

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

**OFFICER-INVOLVED SHOOTING – 022-05**

<b>Division</b>	<b>Date</b>	<b>Duty-On (x) Off( )</b>	<b>Uniform-Yes(x) No( )</b>
77 <sup>th</sup> Street	03/10/2005		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Lieutenant A	27 years, 6 months
Sergeant C	10 years, 8 months
Officer C	9 years, 1 months
Officer D	4 years, 5 months
Officer E	6 years
Officer F	5 years, 3 months
Officer G	4 years, 8 months
Officer H	1 year, 9 months
Officer I	2 years
Officer J	10 years, 10 months
Officer K	2 years, 5 months
Officer M	10 years, 1 month
Officer N	8 years, 11 months
Officer O	9 years, 7 months
Officer P	9 years, 11 months
Officer S	6 years, 11 months
Officer T	10 years, 3 months

**Reason for Police Contact**

Officers attempted to conduct a traffic stop of the subjects' vehicle. The subjects failed to yield and a vehicle pursuit ensued. During the pursuit, the subjects began shooting at the pursuing officers. Officers returned fire, and the subjects lost control of their vehicle and were involved in a traffic collision that disabled their vehicle. Once their vehicle was disabled, the subjects continued to shoot at the officers resulting in multiple officer-involved shootings.

<b>Subject(s)</b>	<b>Deceased (x)</b>	<b>Wounded (x)</b>	<b>Non-Hit ( )</b>
Subject 1: Male, 20 years of age, wounded.			
Subject 2: Male, 23 years of age, deceased.			

**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 suspect 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on September 19, 2006.

### **Incident Summary**

In the early morning hours of March 10, 2005, Officers A and B observed a sport utility vehicle (SUV) with rear lights that were inoperable. The officers "ran the plate" and discovered that there were no wants or warrants associated with the SUV. Based on the violation of having taillights that were inoperable, the officers decided to conduct a traffic stop on the SUV. The officers activated their overhead lights and siren to signal the driver to pull over. The SUV failed to stop and drove in a manner that the officers identified as consistent with someone driving under the influence (DUI). The officers advised Communications Division that they were following a possible DUI suspect and requested an additional unit. Approximately three minutes later, Officers C and D joined Officers A and B in following the SUV. Officer D requested an air unit, but was advised that the air unit was grounded because of the thick fog.

Although the SUV was not traveling at a high rate of speed (approximately 25-35 miles per hour), the driver (Subject 1) failed to yield to multiple traffic controls as he proceeded.

Hearing the details of the "following" being broadcast over the radio, Watch Commander Lieutenant A instructed the Assistant Watch Commander to advise Communications Division to show Officers A and B in vehicle pursuit. The Assistant Watch Commander did so.

The officers continued to pursue the SUV and observed the occupants of the SUV throw beer cans out of the SUV.

Approximately nine minutes after the pursuit began, Sergeant A advised Communications Division that he had joined the pursuit as the supervising unit.

During the course of the pursuit, the officers observed what they initially believed to be firecrackers being thrown at them. The officers then realized that they were being shot at and broadcast that shots were being fired at the police vehicles. Approximately 18 minutes after the pursuit began, Officers B and C broadcast that a bullet had struck the windshield of their police vehicle. At about the same time, Lieutenant A verified with Communications Division that the air unit was grounded.

The pursuit continued with the SUV traveling at approximately 25-40 miles-per-hour during a majority of the pursuit. Just before the termination of the pursuit, the SUV was traveling at approximately 50-70 miles-per-hour. During the course of the pursuit, the SUV negotiated multiple U-turns and the subjects then fired at the line of police vehicles following the pursuit from directly across the street. On multiple occasions during the pursuit, the SUV stopped and Subject 1 leaned out of the driver's side door and fired at the police vehicles behind him. The passenger (Subject 2) was observed leaning across Subject 1 to fire out the open driver's side door as well as firing out the passenger's side front window of the SUV.

Approximately 20 minutes after the pursuit began, Officers E and F advised Communications Division that they had joined the pursuit as the third unit and would take over broadcasting the pursuit. During the course of the pursuit, multiple officers responded and joined in the pursuit. By the time the pursuit terminated there were at least 17 police vehicles involved in the pursuit.

