

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

OFFICER-INVOLVED SHOOTING – 048-17

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood	6/22/17		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	8 years, 3 months
Officer B	4 years, 6 months
Officer C	8 years
Officer G	2 years, 2 months
Officer I	2 years
Officer J	18 years
Officer K	3 years, 2 months
Officer N	2 years, 11 months
Officer P	15 years, 4 months
Officer R	3 years, 10 months
Officer U	9 years, 7 months
Officer V	14 years, 4 months

Reason for Police Contact

Officers responded to a radio call of a battery investigation. As officers contacted the Subject, he pointed a revolver at and advanced toward the officers, resulting in an officer-involved shooting (OIS).

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 22 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

Witness A called 911 and reported that his roommate the Subject, had battered him, thrown objects at him, and was possibly under the influence of drugs. Communications Division (CD) broadcast a request for officers to respond to the location.

Officers A and B were patrolling in a marked black and white vehicle when Officer B broadcast a request for CD to assign the call to them. They also received the Subject's description on their Mobile Data Computer (MDC). Shortly thereafter, Officers A and B arrived at the residence and updated their status and location via their MDC. The officers met Witness A outside the building where he told them he had a dispute with his roommate. He also showed the officers an area on his torso with slight redness where he said he had been struck by the Subject. Witness A further told the officers that the Subject had hit him on previous occasions. According to Officer A, he and his partner asked if the Subject had any weapons and Witness A told them that the Subject did not.

Note: When Witness A called 911, he did not report any weapons involved in the incident.

Witness A told the officers that the Subject was possibly under the influence of drugs. Officer A informed Witness A that he could make a Private Person's Arrest (PPA) for misdemeanor battery. Witness A declined to make a PPA and requested that the officers contact the Subject to calm him down and defuse the situation. Officers A and B directed Witness A to wait in the lobby area while they went to the apartment to contact the Subject and gather more information to determine if they could resolve the situation or to assess if a different course of action would be appropriate.

The officers knocked on the door and verbally identified themselves as police officers. The Subject refused to answer the door and yelled at the officers, from inside the apartment, that he would not talk to them nor could they come in without a warrant. According to the officers, the Subject became angry and raised his voice, making statements indicating that he believed the officers were fake and not the real police. The officers' assessment of the situation was that there was a misdemeanor battery, not committed in their presence, and they had no authority to enter the apartment.

Officers A and B returned to the lobby and advised Witness A that the Subject refused to talk with them. The officers advised that a battery report would be completed, documenting the incident. Witness A then advised the officers that he wanted to leave

the apartment for the night to allow the situation to defuse. Witness A requested that the officers accompany him to the apartment, to keep the peace, while he gathered clothing. Officers A and B accompanied Witness A to his apartment. According to Officer A, he did not request a supervisor or an additional unit at that time, because he thought the situation was deescalating and would defuse when Witness A got his belongings and left the apartment.

Witness A placed his key into the lock on the entry door, opened the door, peeked his head inside, and stated that he was going to enter. According to the officers, the Subject yelled that Witness A could come in but the officers could not enter. Witness A opened the door and stood in the doorway. Officer A took a position at the right side of the door way, as Officer B took a position at the left side of the doorway, but to the right of Witness A, with a view into the apartment.

Officers A and B observed the Subject seated on a couch in the living room, approximately 15 feet from the entry door. When the Subject saw the officers at the door, he became more agitated, raised his voice, and began to yell and argue with Witness A. As Officer A stood in the hallway, at the threshold of the door, he attempted to de-escalate the situation by verbalizing with the Subject. Officer A told the Subject that they were not going into the apartment and further advised that once Witness A was done getting his clothing, they would leave. According to Officer A, the Subject stated that he was going to assault his roommate.

In response, Officer A unholstered his TASER with his left hand and held it in a one-hand grip in a low-ready position. According to Officer A, he unholstered the TASER because the Subject had threatened Witness A and his escalating agitation caused Officer A to be concerned that the Subject may become combative. Officer A activated the laser sights on the TASER and pointed it toward the Subject's feet. According to Officer A, during prior incidents, activating the TASER laser sights had de-escalated the situation and contributed to subjects being more cooperative.

Simultaneously, Officer B unholstered his TASER and held it in a low-ready position with his finger along the side. According to Officer B, he unholstered his TASER because the Subject's behavior was escalating from being uncooperative to threatening. Officer B provided the Subject with a warning, telling him to calm down or he would use the TASER and it would hurt. Officer B released the safety, activated the laser sights of the TASER, and aimed at the Subject. At this time, the Subject stood up and faced in the officers' direction, holding what they both described as a revolver in his right hand. According to Officers A and B, the Subject then raised the gun with his arm fully extended, pointed at them, and told them he would kill them.

As the officers moved to positions of cover, Witness A told the Subject to put the gun down, as Officer B directed Witness A to move behind him. The Subject did not comply as Officer B dropped the TASER to the floor and moved to the left side of the door frame. Officer B unholstered his pistol and held it in a low-ready position with his right hand. According to Officer B, he unholstered his pistol because the Subject was armed and stated that he was going to kill him. Officer B simultaneously keyed his radio

microphone with his left hand and broadcast a “help call” for a man with a gun. Officer B then activated the microphone on his belt to record the audio of the incident on his in-car video system. After his broadcast, Officer B held his pistol in a low-ready position while pointing it at the open door of the apartment. According to Officer B, from his position of cover behind the wall in the hallway, he could not see the Subject.

Simultaneously, Officer A moved to the right of the door frame and holstered his TASER. Officer A unholstered his pistol and held it in a low-ready position pointed toward the open door. According to Officer A, he unholstered his pistol because the Subject was armed and stated that he was going to kill them. From his position of cover, Officer A also could not see the Subject. Officer A gave verbal commands to the Subject, in an attempt to de-escalate the situation, telling him to put the gun down and to come out and talk to the officers.

Officer B directed Witness A to go downstairs to the lobby and open the door for responding officers; Witness A complied. According to Officer B, he heard a sliding door open and the sound of the Subject’s voice seemed to be further away. According to Officer A, the volume of the Subject’s voice could be heard getting louder and then going faint, which caused him to believe the Subject was moving around in the apartment.

When Officer A heard the Subject’s voice get faint, he advised Officer B that he was going to move around the door and look inside the apartment. Officer A then peeked into the apartment and observed the Subject standing on the balcony. Officer A then pointed his pistol in the direction of the Subject and advised Officer B that the Subject was on the balcony. Officer B moved forward and also pointed his pistol toward the Subject. The officers could now see the Subject as he moved around the balcony.

As Officers A and B continued to monitor the Subject, they observed him place his gun on a table on the balcony, still within his immediate reach. Officer A also observed that the Subject was holding a cell phone in his left hand. As Officers A and B waited for additional resources, they held their positions and continued speaking with the Subject, requesting that he put the gun down and talk to them.

Note: According to Officer B, the Subject walked onto the balcony and back into apartment approximately three times.

In the meantime, the Subject continued to move around the balcony, while continually yelling various things including, “There is no gun here, there is nobody I called. This guy tried to cut me, he tried to kill me. [...] You guys are trying to make me look like the bad guy.”

Note: Officer A was asked by FID if it was clear to him that the Subject’s weapon was not a water gun. He replied, “Yes, yes.” He was then asked to describe it. He stated, “It was a blue steel revolver. It looked like a Python from where I was standing.”

Witness B heard the officers knock on the door of the Subject's apartment and later saw the Subject walk onto the balcony yelling and throwing objects down from the balcony. Witness B could hear the officers issuing commands and heard the Subject state that they were not real officers but that they were aliens.

Officers C and D were the first backup unit to arrive. They parked their vehicle approximately 25 feet behind Officers A and B's vehicle. Officers C and D observed Witness A at the entry of the building and heard the Subject yelling above them. According to Officer C, he observed the Subject standing on the balcony yelling and screaming. As the officers entered the building, Witness A opened the lobby door, told them the apartment number, and they took the elevator up.

Officer A broadcast a request for a police helicopter based on the Subject's position on the balcony.

