

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

OFFICER-INVOLVED SHOOTING – 046-17

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Newton	6/15/17		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer C	18 years, 3 months
Officer E	21 years, 7 months
Officer F	16 years, 4 months
Officer I	9 years, 8 months
Officer K	10 years, 10 months
Officer Q	22 years, 7 months
Officer R	15 years, 6 months
Officer S	13 years, 6 months
Officer X	27 years, 7 months
Officer Y	18 years, 6 months
Officer Z	21 years, 2 months
Officer AA	21 years, 7 months
Officer BB	22 years, 11 months
Officer CC	18 years, 10 months

Reason for Police Contact

Officers were conducting a probation compliance check at a residence. As the officers surrounded the residence, the Subject emerged from within the residence with a pistol and shot at the officers in front of the residence, which resulted in an officer-involved shooting (OIS). The Subject fled to the rear of the residence and shot at officers who had contained the rear, which resulted in a second OIS. The Subject ran in between residences, and a perimeter was established. While the Subject was contained within the perimeter, a canine search was conducted. The Subject subsequently shot at the police canine and a barricaded suspect situation was declared. During another search, the Subject shot at officers which resulted in a third OIS. The Subject was subsequently taken into custody.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
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Subject: Male, 34 years old.

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 June 12, 2018.

Incident Summary

Prior to roll call, Lieutenant A and Officer A met with Sergeant A, who told them that earlier in the day, his unit had been conducting probation and parole compliance checks in one area of the city and were specifically focused on one specific gang. According to Lieutenant A, Sergeant A told him that during the course of one of their parole checks, they searched for a particular individual who was not at home. Her family member, however, informed Sergeant A that she had been spending time at another person's residence, who the family member knew to be a gang member. The family member also told the officers the individual had talked about weapons being at that location.

According to Lieutenant A, Sergeant A, Area detectives, and a probation officer were in the process of gathering information on the residence. During a computer check, officers identified Witness A, who was on active probation and had used the address as his residence when contacted by officers on a previous occasion; however, the address had not been verified and officers were attempting to locate the Field Interview (FI) card with the information.

Lieutenant A and Officer A provided information regarding the probation compliance checks and the residence to Lieutenant A's units during their roll call.

Officers B and C had been around the target residence several times throughout the day attempting to locate anyone associated with the address. According to Officer B, as the officers were driving in the area, he observed a man, Witness B, walking out of the fenced courtyard, with two women, from the target residence. Officer B observed Witness B walking in the middle of the street while the two women walked on the

sidewalk. Officer B initiated a pedestrian stop on Witness B for being in the roadway and to conduct a potential probation investigation.

According to Officer B, he broadcast the officers' status and location to Communications Division (CD), and he also broadcast a want and warrant check using the address. Lieutenant A broadcast his status and location to CD, communicated that he was with Officers B and C, and requested one additional unit to respond.

According to Officer B, while speaking with Witness B, he determined he was on active probation; however, he did not indicate that he resided at the target residence. Officer B then called Sergeant A to inform him of the information regarding Witness B's probation status. He subsequently received a phone call from the probation officer, who verified that Witness B was on active probation and did not reside at the target residence.

Officers D and J heard the request for an additional unit and responded. When they arrived, they were told by Officer B that he was conducting a probation investigation and was on the telephone with the Probation Department getting authorization to conduct a compliance probation check. They were asked by Officer B to watch the front of the house while officers continued to gather information. The officers parked their vehicle on the corner of the intersection and kept watch of the front of the house.

Officers E and F responded to the additional unit request, and upon their arrival they were instructed by Officer B to cover the rear yard and to keep a visual observation of the window from a parking area one house away from the target residence.

The officers gained access to the parking lot of an apartment complex, and they had to look over a four-foot cinder block wall with a three-foot wrought iron fence in order to have a visual of the rear yard of the target residence.

Officers G and H responded to the location and met with Officer B. Officer B relinquished his monitoring of Witness B to Officers G and H.

As Officer D monitored the front of the residence, he observed a dog struck by a passing car, and he requested animal control to respond. Officer D then notified Officer B of the incident.

Officers A and I broadcast the officers' status when they arrived at the location and then met with Officer B. As Officer B continued to wait on authorization from the probation officer to search the residence, Officer A formed a plan to utilize a ruse to approach and gather further information on the residence. The ruse was that officers were going to knock on the front door of the target residence to locate the dog's owner and identify the occupants inside. Officers A, C, D, and I walked to the front door.

Note: According to Lieutenant A, he was aware of the ruse; however, he did not go onto the porch, he remained on the front lawn.

Officer A knocked on the door and it was answered by Witness C, who opened only the inner door; however, she refused to open the security screen door. Officer A stated that Witness C told him she lived at the residence and the dog that was struck belonged to her. Officer A asked her about anyone else residing at the residence. Witness C indicated that Witness A was at her residence to assist her with medical issues.

According to Officer A, he obtained Witness C's information on an FI card and handed it to Officer D. Officer D then gave the FI card to Officer B to check for wants and warrants. Officer B obtained information that Witness C had an outstanding warrant for her arrest, and he relayed the information to the officers via radio.

Note: According to Officer A, he attempted to persuade Witness C to retrieve a towel or a blanket to cover the dog and she hesitated, which caused him to be suspicious. He then told her he would use a proxy signature and for her to sign the FI card so he could give it to Animal Regulations when they arrived to pick up the dog. Witness C opened the security door, which opened outward, and Officer A held the inner door with his right foot to keep it from shutting and asked her to step out of the residence. Witness C stepped out and was taken into custody.

Note: Witness C was subsequently arrested and booked for the outstanding warrant.

As Witness C was being handcuffed, Officer I immediately took a position of cover on the left side of the doorway. Officer C took a position of cover on the right side of the doorway and continued to hold the inner door open with his foot. According to Officer D, after he took custody of Witness C, he positioned her and himself on the porch behind Officers C and I.

According to Officer C, due to the information he was previously given – that a person on probation possibly resided at the residence and that this address had potential gang members with guns – combined with his personal knowledge of the area and knowledge of a recent search of a gang member's apartment which resulted in the seizure of guns, he unholstered his pistol and held it in a two-handed, low-ready position with his index finger along the frame. According to Officer C, he stated that Officer I had also unholstered his pistol and held it in a low-ready position.

According to Officer C, he was focused on the interior of the residence and was unaware of Officers' A and D's positions; however, he heard Officer J, who was standing to the left and behind Officer I, state he was equipped with a TASER. According to Officer C, Officers I and J discussed a plan in which Officer J was designated to utilize less-lethal force, Officer I was the cover officer, and Officer C would be the contact officer.

According to Lieutenant A, he was standing in the courtyard and observed that as Witness C was standing on the porch.

Officer B broadcast a request for an officer for a search. According to Officer I, he heard the broadcast for an officer and heard Witness C being questioned whether anyone else was in the residence. He heard Witness C respond that she did not know if anyone else was inside of the residence.

According to Officer I, he heard a voice possibly coming from within the residence, or from the neighbor's residence, and quickly alerted Officer C. According to Officer I, as he looked into the doorway he had a clear view of the hallway straight ahead. According to Officer C, as he looked into the doorway, he had a clear view of the living room and kitchen area on the left side of the doorway and the hallway straight ahead that ended at a closed door. Officer C called to Witness A by name and ordered him to come out.

According to Officer I, as Officer C was making his announcement, he repositioned a chair that was on the porch to hold the door open so that Officer C would have better cover without his leg being exposed. Officer J repositioned himself to the right of Officer C and told him he would watch the door that was directly behind him. According to Officer I, he had heard voices inside the residence, had personal knowledge of the area being a gang location, the possibility there were gang members inside of the residence, and not knowing who was inside, along with the possibility of it being a deadly force situation, he unholstered his pistol.

