

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

OFFICER-INVOLVED SHOOTING – 007-18

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

North Hollywood 1/26/18

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

Officer A 21 years, 11 months

Reason for Police Contact

Officers attempted to conduct a traffic stop but the vehicle fled from the officers. A vehicle pursuit ensued, followed by a foot pursuit when the driver exited the vehicle and continued fleeing. At one point during the foot pursuit, the driver produced a semi-automatic handgun and pointed it at the officers, resulting in an officer-involved shooting (OIS).

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

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

Because the Department is currently legally prohibited from 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 December 18, 2018.

Incident Summary

Officers A and B observed a white sedan that had an inoperable headlight exit a motel. Officer A knew the motel had been a location with stolen vehicle activity in the past and had made numerous arrests in the area. As Officer A maneuvered the police vehicle to initiate a traffic stop, the driver of the sedan, the Subject, accelerated his vehicle to flee from the officers. The officers could see through the windows, and it was discernable that there was only one occupant in the vehicle. According to Officer A, he formed the belief that the vehicle was stolen, advised Officer B of that information, and initiated a vehicle pursuit.¹

Officer A indicated that he had made several stolen vehicle arrests and recovered numerous stolen vehicles in the area of the motel. He further based his belief that the vehicle was stolen on his experience that vehicle theft suspects often frequented the motel and that these types of vehicles had a high rate of vehicle thefts.

Officer B broadcast over the radio that they were following a possible stolen vehicle and requested backup, an Air Unit, and supervisor. He then updated the broadcast to say the officers were in pursuit along with their direction of travel.

Two additional officers responded to the broadcast and assumed the role of the secondary unit in the pursuit. Sergeant A entered the pursuit and assumed the role of Incident Commander (IC).

As the pursuit continued, Officer A indicated he observed the Subject's vehicle brake and proceed along a different street with the officers approximately three to five seconds behind. Officer B knew the vehicle had turned but was unaware on which street because they were one to two signals away from where the Subject made the turn. However, the officers were directed to the correct street by a group of citizens who were standing on the corner.

The street the Subject turned on was in an industrial area and ended in a cul-de-sac. According to Officer A, he observed the vehicle's brake lights illuminate, the driver's door open, and the Subject run into a driveway. The vehicle continued moving and came to rest against some debris at the far curb of the cul-de-sac.

Officer B indicated that as they proceeded up the street, he observed that the vehicle had crashed at the end of the cul-de-sac but did not see the Subject exit the vehicle. Officers A and B communicated their observations to one another that the Subject was no longer in the vehicle and was fleeing.

As the officers drove toward the Subject's vehicle, Officer B could not remember whether the driver's side door was open, but he did not see anyone inside. The police

¹ A vehicle inspection determined the left, front headlight was inoperable, and the vehicle proved to be an unreported stolen vehicle.

vehicle stopped approximately six seconds after the officers engaged in dialog regarding the Subject's whereabouts. There was no communication captured on either officer's BWV regarding clearing of the Subject's vehicle at the time they approached or when Officer B exited the police vehicle.

Officer A indicated he intended to utilize the police vehicle as cover and illuminate the area with the headlights. However, the Subject reappeared from the driveway, presumably because the driveway was confined on one side by a 20-foot metal gate, and ran toward another driveway. Officer B indicated this was when he first observed the Subject. Officer B was still seated in the police vehicle and did not observe the Subject in possession of a weapon. Officer B added that he saw the Subject for only a "split second" because Officer A was still in the police vehicle which obstructed his view.

As Officer B began to pursue the Subject down a nearby frontage road, he observed the Subject running in what he described as a turned, bladed position with an extended right arm, pointing a dark handgun in his direction. This caused him to draw his service pistol that he held in a two-handed position, with his finger along the frame, as he moved to his left to utilize cover.

A security camera affixed to the wall of the frontage road captured the Subject as he looked back over his right shoulder with a raised right arm held at shoulder level and pointed the firearm in the officers' direction.

According to Officer B, he felt his life was in danger and immediately went to cover while drawing his firearm.

Officer B's BWV captured him drawing his service pistol as he moved across the apron of the road to a position of cover at the corner of the building. He could be heard directing the Subject to "Drop it!"

Officer B maintained his position of cover until he observed his partner enter the road. At that point he advised his partner that the Subject was in possession of a firearm. Officer B's BWV established that he remained at this position of cover for approximately three seconds before he proceeded forward and yelled, "He's got a gun!" to alert his partner.

According to Officer A, he initially intended to put the police vehicle in reverse to follow the Subject but exited and ran toward the road to support his partner in the foot pursuit. His assertion that he intended to drive in reverse was supported by his movements captured on his BWV. Officer A indicated that he heard a "pop" when he was between the police vehicle and the apron of the road and believed it was a gunshot.

