

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

**OFFICER-INVOLVED SHOOTING – 060-17**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
-----------------	-------------	----------------------------	-------------------------------

West Los Angeles	8/10/17		
------------------	---------	--	--

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
--	--------------------------

Officer F	22 years, 10 months
Officer H	29 years, 3 months

**Reason for Police Contact**

On the date of this incident, the Los Angeles Police Department (LAPD), Metropolitan Division, Special Weapons and Tactics (SWAT) team responded to a call in the West Los Angeles Area as the result of a Domestic Violence Assault with a Deadly Weapon incident where shots had been fired. The Subject had barricaded himself in the victim's home and was armed. After an approximate five-hour stand-off with officers, the Subject fired rounds from a second-floor window at officers, resulting in an officer- involved shooting (OIS).

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
-------------------	---------------------	--------------------	--------------------

Subject: Male, 49 years of age.

**Board of Police Commissioners' Review**

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

Because 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 July 17, 2018.

### **Incident Summary**

On the date of this incident, the Subject and Victim became involved in a verbal dispute regarding the Subject's excessive consumption of alcohol.

**Note:** According to the Victim, the Subject had a history of alcohol abuse and had been drinking heavily over the two previous months. The Subject and Victim had known each other for several years. The Subject was living at the Victim's home at the time of the OIS.

According to the Victim, the Subject appeared to be more and more intoxicated as the evening progressed. While in an upstairs sitting room adjacent to the master bedroom, the dispute escalated when the Victim took a cigarette from the Subject's hand, suspecting that it was possibly narcotics, and tore it up. The Subject immediately became enraged, grabbed her by the throat with one hand, and threw her onto a table. The Subject placed both hands around her neck and began applying pressure, telling the Victim that he was going to kill her. The Victim felt as though she was going to lose consciousness and was unable to swallow or breathe. The Victim grabbed a metal doorstop and struck the Subject on the back of his head, causing him to release her.

**Note:** The residence was equipped with numerous interior security video cameras located in various rooms throughout the house, and several exterior video cameras covering various portions of the surrounding property. The security video was not equipped to capture audio footage.

As depicted in security video footage captured by a camera in a saferoom adjacent to the sitting room of the residence, fearing for her safety, the Victim retreated into the saferoom and obtained a semiautomatic pistol from a bag lying on the floor. According to the Victim, she was afraid for her life and believed that the Subject would relent once he observed her in possession of the firearm.

Security video depicted the Subject enter the saferoom as the Victim began to exit, while holding the pistol with her right hand, which was extended along the right side of her body. The Subject grabbed the Victim's arms as the two began to struggle over the pistol. The Subject pushed the Victim to a corner of the room and ultimately pulled the pistol from the Victim's hand. The Subject forced the Victim to the floor and, while lying on top of her, straddling her body, the Subject placed the pistol to her head. The Subject stood up and backed away from the Victim, pointing the pistol at her as she remained on the floor. According to the Victim, she pleaded with him to stop. His responses, however, were incoherent due to his intoxication and inability to speak

clearly. As the Subject backed away toward the open doorway, the video depicted the Victim unsuccessfully attempt to grab the pistol from the Subject, then close the door on him. The Subject appeared to force the door open and pushed the Victim back to the ground as the Victim appeared to plead with the Subject.

As further depicted on video, the Victim removed a second pistol from the bag on the floor and raised it toward the Subject. The Subject grabbed for the second pistol with his left hand and placed his body weight onto the Victim. Holding the initial pistol in his right hand, he pressed the muzzle to the Victim's midsection. The two were depicted struggling on the floor, with the Subject removing the second pistol from the Victim's hand. The Subject moved away from the Victim and placed his back against the door of the room in a seated position on the floor. According to the Victim, the Subject indiscriminately fired multiple rounds from the pistols while she was on the floor of the room.

**Note:** The Victim was uncertain of the number of times the Subject fired the pistol, describing the volley only as "a lot of bullets" and that she believed the Subject had emptied the pistol magazine. Based on a review of video footage, it was undetermined if the Subject fired the pistol during that time period, however, multiple discharged cartridge casings and multiple impacts were located within the saferoom as part of the investigation.

The Victim was then depicted standing up and making attempts to push the Subject away from the door to exit the room. The Subject ultimately threw the pistols onto the floor near his feet while continuing to block the door. The Subject was depicted removing a shotgun from an orange cylindrical container, located along a wall of the room. Upon doing so, the Victim was able to open the door and flee from the room, followed by the Subject, who had armed himself with the shotgun. According to the Victim, she heard what she believed to be the sound of the Subject cycling a round into the chamber of the shotgun as she fled.