Witness A then exited one of the rear bedrooms, carrying a cell phone in his right hand and a belt over his shoulder. According to Officer C, he directed Witness A to place the cell phone and belt on the ground, face away from him, and walk backward toward him. Officer A had Witness A walk to the threshold of the door and handcuffed him. He then passed him to the right side of the door to Officer J.

Note: Witness A was subsequently arrested and booked for an outstanding warrant for a parole violation.

Officers K and L responded to the request for an officer to conduct the search. According to Officer K, he met with Lieutenant A in the front yard, who stated Witness C was on the porch. Officer K followed Lieutenant A onto the porch and observed two officers with their pistols drawn standing on each side of an open door. According to Officer K, as he passed the open door, he looked into the residence and observed a long hallway directly in front of the door and a living room/kitchen area to the left of the open door that appeared to be empty. He and Officer L, who had followed Officer K onto the porch, positioned themselves close to the open door; however, because of the limited space, Officer K was standing between the front window and Witness C.

Note: According to Lieutenant A, he walked in front of Officer K up onto the porch area, then took a position near the window. Lieutenant A told Officer K the officers were conducting a probation check at the residence; however, he did not tell him that officers were positioned to the rear of the residence.

According to Officer K, his intention was to contact Witness C, put on protective gloves then activate his Body-Worn Video (BWV) camera. Officer K further stated as he donned one glove, he heard gunshots coming from within the residence.

Note: According to the Subject, he woke up and walked to the bathroom to use mouth wash when he heard Witness C talking to someone at the front door about her dog being run over. He heard whoever was at the front door attempting to enter and he heard Witness C scream. The Subject stated he saw a revolver in the bathroom and picked it up then walked out into the hallway to see if someone was trying to enter. The Subject stated he didn't realize the hammer was back and the gun just went off. The Subject stated that when the officers began shooting at him he did not know who was shooting at him. The Subject stated that no one identified themselves as police officers.

Note: Witness D indicated that as he was going to the restroom, the Subject passed by him. He heard the Subject state, "The police is out there." Approximately 10 to 15 seconds later, he heard gunshots.

All the officers on the front porch were attired in police uniform.

The following statements are the involved officers' accounts of what occurred during the first OIS and do not reflect the order in which the officers fired their weapons:

Officer I

According to Officer I, after Witness A was taken into custody, he observed the Subject, wearing a jersey type shirt with white or gray writing on the front and dark colored pants, suddenly emerge from a room on the left side of the hallway. Officer I believed the Subject was holding a handgun in his left hand and leaned into the hallway as he fired one or two rounds at him. In response, Officer I fired one round at the Subject, from approximately 27 feet away, to protect himself and his partner.

Officer I saw muzzle flash then he saw the Subject quickly duck back into the room. According to Officer I, he knew there were other officers near a large window (without cover), as well as Witness C, also on the porch, so he decided to fire one round as cover fire in the hallway where he had last seen the Subject to keep him from popping back out and shooting at them again. According to Officer I he pointed and fired his pistol at the last known location where the Subject was in the hallway.

Note: According to Officer I, during his OIS, he heard Officer C fire his pistol. He also believed his cover fire was effective, he believed the Subject would not return to engage with them because two to three seconds after he fired his pistol, he heard eight to ten gunshots to the rear of the residence. He believed the Subject was to the rear of the location and the perimeter officers had engaged with him.

Officer C

According to Officer C, after Witness A was taken into custody, he transitioned his pistol to his left hand, then waited a few moments to call out, "Hey, anybody else in there, come out with your hands up." According to Officer C, almost immediately, the Subject appeared in the hallway with a gun in his hands. Officer C stated he was looking at the barrel of the Subject's handgun when he heard two gunshots and observed two muzzle flashes, causing him to believe the Subject was firing at him. Fearing for his own safety as well as that of the officers near him, Officer C, from a standing position, pointed his pistol at the Subject and fired one round from a distance of approximately 35 feet.

According to Officer C, he got down onto his right knee, took cover behind the door jamb, and lost sight of the Subject. He then yelled out, "Shots fired." Officer C heard two gunshots coming from within the residence and believed the Subject was either advancing toward him or retreating to the rear door. In response, Officer C fired two additional rounds toward the door at the end of the hallway in order to suppress the Subject's fire.

Note: According to Officer C, while he fired his second and third shot, he heard and observed through his peripheral view Officer I fire his pistol; however, he was not sure how many rounds Officer I had fired. Officer C heard and observed Officer K fire his pistol through the front window. He then heard Officer J say that the Subject was fleeing over a wall or fence.

Officer K

According to Officer K, as he was on the porch putting on his first glove, he heard multiple gunshots coming from within the residence. He then heard unknown officers state, "Fire. Get down. Get cover, we're taking rounds." He unholstered his pistol and heard Witness C say, "I've been shot. I've been shot."

Note: During her interview, Witness C did not mention anything related to her being shot during the incident. Additionally, the other officers who were on the porch made no mention of hearing Witness C stating she had been shot. Witness C was not injured during the shooting.

According to Officer K, he pivoted his upper torso 30 to 45 degrees toward the hallway and fired one round through the window in the direction he believed the gunfire was coming from. Officer K did this in response to the immediate threat and so the officers could get cover and get Witness C off the porch.

Note: Officer K's view inside the residence was obscured by window blinds. Investigators determined that Officer K fired into the window from approximately three feet.

According to Officer K, once the shooting had stopped, he heard Lieutenant A broadcast a help call. He observed him standing by a stucco banister, which he jumped onto and rolled off into the driveway.

Note: According to Lieutenant A, he was unable to seek cover during the shooting and elected to go off the side of the porch.

Officer K stated his attention was now focused to the driveway. He heard gunshots being fired and believed it was not coming from the house but from the side of the house. He then looked down and observed Lieutenant A on his back and appeared as if he was trying to stand up.

Note: According to Lieutenant A, he didn't realize that the drop from the top of the bannister would be an approximately 12-foot drop. As he came down onto the driveway his knee buckled and he fell onto his hip, which knocked the wind out of him.

Officer K stated he believed Lieutenant A had been shot or was being shot at. Officer K stated, as he conducted a quick peek, he observed two windows on the side of the duplex with white security bars. He also observed that the window furthest away had a black spot that he believed was the muzzle of a weapon.

Note: It was during this time that Officers E and F, who were positioned to the rear of the residence, had been involved in a shooting with the Subject. Officers E and F were not in Officer K's line of fire and Officer K was unaware that officers were deployed to the rear.

According to Officer K, believing that Lieutenant A was going to be killed, bent his back onto the bannister, turned his body to the left, and with a two-handed shooting grip fired two rounds toward the black spot (approximately 38 feet away).

According to Officer K, he observed Lieutenant A stand up and run toward the front of the residence as the shooting stopped, and he heard an officer on the side of the porch say that the Subject had jumped over the wall.

Note: According to Lieutenant A, as he was on the ground, he looked up, heard gunshots, and observed rounds skipping off the wall above him. He believed he was being fired upon and unholstered his pistol; however, he did not have an identifiable target and did not fire. He observed that the second window furthest away had white security bars, which were loose, and the curtains were moving. Lieutenant A covered that window with his pistol, regained his footing, and deployed toward the front of the house for cover. He then broadcast information and set up a perimeter.

According to Officer K, he realized later during his walk-through with investigators that the black spot on the security bars was a black rubber stopper that was in between the bars and the stucco.

