the third unit in the pursuit, deployed in front of the open ballistic panel passenger side door of Officer I's police vehicle.

Officer D, the passenger of the third unit in the pursuit, deployed behind the open ballistic panel passenger side door of Officer A's police vehicle.

Officer E, the driver of the fourth unit in the pursuit, deployed behind Officer C along the passenger side of Officer A's police vehicle.

Sergeant A, the driver of the second unit in the pursuit, took a semi-seated barricaded position between the open ballistic panel driver's door and the A-frame of his own police vehicle.

Officer G, the driver of the fifth unit in the pursuit, deployed to the left of Sergeant A behind his driver's side door.

With Subject 1's vehicle contained and Sergeant B and Officers I and J positioned to the rear of a police vehicle, the officers began to give Subject 1 commands to show his hands. Subject 2 raised both her hands and placed them outside of the passenger window momentarily then put her hands back in the vehicle and moved towards the driver's side.

The following is an account of each involved officers' actions, derived from their transcribed statements, during the OIS. It does not reflect the precise order in which each officer fired; however, based on their respective interviews and video evidence, it appears they all fired their weapons at nearly the same time within a span of nine seconds.

Sergeant B peered over the roof of his police vehicle and observed Subject 1 facing back toward his direction. Subject 1, who was in the driver's seat, immediately grabbed Subject 2 from the passenger seat, wrapped his left arm around her neck and was holding a black, blue steel type pistol in his right hand at the female's head.

Note: Subject 2 later inferred the hostage scenario was a ruse when, during a surreptitious recording, she advised her father that he was holding the gun to her head trying to get them out of the situation.

With Subject 1's gun to Subject 2's head, Sergeant B could see the subject smiling and yelled, "Hostage, hostage!" Officers immediately ordered Subject 1 to drop his weapon. When he failed to comply, Sergeant B, fearing Subject 1 would kill Subject 2, believed he fired four rounds at Subject 1's head and upper torso, from a distance of approximately 29 feet. Subject 1's body slumped toward the passenger side of the vehicle and Sergeant B, believing Subject 2 was a hostage, instructed her to exit the vehicle.

Note: The investigation revealed Sergeant B fired three rounds from this initial position.

Officer J commanded Subject 1 to put his hands up and observed Subject 1 grabbing the female passenger with his left hand and with a gun in his right hand. He was pointing it to her head.

Officer J yelled out, "He's taking a hostage!" Officer J, fearing Subject 1 would shoot Subject 2, aligned his pistol sights at Subject 1's chest area. As Subject 2 moved her head toward the passenger side of the vehicle, Officer J observed Subject 1 mirror her movement as a gunshot rang out.

Officer J, fearing the hostage had been shot, believed he fired two rounds at Subject 1's right upper chest area, from a distance of approximately 21 feet. Officer J quickly reassessed and observed Subject 1 raise his pistol in his direction while simultaneously moving toward Subject 2. Officer J, in an effort to stop Subject 1 from shooting the hostage again and shooting at the officers or myself or my partners, believed he fired two more rounds from his same position at Subject 1.

Note: The investigation revealed Officer J fired a total of four rounds.

Subject 1 slumped onto the passenger side of the vehicle and Officer J yelled out, "Cease fire!" Officer J's weapon remained on the rear of the vehicle while Subject 2 was instructed to exit.

Officer I observed Subject 1 in the driver's seat facing back toward his direction. Subject 1 had Subject 2 by the neck and the gun pointed at her head. Subject 1 was moving around trying to use her as a shield.

Officer I, fearing Subject 1 was going to kill Subject 2 or kill one of the officers, manually cocked his weapon for accuracy, and took aim at Subject 1's head. Subject 1 turned his head into Officer I's direction which provided Officer I with an unobstructed view. Officer I believed he fired one round at Subject 1's head, from a distance of approximately 28 feet. As Officer I reassessed, he observed Subject 2 move away from Subject 1, then saw Subject 1 move back toward Subject 2. Officer I, still in fear for Subject 2's safety and from his same position, believed he fired three to four additional rounds at Subject 1.

Note: The investigation revealed Officer I fired a total of seven rounds.

Officer I, not seeing any further movement, raised his left fist into the air and yelled, "Hold your fire, hold your fire!" Officer I then moved behind Sergeant B and also began to instruct Subject 2 to exit the vehicle.

Note: Subject 1's actions were corroborated by Witness B, who observed the incident from within the passenger seat of a vehicle, parked approximately 27 feet away from Subject 1's location.

Officer A observed officers approach Subject 1's vehicle along the passenger side of Sergeant B's vehicle. Officer A, unable to see Subject 1 and unsure if he was alone inside the vehicle, opted to provide cover for the approaching officers, pointing his firearm at the driver's door where the driver would presumably sit.

Suddenly, Officer A heard gunshots emanate from within the vehicle and observed a muzzle flash through a gap in the driver's door air bag curtain. Officer A, fearing Subject 1 was shooting at him or the officers approaching the vehicle, believed he fired six rounds, from a stationary position, from a distance of approximately 67 feet. Officer A directed his fire at the driver's door, window level, due to the fact Subject 1 never exited the vehicle.

Upon hearing cease fire, Officer A reassessed the situation. As officers approached Subject 1's vehicle, Officer A transitioned his weapon to a low-ready position and holstered it upon hearing that the incident was completed.

Note: The investigation revealed Officer A fired a total of seven rounds.

Officer C heard commands being given to Subject 1 and observed officers positioned behind Sergeant B's vehicle. Officer C was unable to see Subject 1 and was unaware of a passenger inside of the vehicle. Officer C maintained his weapon in a low-ready position, and focused on Subject 1's driver's door.