**Note:** Although the struggle over the pistols was captured by security video, the initial physical assault that began in the sitting room was not covered by video cameras, nor was the activity in the master bedroom. An unloaded pistol grip shotgun was later recovered from a bathroom on the ground floor of the house.

Additional interior video depicted the Victim evacuate from the house through an upstairs hallway, followed shortly by the Subject, who appeared to be unarmed at that time. The Subject was seen returning toward the area of the sitting room before reemerging into the hallway with the shotgun. Exterior video depicts the Subject walk outside with the shotgun, into a courtyard parking area located on the side of the house, and re-enter the house approximately two minutes later.

Once out of the house, the Victim fled to a neighbor's home. The resident spoke to the

Victim via an intercom system, then contacted a private neighborhood security patrol company on her behalf. Once private security arrived, the officer contacted 911. LAPD Communications Division broadcast the call over the police radio and provided the necessary information to officers in the area.

West Los Angeles Division Sergeant A was the first to arrive at the scene and meet with the Victim. According to Sergeant A, he assumed the role of Incident Commander and, in an attempt to de-escalate the situation, requested that all responding units deactivate their emergency lighting equipment and sirens of their police vehicles as they neared the location, to avoid further agitating the Subject. Sergeant A was joined by multiple additional officers. Sergeant A directed units to establish a perimeter around the outside of the property. Sergeant A also directed officers to a position in a neighboring property on the opposite side of the road from the Victim's residence as a contact team in the event the Subject surrendered. West Los Angeles Division Sergeant B was designated to supervise the contact team. Sergeant A directed Officer A to complete an Investigative Report (IR) from the Victim.

**Note:** Sergeant A requested a dedicated radio frequency and also ensured that responding officers donned ballistic helmets and were equipped with less-lethal force options.

Once containment had been established, Sergeant A directed a unit to make attempts to call the Subject out from the residence, utilizing the Public Address (PA) system of a police vehicle from outside of the Victim's home. When there was no response, Sergeant A attempted to contact the Subject by telephone. After multiple unanswered attempts, the Subject answered the telephone. According to Sergeant A, the Subject yelled expletives and told Sergeant A to leave him alone.

**Note:** According to Sergeant A, the Victim had informed him that the Subject may attempt "suicide by cop." Subsequent attempts to communicate with the Subject by telephone were met with the Subject picking up the phone and immediately hanging up.

Sergeant A contacted Watch Commander Sergeant C, who subsequently contacted Metropolitan Division, advised them that the situation met the criteria for a barricaded suspect and requested the response of specialized personnel. Sergeant A also requested the response of a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) to stand by in the event that medical treatment became necessary.

Metropolitan Division Special Weapons and Tactics (SWAT) Lieutenant A contacted Sergeant A by telephone. Sergeant A provided him with the information reported by the Victim. The information included that the initial dispute was over the Subject's excessive use of alcohol and that it had escalated to an Assault with a Deadly Weapon (ADW) situation when the Subject fired multiple rounds toward the Victim. The Victim had self-evacuated from the residence and reported that there were two pistols and a shotgun still inside. Sergeant A also advised Lieutenant A of his telephone contact with

the Subject, and that he had refused to exit the house after multiple attempts to contact him and have him surrender.

**Note:** At the time that SWAT personnel were initially contacted, they were engaged in resolving an unrelated call and responded upon its resolution. Lieutenant A briefed the responding Metropolitan Division officers of the situation. West Bureau Deputy Chief A received the same information from Lieutenant A and responded with SWAT personnel to the location and assumed incident command.

LAPD Air Support Division (ASD) personnel responded to Sergeant A's request for additional units and arrived overhead. With the police helicopter's assistance, Sergeant A established a Command Post (CP) approximately two blocks away from the Victim's residence and began assigning additional units around the property to solidify containment.

Metropolitan Division (SWAT) personnel arrived at scene and were briefed on the situation and the containment of the property. Sergeant D was assigned as the tactics supervisor while Officer B was assigned as the tactical team leader. Sergeant E along with Police Officers C, D, and E were assigned as the Crisis Negotiation Team (CNT) and remained at the CP.