The following statements are the involved officers' accounts of what occurred during the second OIS and do not reflect the order in which the officers fired their weapons:

Officer E

Officers E and F had positioned themselves in the parking lot of a neighboring residence and were standing at the four-foot wall where they could see into the rear yard of the target residence. According to Officer E, he heard approximately 12 gunshots coming from the front of the residence; however, the gunshots were muffled, which he believed was because the first few gunshots were fired from inside of the residence. He monitored the windows to see if he could see any activity or movement. He did not see any activity, and because of the numerous gunshots, along with the Subject being inside a structure, he opted to run to his vehicle to retrieve his police rifle.

According to Officer E, as he ran to the rear of his police vehicle to open the trunk, he observed the Subject sliding out the rear window underneath the security bars. Officer E observed the Subject fall from the window and then he lost sight of him. According to Officer E, as he continued to get closer to the block wall, he observed the Subject running with a handgun in one hand. Officer E observed the Subject turn and raise the gun in his direction then fire. As the Subject pointed the handgun in his direction, Officer E lowered his head behind the block wall. As he did this, he saw muzzle flash and heard the gunshot. He then heard another gunshot, moved to his right and took a quick peek over the block wall.

Officer E observed the Subject continue to run toward a parked vehicle. He observed the Subject run to the front passenger side and face toward him. The Subject used the vehicle as cover as he pointed the handgun at his partner and him. Officer E stated he was in fear for his life, he aimed his pistol at the Subject and fired two rounds from an approximate distance of 21 feet. Officer E did not see muzzle flash from the Subject's handgun; however, he heard two to three gunshots.

Officer E assessed and observed the Subject sidestep to his right, onto the front bumper of the vehicle, and climb onto the hood. The Subject pointed the handgun in his direction and in defense of his life, Officer E fired two additional rounds from his pistol toward the Subject. Officer E had a partial view of the Subject's upper torso as he stood in front of the truck and as he climbed up and on it. Officer E stated although his aim was toward the Subject's upper torso, he fired through the rear windshield of the truck from an approximate distance of 39 feet.

According to Officer E, the Subject turned toward a fence that separated the property and jumped onto the top of the fence. As the Subject was jumping over the fence, the Subject turned and pointed the pistol in his direction. Officer E, in fear for his life, fired two rounds from his pistol aimed at the Subject from an approximate distance of 48 feet.

According to Officer E, he could see only the shadow of the Subject running. Officer E ran to the trunk of his police vehicle, holstered his pistol, retrieved his rifle, and then ran to the corner of the intersection to maintain containment.

Officer F

According to Officer F, he and his partner were monitoring the rear yard of the target residence. Approximately 45 minutes after taking up that position, he heard a broadcast for a request of a female officer to conduct a search. His partner moved the police vehicle closer to them. He communicated with his partner that he was going to drink water, and as he sat in the vehicle, he heard multiple gunshots coming from the residence.

Officer F heard his partner yell, "Trunk, trunk, trunk, get the trunk." According to Officer F, he attempted to open the trunk to retrieve a shotgun or rifle but he was unable to do so. He then observed the Subject climbing out of the rear window of the residence. Officer F moved closer to the four-foot wall, and used parked vehicles along his path as cover.

According to Officer F, he observed the Subject with a gun in his hand, then he saw him point the gun in his direction and fire twice. Officer F heard two gunshots and observed the muzzle flash and smoke from the Subject's gun. Officer F, in fear for his life, immediately unholstered, pointed his pistol at the Subject, and fired two rounds from an approximate distance of 33 feet.

According to Officer F, the Subject ran toward a parked vehicle by the wall. The Subject ran in between the wall and the truck, then squatted while using the truck as cover. Officer F could see the Subject with a handgun and observed him shoot one round toward his direction. Officer F, again fearing for his life, fired one round at the Subject from an approximate distance of 55 feet.

According to Officer F, the Subject climbed the fence while holding onto the gun. He then observed the Subject look toward his direction as he climbed the wall. Officer F considered that the Subject might take another shot at him or his partner, and he did not know the status of the officers that were at the front of the house. According to Officer F, as the Subject was jumping over the fence, he aimed his pistol at the Subject and fired one round at him from an approximate distance of 60 feet.

According to Officer F, he lost sight of the Subject; however, he heard the broadcast for help and a containment being set up. Officer F observed Officer E retrieve his police rifle from the trunk of their vehicle and run northbound. Officer F stated that he repositioned to Officers G and H's location and took a position behind parked vehicles with line of sight with Officer E. Officer F conducted a tactical reload with his pistol and placed the used magazine in his pants pocket.

The following describes the events after the OIS at the target residence:

Officer C broadcast a “help call” at their location and indicated that shots had been fired. Officer J also broadcast a request for additional units to establish a perimeter. Lieutenant A then broadcast a request for an Air Unit (police helicopter) and indicated that the officers were receiving rifle fire.

Note: According to Lieutenant A, the gunshots that were coming from within the residence were loud, causing him to believe the Subject was armed with a rifle. Officer K also believed that the Subject had fired a rifle based on how loud the gunfire was.

Additional units responded to the “help call” and containment was established. A Command Post (CP) was established and Officers M and N arrived in the Air Unit overhead.

According to Lieutenant A, he extracted the officers off of the porch and sent Officers C, I, and K to meet with Sergeant B to give a Public Safety Statement (PSS) and ordered them not to discuss the OIS. According to Lieutenant A as he returned to the CP, he met with Sergeant B and learned that Officers E and F had also been involved in an OIS. As additional sergeants arrived, the involved officers were assigned to them for monitoring and to obtain the PSS.

Captain A responded to the CP and declared himself the Incident Commander (IC). Lieutenant B and Sergeant C had also responded to the CP. Officers from specialized units subsequently replaced the patrol officers who were initially on the perimeter.

Lieutenant C had heard the radio broadcast and, due to the information regarding an outstanding suspect who shot at officers with a rifle, he notified specialized personnel to respond.

CD broadcast a radio call of a prowler suspect that was hiding in the trashcan to the rear of the 911 caller’s residence (second residence), and that the caller was afraid and hiding in a closet.

Approximately 30 minutes later, Lieutenant C arrived at the CP and after a discussion with Captain A and Lieutenant B about the fact that the Subject was armed, had fired his weapon at police officers, and was contained in an open-area, Lieutenant C declared a barricaded suspect situation where specialized personnel would assume the lead.

The situation changed when the Subject’s exact location could not be established and officers were unsure if the Subject had remained in the rear yard or continued to move. A new plan was established to allow K-9 units to assume the tactical lead and search for the Subject. The K-9 units would be supplemented by specialized personnel. Due to having knowledge that the Subject was armed and had the propensity to engage with his weapon to avoid apprehension, Lieutenant B requested permission to forgo the K-9 announcement, which Captain A granted.

Lieutenant B and Sergeant C advised Officer O to conduct a search for the Subject at the second residence. Officer O, with his dog, teamed up with Officers P, Q, R, S, T, and U and staged themselves in front of the residence behind an armored vehicle for cover. According to Officer O, a plan was made to search for the Subject in the rear of the residence. Officer O would send his dog to the rear yard prior to the officers searching for the Subject.

Officer O, while being covered by officers, moved to the apron of the driveway and directed his dog to run along the driveway into the rear yard. According to Officer O, he would let his dog search out of sight, and depending on the action of his dog or the actions of the Subject, this would determine how far into the driveway they would approach. Officer O deployed his dog into the driveway and the rear yard out of his view. Moments later, Officer O heard approximately two gunshots coming from the rear yard. He called for his dog; however, his dog did not return. Officer O heard an additional two or three rounds being fired in the rear yard. Officer O believed his dog had been shot. He then notified the Air Unit of the shots being fired and that he and the other officers were returning to the armored vehicle for cover.