Officer C then heard a gunshot emanate from Subject 1's vehicle and simultaneously observed a muzzle flash exit the rear window. Officer C observed the officers behind Sergeant B's vehicle crouch down and feared Subject 1 was firing rounds from his

vehicle. Officer C, who feared for the officer's lives that were directly behind the vehicle, as well as his own life, believed he fired four rounds, from a distance of approximately 66 feet. Officer C directed his fire at the driver's door window level where he believed Subject 1 to be located. Upon hearing cease fire, Officer C transitioned his weapon to a low-ready position and holstered it when he heard that the incident had been resolved.

Note: The investigation revealed Officer C fired a total of four rounds.

Officer D was unable to see Subject 1 and was unaware of a passenger inside of the vehicle. Upon hearing officers giving commands, he opted to provide cover along the driver's side of Subject 1's vehicle. Officer D then heard two to three gunshots from the direction of Subject 1's vehicle and observed the reflection of two to three muzzle flashes from behind the air bag curtain.

Officer D, fearing Subject 1 was firing rounds at the officers who were giving commands, also believed that Subject 1 could also possibly turn and fire towards him as well. Officer D fired 16 rounds from a distance of approximately 92 feet. Officer D directed his fire at the driver's door window level, where he expected the driver would be sitting. Officer D expended his ammunition and conducted a speed reload. Once reloaded, Officer D re-acquired his target, reassessed the situation, and holstered his weapon upon hearing that the incident had been resolved.

Note: The investigation revealed Officer D fired a total of 16 rounds.

Officer E was armed with his personally owned Department approved shotgun with an extended magazine. Officer E was unable to see Subject 1 and was unaware of a passenger inside of the vehicle. Immediately upon taking his position, he heard gunshots and observed a single muzzle flash from inside Subject 1's vehicle. Officer E observed officers crouched down behind Sergeant B's vehicle and feared that he was continuing to shoot at the officers. Officer E also feared he and several other responding officers were in danger because they were in his line of sight.

Officer E, with his weapon over the roof of the police vehicle, believed he fired five or six shotgun rounds, from a distance of approximately 94 feet. Officer E directed his fire at the driver's door window level, where he believed Subject 1 to be. Officer E expended his ammunition, crouched down behind the police vehicle and loaded five rounds of slug ammunition into his shotgun.

As Officer E re-acquired his target, the shooting stopped. As officers approached Subject 1's vehicle, Officer E realized he was too far away to provide adequate cover and lowered his weapon. Officer E secured his shotgun in the trunk of his vehicle upon hearing that the incident had resolved.

Note: The investigation revealed Officer E fired a total of six shotgun rounds.

Sergeant A had knowledge of two occupants inside of the vehicle, and illuminated the driver's side of Subject 1's vehicle with his side-mounted spotlight. From his barricade position at his police vehicle door, Sergeant A observed Subject 1 trying to move the side airbag as though he was trying to get out of the car, with a gun up in the air.

Sergeant A, knowing that Subject 1 had already shot at officers, observed multiple officers on foot on the street. Sergeant A, realizing the responding officers lacked cover and could have been in the line of fire, fired two rounds from a distance of approximately 101 feet. Sergeant A directed his fire at the driver's door window level where he had observed Subject 1.

Sergeant A reassessed as Subject 1 continued to move the air bag curtain. Sergeant A observed Subject 1 still holding the gun and also observed the position of the passenger in the vehicle. Fearing Subject 1 was still attempting to exit his vehicle, Sergeant A fired two more rounds, from his same position. Sergeant A directed his second sequence of fire at the driver's door just below the window line because there was a passenger.

As Sergeant A reassessed, an officer announced that Subject 1 was backing his vehicle. Sergeant A continued to see movement in the car and, knowing that the Subject was armed and that he had already shot at the officers, in addition to the fact that there were single-family homes close by, feared Subject 1 might escape. Sergeant A fired one more round, from his same position, directing his fire at the driver's door just below the window line where he last observed Subject 1. Once the shooting stopped and as an arrest team approached Subject 1's vehicle, Sergeant A holstered his weapon.

Note: The investigation revealed Sergeant A fired a total of five rounds.

Officer G from her position to the left of Sergeant A was unable to see Subject 1 and was unaware of a passenger in the vehicle. Officer G observed a figure moving on the driver's side of the vehicle as it began to go in reverse. Officer G then heard gunshots and fearing Subject 1 was shooting either at the officers behind him or shooting towards Officer G, believed she fired three rounds, from a distance of approximately 101 feet. Officer G directed her fire at the driver's door window level where a driver would be seated. As Officer G reassessed, the firing subsided and she heard, "Cease fire!" As the arrest team approached Subject 1's vehicle, Officer G holstered her weapon.

Note: The investigation revealed Officer G fired a total of three rounds.

Officer K had deployed along the driver's door of a stopped vehicle containing Witnesses C and D. Officer K was in the process of giving Subject 2 verbal commands when the OIS occurred. When the shooting stopped, Officer K ordered Subject 2 to exit the vehicle. Sergeant B and Officer I, believing Subject 2 was a hostage, tactically approached Subject 1's vehicle. From a position at Sergeant B's vehicle, both Sergeant B and Officer I provided cover along the passenger side of Subject 1's vehicle as Officer J provided cover along the driver's side.

Subject 2 exited the vehicle via the passenger window and Officer K instructed Subject 2 to walk backwards toward his location. Subject 2 complied and was taken into custody without incident.