Neither of the officers' BWV captured a discernable sound consistent with a gunshot at this juncture of the incident.

Immediately thereafter, Officer A heard his partner yell, "He's got a gun!" Simultaneously, Officer A unholstered his service pistol and, as depicted in his BWV, held it in his right hand as he continued to run.

According to Officer A, he felt the incident would become deadly or that great serious injury could result.

As Officer A entered the frontage road, Officer B left his position of cover and moved forward along the far side of the drive, parallel to Officer A. Meanwhile, the Subject proceeded to run toward the end of the road. Shortly after Officer A entered the road, his BWV depicted the Subject near the corner of the road where a seven-foot cinder block wall separated the road from the adjacent property. Officer A described that the Subject was running with his left shoulder bladed back toward the officers, his handgun in his right hand, held in front of his chest with the handgun pointed toward the officers.

Officer A stopped, obtained a two-handed shooting stance, and fired four rounds from an approximate distance of 172 feet.

According to Officer A, once he heard the pop, heard his partner yell out that the Subject had a gun, and observed the Subject turn toward him to try to determine his location, Officer A fired to protect himself and his partner from death or great bodily injury.

Based on surveillance video, Officer A appeared to fire his rounds as the Subject was climbing the cinder block wall.

According to Officer B, he saw Officer A in his peripheral view as he heard gunfire and knew that it was Officer A who had fired.

The rounds did not appear to have any effect on the Subject as he continued to flee and climbed over the cinder block wall into the adjacent property. Officers A and B continued toward the end of the road for 5 seconds (approximately 15 steps) before turning around. As Officers A and B moved forward, two audible gun shots could be heard on their BWV.

Officer A then broadcast, "Shots fired." Officers A and B did not pursue the Subject over the fence and began to redeploy back toward their police vehicle. According to Officer A, he did not continue to pursue the Subject because he was armed and based on his training, Officer A believed the officers should set up a perimeter and not continue to chase a person with a gun.

Meanwhile, the secondary unit approached and observed the Subject running from the cul-de-sac and Officers A and B running toward the road. The officers stopped their vehicle a short distance from the primary vehicle. As they exited their vehicle, their BWVs captured the sound of four gunshots, then an approximate five-second pause, followed by two additional gunshots. As the officers ran toward the road, Sergeant A

drove past them and stopped his vehicle at the apron of the road. Simultaneously, the secondary unit officers arrived at the drive.

One of the officers attempted to broadcast “shots fired” and a help call. While this broadcast was audible on his BWV, it was not captured on the radio frequency.

Sergeant A parked in the street in front of the drive and broadcast the foot pursuit direction as well as directed a perimeter to be set up.

As Officers A and B redeployed, Officer A advised arriving officers that the Subject fled over the wall and directed the officers to establish a containment perimeter.

The secondary unit ran back to their police vehicle to move and take a position on the perimeter. Officers A and B took positions near their vehicle to maintain the perimeter. Officer A then broadcast a physical description of the Subject, also indicating that he shot at officers with a semi-automatic weapon.

According to Officer A, he and another officer had broadcast “shots fired, officer needs help,” and he believed that Sergeant A was aware that an OIS had occurred. Officer A further stated he believed the situation was still tactical as they were holding a position on the perimeter and assumed that was why Sergeant A did not initiate separation or obtain a Public Safety Statement (PSS).

Officer A directed Officer B to a position of cover behind their police vehicle passenger door to illuminate and monitor the driveway next to the road where the Subject had fled. Officer A then conducted a tactical reload before he holstered his service pistol, walked to Sergeant A’s vehicle and illuminated the area where the Subject climbed the cinder block wall.²

Sergeant A directed Officer A to clear the trunk of the Subject’s vehicle to verify there were no additional individuals in the vehicle. Officer A unholstered his service pistol, and held it in a low-ready position as he approached. Officer A utilized the tactical light attached to his pistol to illuminate the interior of the vehicle. As Officer A pulled the trunk release handle, Sergeant A unholstered his service pistol and held it in a low-ready position pointed toward the trunk of the vehicle. Once the trunk lid was open, Sergeant A verified the trunk was empty and holstered his pistol. Officer A then holstered his pistol and returned to Officer B’s position at their police vehicle.

According to Sergeant A, he neither heard rounds fired nor the initial broadcast that shots had been fired. He further stated that sometime later he heard over his radio that shots had been fired at the officers. According to Sergeant A, he did not inquire with the officers as to the details of the shooting at that time because the incident was still tactical and he was focused on setting up perimeter containment.

² A Tactical Reload consists of the removal of the magazine from the service pistol, securing it and replacing it with a fully loaded magazine. The purpose is to maintain the full round capacity of the pistol.

Sergeant A continued to focus on setting up the perimeter as he broadcast a request for units to respond two blocks away from their location. Sergeant A then walked down the block to hold a perimeter position at the nearest intersection.