Sergeant D and Officer B proceeded up to the residence to assess the location with additional SWAT Officers, including Officer F. Upon reaching the front of the residence, they met with Sergeant B and were informed of patrol officers' positions around the perimeter of the property.

Officer B began coordinating the replacement of officers on perimeter positions with SWAT officers. Officer G deployed resources from the CP location as needed by Officer B. Police Officers H, I, J, K, along with Officers F and G, staged at one side of the location as an arrest team in the event the Subject exited the house.

Officer B conveyed over the SWAT radio frequency that containment had been established by Metropolitan Division officers and that crisis negotiation measures could be initiated. Crisis Negotiation Team officers made continuous, unanswered attempts to reach the Subject by telephone.

Sergeant D utilized a bullhorn multiple times to announce police presence and to advise the Subject to exit the house or answer the telephone in an attempt to establish communication with him. There was no response to those efforts.

Believing that negotiation efforts were at an impasse, Officer B and Sergeant D devised a plan to enter the courtyard of the property to obtain a better vantage point, reevaluate the structure, and make further attempts to communicate with the Subject. The plan called for Officers G, along with other SWAT officers, to enter the courtyard in an armored vehicle through a gated driveway that ran beneath a second level portion of the

house and take various positions of cover to be able to conduct a cursory search to clear the courtyard area.

After briefing the entry team of the plan, Officer B conveyed the plan to Lieutenant A at the CP. Included was an option to fire a 40 millimeter less-lethal round at the house to gain the Subject's attention or to introduce teargas into the house in the event the Subject presented himself without surrendering. The overall tactics were approved by Deputy Chief A from the CP.

**Note:** Crisis negotiation efforts continued throughout the planning and initiation of the entry on to the property through continuous attempts to contact the Subject by telephone and bullhorn.

The above plan was initiated, and officers proceeded to enter the courtyard. Additional officers entered the courtyard through the pedestrian gate entrance and utilized a K-9 dog to conduct a cursory search of that area. Once officers felt that the courtyard was clear, the officers set up containment of the front of the house using an armored vehicle as cover.

**Note:** After the cursory search of the courtyard was complete, officers had taken positions of cover and were no longer moving about the courtyard at the time of the OIS.

A 40 millimeter less-lethal round was fired at a second-floor window at the rear of the house. Shortly after, interior video depicted the Subject exit the house onto the rear second floor balcony of the master bedroom area and momentarily stand at the railing overlooking the rear yard. The Subject was ordered to show his hands, but ignored the instructions and retreated into the house.

**Note:** Interior video depicted the Subject walk downstairs from the second-floor master bedroom. Approximately one minute later, the Subject was depicted returning to the master bedroom on the second-floor and walk through a hallway that overlooked the courtyard.

According to Officer F, he briefly observed the Subject walk past a windowed doorway on the second level, consistent with the Subject's movement as depicted in the interior video footage.

According to the Victim, the video system was monitored by a security company. The Victim had evacuated the house, leaving her cellular telephone and was unable to access the remote video monitoring feature without it. Officers later attempted to contact the security company and were advised that they were unable to remotely monitor the video system at that time and that the remote feed appeared to be offline.

Simultaneously, Sergeant D continued efforts to communicate with the Subject with the

use of a bullhorn, in conjunction with continued attempts by CNT officers to contact the Subject by telephone.

According to CNT Sergeant E, the Subject answered the telephone. As CNT officers attempted to speak with the Subject, he stated, "Come get me mother f[']cker," then disconnected the line. Sergeant E subsequently broadcast the exchange with the Subject over the SWAT radio frequency.

The interior video footage depicted the Subject enter the small saferoom where he had struggled with the Victim earlier in the evening and had discarded the two pistols. The Subject obtained one of the pistols from the floor, removed the magazine, then, after several attempts, resealed the magazine into the magazine well before exiting the room, out of the camera view. The video depicted the Subject return to the saferoom approximately one minute later and appear to fire multiple rounds within the saferoom and entryway. The Subject is seen stumbling and making several efforts to manipulate the pistol before, again, exiting the room.

**Note:** According to Officer L, shortly after the Subject exited onto the rear balcony and re-entered the house, he heard muffled popping noises. Officer L inquired over the police radio if others had heard the noise and that he believed there were possible gunshots being fired from inside the house. Several additional officers, including Officer H, reported hearing muffled popping noises that were not immediately identifiable as gunfire.