Sergeant B, upon observing Subject 2 lean into the vehicle, formed the opinion that a relationship existed between Subject 1 and her. Unaware if additional victims or subjects remained in the vehicle and unsure if Subject 1 required immediate medical attention for his injuries, Sergeant B coordinated with Officers I and J to clear the vehicle. With Subject 2 in custody, Sergeant B and Officer I continued their approach on the passenger side of the vehicle as Officer J continued his on the driver's side.

With the rear window of Subject 1's vehicle no longer present, Sergeant B was able to clear the back seat upon his approach. When he reached the closed front passenger door, Sergeant B began to move around the front passenger compartment of the vehicle, and he observed Subject 1 lying across the front passenger seat looking up at him. Officer J called out, "He's still moving!" Sergeant B, in an effort to see Subject 1's hands, continued his approach and at the same time ordered Subject 1 to remain still. Sergeant B observed a pistol lying loosely under Subject 1's right hand and immediately notified the other officers of his observation.

Officer I moved toward Sergeant B's position and observed Subject 1 had sustained an obvious head wound and was not moving. With Subject 1 still in possession of his pistol, Sergeant B maintained cover from the passenger door as Officer J moved to the rear of the vehicle and supplied cover through the missing rear window. Officer I advised Sergeant B he would holster his weapon and retrieve Subject 1's pistol.

Officer I deployed behind Sergeant B, blocking Officer I's view of Subject 1. As Officer I began to holster his weapon, Sergeant B observed Subject 1 open his eyes a little bit more and become more rigid as he took a pistol grip of the weapon. Sergeant B, fearing that the weapon would be raised in his direction, fired one additional round at Subject 1's center body mass in a downward right to left direction from a distance of approximately five feet. Subject 1 immediately released his grip on the pistol.

Note: The investigation revealed Sergeant B fired a total of four rounds during the course of the entire incident – three rounds during the initial OIS and the one round cited above.

While Sergeant B and Officers L and J provided cover, Officer I, with his own handgun holstered, reached through the front passenger window and recovered Subject 1's pistol from his right hand. Simultaneously, Officer K requested for two Rescue Ambulances (RA) to respond.

Officer I went to the rear of Sergeant B's vehicle, removed the empty extended magazine from Subject 1's empty pistol, locked the slide to the rear and then placed both items atop the trunk.

With Subject 1's weapon in custody, uniformed Sergeants C and D, who were on scene when the OIS occurred, made their approach. Sergeant C had Sergeant B relinquish his position at the passenger side of the vehicle to Officer J. Once relieved, Sergeant B holstered his weapon and was met by Sergeant D, who immediately began to identify and separate officers and verified an RA was enroute.

Sergeant C assembled a separate team of officers, to affect the arrest. The officers approached and relieved Officer J which allowed him to holster his weapon. Additional officers, Officers K and L, approached Subject 1's vehicle and were tasked with handcuffing Subject 1. With cover provided, they removed Subject 1 via the passenger door, laid him face down on the sidewalk and handcuffed him without further incident. Upon arrival, LAFD personnel determined his death at the scene.

Los Angeles City Fire Department personnel attempted to treat Subject 2 for a gunshot wound to the right arm, but she was uncooperative and combative. While being loaded into an RA, Subject 2 began to kick and spit at police and fire personnel. Officers remained present while Subject 2's legs were secured to the gurney. Officers M and N accompanied Subject 2 inside the RA to the hospital as Officers O and P followed.

Note: Prior to being transported, Subject 2 was searched by Officer M who recovered narcotics, money, and a cartridge case from her shoe. The cartridge case was later tested and was determined to have been fired from the subjects' weapon.

Note: During the OIS, Officer L felt a sudden pain to his left shoulder. Once the scene was secure, Officer L realized he was possibly hit by a ricochet. Officer L was observed at the scene by RA personnel and released with no work restrictions.

Detective A reviewed all documents and circumstances surrounding the separation, monitoring, Public Safety Statements (PSS), and admonition of officers not to discuss the incident prior to being interviewed by FID investigators. All protocols were complied with and properly documented.

Two Los Angeles Police Department (LAPD) Investigative Reports for Attempt Murder of a Police Officer were completed, naming Officers A and B as the victims and Subjects 1 and 2 as the subjects.

As a result of Subject 2 repeatedly shooting at officers with a firearm, she was arrested for Attempt Murder of a Police Officer. FID personnel presented a criminal complaint to Los Angeles County (LAC) District Attorney's Office, which filed one count of Murder, one count of Attempt Murder of a Police Officer and one count of Assault on a Peace Officer with a Semiautomatic Firearm.

The LAC District Attorney's Office later filed one additional count of Attempt Murder of a Police Officer, Assault on a Peace Officer with a Semiautomatic Firearm, and Possession of a Firearm by a Felon.

An autopsy was performed by the Los Angeles Department of Coroner, which ascribed the cause of death to multiple gunshot wounds and obtained specimens from Subject 1 for toxicological analysis. The analysis results determined that Subject 1's blood contained Marijuana and Methamphetamine at the time of his death.

A separate gunshot residue analysis revealed that Subject 1 may have discharged a weapon, had his hands in an environment of gunshot residue, and/or received these particles from an environmental source.

The pistol and magazine recovered from the OIS scene were also examined. Two latent prints were developed from the pistol and none from the magazine. The prints were photographed and retained at the Latent Print Unit. The prints were subsequently reviewed, and it was determined there was an insufficient amount of detail to make a comparison.