Upon exiting the elevator, Officers C and D saw the hallway was empty and observed that the hallway fire doors were closed. According to Officer D, he unholstered his pistol because of the tactical situation and the threat of serious bodily injury. Officer C opened the fire doors and immediately saw Officers A and B. Officer C announced that officers were approaching and advised that he would provide less-lethal cover. Officer C unholstered his TASER and held it in a low ready position, as he stood next to Officer B. As Officer D approached, he saw that Officers A and B had lethal cover at the door of the apartment. Officer D holstered his pistol and assumed the role of communications.

Officer A advised Officers C and D that the Subject was on the balcony and that he had a gun on the table to his right. Officer A further advised the officers that the Subject had pointed the gun at them.

Officer C holstered his TASER and unholstered his pistol. According to Officer C, he unholstered his pistol because the Subject had armed himself with the gun and the situation could escalate to the need for lethal force. Officer C could see the Subject as he moved on the balcony. According to the officers, the view of the Subject was partially blocked by vertical blinds in front of the balcony's sliding glass door. The blinds were drawn to the left side and the door was open. However, the Subject's positions and actions were intermittently visible as he moved around on the balcony.

At some point, the Subject picked up the gun from the table with his right hand and waved it around. According to Officer A, he observed the Subject raise the gun and appeared to peek over the balcony with the gun pointed down toward the street; however, Officer A did not know if officers had arrived or what the Subject may have been pointing his gun at. Officer A communicated with the officers in the hallway that the Subject had the gun in his right hand. Officers A and B repeatedly ordered the Subject to put the gun down. According to Officer C, he observed the Subject pick up an object from the table but at the time did not know what it was. As the Subject then walked on the balcony, Officer C observed the Subject holding a gun in his right hand. According to Officer A, the Subject continued to pace back and forth with the gun in his hand. At one point, the Subject turned in Officer A's direction and began to slightly raise

the barrel of the gun, but the Subject then lowered the gun. According to Officer A, he advised the Subject that if he raised his weapon again he would be shot. He also told the Subject to drop the weapon and not point it at the officers.

Officers A and B continued attempting to de-escalate the situation, verbalizing to the Subject that they were there to help him and asking him to come out and talk to them. Officer A repeatedly ordered the Subject to put the gun down and, at one point, the Subject placed the barrel of the gun under his chin and stated that he would shoot himself.

According to Officer C, the Subject was not responding to Officers A and B, so he advised them to let him try speaking with the Subject and attempt to de-escalate the situation; however, the Subject did not respond to him either. Officer C stated he observed the Subject point the gun upward, toward the bottom of his chin, and heard the Subject say he was going to shoot himself.

According to Witness B, the Subject held a silver revolver in his right hand and saw him point the gun under his chin while stating he would kill himself. Witness B also told the Subject to put the gun down as the Subject waived the gun in his and his family member's direction. This caused him to fear for their safety and they fled the area. Witness B saw additional officers arrive in front of the building and heard them giving the Subject commands to put the gun down.

In response to the "help call," additional personnel responded to the scene. Upon their arrival, Officers E and F observed Witness A at the lobby entrance yelling for the Subject to stop as he looked up toward the balcony. The balcony overlooked the street and had a view of the lobby entrance. As Officers E and F directed Witness A to come to them, the Subject stood on the balcony and yelled that Witness A had tried to kill him.

Officers E and F escorted Witness A out of harm's way, and had him stand behind a police vehicle. Witness A told Officers E and F that the Subject was on drugs, had been hallucinating, and was saying that Witness A had killed his family. Officer E asked Witness A about the Subject's gun and Witness A replied that he did not know the Subject had a gun. Witness A, as well as Officers E and F, remained at a distance during the rest of the incident.

Officer D broadcast, "The [Subject's] going to have a revolver, he's on the balcony, have them use caution when they approach the building." A request was also made for two officers equipped with rifles.

According to Officer G, immediately upon exiting his police vehicle, he heard a man screaming. As Officers G and H moved toward the location, they utilized the parked police vehicles as cover and trees for concealment. Officer G stated that he observed an officer with his pistol pointed up toward the balcony. According to Officer G, he unholstered his pistol because the Subject was holding an object that appeared to be a gun and the situation could escalate to a deadly force incident. Officer G moved behind

the police vehicle, next to the officer, looked up, and observed the Subject on the balcony pointing and yelling in the direction of Witness A, who at this time was still in front of the building. Officer G continued monitoring the Subject when the Subject raised one of his hands and Officer G observed him holding a metallic object, which he waved around in the direction of the officers on the street. Due to the "help call," Officer G believed the object may be a firearm.

According to Officer H, he unholstered because the Subject was armed, and the situation may escalate to one involving the use of deadly force. Officer H also positioned himself behind a police vehicle parked in front of the building. While Officer H maintained his cover position, he holstered his pistol so that he could open the driver's door and utilize the vehicle's spotlight to illuminate the Subject on the balcony. Officer H observed the Subject exit onto the balcony holding a revolver in his left hand. Officer H unholstered his pistol again and held it in a low-ready position, pointed in the direction of the Subject.

As Sergeant A arrived, he saw Officers E and F escorting Witness A away from the location. Sergeant A asked if Witness A was the Subject and officers directed his attention toward the balcony.

Meanwhile, Officer G approached Sergeant A and advised him that the Subject had a gun in his hand. Officer G returned to his police vehicle and continued to monitor the Subject. At that time, the Subject raised his right hand, and Officer G observed him holding a large revolver. According to Officer G, while the Subject was waving his gun around, the gun was pointed in the direction of officers on multiple occasions; however, it did not appear that the Subject took aim or looked at the officers. Officers G and H discussed retrieving their ballistic helmets. Officer G agreed to stay at the position of cover as Officer H returned to their police vehicle. According to Officer H, he holstered his pistol so that he could safely run to retrieve the officers' helmets.

Upon arriving at the location, Officer I retrieved the shotgun from the vehicle rack and gave it to Officer J. According to Officer J, he deployed the shotgun because the Subject was reported to be in a position of advantage, on the balcony, and armed. Officers J and I utilized the parked vehicles as cover as they made their approach to the building. When Officers J and I arrived, they first took positions behind a vehicle parked along the curb. According to Officer J, as he approached the location, he saw Witness A being led out of the area by Officers E and F, and he observed the Subject holding a gun in a two-handed grip, at chest level, pointed in Witness A's direction. Officer I stated that he saw the Subject on the balcony yelling, "He killed my family." Officer I observed the Subject on the balcony holding a revolver in his right hand and a cell phone in his left hand. According to Officer I, he unholstered because the Subject had a gun and he believed the situation might lead to deadly force.

While en route to the location, Officer K removed his rifle from the vehicle rack. According to Officer K, he deployed his rifle because the call involved a man with a gun, was a "help call," and the Subject was in a position of advantage on the balcony.

Officer K further stated that he wanted to provide a tactical advantage for the responding officers.

Officer L exited his vehicle and unholstered his pistol because he was responding to a man with a gun call and because he wanted to protect himself and others. Officers K and L utilized the parked vehicles for cover as they ran toward the location. Upon arrival, Officers K and L took positions of cover behind a parked vehicle.

Officer K observed Witness A at the lobby entrance yelling, "He threatened to kill me," and motioning toward the balcony. Officer K observed the Subject exit onto the balcony yelling and appearing to be upset and angry. As the Subject yelled and gestured with his hands, he raised them above the balcony wall, to shoulder level. At that time, Officer K observed the Subject holding a revolver in his right hand, which the Subject also appeared to wave in the air toward his own head. Officer K immediately advised Officer L that the Subject had a gun. Officer K pointed his rifle toward the Subject as he heard officers order the Subject to drop the gun.

Simultaneously, Officer L observed the Subject on the balcony holding a gun. Officer L then pointed his pistol toward the Subject on the balcony. Officer L observed the Subject quickly raise and lower the revolver twice, in a 90-degree angle, up toward his ear.

As Sergeant C arrived and walked toward the location, he observed the Subject on the balcony holding a shiny silver object in his left hand with a dark revolver in his right hand and yelling. Sergeant C observed a group of officers, some with rifles and shotguns, positioned near a vehicle parked at the curb.