According to Officer O, he observed his dog returning to him and initially he did not notice any physical injuries to him; however, he was later advised by other officers that his dog had sustained a graze gunshot wound to his left rear leg. While he was behind the armored vehicle, Officer O heard approximately ten additional gunshots being fired in the rear yard of the residence.

Note: In addition to bullet impacts identified at the scene of the residence, there were 12 expended casings that were recovered in the vicinity. This evidence established that the Subject carried additional ammunition on his person, given that his pistol had a maximum capacity of six rounds.

The Air Unit was advised by a news media helicopter that they had observed a male wearing a black t-shirt running through the property close to the residence and was out of their view on the side of the property.

Note: Investigators obtained the news footage which depicted the Subject holding a large caliber handgun in his right hand and, while in the walkway of a third residence, he appeared to fire several rounds in a northern direction and several rounds upwards, possibly toward the Air Unit. An inspection of the Air Unit did not reveal any impacts.

Due to the information provided on the Subject's location, the CP determined that the Subject was within the property of a third residence. A determination was then made to conduct K-9 searches of the neighboring residences. During the K-9 searches, a man exited one of the residences and advised Officer V that a family was inside the residence and his two young daughters were inside a converted garage to the rear of that residence.

Sergeant D and Officer W realized the importance of evacuating the two young daughters and the family from the property, and they attempted to have Officers X and Y obtain an elevated position at the residence to overlook the rear yard; however, they were unsuccessful in obtaining a safe position that would not expose them.

Officer P was directed to form a team to clear another residence. Officer P's team cleared the rear yard of that property and were assigned to provide cover from an elevated position for the rear yard of residence with the occupants they could not evacuate. Officer P directed the armored vehicle to be positioned in the driveway of the neighboring residence. This position not only provided cover for the team moving into the rear yard of the residence, it also allowed Officer P's team to monitor the converted garage that was located in the corner of the rear yard.

Officer W assigned Officer V to lead a team which consisted of Officers Q, R, S, X, Y, Z, AA, BB and K-9 handler Officer O with his dog. They were tasked with evacuating the two girls in the converted garage and clearing the yard to set up containment for the neighboring residence. According to Sergeant D, the safest way to evacuate the residence was from the rear door, then walking them down the driveway.

According to Officer V, he was provided with a layout of the rear yard of the residence. He was told that directly behind the residence was a small structure that was used as a laundry room, which was next to a Recreational Vehicle (RV) Trailer, and the converted garage, which was at the northeast portion of the yard.

According to Officer V, he discussed a plan with his team, which included having the dog run through the rear yard, then driving an armored vehicle along the driveway and parking it near the rear door to provide a covered barrier between the residence and the rest of the yard.

Officer O sent his dog into the rear yard, and sometime later, his dog returned with no indication that he alerted to the Subject. Officer BB then drove the armored vehicle into the driveway while the rest of the team followed on foot. Once parked in position, the vehicle ended up underneath a carport close to the rear door of the residence and the laundry room.

Officers Y and AA covered the rear yard using the armored vehicle as cover. According to Officer V, the residents that were inside of the front house exited the rear door and were escorted off the property through the driveway. While the occupants exited the residence, Officer V asked them if they heard anyone in their rear yard. They answered they had not heard anyone in their yard.

According to Officer V, his plan was to clear the yard in a clockwise direction, starting with the laundry room. The laundry room was 10 feet by 11 feet, with a window and panel door with a window that was covered with a curtain.

The officers got into position and then Officer O sent his dog a second time to search the yard. He directed his dog to the door of the laundry room but the dog did not appear

to indicate it had picked up the Subject's scent, and the laundry room had no indication of forced entry. Officer O had his dog return and placed him on a leash.

Officer V then had the team move up to clear the laundry room. Once the officers were in position, Officer Q attempted to open the laundry room door, however the door appeared to be locked from the inside. Officer Q advised the team he would be moving to the rear of the armored vehicle to retrieve the breaching tools. Officers X, Z, and BB moved back toward the parked vehicles for cover while Officer Q retrieved the tools.

According to Officer V, while Officer S covered the window from approximately three feet away, he observed that the window was open; however, there were blankets, pillows, and detergent covering the window from the inside obscuring their view into the laundry room. From the side of the window, Officer V moved one of the blankets with his hand. He then turned on his flashlight and shined it through the window to illuminate the inside. At that time, Officer S heard a shot fired from inside the structure and felt something strike his helmet. He then fell to the ground and yelled, "Shots fired!" Believing Officer S had been shot, Officer O grabbed him and dragged him behind the armored vehicle. Officer V then broadcast that Officer S had been shot in the helmet.

Officer AA, who is a certified Emergency Medical Technician (EMT), quickly assessed Officer S. Officer S indicated he was not injured.

The following statements are the involved officers' accounts of what occurred during the third OIS and do not reflect the order in which the officers fired their weapons:

Note: Eight officers fired a total of 86 rounds from their rifles at this OIS location. All of the officers stated they heard gunshots coming from the laundry room. Additionally, the officers described either observing a partial view of the Subject, muzzle flash inside the laundry room, and/or the Subject's gun being pointed at the officers.

During the investigation, the Subject's pistol was later recovered inside the laundry room with no ammunition in the cylinder. However, four expended cartridges, as well as one live cartridge, were also recovered in the laundry room.

In addition to the round that struck Officer S's helmet, investigators identified one impact to the armored vehicle. This was consistent with a round having been fired from the laundry room.

Officer R

According to Officer R, he believed the Subject had tried to kill his partner by shooting him in the head and he believed the Subject would continue to shoot. From his position behind the armored vehicle, Officer R pointed his rifle toward the window and used the light affixed to his rifle to illuminate the inside of the window. At that time, he observed

furniture being lifted and it appeared as if someone was standing up. He then observed what he believed was a barrel of a gun pointed toward the direction of him and his team. In fear of his and his partner's life, Officer R fired four to five rounds from approximately 12 feet at the Subject to stop his threatening actions. He continued to fire until he observed the Subject move beneath the window. Officer R did not hear a gunshot or observe muzzle flash.

Officer R stopped firing when he could no longer see the Subject, and he assessed the situation. Officer R changed his position and continued to point his rifle in the direction of the window, using his flashlight to illuminate the inside of the laundry room. After approximately thirty to forty-five seconds, he observed what appeared to be the Subject attempting to conceal himself with furniture. Officer R observed what appeared to be a barrel of a handgun poking through the furniture. In response, Officer R fired an additional five to six rounds from the same distance to stop his actions believing that if they continued, the officers would be at risk of serious bodily injury and/or death.

Note: Force Investigation Division investigators determined that Officer R fired a total of 15 rounds from his rifle.

Officer R stopped firing when he could no longer see or hear the Subject inside the laundry room, then he placed his rifle in "safe" mode. He heard from his team that gas was going to be deployed and was sent to retrieve a robotic camera from their truck. While retrieving the equipment, he heard a broadcast that the Subject had surrendered.

Officer Y

According to Officer Y, he was facing the neighboring yard when he heard a gunshot coming from behind him. He did not see Officer S and he asked Officer R if he knew where the gunshot came from. Officer R told him that the gunshot came from the laundry room window. Officer Y shined his flashlight, which was affixed to his rifle, through the window but he could see only clutter inside the laundry room. He then heard Officer S say he had gotten shot in the helmet. Officer Y continued to shine his light toward the window, and he covered Officer R as he moved to cover near the front bumper of the armored vehicle.