During the initial stages of the pursuit, Sergeant A began to assemble resources. He wanted to have two police units equipped with an Urban Police Rifle (UPR) and one shotgun-ready unit in the pursuit before attempting to engage the subjects. While Sergeant A was attempting to assemble these resources, Officer F contacted Sergeant A and requested permission to engage the subjects. Sergeant A denied his request. Just as Sergeant A had his resources assembled, Lieutenant A caught up to the pursuit and took over as Incident Commander.

Lieutenant A and Sergeant B responded from the station to the pursuit. Sergeant B drove from the station until they caught up to the pursuit. When they got close to the pursuit, they pulled over on a side street, exited the police vehicle, drew their service pistols and took cover behind the vehicle. Once the pursuit went by, Lieutenant A took over as driver of Sergeant B's police vehicle. Lieutenant A then fell in behind the pursuing officers and took over as Incident Commander of the pursuit. Approximately 23 minutes after the pursuit began, Lieutenant A advised Communications Division to have two units parallel the pursuit on side streets in an attempt to contain the subjects.

Once Lieutenant A took over as incident commander, Officer F contacted Lieutenant A and, as Officer F had done earlier with Sergeant A, requested permission to engage the subjects. Lieutenant A granted his request.

Officer F was armed with a Department shotgun. Officers E and F moved their police vehicle up to a position with the passenger side front quarter panel of their police vehicle parallel to the SUV's driver side rear quarter panel. The subjects continued to fire at the officers. Officer F fired five buckshot rounds at the subjects from the shotgun, leaving him with no more rounds loaded in the shotgun. Officer F then instructed Officer E to "cover" him while Officer F transitioned from the shotgun to his service pistol. Officer E, while continuing to drive along side of the subject vehicle, drew his service pistol and fired approximately 17 rounds at the subjects. Approximately 14 of these rounds penetrated the front windshield of the police vehicle. Officer F drew his service pistol and fired approximately 31 rounds from his service pistol at the subjects.

While exchanging gunfire, the subjects accelerated and lost control of the SUV. While traveling north approximately 33 minutes after the pursuit began, the SUV hit the west curb, proceeded north through the intersection at the end of the block and then knocked down a section of the six-foot high wrought iron fence surrounding the parking lot of a business located on the northwest corner of the intersection. The disabled SUV came to rest in the parking lot of the business, terminating the pursuit. At the time of this incident, the business was closed and the only other vehicles in the parking lot were to the northeast and northwest of the position in which the SUV came to rest.

Once the SUV was disabled in the parking lot, the subjects proceeded to fire at the officers as the officers arrived on scene. The officers returned fire resulting in additional officer-involved shootings involving 16 officers.

Officers E and F were the first officers to arrive at the scene of the termination of the pursuit. Officer E parked their police vehicle facing north in the southbound lane closest to the west curb and almost parallel with the SUV. Officer E exited the police vehicle and proceeded approximately 30 feet south on foot to a telephone box<sup>1</sup> just outside the wrought iron fence at the southeast corner of the parking lot. Officer E fired multiple rounds at the subjects in the SUV from his position at the telephone box. He then proceeded over the damaged fence and through the open parking lot to a green metal enclosure,<sup>2</sup> shooting at the subjects as he proceeded. Officer E continued to fire at the subjects once he reached the green enclosure. Officer E fired a total of between 18 and 25 rounds after arriving at the scene of the termination of the pursuit.

Once Officer E parked their police vehicle, Officer F exited the police vehicle and also proceeded to the telephone box. By this time, Officer E had already proceeded to the green enclosure. Officer E fired approximately 11 rounds at the subjects from this position, and then moved to a position of cover behind a police vehicle that was parked to the east of the telephone box.

**Note:** The following is a summary of the actions of officers once they arrived at the scene of the termination of the pursuit. The exact order in which some of the officers arrived at the scene and/or fired at the subjects is not necessarily ascertainable from the evidence of this incident. Thus, the order in which the officers' actions are summarized here may not necessarily reflect the exact order in which the officers arrived at the scene and/or fired at the subjects.

Sergeant C and Officer G arrived at the scene of the termination of the pursuit at some point after Officers E and F. Sergeant C parked their police vehicle just to the southeast of Officers E and F's police vehicle. Sergeant C exited his police vehicle and proceeded west to a light pole. Sergeant C fired approximately two rounds from his service pistol

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<sup>1</sup> The telephone box consisted of a payphone inside an open metal box on top of a slender stand. It is not enclosed in any type of booth.