According to Sergeant C, he assessed the situation and observed that the Subject had an elevated position of advantage on the balcony. Sergeant C stated that he wanted officers with rifles or shotguns to be in positions of advantage on both sides of the balcony to address the threat and directed officers to reposition themselves for better cover. According to Sergeant C, he grabbed Officer K's utility belt and moved him ten to 15 feet back behind the cover of a black and white police vehicle.

Upon arrival to the area, Officer M exited his police vehicle and unholstered his pistol. Officer M observed the Subject on the balcony, agitated, yelling, and appearing to be sweaty. This caused Officer M to believe the Subject was possibly under the influence of a controlled substance. Officer M heard officers giving the Subject commands; however, the Subject did not appear to respond to the officers. As Officer M was assessing the situation, he observed the Subject holding a black revolver in his right hand, across his chest, and possibly a cell phone in his left hand. Officer M yelled, "Gun, Gun, Gun," to alert and warn the officers at the scene. Officer M moved to cover behind a police vehicle. Officer M assessed and observed that there was sufficient lethal force deployed at the location, so he holstered his pistol and went back to his police vehicle to retrieve his ballistic helmet and be available to respond as directed.

Note: Officer M was at his police vehicle at the time the OIS occurred and did not witness the OIS.

Officers I and J responded to Sergeant C's direction and moved back to cover behind a police vehicle. As Officer I moved, he held his pistol pointed toward the Subject to provide cover for Officer J and himself as they moved. As Officer J moved to cover, he held the shotgun in a low-ready position, with his finger on the safety. Officers I and J took positions of cover on the driver's side of a vehicle. According to Officer J, the Subject exited the sliding door onto the balcony holding a large revolver in his hand, which he waved around. Officer I holstered his pistol and used the vehicle's Public Address (PA) system to communicate with the Subject, directing him to put down the gun. Officer I continued to attempt to de-escalate the situation by speaking with the Subject, asking him questions, and telling the Subject that the officers were there to help him. The Subject did not respond, nor did he comply with Officer I's directions. Officer I then placed the microphone inside the police vehicle. According to Officer I, he unholstered his pistol and held it in a low-ready position, pointed toward the balcony. According to Officer I, he unholstered because the suspect had a gun and, due to the tactical situation, he believed it might lead to deadly force.

Upon arrival, Officer N removed the shotgun from the vehicle rack and exited. Officer N stated he deployed the shotgun because the Subject was armed and had a position of advantage, with high ground on the balcony.

As Officers N and O approached the residence, they observed officers in positions of cover on the driver's side of a police vehicle, with their weapons drawn and pointed up toward the balcony. Additionally, Officer N heard a radio broadcast that the Subject had a gun and was waving it around. According to Officer N, when he was approximately 40 to 50 feet from the balcony, he observed the Subject on the balcony holding a gun in his right hand and waving it around.

Officer N took a position at a telephone pole near the curb and Officer O took cover behind a police vehicle. Officer N issued commands for the Subject to drop the gun; however, the Subject did not respond.

Meanwhile, Sergeant C directed Officer O to move the police vehicle forward to provide better cover for the officers. Officer O moved the vehicle, approximately one car length forward, into a position facing toward the building. As Officer O moved the police vehicle, Officer N moved from the telephone pole to the front passenger door and opened it. Officer N used the passenger door as cover, while pointing his shotgun in the direction of the balcony, and walked along with the vehicle as Officer O repositioned it. As Officer O was moving the vehicle, he was directed into position by Sergeant A. After Officer O finished moving the vehicle, he advised Officer N he was going to retrieve the officers' ballistic helmets from their vehicle.

Officer D then broadcast, "Be advised the [Subject] is going to have the gun in his right hand and he is facing outside on the balcony, so have units use caution when they respond."

At this time, Sergeant A assessed the officers' positions and approached Officer K to advise him that he was going to reposition him. Officer K maintained his rifle barrel pointed toward the balcony as Sergeant A took hold of his utility belt and guided Officer K behind the open driver's door of the police vehicle. Sergeant A then directed Officer L to redeploy next to Officer K. Officer L held his pistol in a low-ready position as he also moved to cover. According to Officer L, a supervisor tapped him on the shoulder and told him to go retrieve his and Officer K's ballistic helmets. Officer L advised Officer K that he was going to move, then holstered his pistol and returned to his vehicle.

According to Sergeant A, he advised Officers K and N that they were designated shooters if the situation escalated and deadly force was necessary. At that time, Sergeant A was standing on the driver's side of the police vehicle illuminating the Subject on the balcony with his flashlight. According to Sergeant A, he observed the Subject exit onto the balcony on two to three occasions. The last time the Subject exited, Sergeant A observed the Subject holding a dark colored revolver in his right hand, pointed toward the officers below. In response, Sergeant A yelled, "Gun, Gun, Gun," warning officers and directing them to take cover. Sergeant A unholstered his pistol and pointed it toward the balcony to provide cover for officers as they moved. According to Sergeant A, he unholstered his pistol because he believed the incident could escalate to the need for deadly force. Sergeant A took a position of cover on the driver's side of the police vehicle, with his pistol pointed in the direction of the balcony.

According to Sergeant C, at that time, he was not concerned with any crossfire issues between officers on the inside the building and officers that were outside at street level. According to Sergeant C, the officers that were positioned outside of the building had a line of fire that was in an upward direction, with the roof as background, while the officers inside of the building had a line of fire that was parallel and out.

When Sergeant B arrived, he observed numerous officers at positions of cover behind vehicles with guns drawn and pointed toward the Subject, who was positioned on the balcony. According to Sergeant B, upon determining that Sergeant A had control over the officers in front of the building, he determined that a tactical entry team needed to be assembled and be ready to respond. According to Sergeant B, he was aware that officers were inside the location and possibly needed assistance. Sergeant B directed all available officers to get their ballistic helmets and report to him to assemble an entry team. Sergeant B then returned to his vehicle and retrieved his ballistic helmet, in preparation to respond with the entry team.

Note: Sergeant B was at his vehicle at the time the OIS occurred and did not witness the OIS.

Sergeant C repeated Sergeant B's direction and had available officers to get their ballistic helmets.

Note: Sergeant C was at the rear of his vehicle, when the OIS occurred, and he did not witness the OIS.

Officers P and Q approached on foot utilizing the parked vehicles as cover. As he moved toward the location, Officer Q unholstered his pistol because the Subject was armed with a gun and on the balcony. Upon arriving at the building, Officers P and Q took positions of cover behind the police vehicle. According to Officer P, while behind cover, he observed the Subject exit onto the balcony, yelling incoherently, while holding a gun in his right hand. Officer P stated he could hear officers inside the building directing the Subject to drop the gun. Officer P heard additional officers outside giving commands to the Subject; however, he did not comply. Officer P observed Officers K, T, and V, armed with rifles, take positions behind the police vehicle.

Upon arrival, Officer Q saw officers taking cover behind vehicles and issuing commands to the Subject. Officer Q heard Sergeant B directing officers to get their helmets and he advised Officer P that he was going back to their vehicle to retrieve their ballistic helmets. Officer Q holstered his pistol and ran to their vehicle.

Note: Officer Q was at his vehicle when the OIS occurred and did not witness the OIS.

Upon arrival, Officer R retrieved his tactical equipment bag, containing a trauma kit and ballistic helmet, from his vehicle trunk, and responded toward the location with Officer S. According to Officers R and S, they did not unholster their pistols while approaching the location.

Upon arrival, Officer R took a position of cover at the rear of a police vehicle and placed his equipment bag on the ground. Officer R observed the Subject on the balcony illuminated by police vehicle spotlights. According to Officer S, a sergeant directed him to get his ballistic helmet and gather for a tactical team. Officer S advised Officer R that he was going to their vehicle to retrieve his helmet.

Note: Officer S was walking back to his vehicle when the OIS occurred, and he did not witness the OIS.

Upon arrival, Sergeant D observed the Subject on the balcony and officers with weapons pointed at the Subject. Sergeant D observed that Sergeants A, B, and C were already on scene, directing and coordinating the officers positioned in front of the building.

According to Sergeant D, he assessed the scene and believed that there were sufficient units with lethal cover. He further observed officers, whom he did not recognize, had taken positions of cover behind a civilian vehicle parked along the curb behind other officers. Sergeant D was concerned about a potential crossfire situation, so he directed some of the officers to holster their weapons. Sergeant D then directed those officers to assist him with clearing pedestrians who had gathered on the sidewalk and were possibly in harm's way.