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

A. Tactics

The BOPC found Sergeant A's tactics to warrant administrative disapproval. The BOPC also found Sergeant B and Officers A, C, D, E, G, I and J's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeants A and B's, in addition to Officers A, C, D, E, G, I and J's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Sergeant A and B's, in addition to Officers A, C, D, E, G, I and J's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Pursuit Procedures/Tactical Communications

During the pursuit, Officer B observed a passenger throw an unknown item out of the front passenger window of Subject 1's vehicle. He communicated this information to his partner, Officer A, but he did not broadcast the presence of a second occupant to Communications Division (CD) or the responding units.

Sergeant A was also aware of the second occupant in the vehicle and did not broadcast the information to CD. Additionally, Air Support officers observed the passenger leaning out of the passenger side window and turned fully toward the officers, but did not broadcast this pertinent information to the ground units.

Although Officer B was responsible for broadcasting the pursuit, it was the BOPC's expectation that any officer or supervisor privy to pertinent information should transmit that information for the situational awareness of other involved personnel as soon as possible.

Based on the totality of the circumstances, the BOPC determined that the officers' actions did not substantially deviate from approved Department tactical training.

2. Pursuits/Paralleling

In addition to the primary pursuing units, several additional units elected to engage in, parallel and monitor the pursuit. These units included Officers I and J, who were in full uniform and driving a marked black and white police vehicle. Sergeant B, in full uniform and driving a marked black and white police vehicle, having heard a supervisor was already with the primary unit, also opted to parallel and monitor the pursuit in the event a perimeter needed to be established.

In evaluating the decision to parallel the pursuit, the BOPC took into consideration that the Department pursuit policy clearly prohibits paralleling. However, due to the risks to the officers and the community associated with the

actions of the occupants of the vehicle, the BOPC determined that in this instance, the officers' and sergeant's actions were reasonable.

As this unique and deadly situation rapidly unfolded, unconventional tactics were necessary to contain and apprehend occupants within a fleeing vehicle that were firing upon officers and the public. A tactical review board thoroughly evaluated the officers' actions and deliberated extensively regarding their actions. Ultimately, the board concluded that this incident was determined to be considered a mobile "officer needs help" call, rather than a more conventional vehicle pursuit. As such, all available units are expected to respond without delay to assist in protecting the lives of citizens and their fellow officers.

The BOPC concurred with this analysis and recommendation, and determined that based on the totality of the circumstances, the actions of paralleling the pursuit and responding to the termination point were reasonable and did not represent a substantial deviation from approved Department tactical training.

3. Command and Control

Sergeant A

In evaluating Sergeant A's actions and his command and control during this incident, the BOPC assessed his actions closely during the vehicle pursuit and command and control at the termination point. Due to the radio frequency activity, it would be reasonable to believe that these broadcasts were simply not captured on the base frequency by CD. Additionally, the BOPC took into account that this incident involved an ongoing chaotic vehicle pursuit of subjects that were shooting from that vehicle, making for management of the pursuit a complex task. It was the BOPC's expectation that during help requests, all available resources assist with the incident to stop the deadly actions and prevent escape, in doing so in a safe manner.

At the termination of the pursuit, Sergeant A discharged his service pistol, rather than providing direction to the subordinate personnel at scene. When asked if it would have been feasible, at any time, for him to assign any of the officers around him to be a designated lethal force officer, Sergeant A responded with his belief that it would have been neglect for him not to get involved and that he had no other choice other than to engage the Subject.

The BOPC was critical of Sergeant A's actions during the pursuit termination. However, the BOPC acknowledged that Sergeant A was involved in an unusual pursuit with ongoing shooting by the subjects from the pursued vehicle, requiring numerous resources during a highly volatile situation.

Additionally, at the scene of the termination of the pursuit, Sergeant A did not provide command and control over the officers who were at the termination or

were responding. Instead, Sergeant A became involved in the OIS from a distance of 101 feet from the subjects. Although Sergeant A expressed concern for the approaching officers around a blind corner, effective command and control could have prevented the officers from rounding the corner and ensured that they remained in a position where they would not be in the line of fire but could have been utilized as an uninvolved arrest/tactical team if required.

In conclusion, after taking into consideration the totality of the circumstances at the termination point, the BOPC found that Sergeant A's actions substantially deviated from approved Department tactical training, without justification, and were not what the BOPC expects from field supervisors during critical incidents such as this, warranting a finding of Administrative Disapproval.

The BOPC also directed that the topic of Command and Control, and expectations of supervisors during critical incidents, be specifically addressed with Sergeant A during the Tactical Debrief.

Sergeant B

The BOPC thoroughly evaluated the actions taken by Sergeant B including becoming involved by maneuvering his vehicle to block Subject 1's vehicle in order prevent his escape, and becoming involved with the arrest team rather than taking an active leadership role to assist with command and control of a chaotic scene.

Regarding blocking in Subject 1's vehicle, Sergeant B indicated he felt the immediate need to block Subject 1 to prevent his escape and prevent any further shooting from Subject 1. He felt at that time that he was the only one to take that position and there was not time to assign anyone else.

Under ideal circumstances, the BOPC would prefer that field supervisors direct officers to initiate the stop of a fleeing felon. But this instance was far from ideal, and Sergeant B did not know that Officer I was going to intentionally collide with Subject 1's vehicle. At the time, Sergeant B and two motor officers were the only officers in close proximity. It would have been unreasonable to ask the motor officers to block the subjects' vehicle. Sergeant B found himself in an unusual predicament which required him to make a split-second decision and block the vehicle.

With that said, Sergeant B did not have sufficient resources in place or time to direct another police unit to block Subject 1's vehicle; consequently he took the actions necessary to ensure the pursuit had come to an end. The BOPC believed based on the circumstances, his actions were well reasoned and commendable.