Meanwhile, as Officers A and B held their position on the perimeter, Officer A discussed the OIS incident with Officer B. The conversation was captured on their BWV cameras.

According to Officer A, he was in "training mode" and was advising Officer B of the post-OIS process and of relevant Department protocols.

A second supervisor from an outside division arrived and relieved Sergeant A of his perimeter position. Sergeant A returned to Officers A and B's location and confirmed with them their belief that the Subject had fired shots at them. It was at that time that Officer A advised Sergeant A he was involved in an OIS.

From the point of Sergeant A's first contact with Officer A at scene, nine minutes and four seconds elapsed before Officer A advised Sergeant A that an OIS had occurred.

According to Sergeant A, he did not immediately separate the officers because the incident was an ongoing tactical situation. Once the perimeter containment was established, he directed Officers A and B to shut off their BWV and separated them.

Sergeant A directed Officer B to remain on his perimeter position and obtained an independent Public Safety Statement (PSS) from Officer A, then admonished him. Sergeant A then directed Officer A to relieve Officer B and obtained a PSS from Officer B, then admonished him.

Sergeant A directed Officer A to hold his perimeter position and directed Officer B to accompany him to his perimeter position covering a second area.

Sergeant A observed that a patrol unit had arrived at the nearby intersection to relieve the other supervisor from the perimeter. At that time, Sergeant A directed Officer A to assume a position to monitor the area at the end of the cul-de-sac while he drove Officer B to that supervisor.

According to Sergeant A, although Officer A was momentarily alone at his perimeter location, line-of-sight was maintained from the perimeter position down the street.

Sergeant A notified the Area Watch Commander there had been an OIS and directed the second supervisor to respond to Officer A's location to monitor him. He did so and together they assumed the perimeter position. Sergeant A and Officer B then returned and held another position on the perimeter.

Meanwhile, a tactical channel was designated for the tactical operation and a Command Post (CP) was established. Another supervisor responded to the CP and assumed the role of IC.

While positioned at a different location on the perimeter, officers observed the Subject texting on a cellular telephone while walking down the sidewalk. One of the officers broadcast that they were contacting the Subject. The officers held their firearms in low-ready positions as they directed the Subject to get down on the sidewalk into a prone position. The Subject complied and placed himself on the ground. Simultaneously, two other officers saw what was happening and ran to assist with the detention. One of the responding officers holstered his service pistol and retrieved his handcuffs. He approached the Subject's right side and took a firm grip of his right wrist. As the officer knelt, he braced his right knee against the Subject's right shoulder and placed a cuff on the Subject's right wrist. The officer maintained control of the handcuffs and the Subject's right wrist, as he took a firm grip of the Subject's left wrist with his left hand and guided the wrist behind the Subject's back, where he completed handcuffing. The officer then assisted the Subject to a standing position and conducted a pat-down search for weapons. No weapons were located on the Subject's person.

The officers' BWV cameras documented that the Subject's hands were dirty, and there were visible abrasions and minor cuts on his hands. The officers also observed that the Subject had dust and debris as well as plant debris on his person and clothing.

The officers broadcast that they had detained the Subject and requested the response of the primary unit for a field show-up. One officer remained at the police vehicle guarding the Subject while awaiting the field show-up as his partner held a position monitoring the perimeter.

Officer A was transported by a supervisor to the perimeter where the Subject was located and a field show-up was conducted. Officer A positively identified the Subject as the driver of the stolen vehicle and the person who had fired rounds at him and his partner.

In the meantime, one of the officers who had detained the Subject conducted a search of the area where he was seen walking just prior to his detention. In a nearby planter bed, the officer found a semi-automatic pistol. According to the officer, the gun was located approximately five feet from the area where he initially observed the Subject walking. The officer notified the CP that he had located a handgun and stood guard over it.

While in the police vehicle, the Subject had maneuvered his handcuffed hands from behind his back to a position in front of his body. The officers removed him from the vehicle to reposition the handcuffs behind his back, and to prevent him from repeating the action they applied a Hobble Restraint Device (HRD) to his legs. He was then returned to the police vehicle and later transported to the station.

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 Sergeant A and Officer B's tactics to warrant a finding of Tactical Debrief. The BOPC found Officer A's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A's use of lethal force to be in policy.

Basis for Findings

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

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

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

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

Law enforcement officers are authorized to use deadly force to:

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

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

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

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

A. Tactics

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

1. Tactical Communication/Planning

Officers A and B did not effectively communicate and formulate a tactical plan at the termination of the vehicle pursuit.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, the BOPC took into consideration that this was a rapidly unfolding situation and understood that officers are often forced to make split second decisions under extremely stressful situations. However, considering that Officer B was a probationary officer with less than four months of field time and this was the first time the officers were working together, the BOPC would have preferred that the officers had a lengthier discussion on tactics, including post-pursuit tactics and foot pursuits. The officers were reminded of the importance of tactical planning and communication before, during, and after any incident.