Officers T and U had also responded to the scene and deployed their rifles. According to Officer T, he deployed his rifle because the Subject was armed, on the balcony facing the street, and in a position of advantage. According to Officer U, he deployed the rifle because the Subject was armed, on the balcony, and facing the street in a position of advantage. Upon their arrival, Officer T retrieved his tactical bag, that had additional rifle ammunition and a trauma kit, from the vehicle trunk before moving toward the building. The officers used the parked police vehicles as cover and the trees as concealment as they moved forward.

As Officer U approached the scene, he observed the Subject on the balcony, illuminated by police vehicle spotlights, and heard him yelling as he paced back and forth. Sergeant C directed Officer U to a position behind a police vehicle, which was directly in front of the balcony, so he could use his rifle to provide cover to the other officers in that position. According to Officer U, the Subject paced back and forth with his right hand to his side, yelling, and it appeared that he was under a lot of stress. Due to the Subject's actions and not raising his right hand, Officer U opined that the Subject was trying to conceal a gun in his right hand behind the balcony wall.

As Officer V moved forward from his vehicle toward the location, he saw Officers E and F escorting Witness A away and overheard Witness A stating that there were children inside the location. According to Officer V, when he arrived, there were several officers gathered near a police vehicle next to the location. As Officer V asked for specific details of the Subject's location, Officers T and U advised him they were going to continue forward to a police vehicle close to his location.

Officer V was told the Subject was on the balcony and he directed his attention on the balcony as he took a position of cover behind the open driver's door of the police vehicle next to Officer K. Officer V reached past Officer K, turned on the spotlight, and illuminated the balcony. Officer V unholstered because he knew the Subject was armed with a gun, and the situation could lead to deadly force. Officer V stated that he advised a sergeant at the scene about the information he had overheard regarding children possibly being inside the location.

Note: Investigators were unable to determine whether Witness A had made the statement.

Upon arriving at the scene, Officer T took a position near the open driver's door of the police vehicle, next to another officer. Officer T observed the Subject on the balcony, illuminated by spotlights, yelling and holding a gun in his right hand. Officer T heard officers yelling commands to the Subject to drop the gun.

According to Officer P, he assessed the scene and opined there were too many officers around the police vehicle. Officer P observed that Officers K, T, and V were all positioned near the vehicle driver's door. Officer P observed that a large tree on the south side of the street would provide a good position for Officer T to deploy his rifle.

At this time, Officer P approached Officer T and advised him he was going to move him to a position of cover. Officer P took a hold of Officer T's belt as Officer T held his rifle pointed toward the balcony. According to Officer T, he had a better view of the Subject from the position at the tree and no concern with crossfire. At some point, a sergeant directed Officer T to retrieve his ballistic helmet. When Officer T left his position, Officer P unholstered his pistol because he saw the Subject armed with a gun and knew the situation may escalate to the use of deadly force.

Upon arrival, Sergeant F observed Sergeants A, B, and C already at the scene. Sergeant F observed that Sergeant B was directing officers to gather for an entry team, as Sergeant A was directing officers who were in front of the location, and Sergeant C was directing officers to retrieve their ballistic helmets. Sergeant F contacted Sergeant A and designated him as the Incident Commander (IC). According to Sergeant F, he assessed and observed that there were sufficient officers with lethal cover toward the balcony, so he extracted three officers and directed them to go retrieve ballistic helmets for the cover officers and to prepare for an entry team. Sergeant F then intercepted additional officers who were arriving at the scene and sent them to retrieve their ballistic helmets and then to standby for further assignment.

Officer V provided Sergeant F with information that children were possibly inside the apartment. Upon being informed of this information, Sergeant F turned away from the balcony to direct officers to retrieve their ballistic helmets. Immediately upon turning, Sergeant F heard the gunshots.

Officers AA and BB parked their police vehicle. Officer BB exited the vehicle and unholstered his pistol because of the "help call," there being a man with a gun, and his reasonable belief the situation could escalate to the point where deadly force may be justified. Officer AA exited the vehicle and unholstered based on the information in the broadcasts that the Subject was standing on the balcony, in an elevated position, with a weapon.

Officers AA and BB arrived and saw officers behind the cover of vehicles on the street, with their weapons pointed up toward the balcony. Officers AA and BB also took a position of cover behind a parked vehicle. Officer BB observed the Subject pacing and yelling on the balcony, while holding a firearm in his right hand, and officers in front of the location giving the Subject commands to drop the weapon. Officer AA observed the Subject on the balcony yelling incoherently, holding a gun in his right hand and waving it in the direction of the officers and people on the street.

Officer AA heard a sergeant directing officers to get their ballistic helmets. Officer AA holstered his pistol and returned to his vehicle. In the meantime, Officer BB observed that pedestrians were beginning to gather on the sidewalk behind him and advised them to clear the area for their safety. Once back at his vehicle, Officer AA repositioned the vehicle into the roadway to block vehicle traffic from entering the area. Officer AA then retrieved his ballistic helmet from the vehicle's trunk.

Note: Officer AA was at his police vehicle's trunk when the OIS occurred, and he did not witness the OIS. Officer BB's attention was diverted to stopping pedestrians and vehicular traffic attempting to travel east and did not witness the OIS.

Upon arrival to the area, Officers W and X ran to the scene and observed numerous officers taking positions of cover with weapons drawn. Officer W unholstered his pistol and held it at a low-ready position as he approached the location. According to Officer W, he assessed that officers had not deployed their ballistic helmets, so he directed officers to get their helmets. Officer W returned to his police vehicle to retrieve his ballistic helmet.

According to Officer X, he and Officer W took positions of cover behind a vehicle that was parked at the curb. Officer X observed the Subject on the balcony waving an unknown object and heard officers yell that he had a gun. Officer X unholstered his pistol because the incident was a "help call," "man with a gun call," and on arrival, he saw the Subject was on the balcony holding an object in his hand.

Upon arrival, Officer Y removed the shotgun from the vehicle rack and gave the shotgun to Officer Z. According to Officer Z, he deployed his shotgun, because of the tactical situation involving a man armed with a gun and he believed the incident could escalate to the point that lethal force may be justified. As Officer Z approached the location, he utilized parked vehicles as cover. Upon arrival at the building, Officer Z was directed by a sergeant to a position of cover behind the trunk of a police vehicle, which was parked close to the location. According to Officer Z, he heard officers giving the Subject verbal commands and yelling that he was on the balcony armed with a gun. Officer Z could see that the balcony was illuminated by spotlights, but his view was obstructed by a tree and he could not see the Subject.

According to Officer Y, as he approached the building, he heard a sergeant directing officers to retrieve their ballistic helmets and advised Officer Z that he would return to their police vehicle and retrieve their helmets. Officer Y returned to his police vehicle as Officer Z remained in his position of cover.

Officers CC and DD arrived and ran down the sidewalk to the building. As Officer DD approached the location, he unholstered because he had a reasonable belief there was a substantial risk that the situation may escalate to the point that deadly force was justified or needed. According to Officers CC and DD, they took positions of cover behind a tree. Officer DD observed officers at scene with weapons unholstered, covering the balcony, and saw the Subject on the balcony holding a revolver in his right hand, yelling obscenities. Officer DD described the Subject's actions as very agitated and that he was possibly under the influence of alcohol or narcotics. Officer CC heard Sergeant B directing officers to get their helmets and directed Officer DD to return to their vehicle to retrieve their ballistic helmets. Officer DD holstered his pistol and ran back to his police vehicle to retrieve their ballistic helmets.

Note: Officer DD was at his police vehicle when the OIS occurred and did not witness the OIS.

Upon arrival, Sergeant E approached on foot. He observed Sergeants B and F directing officers and saw the Subject pacing on the balcony of the apartment.

Note: According to Sergeant E, he was approximately 75 feet away from the location when he heard shots fired and moved to a position of cover behind a block wall on the side of the street.

Upon arrival, Officers EE and FF parked and exited their vehicle. Officer FF retrieved his ballistic helmet and the officers walked toward the location. As the officers arrived, Sergeant F directed them to take cover behind the police vehicles. Officer EE returned to their police vehicle to retrieve his ballistic helmet.