<sup>2</sup> The green metal enclosure is a four-sided fenced area that surrounds the base of the sign for the business. All four sides of the fence consist of solid sheets of metal. The enclosure was located just southwest of the position in which the SUV came to rest in the parking lot.

at the subjects from his position at the light pole and then proceeded to the telephone box. He fired approximately nine rounds from his position at the telephone box. Sergeant C then moved back/east and then north and took a position of cover behind Officers E and F's police vehicle. Sergeant C fired approximately 12 rounds at the subjects from this position.

Once Sergeant C parked their police vehicle at the scene of the termination of the pursuit, Officer G exited the vehicle, proceeded north and took a position of cover on the east side of Officers E and F's police vehicle. Officer G fired approximately 16 rounds from his service pistol at the subjects from this position. Officer G then proceeded to the west and took a position that provided him with no cover related to the SUV on the west/driver's side of Officers E and F's police vehicle. Officer G fired the rest of the rounds he had in his possession (approximately 21 rounds) at the subjects from this position of no cover. Officer G then advised the other officers at the scene that he was out of ammunition.

Officers A and B arrived at the scene of the termination of the pursuit and parked their police vehicle behind/south of Sergeant C and Officer G's police vehicle. When Officers A and B exited their police vehicle they noted that there were already multiple officers engaging the subjects with gunfire. Thus, they took positions of cover and did not fire at the subjects.

Officers H and I arrived at the scene of the termination of the pursuit and parked their police vehicle just southeast of Officers A and B's police vehicle. Officer H and I exited their police vehicle and took positions of cover behind Sergeant C and Officer G's police vehicle. Officers H and I each fired two rounds from their service pistols at the subjects from their positions behind Sergeant C and Officer G's police vehicle. Officer I then heard Officer G advise that Officer G was out of ammunition. Officer I noted that Officer G and Officer H carried the same type of pistol. Officer I obtained a magazine loaded with approximately 13 rounds of ammunition from Officer H, proceeded to Officer G's position of no cover on the west/driver's side of Officers E and F's police vehicle and provided the magazine to Officer G. The subjects were continuing to shoot and Officer I noted that he was in a position with no cover. Officer I fired two more rounds at the subjects and returned to a position of cover. Officer G then fired all 13 rounds from Officer H's magazine, and was, again, without any ammunition in a position of no cover.

Officers J and K<sup>3</sup> arrived at the scene of the termination of the pursuit. Officer J parked their police vehicle with its front tires up on the handicap ramp of the sidewalk a few feet southeast of the damaged section of the wrought iron fence. Officer K exited the passenger side of the police vehicle and proceeded north to the telephone box. From this position, Officer K fired approximately 43 rounds from his service pistol at the subjects. Officer J exited the driver's side of the police vehicle and proceeded north toward the damaged section of the wrought iron fence while firing approximately five rounds from his service pistol at the subjects. Officer J then proceeded over the damaged fence and through the open parking lot to the green enclosure while

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<sup>3</sup> Officer K was a Probationary Officer at the time of this incident, and Officer J was his Field Training Officer.

continuing to fire at the subjects. On his way from the fence to the green enclosure and without cover, Officer J knelt down, conducted a speed reload of his service pistol and then continued to move to the green enclosure and resumed firing at the subjects. While firing at the subjects from a position at the green enclosure, Officer J's service pistol malfunctioned. Officer J cleared the malfunction and continued to fire at the subjects. Officer J fired a total of approximately 11 rounds from his service pistol at the subjects from inside the parking lot. This includes both the rounds he fired while moving from the damaged section of the fence to the green enclosure and the rounds he fired once he took a position at the green enclosure.

Officers L and M arrived at the scene of the termination of the pursuit and parked their police vehicle south of Officers A and B's police vehicle. Officers L and M exited their police vehicle, and Officer L took a position of cover and did not fire his service pistol while Officer M proceeded to the telephone box. From his position at the telephone box, Officer M fired 38 rounds from his service pistol at the subjects.