Eight seconds after exiting the saferoom, interior video depicted the Subject enter the second-floor hallway and immediately step into the frame of a window overlooking the courtyard. The Subject pulled the curtain back and was depicted briefly standing in the window extending both arms outward toward the window, holding a pistol in a two-handed grip.

The Subject then was depicted stepping backward, away from the window, as a spotlight illuminated the area. After a brief pause, he moved to his left and approached a second adjacent window. The Subject pulled the curtain back and stood in front of the window, again holding the pistol in a two-handed grip, with both arms extended outward toward the window and the courtyard below. The Subject immediately shrugged and turned slightly to his right, collapsing onto the floor. As the Subject lay on the floor, he was depicted moving his legs, causing the curtains to move from side to side.

The following describes the perceptions and actions taken by Officers F and H at the time of the OIS. However, it does not represent the sequence in which they discharged their weapons, since the officers fired their weapons simultaneously.

Officer F was positioned on the side of the courtyard, under an archway of the house at the pedestrian entrance, adjacent to the driveway. From that position, Officer F observed the Subject pass by a second level windowed doorway that opened, to an exterior walkway above the courtyard. Officer F notified officers around him of his

observations. From radio broadcasts, Officer F was aware that the Subject had momentarily exited the house to the rear of the location and reentered the house after officers had instructed him to surrender. Shortly thereafter, Officer F monitored the radio broadcast by Sergeant E that the Subject had answered the telephone and stated, "Come and get me," then hung up the telephone.

**Note:** According to Officer F, his primary responsibility was to monitor the windows of the house and provide cover for officers in the courtyard.

Minutes after that broadcast, the Subject appeared in a window on the second level of the house above the courtyard. Officer F recalled observing the Subject's silhouette, heard several muffled popping sounds, and observed muzzle flashes from a black handgun held by the Subject. Officer F verbally announced to officers standing nearby that the Subject was shooting at them, and then shouldered his rifle to acquire a target. Before he could fire, Officer F realized that the Subject had moved from the window frame and was no longer in view.

A few seconds later, Officer F observed the Subject appear in a window immediately to the right of the Subject's initial shooting position. Officer F again observed the Subject's silhouette, heard muffled gunfire, and observed several muzzle flashes from a pistol. Officer F, believing the Subject was again shooting at officers in the courtyard, took a step away from the archway, raised and shouldered his rifle, using an off-hand, standing, shooting stance, simultaneously placed the firing selector switch to the fire position, and fired one round at the Subject's chest.

Officer F immediately realized that the Subject was no longer in view. Officer F placed the rifle's selector switch in the safe position, lowered the barrel, and assessed the scene.

Officer H was positioned in the hatch of the armored vehicle, assigned to provide cover with his rifle for officers as they entered and cleared the courtyard area. Officer H maintained his focus on the windows and doors of the upper and lower levels at the front of the house. Officer H was aware that a 40 millimeter less-lethal round had been used to gain the Subject's attention at the rear of the house and had monitored a radio broadcast that the Subject had been observed inside. Officer H was also aware that CNT had made brief contact with the Subject by telephone, and of the Subject's response to CNT officers. Officer H monitored a broadcast by Officer L that he had heard shots from inside the house. Seconds later, Officer H heard a muffled popping sound. From his position in the hatch, Officer H turned slightly to his left and observed the Subject standing in an upper level window, firing a handgun in a downward trajectory in his direction.

Officer H, believing that he or other officers in the courtyard would be shot, and tasked with the primary responsibility of providing cover for those officers, shouldered his rifle to take aim at the Subject. Upon doing so, the Subject moved from the window frame out of Officer H's view before Officer H could fire his weapon. Within seconds, the

Subject appeared in a window immediately to the right of his initial position. Officer H observed the Subject pointing the weapon in a downward trajectory and observed muzzle flash.

**Note:** According to Officer H, after his first sighting of the Subject, he illuminated the area with a flashlight that was mounted to his rifle.

Simultaneously, Officer H raised and shouldered his rifle a second time, placed the firing selector switch to the fire position, and aimed at the Subject's torso. Officer H fired two consecutive rounds from approximately 44 feet away, and then assessed the scene.

Officer H observed the Subject's shoulders shrug forward as the Subject backed out of the window frame and out of view. Officer H then observed the curtains moving in the window where the Subject had first presented himself. According to Officer H, it appeared as though someone was moving the curtains from below the window frame.