Officers GG and HH parked in a nearby alley. As they walked down the street, Officer GG observed that officers were getting their ballistic helmets, and he directed Officer HH to return to their police vehicle to retrieve their helmets. According to Officer GG, he walked approximately one-quarter up the street when he heard gunshots and stopped behind a tree. Officer GG unholstered his pistol because there were shots fired and he did not know if the threat would be in his direction.

Note: Officer HH was at his police vehicle when the OIS occurred, and he did not witness the OIS.

Upon their arrival, Officers II and JJ were directed by Sergeant C to retrieve their ballistic helmets from their vehicle. Officers JJ and II returned to their police vehicle to retrieve their ballistic helmets; while they were at their vehicle the OIS occurred. Officers JJ and II were at their vehicle when the OIS occurred and did not witness the OIS.

Note: At one point, prior to the OIS, a broadcast went out directing all responding units to don their helmets.

During the time that these additional officers were arriving, the Subject entered the apartment from the balcony and advanced toward Officers A, B and C, while holding the gun in his right hand. The officers directed the Subject to drop the gun and told him they were there to help him. They also told him if he did not, he would be shot and the Subject replied that he would not.

According to Officer A, the Subject was at the threshold of the balcony door when he turned in the officers' direction. The Subject then raised his gun and pointed it at the officers as he walked toward them. Officer A activated the tactical light on his pistol and discharged four rounds at the Subject from an approximate distance of 33 feet.

Officer A assessed and observed that the shots did not appear to have any effect. According to Officer A, the Subject continued to advance with his gun pointed at him.

Officer A discharged a second volley of five rounds from an approximate distance of 22 feet at the Subject. Officer A assessed and observed that the Subject had fallen to the floor but was still moving toward the officers. According to Officer A, gun smoke filled the air and he could not clearly see if the Subject had dropped his gun or was still holding the gun in his hand, but it appeared to Officer A that the Subject was making a reaching motion. Officer A believed that his shots did not have any effect on the Subject; he observed the Subject stand up and run toward the balcony. Officer A could not see if he was still carrying the gun in his hand or if he was unharmed due to the smoke from the shots fired. Once he was on the balcony, Officer A heard shots being fired. Officer A then moved to a position of cover behind the hallway wall.

Simultaneously, Officer B observed the Subject point his gun at him. In response, Officer B discharged four rounds at the Subject from an approximate distance of 33 feet. Officer B observed the Subject collapse to the ground and drop his gun. Officer B assessed and observed that the Subject's gun was on the ground directly in front of him. Officer B then observed the Subject crawl forward and grab his gun. Officer B then fired a second volley of three rounds from an approximate distance of 22 feet. The Subject then stood up and ran back out onto the balcony. According to Officer B, when the Subject ran onto the balcony, he was uncertain if he was still armed with a gun. Officer B then heard shots fired from outside and he moved to his left, away from the door, to a position of cover behind the hallway wall.

Officer C tilted his upper body to the side and observed the Subject enter the apartment from the balcony while screaming at the officers. According to Officer C, the Subject raised his gun up to a 90-degree angle, at about hip level, and pointed the gun toward him and the other officers. Officer C then discharged two rounds at the Subject from an approximate distance of 33 feet. Officer C believed the Subject was struck by the shots because the Subject turned away from the officers and fell. Officer C assessed and observed that the Subject was on the floor; he also saw the gun laying on the floor to the right of the Subject. Officer C then observed the Subject crawl forward and grab the gun. According to Officer C, he then fired two additional rounds from an approximate distance of 22 feet at the Subject. Officer C assessed and observed the Subject stand up and exit out onto the balcony, out of his sight, leaving his gun in the middle of the living room floor. According to Officer C, he then heard shots fired outside and grabbed Officer B's utility belt to move him away from the doorway.

At that time, an officer broadcast, "We got shots fired, throw on your helmets, throw on your helmets." Immediately following that, Officer D broadcast, "Standby we have shots fired, shots fired," as the Subject exited the apartment back out onto the balcony.

According to Sergeant A, he was not certain if there were officers still upstairs in the apartment or whether the officers exited the building. Upon hearing the gunfire inside the apartment, Sergeant A believed there was an "active shooter" and a response team needed to be deployed.

The following is the individual officers' observations and actions during the OIS, who were positioned in front of the residence. The following accounts do not

reflect the order in which each officer fired their weapon as officers discharged their weapons simultaneously:

Officer I heard gunfire and saw bullets piercing through the balcony wall, from the inside to the outside, in the direction of officers down on the street. Officer I activated his tactical light attached to his pistol, which he held pointed toward the balcony. According to Officer I, the Subject exited onto the balcony and began to slowly raise his right hand over the balcony with an object in it, which he could not identify but believed to be a gun. Officer I then fired three rounds from an approximate distance of 56 feet at the Subject. Officer I assessed and observed the Subject take a step before slumping over the side of the balcony. Officer I maintained his position of cover, holding his pistol pointed at the Subject to provide cover to officers preparing to enter the building. According to Officer I, he was not aware that officers were inside the building during the OIS.

Officer J observed the Subject enter the apartment through the sliding glass door and, within seconds, exit back onto the balcony. As the Subject walked toward the side of the balcony, he turned in the officers' direction, and Officer J observed muzzle flash from the area of the Subject's hands. Officer J yelled to Officer I that they were taking rounds. Officer J then fired one round from his shotgun toward the Subject from an approximate distance of 55 feet. Officer J cycled the action of the shotgun, chambered a live round, and assessed. Officer J then observed the Subject fall, slumped over the balcony railing. Officer J held his shotgun pointed at the balcony, in a low-ready position, providing cover to officers gathering to enter the building.

Note: The investigation determined the Subject's revolver was loaded with six rounds of live ammunition, indicating that the gun was not fired.

Officer U observed the Subject "storm" into the apartment and heard multiple gunshots inside the apartment. Officer U stated that he did not know from whom the gunshots originated. Officer U maintained his position, with his rifle pointed at the balcony, and observed the Subject come out onto the balcony attempting to conceal himself by bending over and ducking behind the balcony wall.

The Subject then moved toward the side of the balcony and stood. There were officers who had moved toward the building's front doors to make entry and were exposed on the ground. According to Officer U, the Subject appeared to take a two-handed shooting stance, but he did not see a gun. Officer U believed that the Subject was looking down toward the officers that were moving in the direction of the building entrance. At that time, Officer U fired two rounds at the Subject from an approximate distance of 55 feet. According to Officer U, he believed that the Subject was a threat to the officers below the balcony and on the street, and to whoever else was inside the apartment if he was able to go back inside the apartment.

Officer U assessed and observed the Subject duck toward the side of the balcony and then stand up. According to Officer U, it appeared that the Subject was going to reach up and over the balcony. Officer U then fired a second volley of two to three rounds,

from an approximate distance of 55 feet, at the Subject. Officer U then observed the Subject fall slumped over the balcony rail.

Note: The investigation determined that Officer U discharged a total of six rounds during the OIS.

Officer K heard gunfire and someone screaming from inside the apartment, as the room appeared to illuminate with muzzle flashes. Officer K believed that the Subject was shooting people in the building. Officer K stated that the gunfire sounded like it was coming from a possible .38 caliber revolver. According to Officer K, he believed that the situation had turned into an active shooter scenario, and a rapid deployment response was necessary to stop the Subject from harming or killing people.

Officer K pointed his rifle toward the balcony as he began to move from his position of cover behind the police vehicle near the lobby door. Officer K had moved a few feet, and was now in the open, when he observed the Subject exit out onto the balcony. Officer K saw the Subject running toward the edge of the balcony and toward the officers positioned on the ground. According to Officer K, while the Subject ran, he moved his shoulders and arms in an upward position, with his chin tucked and his head cocked. This caused Officer K to believe the Subject was trying to assume a shooting position or platform.

Officer K moved to the driver's side rear quarter panel of a vehicle parked along the curb and fired five rounds at the Subject from an approximate distance of 57 feet. Officer K assessed, observed that the Subject fell and was no longer a threat, and broadcast that shots had been fired.