Officer Y stated he also took cover behind the armored vehicle, and as he was asking for gas, he heard Officer R say he had seen movement through the window. As he looked through the window, Officer Y could see stuff moving and then an arm come out with a revolver, which fired out the window. Officer Y observed a muzzle flash and heard a gunshot; however, he was unsure how many rounds the Subject had fired. According to Officer Y, he fired three quick, consecutive rounds from his rifle from an approximate distance of 12 feet. At the time he fired he believed that serious bodily injury was imminent based on the Subject already having fired at them, hitting one officer. Officer Y also believed the Subject was in a position of advantage because the officers could not see him clearly.

Officer Y stopped firing after he was no longer able to see the Subject's hand. He assessed the window area and checked to see if the officers beside him were alright. After a few minutes, Officer Y could again see stuff moving around and then an arm come out. In response, Officer Y raised his rifle and fired three additional rounds where he believed the Subject was based on the placement of his right arm and the handgun that he could see. Officer Y stopped when he could no longer see the Subject's arm, then placed his rifle on safe.

The officers later obtained high intensity lights and placed them on top of the armored vehicle to illuminate the laundry room. Officers Y and AA were subsequently sent to meet with Officer P and evacuate the two daughters in the converted garage.

Officer AA

According to Officer AA, he was facing the neighboring property when he heard a single gunshot; however, he was unsure where the gunshot was fired from.

Officer AA turned and observed Officer S fall back and out of view. He focused his attention on the laundry room and observed Officer R "scramble" to cover behind the armored vehicle. He was unsure if either officer was struck by the gunfire. As he moved to the center of the armored vehicle, he observed Officer S appear on the side of the armored vehicle stating he had been hit in the helmet. He then assessed Officer S's wellbeing and did not observe any injuries.

According to Officer AA, in a matter of seconds multiple shots were fired and he was certain shots had come from inside the laundry room, through the window, in the direction of the officers. Officer AA observed this through the windshield of the armored vehicle and observed the window from the laundry room was broken. It appeared to him that Officers R, S, and Y had returned fire.

Officer AA heard Officer R say that the Subject was attempting to conceal himself behind a red curtain on the left side of the window. He looked through the windshield of the armored vehicle and observed a figure maneuvering behind the red curtain. Officer AA was concerned that the Subject was in a position of advantage, where the Subject could see them but the officers had only a limited view of him. Officer AA decided to get into the armored vehicle's hatch to get an elevated position.

As Officer AA was getting into position, he believed the Subject fired one or two additional rounds from the laundry room. According to Officer AA, he disengaged the rifle's safety and immediately fired six rounds into the laundry room toward the red curtain from an approximate distance of 11 feet. Although he could no longer see the Subject, Officer AA fired at the location where he had last seen him.

Officer AA assessed the situation, waiting to see if follow up shots would be necessary or if the Subject would present himself again. After several seconds, that did not occur and he placed his rifle on safe. Officer AA requested tear gas, a robot, and high intensity lights. Almost immediately the lights were delivered and he placed them on the

top of the armored vehicle to illuminate the laundry room. Then he and Officer Y were tasked with meeting Officer P to evacuate the two daughters from the converted garage.

Officer S

According to Officer S, after he was struck on his helmet, he moved behind the armored vehicle and he pointed his rifle at the window. Shortly thereafter, he observed a pistol and an arm extended visibly through the window. To protect himself and his partners, Officer S fired at where he believed the Subject to be. Officer S stated that he conducted a micro assessment with both eyes open after each shot he fired; he fired five to six rounds from his rifle from an approximate distance of 13 feet.

Officer S stopped firing when he no longer saw the Subject's hand or weapon, then placed his rifle in "safe mode." According to Officer S, there was a brief lull in the fire, then he saw a muzzle flash from the window he was covering. According to Officer A, the Subject fired two to three rounds and he returned fire in the direction of the muzzle flash. Officer S stated he fired five to six rounds from his rifle from behind the armored vehicle. Officer S stated he stopped firing when he did not see any muzzle flashes or movements inside of the laundry room. Officer S then placed his rifle on safe and moved to the rear of the armored vehicle.

Note: Investigators determined that Officer S fired a total of 12 rounds from his rifle.

Officer Q

According to Officer Q, as he checked the doorknob of the laundry room, he advised his team the door was locked and he was going to retrieve a breaching tool from behind the armored vehicle. As he was returning with the breaching tool, he heard a gunshot coming from the window side. He immediately placed the tool on the ground and transitioned to his rifle.

According to Officer Q, he heard one of the officers was possibly struck by gunfire and he stood at his position until the other team members near the window conducted a rescue of the officer (Officer S). Officer Q stated he then took a position of cover on the right rear bumper of the armored vehicle and advised the rest of the officers he could see the front door and window. Officer Q heard approximately two to three gunshots come from inside the laundry room and observed a bullet hole in the window. He then heard and observed an exchange of gunfire between the officers on the side and gunshots coming from within the laundry room. This exchange occurred through the window.

Officer Q stated there was a brief lull, then he heard another exchange of gunfire. Officer Q could also see a muzzle flash through the window of the laundry room. Officer Q stated he disengaged the safety while activating the light that was mounted on his rifle to illuminate the target area. According to Officer Q, when a quick muzzle flash occurred, he could see the outline of a firearm. He then discharged his firearm

believing he and the other officers right outside the window were in imminent peril. He then fired five to eight rounds from his rifle, from an approximate distance of 17 feet, in the direction of the muzzle flashes. Officer Q stated he stopped firing when he observed the muzzle flashes had ceased.

Officer Q stated he stopped, assessed the situation, placed his rifle on safe, and conducted a reload of his rifle. He then waited while Officer V requested additional resources.

Note: Investigators determined that Officer Q fired a total of ten rounds from his rifle.

Officer X

According to Officer X, he and Officer Q moved up toward the door of the laundry room, while Officers BB and Z covered the non-cleared area next to the laundry room. Officer Q told him the door was locked and he was going to get a tool to open the door.

As Officer Q stepped back to the armored vehicle, Officer X heard a gunshot coming from the side window. He heard Officer V confirm that a shot had been fired and to take cover. Officer X stated that as he moved back to the armored vehicle, he could see out of his peripheral vision an officer falling backwards, and he also felt debris hitting his shoulder. Officer X then positioned himself behind the armored vehicle and behind the right shoulder of Officer Q.

Officer X heard Officer V call for a head count to make sure everyone was fine, and as everyone was responding, he heard three additional rounds come from within the laundry room.

Officer X heard the officers north of the armored vehicle shoot a volley of gunfire into the laundry room. He heard Officer V broadcast to maintain cover behind the armored vehicle and that they had engaged the Subject. He then heard a request for gas to be deployed. Officer X stated that as they were coordinating the use of gas, he heard an additional three to four rounds being fired. At that time, he could see someone inside the structure and that he was armed. Officer X could see what looked like the silhouette of a handgun pointed toward Officers R, S, and Y.

Fearing they would be shot by the Subject, Officer X fired approximately nine rounds. Believing that the Subject was still standing or in a position of advantage behind the window, Officer X fired an additional nine rounds from an approximate distance of 18 feet, assessing between each round.

Officer X stated his rifle was empty and went into slide lock. He immediately moved behind the armored vehicle and reloaded his rifle.

Officer BB

According to Officer BB, he and Officer R were tasked with covering the area next to the laundry room and they used a parked vehicle as cover. As they did so, he heard a gunshot fired from the laundry room.

Officers Z and BB were directed to return to the armored vehicle for cover. Officer BB then heard Sergeant D using a bullhorn to have the Subject surrender.

Note: Multiple officers recalled hearing Sergeant D utilize the bullhorn attempting to communicate with the Subject.

Officer BB's attention was on one side of the yard when he heard gunfire from the Subject and the officers close to the armored vehicle who returned fire. He heard the gunshots stop and Sergeant D use the bullhorn again to have the Subject surrender.