**Note:** According to Officer H, the Subject turned to his left, exposing his right shoulder and a portion of his back before falling to his (the Subject's) right as he fired. Interior security video depicted the Subject turn to his right as he fell away from the window. Due to the clarity and angle of view, the interior video did not depict the Subject's pistol discharging as he fired the pistol at officers, however, a hole caused by a projectile traveling outward was located on the window pane where the Subject stood before moving to the second window, where he was struck by gunfire.

Officer H immediately lowered his rifle, placed the firing selector switch to safe, and continued to provide cover.

**Note:** During the crime scene investigation, a 9 millimeter, discharged cartridge casing was recovered from the upstairs hallway floor adjacent to the Subject's reported second shooting position and another was removed from the ejection port of a pistol found under the Subject's body. One live 9-millimeter cartridge was also recovered from the hallway floor under the Subject's body.

**Note:** Neither Officer F or H was aware that the other had fired. Both officers recalled that the interior of the house was dark and that lighting mounted to the armored vehicles illuminated the general area where the Subject had appeared. Officer H also utilized his rifle mounted light. Officer F did not activate his rifle mounted light, fearing it would reveal his position to the Subject.

Officer G, who was seated in the front passenger seat of the armored vehicle, shortly after overhearing Officer L broadcast that shots were being fired from inside of the house, shined a spotlight at the second level windows that overlooked the courtyard.

Officer G observed the Subject standing in the window frame, holding a handgun pointed in his direction. Officer G heard a low popping noise and observed a muzzle flash from the pistol. The Subject moved from the window to the right. Officer G advised Officer H of his observations and began moving the spotlight to his right. Officer G then observed the Subject present himself and raise a handgun in the window to the right of the Subject's initial position as he attempted to illuminate that area. Officer G did not observe either officer fire, however, he heard two near simultaneous gunshots being fired, which he believed to be from Officer H, due to the proximity of the shots and Officer H's position. Officer G observed the Subject pull the pistol toward his body, turn to the right and back away from the window, out of view. Officer G then heard Officer F, over the radio, advise that he had fired.

Officer I was positioned at one end of the courtyard, when he heard the sound of muffled gunshots, followed by the distinct sound of gunshots to his left. Officer I turned and simultaneously observed Officer H fire approximately three rounds from his position in the hatch of the armored vehicle toward the house. Officer I was unable to see the windows from where the Subject had fired due to the angle of his vantage point. Officer I was unaware that Officer F had fired.

Officer M, from a position at the rear of the armored vehicle, heard muffled gunshots emanating from within the house. Several seconds later, Officer M observed the Subject appear in a second level window and observed what he identified as several muzzle flashes from that position, and heard two to three gunshots. Officer M then observed Officer H fire two rounds from his position and the Subject drop out of view of the window.

Officer N was standing with Officer F at the pedestrian entryway to the courtyard, when he observed the Subject quickly pass by a second level window. Officer N then continued further into the courtyard and positioned himself behind the front of an armored vehicle. Approximately 10 to 15 minutes later, Officer N heard Officer L broadcast that he believed there were gunshots being fired within the house. After an estimated period of approximately five seconds, Officer N heard louder gunshots being fired, then observed Officer H fire two rounds in the direction where he had last observed the Subject, and an additional gunshot being fired from near his position. Officer N did not have a view of the windows where the Subject stood at the time of the OIS from his position behind the armored vehicle.

Officer B broadcast over the police radio, "Shots fired, upstairs. Everyone get good cover."

Officer F was heard over the SWAT radio frequency announcing that he had been involved in an OIS stating, "Be advised. We did have an OIS. I did shoot at the Subject as he shot out." The transmission was immediately acknowledged by Officer B. Officer H also declared that he had fired, which was conveyed to Sergeant D. Sergeant D, via cellular telephone, notified Lieutenant A that both officers were involved in an OIS. Unaware of the Subject's condition, believing him to possibly be active in the house,

and due to the fluidity of the ongoing tactical situation, Officers F and H maintained their containment positions.

Immediately following the OIS, it was believed that the Subject was still active and moving within the residence. Because he had already shot at officers and, to disrupt his actions, a plan was developed and approved by the CP to deliver gas into the residence, focusing in on the areas where the Subject was last seen.

Separate volleys of teargas were deployed into windows on all sides of the house, beginning at the rear. Between volleys, Sergeant D continued efforts to communicate with the Subject by utilizing a bullhorn to call the Subject out from the house and reassess the structure for interior movement.