Regarding his involvement in the initial OIS, Sergeant B ultimately perceived a threat by Subject 1 and became involved in the OIS because he believed he was in a good position to stop the subject's actions.

Here, ordinarily the BOPC would prefer for field supervisors to remain behind the officers in order to maintain a wide perspective of the unfolding events which would enable them to provide effective command and control over the incident, however, specific circumstances compel a supervisor to lead from the front, rather than coordinate from the rear. The BOPC also considered the dynamic nature of these critical incidents, and understood that sometimes supervisors have to involve themselves directly in police action depending on the circumstances, the number of officers on-scene, and the amount of time available to take action.

After considering the totality of the circumstances and the exceptional events which took place, the BOPC found that Sergeant B acted in a manner consistent with expectations of a field supervisor when he became involved in the initial OIS.

Here, based on the totality of the circumstances and his positioning, Sergeant B's decision to approach with the officers was reasonable as calling additional officers over would have unnecessarily required them to leave cover and become exposed to the potential deadly threat still posed by Subject 1. Sergeant B had the presence of mind, based on his experience and training, to identify the threat as requiring immediate attention, and, as such, he chose to become involved.

After taking into consideration the totality of the circumstances, the BOPC found that Sergeant B's actions were consistent with what is expected from field supervisors. The BOPC determined that Sergeant B's actions following the termination of the pursuit met his expectations and did not substantially deviate from approved Department tactical training; therefore, a Tactical Debrief would be the preferred forum to discuss this incident.

In conclusion, the BOPC will direct that the topic of Command and Control, and the expectations of supervisors during critical incidents, be specifically addressed with Sergeant B during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Tactical Communications

Upon initiating the vehicle pursuit and being fired upon, Officer B broadcast shots fired along with a request for a back-up. Due to the nature of the incident, and although CD appropriately upgraded the request to a help call, the officers would benefit from discussion pertaining to back-up versus help requests. Additionally, Officer B appropriately broadcast their location, direction of travel and requested

an air unit; however, he did not state that the officers were in pursuit. As with the back-up request, CD appropriately simulcast that the officers were in pursuit.

2. Code-Three Response

Officers K and L ran stop signs while responding to the help call without the use of their sirens. They are reminded that traveling "Code-Three" requires both lights and sirens for proper exemption from the rules of the road and vehicle code.

3. Responding to the Termination of Vehicle Pursuits

In this instance, there were several personnel which responded to the termination of the pursuit. Although this pursuit was unique, in order to ensure the appropriate response to the termination of pursuits is understood, the BOPC directed that this topic be discussed during the Tactical Debrief.

4. Handling of Weapons

The investigation revealed that during the pursuit, Officer B maintained possession of his service pistol while seated in the passenger seat of his police vehicle, holding it to the side of his right thigh with his finger along the frame. Officer B is reminded that the likelihood of an Unintentional Discharge is increased while maintaining the service pistol in an unholstered manner when inside of a moving vehicle, as he was performing multiple tasks including communications with CD.

5. Basic Firearms Safety Rules

Officers A, C, D, E and G were all involved in an OIS without the benefit of seeing their target. Each officer indicated that they were addressing a deadly threat. However, the officers are reminded of the Basic Firearms Safety rule of "Be sure of your target," to ensure accuracy of all rounds fired.

6. Shooting at/from Moving Vehicles

Officer G referred to the threat represented by the vehicle as it moved rearward toward the officers at the termination of the pursuit. Although Officer G did not indicate that she fired solely due to this threat, all involved officers would benefit from a discussion regarding this topic.

7. Shotgun

The maximum effective range of the particular shotgun utilized by Officer E is 75 feet; Officer E was 94 feet away from his intended target. Although the shotgun

is capable of firing at much longer distances, Officer E is reminded that target accuracy is increased while remaining within the maximum effective range.

8. Preservation of Evidence

Officer I recovered Subject 1's handgun, unloaded it, and secured it atop the trunk of Sergeant B's vehicle. Because weapon systems are considered evidence and will be examined by investigative personnel, officers are reminded not to unnecessarily manipulate or unload weapons following an OIS. The Bureau Commanding Officer discussed this issue with Officer I at the bureau level. The BOPC determined this action appropriate and deem no further action is required.

Also, following the OIS, Sergeant B conducted a tactical reload. Sergeant B is reminded that officers are to maintain weapons systems in the condition upon termination of the OIS incident to ensure evidence preservation.

9. The BOPC was concerned that Officer D confirmed he did not assess while firing a total of 16 continuous rounds from his service pistol. Furthermore, Officer D believed the 16 rounds were an appropriate amount in order to stop the deadly threat. Under Department policy, *"Every officer is held accountable for every shot fired. Every officer must be able to articulate the necessity for firing each and every shot."* It was clear that Officer D did not assess during his sequence of fire and it is the BOPC's expectation that he had assessed throughout his sequence of fire.

Additionally, the BOPC noted that Officer E may not have assessed when he fired a total of six shotgun rounds. He believed he assessed one time, but it happened very quickly. And he was surprised he was out of ammunition. After firing the six shotgun rounds, Officer E looked in the area of the vehicle, believed he heard shots still being fired and loaded his shotgun with slug rounds. However, after reloading his shotgun, Officer E observed other officers moving toward Subject 1's vehicle and opted not to fire additional rounds.

To enhance the officers' future tactical and firearms performance, the BOPC directed that Officers D and E attend additional firearms training, wherein the specific topic of assessment of rounds fired be discussed, demonstrated and practiced.