Officers N and O arrived at the scene of the termination of the pursuit and noted that the other officers who were already there had parked their police vehicles in or to the north of the intersection. Thus, Officer N drove their police vehicle west and parked it in the far north/right lane in a position that was south of and slightly to the west of the green enclosure. Officer N exited the driver's side of the police vehicle and proceeded toward a bus bench on the sidewalk just outside the wrought iron fence about halfway between the street corner and where Officer N had parked his police vehicle. As he proceeded toward the bench, Officer N observed that the subjects appeared to be focused on the officers to the east of Officer N. It appeared to Officer N that the subjects were unaware of his presence. Thus, Officer N walked up to the wrought iron fence and, to avoid the possibility of ricocheting bullets, placed his service pistol between the bars of the fence and fired 21 rounds at the subjects. Once Officer N observed that Subject 1 was no longer moving within the SUV and Subject 2 appeared to be slumped over in the SUV, Officer N took a position of cover behind the bus bench and was one of multiple officers who began to announce "cease fire."

Officer O exited the passenger side of the police vehicle and initially began to take a position behind the bus bench. However, Officer O noted that if he were to fire from the bus bench, he would have to shoot his rounds through the wrought iron fence, possibly resulting in his rounds ricocheting off the bars of the fence. So, Officer O proceeded further east to a traffic signal box<sup>4</sup> located on the north sidewalk southwest of the damaged section of the wrought iron fence. From this position, the wrought iron fence still obstructed his line of sight. So, Officer O moved slightly to the east, past a tri-light signal pole, to get a clearer shot at the SUV. Officer O then fired 11 rounds from his service pistol at the subjects.

Officers P and Q arrived at the scene of the termination of the pursuit and parked their police vehicle in the north/south crosswalk on the west side of the intersection and south of Officers J and K's police vehicle. Officer Q exited the police vehicle, took a

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<sup>4</sup> The traffic signal box is a large square metal box that stands approximately five to six feet tall.

position of cover and did not fire his service pistol. Officer P exited the police vehicle and proceeded north to the traffic signal box. Officer P was armed with a UPR. From his position at the signal box, Officer P fired seven rounds from his UPR at the subjects.

Officers C and D arrived at the scene of the termination of the pursuit and parked their police vehicle in the middle of the intersection and south of Officers H and I's police vehicle. Both officers exited their police vehicle, proceeded north and took positions of cover behind Officers E and F's police vehicle. Officer C fired two rounds at the subjects from his service pistol, and Officer D fired 11 rounds from his service pistol at the subjects.

Officers R and S proceeded toward the scene of the termination of the pursuit. Officer R parked their police vehicle approximately one-third of a block south of the intersection. Officer S proceeded north to the sidewalk at the southwest corner of the intersection and observed officers involved in a firefight with the subjects. Officer S specifically observed officers taking cover behind the bus bench and the traffic signal box. Officer S took a position on the south sidewalk between a fire hydrant and a mailbox. From this position, he fired two rounds from his service pistol at the subjects. The line of fire of these rounds was between officers who were behind the bus bench and the traffic signal box, who were approximately 15-20 feet apart. Officer S then moved to the left/west and took a position of cover behind a telephone pole. He fired two additional rounds at the subjects from this position. These rounds also traveled between the officers at the bus bench and the signal box, but traveled closer to the officer behind the bus bench than the first two rounds fired by Officer S.

Officer T proceeded toward the scene of the termination of the pursuit. He parked his police vehicle approximately one block south of the intersection. Officer T exited his police vehicle and retrieved a shotgun from the trunk. He proceeded north to the intersection and initially took a position of cover at Officers J and K's vehicle. A cease-fire was then announced. The officers and subjects had ceased firing. Officer T moved west to a position behind the traffic signal box. He could hear officers at the green enclosure advising that the subjects were still moving inside the SUV and were reloading. Officer T moved further west and took a position at the wrought iron fence. The other officers were still advising that the subjects were still moving around. Officer T positioned the shotgun between the bars of the wrought iron fence and fired three rifled slug rounds from his shotgun at the subjects.

Once there was a cease-fire, Special Weapons and Tactics (SWAT) officers were called in. SWAT officers responded, and, approximately 2 hours and 15 minutes after the SUV came to rest in the parking lot, were able to extract Subject 1 from the SUV. The paramedics were already on scene. Subject 1 was treated and transported to the hospital where he underwent surgery for multiple gunshot wounds. Subject 2 was pronounced dead at the scene.

## **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 with regard to Lieutenant A, Sergeant C, and Officers C, D, E, F, H, I, J, K, M, N, O, P and T. The findings with regard to Officers G and S were by a 3-1 vote of the BOPC members in attendance.

### **A. Tactics**

The BOPC found Officers G and S's tactics to warrant administrative disapproval.

The BOPC found Lieutenant A, Sergeant C and Officers E, F, I, J, K, M, N, O and T's tactics to warrant formal training.