According to Officer BB, he could see in his peripheral view what appeared to be a gun coming through the window. He then saw a muzzle flash. In response, he turned and fired two rounds toward where he believed the Subject was located based on the location of the muzzle flash. Officer BB assessed and saw that other officers were still firing. He attempted to locate the Subject and could see him through the door. At that point, he raised his rifle and fired in the direction he had last seen the Subject from an approximate distance of 21 feet. Immediately after, Officer BB came to a low-ready position and assessed, placing his index finger alongside the frame of his rifle. Officer BB saw a shadow go through the door behind the curtain and then more muzzle flashes. He then fired at the shadow and muzzle flash.

Note: According to Officer BB, the laundry room was illuminated with the officers' mounted lights and he could see a side silhouette with an arm extended in what appeared to be a one-handed shooting stance.

Officer BB stated that he fired his weapon in defense of his and his partners' lives. Officer BB then raised his rifle back up and fired two additional rounds at the silhouette at the door. After the shooting and once a dialogue was started with the Subject, Officer BB felt the threat level had gone down and placed his rifle on safe.

Note: Investigators determined that Officer BB fired a total of four rounds from his rifle.

Officer Z

According to Officer Z, he and Officer BB were responsible for covering the area next to the laundry room. He took cover behind a wooden post and then heard a gunshot. He heard someone yell that the Subject was inside the laundry room and to take cover behind the armored vehicle. As Officer Z made his way to the armored vehicle, he heard Officer S had been shot in the helmet. Officer Z went to check on Officer S and observed an impact to the front of Officer S's helmet.

Officer Z went to the rear of the armored vehicle and heard two to three gunshots from inside of the laundry room. He then heard officers from the other side of the armored vehicle engage the Subject through a window of the laundry room. According to Officer Z, when the Subject fired the rounds he could see muzzle flash coming from the laundry room and also a shadow. At that point he was in fear for his safety and that of his partners. Officer Z then took a kneeling position and when he saw the shadow go down and muzzle flash, he fired at the bottom half of the door thinking the Subject would be seeking cover lower to the ground.

Officer Z stated fired a couple of rounds, assessed the situation, and fired again from an approximate distance of 22 feet. Officer Z stated he fired up to ten rounds from his rifle from a low position parallel to the ground. Officer Z then believed the threat was contained, so he reengaged the safety on his rifle, stood up, and conducted a reload.

Note: Investigators determined that Officer Z fired a total of 15 rounds from his rifle.

The following describes the events after this OIS:

According to Sergeant D, he made a request for gas to be deployed and also requested a robot to make contact with the Subject.

Note: Commander A authorized the use of gas to be deployed; however, it was not used due to the Subject surrendering.

Officer V asked Officer Z to retrieve a second armored vehicle to be deployed to the rear yard, along with tactical medical personnel. Officers CC and DD responded with the gas. Officer V directed the officers to secure the gas and provided Officer CC with a beanbag shotgun. Officer CC was directed to take cover next to Officer S at the first armored vehicle. Officer CC chambered a beanbag round and he held it at a low-ready position.

Officers Y and AA met with Officer P and evacuated the two girls through the window of the detached garage.

Officer EE was behind an armored vehicle as he moved the robot into the rear yard and into a position to view inside of the laundry room. With the robot, Officer EE was able to see the top portion of the laundry room and observed debris. Officer EE attempted to make contact with the Subject using the robot's two-way radio; however, the Subject did not respond. According to Officer EE, at one point he was able to see the Subject inside the laundry room as he walked toward the window; however, he could not see his hands.

According to Sergeant D, he heard Officer BB say, "I see his hands." Officer BB stated he observed the Subject's hands coming out of the window. According to Sergeant D, he could see the Subject's hands sticking out of the window, then the Subject dropped

his hands out of view. Sergeant D stated he heard the Subject yelling; however, he couldn't make out what he was saying.

According to Officer CC, he heard Sergeant D give commands to the Subject and observed him walk toward the window; however, he could not see the Subject's hands. According to Officer CC, the Subject was cursing and he could not understand what the Subject said. Officer CC stated he directed the Subject to show him his hands; however, the Subject was reluctant to do so, instead he continued to yell and cuss.

Note: According to Officer CC, the window was narrow and high, and he could not see the Subject's body from the chest down, including his hands.

According to Officer CC, he announced, "Bean bag up," then fired one round, from an approximate distance of 14 feet, at the Subject, striking him in the chest. According to Officer CC, he did this because based on the Subject's prior actions and behavior, including refusing to show his hands, Officer CC believed he might have a weapon and could use it against the officers. The Subject then retreated back inside of the laundry room, while Sergeant D continued to verbalize with him to surrender.

Note: There was no warning provided prior to the deployment of the beanbag shotgun.

According to Sergeant D, after the beanbag round was fired, he was able to have a dialogue with the Subject and assured him that if he came out the front door with his hands up, nothing would happen to him. The door opened and the Subject exited with his hands up. Officer Q had the Subject prone himself on the ground away from the door. Officer DD then approached and handcuffed the Subject, while Officers Q, X, and BB provided cover. Officer DD conducted a pat down on the Subject and no weapons were located.

Officers BB and X cleared the laundry room and observed several casings inside the laundry room.

Fire personnel responded to the rear yard and evaluated the Subject. The Subject had blood on his nose, a red welt on his neck and chest, and he complained of pain to his wrist. During the evaluation, the Subject was cursing and refused to answer questions. He was then transported to the hospital for treatment of his injuries.

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 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 made the following findings.

A. Tactics

The BOPC found Captain A, Lieutenant C, and Sergeant D, along with Officers A, C, D, E, F, I, J, K, O, Q, R, S, V, X, Y, Z, AA, BB, and CC's tactics to warrant a Tactical Debrief. The BOPC found Lieutenant A's tactics to warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found Lieutenant A, along with Officers A, C, D, E, F, I, J, K, O, Q, R, S, V, X, Y, Z, AA, and BB's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officer CC's less-lethal use of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers C, E, F, I, Q, R, S, X, Y, Z, AA, and BB's lethal use of force to be in policy. The BOPC found Officer K's lethal use of force to be out of policy.

Basis for Findings

- **Detention**

The officers used lethal force in an attempt to detain the Subject after he fired at officers who were preparing to conduct a probation compliance check at the target residence. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

- **Tactical De-Escalation**

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.

In this case, the Subject presented the officers with an imminent threat of serious bodily injury or death, and the officers utilized lethal force to stop the deadly threat. When the deadly threat was no longer present, the officers used a robot to transition

to verbal commands to gain compliance. The Subject complied and was then taken into custody without further incident.

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

1. Tactical Communication (Substantial Deviation – Lieutenant A)

Lieutenant A did not provide Officer K with all the tactical information prior to asking him to go onto the front porch to take custody of Witness C.

Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner. Officers, when faced with an ongoing tactical situation, must remain alert to improve their overall safety, be able 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, Officer K was unaware that officers were conducting a probation compliance check of a known gang location where they believed firearms were possibly located. According to Officer K, had he known this information, he would not have positioned himself in front of the window. Additionally, Officer K was unaware that there were officers placed to the rear of the location, adjacent to the property. When he heard gunfire emanating from the rear of the residence, he believed that the gunfire was coming from inside the residence on the side of the property.

Lieutenant A's decision to detain Witness C on the porch, and to position officers on the porch with no cover despite his knowledge of potential threats within the residence, in concert with the lack of communications regarding the situation at the residence and the positions of other officers at the scene, represented an unjustified and substantial deviation from applicable Department tactical training.

2. Utilization of Cover (Substantial Deviation – Lieutenant A)

Lieutenant A, along with Officers D and K, did not utilize cover while on the front porch of the residence.