**Note:** According to Sergeant D, after utilizing the bullhorn, he received no acknowledgement from the Subject. Officers around the perimeter of the residence, however, reported observing curtains moving. The movement of the curtains was possibly caused by the Victim's dogs that were inside the residence.

Lieutenant A contacted the Emergency Services Division (ESD) Bomb Squad and requested that they respond to the scene with a robot. A subsequent request was made for Bomb Squad personnel to include a specialized tool in their response. Additional specialized resources, including additional SWAT personnel and equipment, were also requested.

According to Sergeant D, while there was a lull in activity and the tactical situation allowed, he removed Officers F and H from their posts. Sergeant D obtained independent Public Safety Statements (PSS) from each of the officers and admonished them not to speak with anyone regarding the OIS.

Air Support Division personnel attempted to locate the Subject by looking into the windows from a police helicopter (Air Unit). The Subject, however, was not located.

The robotic vehicles were deployed into the courtyard of the house. The robotic equipment was operated by ESD Bomb Squad personnel. Communications were coordinated between the Bomb Squad and SWAT personnel.

The robot was used simultaneously to breach the main front door and then, utilizing cameras mounted on the robot, officers were able to visually clear several rooms of the lower level of the house. The robot was then directed up a flight of stairs near the front entry way. Upon nearing the top of the stairs, a camera on the robot was raised vertically to view the hallway of the second level of the house that overlooked the courtyard. Upon doing so, personnel observed the Subject lying motionless on the floor in the area where he had earlier fired upon officers. This information was conveyed to the CP and all personnel.

SWAT officers utilized breaching tools to enter the house through a set of doors near the one corner of the structure. The house was cleared with the assistance of a K-9 dog. Los Angeles Fire Department personnel, Firefighter/Paramedics A and B, were escorted into the house. The Subject was found unresponsive and lying on his left side. They conducted an assessment of the Subject for signs of life and determined that he was deceased.

After the tactical situation had been resolved, SWAT officers who had witnessed the OIS responded to the CP and were identified as having observed or heard the shooting. These officers were separated and monitored. All protocols were followed and properly documented.

### **Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). 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 Deputy Chief A, Lieutenant A and Sergeant D, along with Officers B, F, and H's tactics warrant a finding of Tactical Debrief.

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

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

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

The BOPC found Officer F and H's lethal use of force to be in policy.

### **Basis for Findings**

#### **Detention**

- The officers responded to a radio call for a shooting that had occurred. Upon arrival, the officers spoke with the Victim and learned that the Subject, who had shot at the Victim, was still inside the location and had access to several weapons. The Subject

refused to exit the residence and surrender. SWAT was summoned to the scene due to it being a scenario involving a barricaded suspect. 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 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, a CNT officer attempted to establish a line of communication with the Subject by calling a telephone located inside of the residence. The Subject answered and refused to comply with officers' commands. As officers were attempting to re-contact the Subject, the Subject fired a handgun out of a window in the direction of the officers.

Faced with an imminent threat of serious bodily injury or death, the officers utilized lethal force to stop the deadly threat.

- In its analysis of this incident, the BOPC did not identify any tactical considerations.
- 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 this incident, the BOPC found Deputy Chief A, Lieutenant A and Sergeant D, along with Officers B, F, and H's tactics to warrant a finding of Tactical Debrief.

## **B. Drawing/Exhibiting**

- Officers responded to the location where the Subject had utilized a firearm to assault the Victim. The Subject then barricaded himself inside a residence and refused to come out. Officers exhibited their police rifles as they attempted to gain the Subject's compliance and effect an arrest.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers B, F, and H, while 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 Officers B, F, and H's drawing and exhibiting of a firearm to be in policy.

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

- **Officer F** – (rifle, one round)

Officer F observed the Subject's silhouette, heard muffled gunshots, and observed muzzle flash. Believing that Subject was shooting at officers down below, he took a step away from the hallway, came up on target, and in defense of his fellow officers, fired one round from his rifle at the Subject's center mass.

- **Officer H** – (rifle, two rounds)

Officer H observed the curtains moving in the window to the right of the original window where the Subject was first observed. According to Officer H, the Subject then appeared again, pointing a dark colored pistol at either him or the cover officers that were around the armored vehicles and began shooting again in the courtyard area in a downward trajectory. Officer H indicated he could see the silhouette of the Subject and fired two rounds toward the Subject's torso to stop his actions.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officers F and H would reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the BOPC found Officers F and H's lethal use of force to be in policy.