The BOPC found Officers C, D, H and P's tactics to warrant no action.

### **B. Drawing/Exhibiting/Holstering**

The BOPC found Lieutenant A, Sergeant C and Officers C, D, E, F, G, H, I, J, K, M, N, O, P, S and T's drawing and exhibition of a firearm to be in policy.

### **C. Use of Force**

The BOPC found Officers E and S's use of force to be in policy, warranting formal training.

The BOPC found Sergeant C and Officers C, D, F, G, H, I, J, K, M, N, O, P and T's use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

The BOPC recognized the complexity of this incident and noted that the actions of the Department personnel involved were generally courageous and commendable. However, the BOPC identified the following tactical concerns:

- The BOPC noted that **Officer G** fired approximately 34 rounds at the subjects from a position that provided him with no cover. From this position, the subjects could have easily turned to the east and fired from only 36 feet away (12 yards) directly at Officer G with nothing but the wrought iron fence between them and Officer G.

The BOPC was also concerned with Officer G's mode of firing. Officer G rapidly fired all 37 of the rounds that he had in his possession. He then advised other officers that he was out of ammunition. In response, Officer I, who had taken a position of cover in close proximity to Officer G, obtained a partially-loaded magazine from his partner, Officer H, and delivered it to Officer G. Once Officer G received the new magazine from Officer I, he proceeded to rapidly fire all 13 of the rounds contained in the new magazine, once again leaving him without any ammunition while in a position of no cover.

Thus, as a direct result of his firing pattern, Officer G placed himself in a position where he ran out of ammunition twice while standing in a position that offered him no cover. Moreover, not only was Officer H deprived of some of his ammunition, but Officer I was placed in a position whereby he needed to respond to Officer G's position of no cover in order to deliver the new magazine to Officer G. Officer G's decision to rapidly fire all of his rounds placed himself and, by extension, Officer I in unnecessary danger.

- The BOPC noted that **Officer S** initially left his police vehicle and took a position with no cover on the south sidewalk. While at this initial position, Officer S observed officers behind the bus bench and the traffic signal box on the north sidewalk. Officer S heard gunfire and, from a distance of approximately 98 feet, observed the head of Subject 1 coming in and out of his view. Officer S came to the conclusion that the two officers on the north sidewalk were "pinned down" and that their lives were in danger. Officer S further determined that he needed to act and had no time to seek cover for himself.

As such, Officer S fired a "controlled pair" of rounds from his service pistol at the subjects. These rounds were fired between the two officers on the north sidewalk from approximately 98 feet south of the subjects and approximately 58 feet south of the officers. The officers on the north sidewalk were between 15 and 20 feet apart. Officer S then redeployed to the west and took a position behind a telephone pole that provided only limited cover. From this position he observed the same activity and, from approximately 94 feet south of the subjects and approximately 54 feet south of the other officers, fired a third round, dropped his weapon to a low-ready position, reassessed, and then fired a fourth round from the same distance.

The BOPC was concerned with Officer S's actions for a number of reasons. Officer S's decision to fire from his position on the south sidewalk placed the officers positioned behind the signal box and bus bench in a crossfire situation. Officer S effectively placed these two officers in danger of being hit by his gunfire. If Officer S's targeting of the SUV was not accurate, or if any of these officers had moved while Officer S was firing, they could have been hit by Officer S's gunfire. This is of

even greater concern given that not long after Officer S fired his rounds, Officer T moved across what had been Officer S's line of fire. Had Officer T arrived earlier during the incident and had Officer S not seen him approaching, Officer T may have been hit by Officer S's gunfire.

Additionally, Officer S's chosen firing position required that his rounds pass through the wrought-iron fence. Given the close proximity of the officers behind the bus bench and signal box to the wrought iron fence, these officers were in danger of being struck by any bullets or bullet fragments that might ricochet off the wrought iron fence.

Based on the above, the BOPC found Officers G and S's tactics to be deficient, warranting administrative disapproval.