The utilization of cover enables officers 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, the officers were positioned on the front porch preparing to conduct a probation compliance check of the residence. Sufficient cover was not available on the porch, so the officers attempted to position themselves in the best positions possible in order to minimize their exposure.

As above, Lieutenant A's decision to detain Witness C on the porch, and to position officers on the porch with no cover despite his knowledge of potential threats within the residence, in concert with the lack of communications regarding the situation at the residence and the positions of other officers at the scene, represented an unjustified and substantial deviation from applicable Department tactical training.

3. Separation

Containment of a fleeing 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.

In this case, the officers were aware they were within close proximity to additional officers who had responded to the area for the "help call." Additionally, according to Officer B, he was with Officer E when he redeployed for containment. Meanwhile, Officer F redeployed to join officers who were positioned in the street, directly behind him.

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, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 1. Maintaining Control of a Handcuffed Suspect – The investigation revealed that Officer D placed the handcuffed Witness C in the backseat of his police vehicle, deployed his shotgun, and returned to the OIS location, leaving her unattended. Officer D was reminded of the importance of maintaining control of a handcuffed suspect in a position of safety during a detention to ensure the best tactical advantage for the officers when feasible.
 2. Beanbag Target Areas – The investigation revealed that Officer CC aimed at the Subject's chest when he discharged the beanbag shotgun. In this case, Officer CC could not see the Subject's naval/belt line area, the preferred target area, and therefore his actions were reasonable. However, Officer CC was reminded the primary target area for the beanbag shotgun is the naval or belt line, and officers may target a suspect's arms, hands, or legs when practicable.

These topics were to be discussed 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.

Each tactical incident also merits a comprehensive debriefing. In each incident, there are always improvements that could be made individually and collectively and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the individual actions that took place during the incident.

In conclusion, the BOPC found Captain A, Lieutenant C, and Sergeant D, along with Officers A, C, D, E, F, I, J, K, O, Q, R, S, V, X, Y, Z, AA, BB, and CC's tactics to warrant a Tactical Debrief. The BOPC found Lieutenant A's tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

- According to Lieutenant A, he looked up and observed rounds skipping off the side of the residence. Believing he was being shot at, he drew his service pistol.

According to Officer I, he drew his service pistol, due to the residence being a known gang location and the possibility of gang members being inside.

According to Officer C, he assumed a position of cover on the right side of the door frame, and drew his service pistol, because it was a gang location and the gang members were possibly armed and deadly force could be warranted.

According to Officer K, she heard multiple gunshots from inside the residence and drew her service pistol.

According to Officer J, after he took custody of Witness A, he heard multiple shots coming from inside the residence. He drew his service pistol, but then re-holstered his weapon to move Witness A aside to cover, away from the danger of the shots being fired. After moving Witness A, he drew his service pistol again.

According to Officer D, he initially drew his service pistol when he heard shots being fired. After Officer J advised that the Subject had fled over the fence, he holstered his service pistol, took Witness C off of the porch and placed her in the backseat of his police vehicle. He then obtained his shotgun and returned to the residence to assist in establishing containment.

According to Officer A, when he heard shots being fired, he drew his service pistol because he was in fear for his life and the lives of the other officers.

Officer F did not specifically discuss drawing his service pistol during his interviews. He did, however, describe firing at the Subject after he observed the Subject fire in his direction. Accordingly, Officer F drew his weapon sometime prior to firing.

Officer E did not specifically discuss drawing his service pistol during his interviews. However, according to Officer E, as he was monitoring the rear of the target residence, he observed the Subject exit the rear of the residence with a handgun in his hand. After his first OIS, he observed the Subject flee over the fence and Officer E holstered his service pistol. Accordingly, Officer E drew his weapon sometime prior to firing. He then returned to his police vehicle, obtained his patrol rifle, and returned to the area to attempt to contain the Subject.

After the Subject was determined to be an armed barricaded suspect, specialized units responded. As Officers O, Q, R, S, V, X, Y, Z, AA, and BB's assumed their positions, they drew or exhibited their respective weapons.

Based on the totality of the circumstances, the BOPC determined that officers with similar training and experience as Lieutenant A and Officers A, C, D, E, F, I, J, K, O, Q, R, S, V, X, Y, Z, AA, and BB, when faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Lieutenant A and Officers A, C, D, E, F, I, J, K, O, Q, R, S, V, X, Y, Z, AA, and BB's drawing and exhibiting of a firearm to be in policy.

C. Less-Lethal Use of Force

- **Officer CC** – (beanbag shotgun, one beanbag sock round)

According to Officer CC, he observed the Subject and believed he was still a threat to him and the other officers. He advised "Beanbag up," and to stop any potential threat, fired one beanbag sock round at the Subject's chest. The Subject then retreated back into the laundry room and Officer CC lost sight of him.

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

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

D. Lethal Use of Force

First OIS Location – Front Porch

- **Officer I** – (pistol, two rounds in two sequences of fire)

First Sequence

According to Officer I, he observed the Subject pop out of the hallway, produce a handgun, and shoot. The Subject's weapon was pointed directly at him and he

observed muzzle flash as the Subject shot a couple of rounds. He then immediately returned fire, firing one round from his service pistol at the Subject.

Second Sequence

According to Officer I, after his first sequence of fire, he transitioned to a speed kneel position. He knew Witness C and other officers were on the porch and that they did not have cover. He did not want the Subject popping back out and shooting again, so he decided to shoot one round as cover fire, towards the area where he last observed the Subject, to keep him from popping out again.

- **Officer C** – (pistol, three rounds in two sequences of fire)

First Sequence

According to Officer C, he observed the Subject appear from an alcove holding a handgun with two hands at chest level. The Subject then pointed the handgun at him and he observed two muzzle flashes. In fear for his safety and the safety of the officers near him, he fired one round from his service pistol at the Subject.

Second Sequence

According to Officer C, after his first sequence of fire, he took a knee and got further down behind cover. He advised the other officers that shots had been fired, and then heard two more rounds. He was concerned that the Subject was advancing towards them, and in an effort to suppress his fire, he fired two additional rounds in the direction he believed the Subject's shots were coming from.

- **Officer K** – (pistol, three rounds in two sequences of fire)

First Sequence

In its review of the first round fired by Officer K, the BOPC considered that he fired into the residence through a set of window blinds. Officer K could not see through the blinds, and thus could neither visually identify a target nor see anything inside the residence. Additionally, Officer K was aware that the officers positioned at the door, who had a superior vantage point, were also firing at the threat inside the residence.

When Officer K fired his first round, he was not in a position to reasonably identify the location of his target. Given this fact, in concert with his knowledge that officers positioned at the door – who had a better view inside the residence – were also engaging the threat, it was not objectively reasonable for Officer K to fire into the house without a visual target and without even a view into an area where a target could possibly be located. By a vote of 3-1, the BOPC found Officer K's first round to be out of policy.

Second Sequence

According to Officer K, he fired his second and third rounds after observing a "black spot" by a window at the side of the house and forming the opinion that the spot was a gun. The evidence gathered in the investigation of this case indicates that what he actually saw may have merely been a bracket attaching some metal bars to the wall of the residence. The BOPC considered that at the time Officer K reached his conclusion, he knew a suspect inside the residence had already fired at officers, he believed Lieutenant A could have been shot and was exposed to a continued threat of gunfire, and he could hear gunshots. Although the BOPC believed that it was indeed reasonable for Officer K to believe that there was a threat, his misidentification of that threat's location based on a sighting of a "black spot" on the side of the house appeared to be unreasonable. By a vote of 3-1, the BOPC found Officer K's second and third rounds to also be out of policy.