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

2. Tactical Vehicle Deployment

Officer A stopped the police vehicle adjacent to the Subject's vehicle at the termination of the pursuit.

The positioning of a police vehicle is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officers A and B pursued the vehicle for over five minutes. During this time, Officer A and his partner both observed that the vehicle did not have any tint on the windows and that the Subject was the only occupant of the vehicle.

At the termination of the vehicle pursuit, Officer A was faced with a rapidly unfolding tactical situation and was focused on the actions of the fleeing Subject. Although Officer A had a reasonable belief that there were no other occupants in the vehicle, the BOPC would have preferred that he had stopped his vehicle behind the Subject's vehicle. Positioning his vehicle further back would have given him and his partner additional time and distance to assess the rapidly unfolding tactical situation.

Based on the totality of the circumstances, the BOPC determined that the positioning of the vehicle was a substantial deviation, with justification, from approved Department tactical training.

3. Running Past an Unsearched Vehicle

Officers A and B ran past an unsearched vehicle at the termination of a vehicle pursuit.

Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety by their ability to recognize an unsafe situation and then work collectively to ensure a successful resolution.

In this case, Officers A and B pursued the vehicle for over five minutes. During this time, Officer A and his partner both observed that the vehicle did not have any tint on the windows and that the Subject was the only occupant of the vehicle.

Additionally, according to Officer B, when the officers pulled up and stopped adjacent to the Subject's vehicle, he looked inside and did not observe anyone in the vehicle.

The BOPC noted that at the termination of the vehicle pursuit, the officers were faced with a rapidly unfolding tactical situation and were focused on the actions of the fleeing Subject. The officers made the decision to go in foot pursuit, without tactically clearing the Subject's vehicle, based upon their reasonable belief that the vehicle was not occupied.

Based upon the totality of the circumstances, the BOPC determined that Officers A and B's actions were a substantial deviation, with justification, from approved Department tactical training.

4. Pursuing Armed Suspects/Utilization of Cover (Substantial Deviation – Officer A)

Officer A did not utilize available cover as he engaged in a foot pursuit of an armed suspect.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed suspect.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

The utilization of cover enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options.

In this case, as Officer A exited his police vehicle and ran towards the mouth of the driveway, he heard what he believed to be a gunshot. He then heard his partner, who had assumed a position of cover behind the corner of a building, yell out that the Subject was armed with a handgun. Officer A continued to engage in a foot pursuit of the Subject, while in apprehension mode, and ran past the corner of the building and into the driveway. Consequently, when the Subject pointed a handgun in his direction, Officer A was forced to engage the Subject without the benefit of cover.

Additionally, after the OIS, Officer A ran down the middle of the driveway toward the Subject's last known location. During this time, Officer A ran past a metal trash dumpster located along the side of the driveway.

The BOPC noted that Officer A engaged in a foot pursuit of an armed suspect in apprehension mode and did not attempt to utilize available cover. Officer A's decision to pursue an armed suspect without using available cover was unreasonable and placed him at a distinct tactical disadvantage. Officer A's actions unnecessarily endangered his safety and occurred without sufficient articulable facts to support that his actions were reasonable under the circumstances.

In this specific circumstance, once it was determined that the Subject was armed, it would have been tactically prudent for Officer A to have assumed a position of cover, opposite his partner, and then transition into containment mode and begin establishing perimeter containment.

Based upon the totality of the circumstances, the BOPC determined that Officer A's decision to pursue an armed suspect, without the benefit of cover, was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 1. Running with Service Pistols Drawn – The investigation revealed that Officers A and B ran down the driveway with their service pistols drawn. Officers A and B are reminded there is a heightened concern for an unintentional discharge when running with a drawn service pistol.
- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident-

specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

In conclusion, the BOPC found Sergeant A and Officer B's tactics to warrant a finding of Tactical Debrief and Officer A's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

- According to Officer A, as he ran towards the mouth of the driveway, he heard a pop, which he believed was a gunshot. He then heard his partner yell out that the Subject had a gun. Officer A then drew his service pistol.

According to Officer B, as he began to enter the driveway, the Subject looked in his direction and Officer B observed that the Subject was holding a dark colored handgun in his right hand. Believing that his life was in danger, Officer B drew his service pistol.

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

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

C. Lethal Use of Force

- **Officer A** – (pistol, four rounds)

According to Officer A, as he continued to follow the Subject down the driveway, the Subject turned towards him and his partner. Officer A then observed that the Subject had a handgun in his right hand which was pointed in the officers' direction. Believing the Subject was going to shoot at him and his partner, Officer A stopped running and fired four rounds from his service pistol at the Subject to stop the threat.

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 Use of Lethal Force would be objectively reasonable.

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