Officer K then used the tactical light on his rifle to illuminate the area and assessed if there were any additional tactical considerations. Officer K moved back to cover behind the driver's side of the police vehicle and Officer R placed his ballistic helmet on Officer K's head, anticipating that he would respond with the entry team.

Officer N was positioned behind the front passenger door ballistic panel of the police vehicle, with his shotgun held in a low-ready position, pointed toward the balcony. According to Officer N, he heard ten to 15 shots fired inside the apartment and believed that the situation may be an active shooter incident. Officer N then heard a radio broadcast of "shots fired," but was not sure who was shooting. Officer N heard an officer say, "Hey, we got to go in there." According to Officer N, he did not know there were officers inside the building during the OIS.

According to Officer N, he intended to move from one cover position to another as he moved toward the building. As Officer N moved from the police vehicle door toward a telephone pole in front of the building, he held his shotgun pointed at the balcony. While in motion, before reaching the telephone pole, he was at a point between the vehicle and the curb when he observed the Subject exit onto the balcony holding an object in his hand that was pointed toward him and other officers. According to Officer

N, he believed the object the Subject held was a gun because he was holding something in his right arm in the same manner that he knew just seconds earlier had had the handgun in it. According to Officer N, when the Subject exited, he walked from one end of the balcony to the other like he was about to spray bullets downward at the officers. In response, Officer N fired two rounds at the Subject from an approximate distance of 64 feet. As Officer N was moving and returning to cover, he assessed and fired a third round from an approximate distance of 67 feet. According to Officer N, he believed one of his rounds struck the Subject. Regarding his decision to shoot, Officer N indicated that the officers were exposed as they were trying to approach the building and he felt as though he had to end the threat.

After Officer N fired his third round, he observed the Subject laying on the balcony wall and drop an object from the balcony. Officer N yelled that he observed the Subject drop the gun. Officer N then conducted a tactical reload. As Officer N moved back behind the front passenger door of the police vehicle, he held his shotgun in a low-ready position, covering the Subject, as officers prepared an entry team.

Officer G was positioned near the rear quarter panel of a police vehicle. Officer G heard seven to eight gunshots, saw muzzle flash from inside apartment, and heard a woman screaming. Officer G believed that that the circumstances became exigent and a team was needed to enter the building to protect lives.

Officer G moved from his position at the police vehicle to a tree at the curb, in preparation to move forward and join Officers K and N. Officer G was behind the tree when the Subject exited onto the balcony yelling. According to Officer G, he observed the Subject run toward the side of the balcony, reached his right hand over the balcony holding a gun, which he pointed at officers. Officer G then fired one round at the Subject from an approximate distance of 65 feet. Officer G assessed and observed that the shot did not appear to have any effect on the Subject, as he continued to hold the gun and move forward. Officer G kept his sights aligned on the Subject and discharged a second round. Officer G assessed and observed the Subject start to “slump down.” Officer G then discharged a third round. After Officer G discharged his third round, it appeared to him that the Subject dropped his gun. According to Officer G, within seconds, the Subject was slumped over the balcony rail.

Note: Investigators recovered a metallic-colored butane lighter and a cell phone from the ground under the balcony.

Officer G assessed and observed that the Subject was motionless. At this time, Officer G conducted a tactical reload. Officer G then moved back to a position of cover behind a police vehicle, and pointed his pistol toward the balcony to provide cover for the entry team.

Officer V was positioned on the driver’s side of the police vehicle next to Officer K. Officer V heard five shots from inside the apartment, at which time, he observed Officer K move toward the building. Officer V held his pistol in a two-handed grip pointed toward the balcony when he observed the Subject walk out onto the balcony. Officer V

observed the Subject's right arm locked out, holding what he believed to be a gun in his right hand pointed toward the officers near him. According to Officer V, the Subject moved backward, crouched down out of his view, and then he heard two gunshots. Officer V observed wood debris from the balcony wall fall toward the street, which led him to believe that the Subject was shooting at him and the other officers. According to Officer V, he believed the first five shots that he heard came from the interior of the apartment, while the last two shots he heard he believed were discharged from the balcony outside of the apartment.

Officer V then observed the Subject move across the balcony, holding a gun in his right hand, which the Subject now pointed at him and the officers near him. In response, Officer V fired seven rounds, from an approximate distance of 66 feet, at the Subject. Officer V assessed and observed that the Subject had fallen and was hanging over the balcony rail.

Note: Officer V stated that he was not aware that officers were inside the building during the OIS. However, he believed there were possibly civilians in the apartment during the OIS.

Officer V then observed that the Subject's arms were hanging down and his hands were empty. Officer V heard an officer announce, "He dropped the gun." Officer V then lower his pistol to his side.

Officer R was positioned behind the driver's side door of the police vehicle, to the right of Officer V. Officer R saw the Subject peek out over the balcony in the officers' direction and then ducked out of sight. Officer R heard Sergeant B directing officers to get their helmets and form up for an entry team. Officer R moved to the rear of the police vehicle to retrieve his ballistic helmet when he heard four shots. Officer R put his ballistic helmet on, unholstered his pistol and held it in a low-ready position. According to Officer R, the Subject walked onto the balcony, leaned over the edge of the balcony wall, and stretched out his right arm holding a gun in his right hand. While Officer R remained behind the police vehicle, he heard a gunshot that he believed came from the balcony. In response, Officer R fired three rounds, from an approximate distance of 68 feet, at the Subject. According to Officer R, he fired his pistol because the Subject presented a deadly threat to himself and the other officers.

Officer R then looked up and observed that the Subject was slumped over the balcony. Officer R observed an object, which he believed to be a gun, fall from the Subject's hand. Officer R removed his ballistic helmet and placed it on Officer K, who was assigned with the entry team, and took a position behind the police vehicle.

Note: The investigation determined that the two objects that fell were a cell phone and a butane lighter.

Officer P was positioned behind a tree at the curb when he saw the Subject enter the apartment from the balcony. Officer P heard officers inside the building directing the Subject to put the gun down. Approximately 15 to 30 seconds later, Officer P heard ten

shots and observed muzzle flash from inside the apartment. According to Officer P, he believed that the Subject had shot the officers inside the building. At that time, Officer P observed the Subject run onto the balcony, in a crouched position, as he moved toward the side of the balcony. According to Officer P, the Subject then faced the interior of the apartment and struck the window with his left hand. At this time, Officer P had a view of the Subject's back and observed the Subject take what he believed to be a shooting stance. Officer P believed the Subject was attempting to utilize a portion of the balcony wall as a barricade from the officers inside the building. Officer P then heard gunfire and believed that the Subject was firing at the officers inside the building. In response, Officer P fired one round at the Subject from an approximate distance of 87 feet. Officer P assessed, observed the Subject still standing and heard additional gunfire; however, he did not know where the gunfire originated from. According to Officer P, he could not see if the Subject was shooting or if he had the gun in his hand. Officer P then fired a second round at the Subject from an approximate distance of 87 feet. Officer P assessed, saw the Subject's body lying over the balcony railing, and observed objects fall to the ground from the balcony.

As the OIS occurred, Witness A heard the gunshots, and according to Officer E, began to jump up and down because he wanted to return to the apartment. To prevent Witness A from returning to the apartment, Officers E and F held Witness A's arms and guided him to the ground where they held him. As Officer GG ran toward the location, he observed Officers F and E attempting to control Witness A and assisted the officers with detaining Witness A. As Witness A lay on the ground, and to prevent him from running back to the building, Officers E and F handcuffed Witness A. Officers E and F then walked Witness A further out of the area.

Following the OIS, Sergeant A observed that the Subject was slumped over the balcony rail and yelled for officers to stop firing. Sergeant A then called for a team to prepare to respond in case the Subject should fall from the balcony. Sergeant A saw Sergeant B to his right, with his ballistic helmet on, directing officers to gather with him to prepare an entry team. Sergeant A then assumed a supportive role.

When the gunfire stopped, Officer A assessed and confirmed that he and the officers in the hallway had not been injured. Officers A and C looked in the apartment, from the hallway, and observed the Subject slumped over the balcony wall. Officer A also saw the revolver lying on the living room floor and he relayed this information to Officer D.

Over the radio, Officer D advised the units outside not to shoot, that the Subject was down, and that the officers inside could see his handgun. Officer I then broadcast a request for an ambulance.