- The BOPC noted that **Lieutenant A** directed units to parallel the pursuit on adjacent streets creating a possible crossfire situation. The BOPC would have preferred that Lieutenant A had provided Officers E and F with more specific instructions when he instructed them to "engage" the subjects. The BOPC would have preferred that the detailed instructions had included direction of how to approach the subjects' vehicle if the engagement was successful.
- The BOPC would have preferred that **Sergeant C** had taken a more supervisory role as opposed to becoming directly involved in the incident. The BOPC noted that Sergeant C was among several officers who deployed away from their police vehicles to positions that afforded them only minimal cover. The police vehicles they abandoned were equipped with ballistic doors and offered good cover for the officers.
- The BOPC noted that at the end of the pursuit **Officer E** parked his police vehicle in the street parallel to the subjects' vehicle. The BOPC would have preferred that Officer E had parked his police vehicle in such a manner as to allow Officers E and F to utilize the ballistic door panels of their police vehicle for cover. The BOPC also noted that Officer E left the police vehicle, initially deployed to the telephone box, and then redeployed to the green enclosure in the parking lot. While changing his position, Officer E left himself exposed to the subjects' gunfire without any cover.
- The BOPC noted that **Officer F** was among those who left the cover of their police vehicles. Officer F took a position behind the telephone box that provided only minimal cover. Officer F subsequently redeployed to the trunk of his police vehicle to retrieve additional ammunition leaving himself exposed to potential gunfire from the subjects.
- The BOPC noted that **Officer I** left a position of cover to provide Officer G with additional ammunition.
- The BOPC noted that **Officer J** parked his police vehicle on the handicap ramp in the sidewalk just outside the damaged section of the wrought iron fence. Due to the

slant in the sidewalk and the weight of Officer J's ballistic panel vehicle door, the door would not stay open. Officer J left his vehicle and deployed without the benefit of any cover to the green enclosure. While deploying to the green enclosure, Officer J dropped to one knee and reloaded his service pistol, dropping four live rounds to the ground. These rounds could have been critical during such a prolonged gun battle.

- The BOPC noted that **Officer K** was another officer who left his vehicle for the "cover" of the telephone box that provided only minimal cover. The BOPC also noted that Officer K fired all but three of his rounds.
- The BOPC noted that **Officer M** left his police vehicle and deployed behind the telephone box that provided only minimal cover.
- The BOPC noted that **Officer N** left his police vehicle and deployed behind a bus bench. Realizing it would be difficult to fire through the wrought iron fence surrounding the parking lot, Officer N walked up to the fence and fired between the metal bars of the fence without any cover.
- The BOPC noted that **Officer O** left his police vehicle and sought cover behind a tri-light signal pole that offered only limited cover. He then moved away from the limited cover of the pole slightly to the right and fired at the subjects.
- The BOPC noted that at the behest of other officers to get closer, **Officer T** took a position at the wrought iron fence with no cover. After firing at the subjects, Officer T exposed himself to potential gunfire from the subjects when he climbed over the fence to deploy to the green enclosure.

Based on the above, the BOPC found that Lieutenant A, Sergeant C and Officers E, F, I, J, K, M, N, O and T will benefit from additional formal tactical training.

The BOPC also found that Officers C, D, H and P's tactics were appropriate.

## **B. Drawing/Exhibiting/Holstering**

The BOPC noted that during this incident Lieutenant A, Sergeant C and Officers C, D, E, G, H, I, J, K, M, N, O and S drew their service pistols; Officer F exhibited a Department shotgun and drew his service pistol; Officer T exhibited a slug shotgun; and Officer P exhibited a UPR. The BOPC determined that the officers reasonably believed the situation had escalated to the point where deadly force was justified, and that Officer P's deployment of the UPR met the criteria for its deployment.

The BOPC found Lieutenant A, Sergeant C and Officers C, D, E, F, G, H, I, J, K, M, N, O, P, S and T's drawing/exhibiting to be in policy.

The BOPC further found the drawing/exhibiting of firearms by the numerous other officers who drew/exhibited firearms at the termination of the pursuit to be in policy.

### **C. Use of Force**

The BOPC determined that during the incident the officers were in immediate danger of serious bodily injury or death making their use of deadly force in response to the subjects' actions reasonable. However, the BOPC noted that while driving, Officer E fired approximately 14 rounds from his service pistol through the front windshield of his police vehicle while his partner transitioned from a shotgun to his service pistol. The BOPC also noted that Officer S fired four rounds between two officers from over 90 feet from the subjects, creating a potential crossfire situation. The BOPC determined that Officers E and S will benefit from formal training regarding these issues. The BOPC found Officers E and S's use of force to be in policy, but to warrant formal training. The BOPC found Sergeant C and Officers C, D, F, G, H, I, J, K, M, N, O, P and T's use of force to be in policy.