The BOPC also directed the requirement to articulate the necessity for every shot fired be a topic of discussion during the Tactical Debrief.

- 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.

After a thorough review of the incident, the BOPC determined that the identified areas for improvement regarding involved officers neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

The BOPC directed that Sergeants A and B, along with Officers A, B, C, D, E, G, I and J attend a Tactical Debrief and that the specific identified topics are covered.

B. Drawing/Exhibiting

- In this instance, officers initiated a traffic stop and were immediately fired upon from the occupants of the vehicle. During the course of the pursuit, traffic forced Subject 1 to stop his vehicle. As Officers A and B exited their vehicle they prepared for a possible armed confrontation, and drew their service pistols.

Officer A felt based on the tactical situation that the situation was going to arise to the use of deadly force. He also believed Subject 1 was going to charge towards the officers.

Officer B felt a danger to his and his partner's lives and that it would be prudent for the officers to take a tactically advantageous position. He held his weapon at his side at his right thigh with his finger on the slide.

The traffic cleared, and Subject 1 continued driving, thereby prompting Officer A to holster his service pistol, return to his police vehicle and re-engage in the pursuit. Officer B opted to keep his service pistol drawn during the entire pursuit, with the exception of a short period of time when the officers were driving over speed bumps.

Subject 1 failed to stop, and the pursuit continued, during which officers were repeatedly fired upon by an occupant from within the fleeing vehicle. Subject 1 was ultimately stopped when a black and white police vehicle intentionally collided with Subject 1's vehicle, stopping the deadly threat. Believing the incident had risen to a lethal force situation, Sergeants A and B, along with Officers A, B, C, D, G, I and J drew their service pistols, and Officer E exhibited his shotgun.

Officer I indicated he unholstered his weapon because he knew the Subject was shooting at officers.

Officer J drew his weapon because Subject 1 had already been firing at officers, and he believed that the situation could escalate to deadly force.

Sergeant B drew his weapon to defend himself. He had listened to the radio broadcasts, and he knew that five separate times during the pursuit the officers were taking rounds from the vehicle. Based on the threat of violence towards the officers, Sergeant B knew he needed to protect himself.

Upon exiting the vehicle, Officer A knew immediately he needed to draw his weapon because he felt that the tactical situation was going to rise to the use of deadly force.

Officer B holstered upon approaching speed bumps, but drew his service pistol again at the termination of the pursuit because the individual was shooting at the officers; it was a life threatening situation for the safety of himself and his partner.

Officer C indicated he exited his vehicle and drew his weapon because he believed that the tactical situation had escalated to the point where deadly force may be justified due to the fact that the subject was firing rounds from his vehicle.

Officer D unholstered his weapon because during the pursuit there had already been rounds fired. He knew it could be a situation where lethal force could have been used.

Officer E indicated that during the pursuit, the officers heard shots being fired. The officers were broadcasting shots fired at the police car, so when he got out of the car he knew that he was going to be approaching the vehicle closely.

Sergeant A indicated that he drew his weapon because the Subject had been firing at the officers the whole time. Once he collided with the wall, he could still see movement, as well as the Subject holding a gun, so he believed the Subject was going to continue shooting at the other officers or the primary unit. Sergeant A stated he feared for his life.

Officer G unholstered based on the fact that there was an armed subject shooting at officers.

In evaluating the actions of the involved personnel, the BOPC took into consideration that they were aware that Subject 1 had fired upon officers and possibly upon citizens during the pursuit. Additionally, due to the inherent dangers associated with conducting high risk vehicle stops and the tactical advantage possessed by the subject, officers are trained to draw/exhibit their firearms in order to be prepared to respond to a potential deadly force situation.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeants A and B, along with Officers A, B, C, D, E, G, I and J, while faced with similar circumstances would reasonably believe there

was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeants A and B, along with Officers A, B, C, D, E, G, I, and J's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

In this instance, occupants from inside the vehicle, Subjects 1 and/or 2, repeatedly fired from their moving vehicle as they fled from pursuing officers. Subject 1's escape attempt was thwarted when Officer I intentionally collided into Subject 1's vehicle with his vehicle, causing it to partially spin and collide with a tree adjacent to a cinderblock wall, thus terminating the pursuit. Sergeant B blocked Subject 1's vehicle from behind to prevent him from continuing to flee.

- **Officer I** (police vehicle and pistol, seven rounds)

In this instance Officer I was responding to the help call and heard numerous broadcasts that the officers were taking rounds during the pursuit. He responded to the area for a possible perimeter when the pursuit terminated. Officer I and his partner, Officer J, were forming a tactical plan when the air unit advised them of the approaching pursuit. Officer I decided to intentionally collide with Subject 1's vehicle.

Officer I saw the subject's vehicle, a silver sedan, make a left turn towards the officers' direction. And at that point because of the subject shooting at officers, he feared that the subject was going to continue shooting. Officer I made a quick decision as to what he was going to do. He didn't want himself, his partner, or the officers behind him getting shot when the Subject was driving by. Officer I made a decision to immobilize the vehicle. He accelerated and broadsided the vehicle.

Officer I was privy to the numerous broadcasts wherein Officer B not only requested help, but repeatedly broadcast that occupants within the pursued vehicle were firing upon them. The BOPC conducted a thorough review and analysis of Officer I's actions throughout this incident. The BOPC recognized that ramming (intentionally colliding) an armed subject's vehicle is extremely hazardous, however, in this instance Officer I clearly recognized the danger posed to the public and officers by the fleeing felon, and if allowed to continue would place persons in imminent danger of serious bodily injury or death. By ramming Subject 1's vehicle, Officer I denied Subject 1 the liberty to continue fleeing and potentially causing injury to innocent persons.