Lieutenant A arrived at the scene and assumed the responsibility of Incident Commander (IC). Lieutenant A directed a Command Post (CP) to be set up.

At this time, Sergeant B formed an entry team with the objective of getting to the officers inside the building and confirm they were safe. The team entered and Sergeant B

verified that there were no injured officers or civilians, and that all officers in the building were accounted for.

The entry team entered and cleared the apartment, then Sergeant B directed officers to take the Subject into custody. The Subject was moved off the balcony railing and placed face down on the floor. The Subject was then handcuffed and searched for weapons but none were found. The officers then checked the Subject to determine if he was breathing or had a pulse and none was detected. Fire personnel were then brought in to assess the Subject and they determined he was deceased.

Note: There were no victims nor other apartment units that were struck by gunfire.

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 its review of the instant case, the BOPC made the following findings.

A. Tactics

The BOPC found Sergeants A, B, and C's tactics to warrant a finding of Administrative Disapproval. The BOPC found Officers A, B, C, D, G, I, J, K, N, P, R, U, and V's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeant A and Officers A, B, C, D, G, I, J, K, N, P, R, U, and V's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers A, B, C, G, I, J, K, N, R, U, and V's lethal use of force to be in policy. The BOPC found Officer P's lethal use of force to be out of policy.

Basis for Findings

- **Detention**

The officers responded to a radio call of a Battery suspect. While the officers were standing in the hallway outside the open door of the apartment to keep the peace, so the victim could retrieve some items from his apartment to spend the night elsewhere, the Subject stood up from the couch holding a handgun in his hand and threatened to kill the officers. After several minutes of trying to get the Subject to drop the gun, the Subject pointed the gun in the officers' direction, resulting in an OIS. 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 involved officers were faced with a rapidly unfolding tactical situation when the Subject stood up from the couch holding a handgun in his hand. The officers verbalized with the Subject in an attempt to get him to surrender and resolve the situation peacefully and without the use of force. After several attempts to de-escalate the situation and gain compliance, the Subject turned toward the officers and pointed the gun in their direction. Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat.

- During the review of this incident, the BOPC noted the following debriefing points:

1. Utilization of Cover

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 responded to a rapidly unfolding tactical situation on the exterior of the building and utilized vehicles, telephone poles, and trees as barriers between themselves and the Subject. However, because the Subject was positioned on an elevated platform, these positions provided varying degrees of cover and concealment, and at times, resulted in some of the officers being at a tactical disadvantage.

It must also be noted that Sergeants A, B, and C recognized that there were officers at the scene whose positions of cover placed them at a tactical disadvantage and they immediately took steps to reposition the officers and ensure superior weaponry was deployed to improve their tactical advantage.

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

2. Tactical Communication

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, the officers and supervisors on the exterior of the building did not communicate with the officers inside the building during the incident. As a result, the involved personnel were faced with a rapidly unfolding tactical situation involving an armed suspect without the benefit of communication between the two locations to coordinate the response.

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

- The BOPC also considered the following:

1. Contact and Cover

The investigation revealed that both Officers A and B deployed their respective TASERs and pointed them at the Subject. The officers were reminded to utilize the concept of contact and cover, during which one officer initiates contact while the other officers provide cover.

2. Maintaining Control of Equipment (TASER) – The investigation revealed that Officer B dropped his TASER on the ground and transitioned to his service pistol. Officer B was reminded of the importance of maintaining control of his equipment prior to transitioning to other force options.

3. Rifle Manipulations

The investigation revealed that Officer K chambered a round in his rifle while responding to the “help call” in the police vehicle. Officer K was reminded that chambering a round in a moving vehicle may lead to an unintentional discharge of the rifle.

4. Ballistic Helmet

The investigation revealed that some of the personnel who deployed in front of the building were not wearing their ballistic helmets. All involved personnel were reminded of the importance of donning their ballistic helmets as soon as tactically feasible when involved in a tactical situation involving an armed suspect.

5. Simultaneous Commands

The investigation revealed that several officers were giving simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

6. Command and Control (Substantial Deviation – Sergeants A, B, and C)

It is incumbent upon supervisors at the scene of a critical incident such as this to demonstrate and exercise supervision that is consistent with Department supervisory and tactical training.

The BOPC recognized that Sergeants A, B, and C were responding to a rapidly unfolding tactical situation that involved an armed suspect who was positioned on a balcony.

However, the BOPC was critical of each supervisor's decision to work alone, rather than as a team, and felt that as a result, the officers were placed at a greater tactical disadvantage had the suspect decided to engage the officers that were on the ground from his elevated position on the balcony.

Additionally, the BOPC also expressed concern that none of the supervisors made any attempt to assume the role of IC and communicate with the officers inside the building to determine their status.

Based on the totality of the circumstances, the BOPC concluded that the sergeants' decisions to act independently, coupled with their lack of communication with one another, substantially and unjustifiably deviated from approved Department supervisory training.

These topics were to be discussed at 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.

In conducting an objective assessment of this case, the BOPC found that the Command and Control tactics utilized by Sergeants A, B, and C substantially and unjustifiably deviated from approved Department tactical training.

In conclusion, the BOPC found that Sergeants A, B, and C's tactics warranted a finding of Administrative Disapproval. Additionally, the BOPC found that Officers A, B, C, D, G, I, J, K, N, P, R, U, and V's tactics warranted a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officers A and B, when the Subject stood up from the couch and pointed a handgun in their direction, they drew their respective service pistols.

According to Officer C, upon being advised the Subject had a gun on the table, he immediately holstered his TASER and drew his service pistol.

According to Officer D, as he exited from the elevator, he drew his service pistol. Officer D indicated that he unholstered due to the tactical situation that serious bodily injury or death could occur.

According to Officer I, as he exited the police vehicle, he assumed a position of cover behind a police vehicle and drew his service pistol. He then holstered his service pistol and utilized the PA to give the Subject commands to drop the weapon. The Subject ignored his commands, entered the apartment, and he lost sight of him. He then put the PA microphone back in the vehicle and drew his service pistol a second time.

According to Officer J, as he exited the vehicle, he exhibited his Department shotgun and assumed a position of cover behind a police vehicle. He was informed that there was man armed with a gun on the balcony.

According to Officer K, while en route to the location, he removed his police rifle from the rack and manipulated the rifle in the vehicle. Upon arrival, he exited the vehicle and assumed a position of cover behind a parked vehicle. Officer K indicated he drew his weapon due to the distressed nature of the help call.

According to Officer U, upon arrival, he exited his vehicle and exhibited his police rifle because the radio call stated there was a man with a gun.

According to Officer G, he exited the vehicle, assumed a position of cover behind a police vehicle, and drew his service pistol. Officer G indicated that he had his gun unholstered because he believed that the situation could escalate to the point where deadly force may be justified due to the "help call" and the fact that the Subject had a gun.

According to Officer N, upon arrival, he exited the vehicle and exhibited his Department shotgun. Officer N recalled that he knew if he took the position of lethal force his partner would assume the role of less-lethal force.

According to Officer R, he exited the vehicle and then assumed a position of cover behind a police vehicle. As he was retrieving his ballistic helmet from his equipment bag, he heard four shots ring out from the apartment and drew his service pistol.

According to Officer V, he exited the vehicle, assumed a position of cover behind the driver's side of a police vehicle, and drew his service pistol due to the officers requesting help for a man with a gun. Officer V was concerned about the children in the building and believed the situation that could lead to deadly force.

According to Officer P, he exited the vehicle and assumed a position of cover behind a police vehicle. He then observed that there were too many officers utilizing the vehicle as cover, so he redeployed to a position of cover behind a tree and drew his service pistol to provide cover for the officers on the ground.

According to Sergeant A, he looked to his left and observed that Officer L was standing in the open and Officer K was draped over a vehicle. Believing that their cover was inadequate, he drew his service pistol, covered the balcony, and directed the officers to redeploy to his location.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A and Officers A, B, C, D, G, I, J, K, N, P, R, U, and V, when faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant A and Officers A, B, C, D, G, I, J, K, N, P, R, U, and V's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

OIS Inside the Building

- **Officer A** – (pistol, 10 rounds in two sequences of fire)

First Sequence – (four rounds)

According to Officer A, the Subject turned around and stood at the threshold of the balcony door with the gun in his hand. The Subject then started walking towards them, while raising the gun in their direction. Believing that the Subject was going to shoot at him and the other officers, he fired approximately four additional rounds from his service pistol at the Subject to stop the threat.