Second OIS Location – Rear Yard

- **Officer F** – (pistol, four rounds in three sequences of fire)

First Sequence

According to Officer F, he observed the Subject climb out of the rear window of the residence, so he moved closer to the wall. He then observed the Subject come up, with a gun in his hand, and fire approximately two shots in his direction. He observed the muzzle flash from the Subject's gun and fired two rounds from his service pistol at the Subject, in fear for his life. The Subject then continued running toward a parked vehicle to the rear of the property.

Second Sequence

According to Officer F, when the Subject approached the front bumper of the truck, he turned toward him, displayed his firearm, and fired. Fearing that the Subject was going to kill him, Officer F fired one round from his service pistol at the Subject in immediate defense of his and Officer E's lives.

Third Sequence

According to Officer F, he observed the Subject climbing a wall of the property with the gun in his hand. The Subject was looking back at him, and he believed that the Subject could possibly take another shot at him. He also feared the Subject could threaten the other officers' lives who were at the front of the residence. Additionally, he believed that the Subject was a violent fleeing felon who posed a deadly threat to him, his partner, other officers, and that if he escaped, it could jeopardize the life of someone else. Officer F then fired one round from his service pistol at the Subject as he fled over the fence before he lost sight of him.

- **Officer E** – (rifle, six rounds in three sequences of fire)

First Sequence

According to Officer E, he moved to his right to change positions, did a quick peek over the wall, and observed the Subject running toward a parked vehicle. When the Subject made it to the front of the vehicle, he turned, looked in Officer E's direction, and pointed the gun towards him and Officer F. In defense of his life, Officer E fired two rounds from his service pistol at the Subject.

Second Sequence

According to Officer E, he then heard additional gunshots ring out. He stepped to his left to change positions and observed the Subject climbing onto the hood of the vehicle. The Subject continued to look in his direction, and pointed the gun at him. In defense of his life, he fired two additional rounds from his service pistol at the Subject.

Third Sequence

Officer E then observed the Subject jump onto a fence that was just east of the vehicle. As the Subject was rolling over the fence, he looked back and pointed the gun at him. In defense of his life and the life of Officer F, Officer E fired two rounds at the Subject as he was going over the fence. The Subject then fled out of sight.

Third OIS Location – Laundry Room

- **Officer R** – (rifle, 15 rounds in two sequences of fire)

First Sequence

According to Officer R, after redeploying to cover, he observed furniture being lifted up inside the laundry room, as if somebody was beginning to stand up. He then observed what he believed to be a barrel of a gun pointed towards him and the other officers that were at the front of the armored vehicle. In fear for his and his partner's lives, he fired approximately four to five rounds from his rifle to stop the Subject's actions.

Second Sequence

After his first OIS, Officer R assessed and no longer observed a threat. Then about 30 to 45 seconds later, he observed the Subject attempting to move furniture around inside the laundry room causing Officer R to believe he was trying to conceal himself. Officer R again believed that he observed the barrel of a handgun poking through at them and fired an additional five to six rounds from his rifle to stop the Subject's actions.

- **Officer Y** – (rifle, six rounds in two sequences of fire)

First Sequence

According to Officer Y, after redeploying to cover, he heard Officer R state, "Hey, I've got movement." Officer Y used his light and observed stuff moving through the window. He then observed an arm come out with a revolver and fire out the window, pointed in the direction of the armored vehicle. He believed that serious bodily injury was imminent and fired three rounds from his rifle at the Subject.

Second Sequence

According to Officer Y, after his first OIS, he observed stuff starting to fall in the laundry room and then observed an arm come out with a gun. In immediate defense of his life and the lives of the other officers, he fired three more rounds in the same area he did initially.

- **Officer S** – (rifle, 12 rounds in two sequences)

First Sequence

According to Officer S, after taking a position of cover behind the armored vehicle, he observed a pistol and an arm extend from the window of the laundry room. He believed the Subject was trying to kill him or any officer at the scene so he fired five to six rounds from his rifle towards where he believed the Subject to be behind the gun.

Second Sequence

After his first sequence of fire, Officer S no longer saw the gun. There was a brief lull, and then he observed muzzle flash from the window of the laundry room and believed the Subject had fired two to three additional shots at him and the other officers. He then fired five to six additional rounds from his rifle in the direction of the muzzle flash.

- **Officer AA** – (rifle, six rounds)

According to Officer AA, the Subject fired in the direction of the officers and he observed the officers return fire. He wanted to get in an elevated position for a better vantage point, so he entered the armored vehicle and positioned himself in the roof hatch. As he stood in the hatch, shots rang out again from the laundry room. He then fired six rounds from his rifle, directed at the red blanket where he believed the Subject was shooting from.

- **Officer Q** – (rifle, 10 rounds in two sequences of fire)

First Sequence

According to Officer Q, he heard an exchange of gunfire between the Subject and the officers at the front of the armored vehicle. There was a brief lull, and then Officer Q observed muzzle flash and the outline of a firearm through the window of the laundry room. Fearing he and the other officers were in imminent peril of serious bodily injury or death, he fired five to eight rounds from his rifle in the direction of the muzzle flash.

Second Sequence

After his first sequence of fire, the muzzle flashes ceased. Very quickly after that, Officer Q thought he observed the curtain moving in the window of the laundry room door. He believed the Subject was repositioning himself to engage him again. He then fired an additional two rounds from his rifle toward the bottom left hand corner of the window where he believed the Subject was going to fire his weapon at him or the other officers.

- **Officer X** – (rifle, 18 rounds in two sequences of fire)

First Sequence

According to Officer X, while behind cover at the rear of the armored vehicle, he heard three rounds fired from the laundry room and the officers at the front of the armored vehicle return fire. He then heard another volley of fire from the laundry room, and observed somebody holding the outline or silhouette of a handgun at the window. The handgun was pointed towards the officers at the front of the armored vehicle. Fearing the officers were going to get shot, Officer X fired approximately nine rounds from his rifle in the direction he believed the Subject was standing, to keep him down.

Second Sequence

After his first sequence of fire, Officer X observed that the blanket covering the window on the laundry room door was moved away from the glass. He believed the Subject was trying to get a position on him or the other officers in the backyard. He then fired an additional nine rounds in a deliberate manner in the area where he believed the Subject to be located.

- **Officer Z** – (rifle, 15 rounds)

According to Officer Z, while behind cover at the rear of the armored vehicle, he heard two or three rounds from the laundry room, and then heard other officers engage the Subject. There was a little lull, and then he observed muzzle flash and a shadow through the window of the laundry room.

He observed the shadow go down as if the Subject was going to take cover. He believed the Subject was going to kill or injure a police officer. He took a kneeling

position and fired approximately 10 rounds from his rifle through the bottom half of the laundry room door.

- **Officer BB** – (rifle, four rounds in two sequences of fire)

First Sequence

According to Officer BB, as he was behind cover at the rear of the armored vehicle, the Subject fired a couple of rounds and the officers at the front of the armored vehicle returned fire. He then observed what appeared to be a gun coming through the window of the laundry room, followed by muzzle flash. In fear for his life and the lives of the other officers, he fired two rounds from his rifle in the direction of the muzzle flash.

Second Sequence

According to Officer BB, after his first sequence of fire, he assessed and observed the Subject through the door. He then observed a shadow move behind the curtain, and then another couple muzzle flashes. He then fired another two additional rounds from his rifle at the shadow and the muzzle flash.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, E, F, I, Q, R, S, X, Y, Z, AA, and BB's 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. With respect to Officer K, however, the BOPC determined that his actions were not objectively reasonable.

In conclusion, the BOPC found Officers C, E, F, I, Q, R, S, X, Y, Z, AA, and BB's lethal use of force to be in policy. The BOPC found Officer K's lethal use of force to be out of policy.