An officer with similar training and experience as Officer I would reasonably believe the occupants within Subject 1's vehicle posed an imminent threat of death or serious bodily injury. They would also believe that unless immediate action was taken to stop the vehicle, the threat would continue and additional persons could be placed in jeopardy. Therefore, said officer would believe that the use of a police

vehicle as a form of lethal force in order to stop Subject 1's actions would be a reasonable option.

Therefore, the BOPC found Officer I's lethal use of force to be in policy.

Additionally, at the termination of the pursuit, Officer I observed Subject 1 holding Subject 2 by the neck with a gun pointed at her head. Officer I manually cocked his service pistol, aimed at Subject 1's head, and fired one round. Subject 1 moved away from Subject 2, but then moved back toward her. Officer I believed he fired three additional rounds to stop Subject 1's deadly threat against Subject 2.

Officer I made the decision to fire because he could see Subject 1 facing the officers with a gun in his hand. He was either choking a female or grabbing her by the neck in a headlock. The gun was pointed at her head and Subject 1 was moving around trying to use her as a shield. At that point Officer I feared that Subject 1 was going to kill the female or kill one of the officers. As soon as he saw the subject turn in his direction, Officer I had a clear view of the subject's head area, and he took one shot, followed by three or four additional shots.

Based on the information Officer I had at the moment he made the decision to manually cock his service pistol, he believed a precision shot was necessary to protect Subject 2. The BOPC found that Officer I's actions met Department policy.

An officer with similar training and experience as Officer I would reasonably believe that Subject 1's actions of pointing a handgun at Subject 2's head represented an imminent threat of death or serious bodily injury, and that the use of lethal force would be a reasonable option.

In conclusion, the BOPC found Officer I's lethal use of force to be in policy.

Officer J (pistol, four rounds)

After Officer I intentionally collided with Subject 1's vehicle, Officer J exited the police vehicle and sought cover behind Sergeant's B's driver's side door. As Officer J ordered Subject 1 to put his hands up, he observed Subject 1 grab Subject 2 with his left hand and point a handgun at her head. Officer J yelled out, "He's taking a hostage." Officer J aimed at Subject 1's chest area and fired.

Officer J believed that Subject 1 was going to shoot Subject 2. He heard a gunshot and believed the Subject had shot the female, so he fired two rounds, assessed, and then fired another two rounds. Officer J wanted to stop Subject 1 from shooting again and/or him or his partners.

An officer with similar training and experience as Officer J would reasonably believe that Subject 1's actions of pointing a handgun at Subject 2's head presented an

imminent threat of death or serious bodily injury, and that the use of lethal force would be a reasonable option.

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

Sergeant B (pistol, four rounds)

Sergeant B took a position of cover behind the trunk of his vehicle which he stopped directly behind Subject 1's vehicle to prevent his escape. Sergeant B observed Subject 1 holding a handgun to Subject 2's head. Sergeant B yelled, "Hostage," to notify the other officers of the situation. Subject 1 ignored the unknown officer's commands to drop his handgun. Sergeant B aimed at Subject 1's head and upper torso and fired approximately four rounds at Subject 1 to stop his actions, then heard additional gunfire from the other officers surrounding him.

Sergeant B recalled that the officers had a hostage situation. Commands were given to the driver to "drop the gun," but were not adhered to. Sergeant B fired approximately four rounds from his position.

Sergeant B observed Subject 1 move downward into a slumped position. Sergeant B then approached the vehicle to clear it along with Officers I and J. Subject 1's eyes were still open and his head was moving slowly back and forth. Sergeant B observed Subject 1's hand initially open loosely over the handgun, and then tightened his grip on the handgun.

Sergeant B indicated that Subject 1's body was still moving. He saw Subject 1's hands grasping the weapon, so he fired one additional round at Subject 1. Sergeant B indicated he was fearful that Subject 1 was re-arming himself. Sergeant B believed Subject 1 was a threat to him and his search team.

A sergeant with similar training and experience as Sergeant B would reasonably believe that Subject 1's actions of pointing a handgun at Subject 2's head presented an imminent threat of death or serious bodily injury, and that the use of lethal force would be reasonable. Additionally, a sergeant with similar training and experience as Sergeant B would reasonably believe that Subject 1's actions of reacquiring a grip on his handgun after he had been ordered to remain still would conclude that Subject 1 continued to present an imminent threat of death or serious bodily injury, and that lethal force would be reasonable.

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

Officer A (pistol, seven rounds)

Officer A believed that Subject 1 fired over 10 rounds at him during the pursuit and was the sole occupant in the vehicle. At the termination of the pursuit Officer A observed muzzle flash coming from inside the vehicle behind the deployed airbag curtain.

Officer A heard shots and saw a quick muzzle flash, so he shot directly in the direction of an airbag, firing seven rounds at Subject 1, to stop Subject 1's actions.

An officer with similar training and experience as Officer A while faced with similar circumstances would reasonably believe that Subject 1 was armed and shooting at the officers, resulting in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force would be reasonable.

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

Officer C (pistol, four rounds)

Officer C, while at a position of cover behind Officer I's passenger side vehicle door, was unable to see Subject 1 and was not aware that a passenger was in the vehicle. Officer C heard gunshots and saw muzzle flash emanating from the rear window of Subject 1's vehicle. Believing that their lives were in danger, Officer C aimed his service pistol where he believed Subject 1 was located and fired four rounds at the muzzle flash to stop Subject 1's actions.