Second Sequence – (six rounds)

According to Officer A, after firing, he assessed and observed that the Subject's gun was still raised in his direction and that he was still closing the distance between them. In fear for his life and the lives of his fellow officers, Officer A fired approximately five additional rounds at the Subject to stop the threat.

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

First Sequence – (four rounds)

According to Officer B, the Subject began moving in his direction, while pointing the gun towards him and the other officers. In fear for his life and the lives of his fellow officers, he fired approximately four rounds from his service pistol at the Subject to stop the threat.

Second Sequence – (two rounds)

According to Officer B, after firing, he assessed and observed the Subject go down on the ground and drop the gun in front of him. The Subject then reached out and grabbed the gun. In fear for his life, he fired approximately three additional rounds from his service pistol at the Subject to stop the threat.

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

First Sequence – (two rounds)

According to Officer C, the Subject ignored the officers' commands to drop the gun and entered into the living room area of the apartment. The Subject then walked toward him and his fellow officers, while pointing the gun in their direction. Believing the Subject could cause serious bodily injury or death, he fired two rounds from his service pistol at the Subject to stop the threat.

Second Sequence – (two rounds)

According to Officer C, after firing, the Subject went down on the ground. He assessed and observed the gun was on the ground close to the Subject's location. The Subject then crawled forward and reached out for the gun. Believing the Subject was attempting to re-arm himself, he fired two additional rounds at the Subject to stop the threat.

OIS Outside the Building

- **Officer G** – (pistol, three rounds)

According to Officer G, he observed the Subject on the balcony holding a very large revolver in his right hand. The Subject was waving the handgun around and pointing

it at multiple officers, then turned around and walked inside the apartment. Officer G then heard seven to eight gunshots and observed a lot of flashing coming from inside the apartment. According to Officer G, the Subject then came back out onto the balcony with the gun in his right hand, reached over the balcony, and pointed the gun at him and the other officers. In fear that the Subject might shoot him or one of the other officers, Officer G fired three rounds from his service pistol at the Subject to stop the threat.

- **Officer I** – (pistol, three rounds)

According to Officer I, he observed the Subject on the balcony holding a silver pistol in his right hand and a cell phone in his left hand. The Subject paced back and forth on the balcony, while moving his handgun up and down and waving it around. The Subject then entered the apartment and Officer I heard multiple shots fired from inside the apartment.

Officer I then observed bullets piercing outward through the balcony wall in his direction and believed that the Subject was shooting from inside outwards. The Subject then walked out onto the balcony with an object in his right hand, and then raised his right hand up slowly over the balcony. Believing that the Subject was armed with a gun and was going to start shooting at him and his fellow officers, Officer I fired three rounds from his service pistol at the Subject to stop the threat.

- **Officer J** – (shotgun, one round)

According to Officer J, he observed the Subject on the balcony with a gun in his hand. The Subject then entered the apartment out of sight. Within seconds, the Subject made his way out towards the right side of the balcony and then turned towards the officers who were positioned in front of the building.

Officer J then observed muzzle flashes coming from the Subject's hands and yelled out that they were taking rounds. Believing that the Subject was shooting at him and the other officers, and that their lives were in danger, Officer J fired one round from his Department shotgun at the Subject to stop the threat.

- **Officer K** – (rifle, five rounds)

According to Officer K, he observed the Subject on the balcony waving a long barreled, blue steel revolver in the air with his right hand. Shortly after the Subject went back inside the apartment, Officer K heard four gunshots from inside the apartment. He observed the whole room light up and believed the Subject was killing people inside the apartment. The Subject then came back out onto the balcony, raised his arms and shoulders in an upward position, and Officer K formed the opinion that the Subject was trying to assume a shooting position. In immediate defense of the lives of the officers below, Officer K fired five rounds from his police rifle at the Subject to stop the threat.

- **Officer N** – (shotgun, three rounds)

According to Officer N, he observed the Subject on the balcony holding a handgun in his right hand, while waving it out over the balcony. After the Subject was inside the apartment for a couple of seconds, Officer N heard approximately 10 to 15 shots coming from inside the apartment. He believed that the Subject had just shot people inside the apartment.

Officer N then observed the Subject come back out onto the balcony with what appeared to be the same firearm in his hand. According to Officer N, the Subject then pointed the handgun in their direction. Believing that the Subject was going to shoot at him and his fellow officers, Officer N fired three rounds from his Department shotgun at the Subject to stop the threat.

- **Officer R** – (pistol, three rounds)

According to Officer R, he heard four shots ring out from the apartment. He then observed the Subject step out from the apartment, walk to the edge of the balcony, and lean over the balcony with his right arm outstretched and with what Officer R believed was a gun in his hand. Believing that the Subject posed a deadly threat to him and his fellow officers, Officer R fired four rounds from his service pistol at the Subject to stop the threat.

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

First Sequence – (three rounds)

According to Officer U, the Subject was pacing back and forth on the balcony with his right hand to his side. Based upon his observations, he believed the Subject had a firearm in his right hand and was trying to conceal it behind the balcony. The Subject then stormed into the apartment out of sight.

Officer U then heard multiple gunshots from inside the apartment and did not know who or where it was coming from. The Subject then came back out onto the balcony and was attempting to conceal himself by ducking and bending over behind the balcony. Officer U then observed the Subject move toward the side of the balcony and assume a two-handed shooting stance, as though he was coming up to engage the officers on the street. Believing the Subject was a threat to the officers on the street, Officer U fired approximately three rounds from his police rifle at the Subject to stop the threat.

Second Sequence – (three rounds)

According to Officer U, after firing his first three rounds, he assessed and observed the Subject continue to duck towards the left of the balcony. The Subject then stood up and walked towards the balcony like he was going to reach over the balcony. Believing that the Subject was still a threat to the officers on the street, Officer U

fired approximately three additional rounds from his police rifle at the Subject to stop the threat.

- **Officer V** – (pistol, seven rounds)

According to Officer V, he heard five shots coming from inside the apartment. The Subject then walked out onto the balcony with what he believed was a gun in his right hand and pointed it towards the officers. The Subject then moved back very quickly and Officer V heard two gunshots. He then observed the wood break on the balcony in his direction and believed the Subject had fired the two rounds in his direction and that of the other officers. In fear for his life and the lives of the officers next to him, Officer V fired seven rounds from his service pistol at the Subject to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, G, I, J, K, N, R, U, and V, would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

- **Officer P** – (pistol, two rounds)

First Round

According to Officer P, he observed the Subject on the balcony yelling while holding a large handgun in his right hand. The Subject then went back into the apartment, and Officer P heard officers inside yelling at the Subject to put the gun down, followed by gunfire. According to Officer P, the Subject then reappeared on the balcony, assumed a barricade firing position facing into the apartment, and more gunfire erupted. Believing that the Subject was engaging the officers inside the apartment, Officer P fired one round from his service pistol at the Subject to stop the threat.

Second Round

According to Officer P, after firing his first round, he lowered his service pistol, assessed, and observed the Subject still standing in the same position. He then heard more gunfire, so he came up on target again and fired a second round at the Subject to stop the threat.

The BOPC was concerned with Officer P's position when he fired on the Subject due to the proximity of other officers in his foreground. Officer P felt he had an appropriate field of fire without concern for the other officers on the ground or in the building. The evidence provided in the investigation showed that, at the time of the OIS, Officer P had several officers positioned directly in front of and between him and the Subject on the balcony, and that Officer P fired over the heads of these officers in an upward direction toward the balcony. The available evidence also

showed that, at the time Officer P fired on the Subject, he had not independently identified an imminent threat of serious bodily injury or death.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer P, when faced with similar circumstances, would not have perceived the Subject's actions presented an imminent threat of death or serious bodily injury at the time he fired his weapon from his position across the street.

Therefore, the BOPC found Officers A, B, C, G, I, J, K, N, R, U, and V's lethal use of force to be in policy, and Officer P's lethal use of force to be out of policy.