Officer C believed that the subject was firing rounds from his vehicle based upon what he saw and heard and the totality of the circumstance based upon the rounds that were being fired from the subject's vehicle initially as well. Officer C feared for the officers' lives that were directly behind the vehicle as well as his own life. Officer C decided to take action by firing rounds into the vehicle where he believed Subject 1 was located.

An officer with similar training and experience as Officer C while faced with similar circumstances would reasonably believe that an occupant of the vehicle was armed and shooting at the officers and that those actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the subject's actions would be reasonable.

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

Officer D (pistol, 16 rounds)

As Officer D was third in the pursuit with Officer C, he heard shots fired and projectiles whizzing by. He briefly lost sight of Subject 1's vehicle as it turned down a street, when he heard a collision. Officer D exited the police vehicle and sought cover behind Officer A's passenger door. As officers provided commands to Subjects 1 and 2, Officer D heard gunshots and saw two to three muzzle flashes coming from the direction of Subject 1's vehicle.

Officer D fired from where the muzzle flash was coming from. He fired 16 rounds because he thought that was the appropriate number of rounds to stop the threat from harming the other officers as well as himself. His fear was that the subject firing rounds at the officers could possibly turn and fire towards him as well.

An officer with similar training and experience as Officer D while faced with similar circumstances would reasonably believe that an occupant of the vehicle was armed and shooting at the officers and that those actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the subject's actions would be reasonable.

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

Note: Officer D elected to rapidly and continuously fire all 16 rounds from his service pistol without assessing between rounds.

The BOPC considered the number of rounds fired by Officer D, which was three times more than the average of the other officers involved in the OIS. Although Officer D articulated an objectively reasonable circumstance that influenced his decision to fire, the BOPC evaluated the total number of rounds fired by Officer D. Officers are trained to shoot only as fast as possible while maintaining accuracy, however in this incident, Officer D had an articulable deadly threat and addressed that threat in an objectively reasonable manner, within Department policy. However, in an effort to enhance future tactical performance, the BOPC directed that the topic of fire control be discussed during the Tactical Debrief.

Officer E – (shotgun, six rounds)

Officer E, armed with a shotgun, could not see Subject 1 and was unaware of Subject 2's presence. He heard gunshots and observed a single muzzle flash from inside Subject 1's vehicle. Officer E aimed at the driver's door, window level and fired six rounds toward Subject 1.

Officer E heard gunfire coming from inside the vehicle. He saw officers deploy directly behind the car after it crashed. He also saw what he believed to be a flash coming from inside the car, so he fired into the car. The individual had been

shooting at the police cars during the pursuit, so Officer E felt as though the officers were in danger because they were basically in the Subject's line of sight.

An officer with similar training and experience as Officer E while faced with similar circumstances would reasonably believe that an occupant inside the vehicle was armed and shooting at the officers and that those actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the subject's actions would be reasonable.

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

Sergeant A (pistol, five rounds)

Note: During the pursuit, Sergeant A was aware that there were two occupants within Subject 1's vehicle.

At the termination of the pursuit Sergeant A observed the airbag curtain moving and observed a handgun protruding from within the vehicle. Sergeant A aimed and fired two rounds above the driver's side door, where he believed Subject 1 was located. As Sergeant A reassessed, he observed Subject 1 appearing to attempt to exit the vehicle. Sergeant A adjusted his aim slightly lower through the door where he believed Subject 1 was located, in a conscious effort to avoid striking Subject 2 with gunfire and fired two more rounds. Sergeant A saw continued movement in the vehicle and fired one final round at the driver's door.

Sergeant A saw a gun up in the air. Knowing that Subject 1 had already fired, Sergeant A shot two rounds above the door and then reassessed. Upon observing the same behavior from the subjects, Sergeant A fired two more rounds. He observed the subject put the car in reverse and continued to see movement in the car, so he fired one last round towards the door of the vehicle.

A sergeant with similar training and experience as Sergeant A while faced with similar circumstances would reasonably believe that the occupants' actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the subject(s)' actions would be reasonable.

The BOPC examined Sergeant A's decision to fire his final round to prevent the subjects' escape. Knowing that the subjects have continually discharged their firearm at the officers throughout the entire incident, coupled with seeing Subject 1's continual movement within his vehicle while holding his firearm, Sergeant A feared Subject 1 was attempting to exit his vehicle. The actions of the subjects resulted in a vehicle pursuit, as well as the subjects' continual deadly threat to the officers; therefore, the BOPC found Sergeant A's use of lethal force to be objectively reasonable as he complied with the Department use of force policy.

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

Officer G (pistol, 3 rounds)

Officer G did not see Subject 1 and was unaware of the passenger. As she sought cover at the police vehicle next to Sergeant A, she observed what appeared to be the reverse lights illuminate and the vehicle move backwards. Officer G also saw movement in the driver's seat and heard gunshots emanating from inside the vehicle and fired three rounds into the driver's side of the vehicle to stop Subject 1's actions.

Officer G observed a subject in the vehicle driving and shooting at the officers or shooting out the window. Officer G tried to prevent the subject from shooting any further at fellow officers, herself or any bystanders. Officer G fired approximately three rounds into the driver side of the subject vehicle.

An officer with similar training and experience as Officer G while faced with similar circumstances would reasonably believe that an occupant inside the vehicle was armed and shooting at the officers and that those actions resulted in an imminent threat of death or serious bodily injury. Therefore, the use of lethal force in order to stop the subjects' actions would be reasonable.

In conclusion, the BOPC found Officer G's lethal use of force to be in policy.