

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

OFFICER-INVOLVED SHOOTING – 061-17

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes () No (X)</u>
West Valley	8/22/17		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer C	2 years, 2 months

Reason for Police Contact

Detectives responded to the location to locate and arrest a murder suspect wanted by another local jurisdiction. The detectives located and observed the Subject entering a vehicle with his son. The Subject produced a pistol, resulting in an officer-involved shooting (OIS).

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Subject: Male, 48 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 July 24, 2018.

Incident Summary

LAPD detectives responded to a location to find and arrest a murder suspect wanted by another California law enforcement agency. The detectives located and observed the Subject entering a vehicle with his son. The Subject produced a pistol, resulting in an officer-involved shooting (OIS).

Note: The Subject had murdered his wife and had fled to the Los Angeles area with his son. A nation-wide Amber Alert had been issued for the suspect and his son.

Detectives A, B, C, D, and E, as well as Officers A, B, and C, and Special Agents A, B, and C were assigned to a special task force. The purpose of the task force was to identify, locate, and arrest violent fugitives believed to be in the Southern California area.

Initially, investigators from the law enforcement agency where the murder had occurred did not know how the Subject had made his way to the location in Los Angeles. Subsequently, the FBI received a telephone call from a female who said that she drove the Subject to the location. The female was directed to go to an LAPD Station, where she was interviewed by FBI agents.

Later that day, the LAPD task force received an e-mail about an Amber Alert, detailing the Subject and his son. Special Agent A then telephonically advised Detective A that they were being requested to assist in the apprehension of the Subject and the rescue of his son.

Detective A contacted his team and advised them to meet him in the area where the Subject was last known to be. While en route, Detective A contacted the Fugitive Warrant Section (FWS) and requested additional personnel to assist.

Note: All personnel assigned to this tactical operation were in plain clothes, driving alone in plain, unmarked vehicles, and wearing their ballistic vests. The Task Force utilized Nextel devices to communicate between team members, which do not have the capability to record. They were also equipped with and utilized FBI radios, which did not have the ability to record. In addition to the Nextel and FBI radios, Detective A utilized LAPD radios.

Nextel telephone is a group communication system, but it works like a walkie talkie.

Detective A made telephonic notification to the Area Watch Commander and advised him of the investigation. Detective A also requested a black and white unit to assist them in the operation. Officers D and E, driving a black and white police vehicle equipped with a Digital In-Car Video System (DICVS), responded.

Detective A notified Communications Division (CD) of what was occurring and asked that they send a message via the Mobile Digital Computer (MDC).

Note: Detective A notified Air Support Division (ASD) of the operation, but no Air Unit was overhead at the time of the OIS.

Upon Detective A's arrival, he staged his briefing location two alleys away from the primary location. He was advised that two Special Agents, along with the California Highway Patrol (CHP) surveillance squad, were already surveilling the primary location. That location was a two-story multi-unit apartment complex. There were three separate pedestrian gates leading into the apartment complex. The apartment complex provided underground parking for the tenants of that complex.

Detective A advised the two Special Agents that the Task Force would assume the lead in the apprehension of the Subject, and asked them to relinquish their position to members of the Task Force. Detective A asked CHP personnel to monitor the entrances to the nearby freeway. It was Detective A's plan that if the Subject was able to make it onto the freeway, he would ask CHP personnel for their assistance.

Detective A stated that he briefed the assisting members and sent them photographs of the Subject via their cellular phones. They were advised that the Subject was possibly armed with a 9mm pistol which the Subject had legally purchased. Case investigators believed the aforementioned pistol to be the murder weapon. Detective A assigned the assisting members specific locations around the perimeter of the primary location. As members of his own team began to arrive, he positioned them around the location.

Note: The members of the Task Force were responding to the primary location from various areas within the City of Los Angeles and were not all present at the initial briefing. Per Detective A, due to the immediate need to contain the location, those not physically present received this pertinent information via their cellular phones. As additional team members arrived, Detective A assigned them positions around the location.

Detective A drew a map on the back side of his tactical plan, indicating the locations of some of his personnel. Detective B was one of the first to arrive and took over the position of the Special Agents, who were parked on the curb directly across from the primary location

Detective A assigned Detective B to be "point" position, meaning that he had a direct line of sight to the front of the complex. It was Detective B's responsibility to advise everyone on the perimeter via the radio of his observations. Detective C parked facing south underneath the freeway overpass. Detective C's assignment was to be Detective B's back-up. He too had a direct line of site to the front and north side of the complex. Detective D was parked ahead of Detective B. His assignment was to follow the Subject if he was to move from his position.

Officer C was parked on the side of the primary location. Detective A was parked behind Officer C. Officers G and H were together and parked on the side of the primary location as well.

Officer A was the last to arrive and parked his vehicle behind Detective C. Detective E was parked in a position allowing him a visual of the underground parking entrance to the primary location. Officer B was parked on the side, one building south of the location.

As personnel were containing the location, Special Agent A obtained information that the Subject had made calls from his cellular phone to a person who resided in an apartment in the complex. Special Agent A obtained utility information on the apartment. The information determined that Witness A resided in the apartment, along with Witness B. Witness B had two .45 caliber pistols registered to him. Additionally, two vehicles were registered to the apartment. One was identified as a white SUV. Based on the information obtained, photographs of Witnesses A and B were sent out via email to all the members of the task force.

Detective A was in constant contact with the case detectives, who were in the process of writing a search warrant for the apartment and needed information for the search warrant. For that reason, Detective A assigned Detective B and Officer C to enter and surveil the complex, identify the apartment, and locate the vehicles associated with that apartment. Detective C assumed the role of point and would advise everyone on the perimeter of his observations.

Detective B and Officer C walked into the complex and made their way to the underground garage, where they observed the white SUV parked. A picture of the vehicle was disseminated amongst the members of the task force. They then located the apartment on the second level at the corner of the complex. The unit had a window overlooking the street. Detective B and Officer C obtained the information needed by case investigators for their search warrant. Detective B and Officer C went back to their respective vehicles and continued their surveillance. Detective C continued his responsibility as the point position.

At one point, Detectives C and E, from their respective vantage points, observed a tall, slender, blonde female walk out of the complex and into the underground parking structure. Moments later, Detective E saw a white SUV exiting the underground parking structure and continuing to drive down the street. Detective E saw that it was Witness A driving the vehicle, and that she appeared to be alone in the vehicle. Detective E advised the members on the perimeter of his observations and gave her direction of travel. Detective E remained at his position.

Detectives A, B, and C and Special Agent A followed Witness A to a shopping center. Detective A also requested the assistance of Officers D and E to conduct an investigative stop on the vehicle. Witness A reached her destination and exited her vehicle prior to officers conducting an investigative stop. The detectives approached Witness A, identified themselves, and questioned her.

According to Officer C, at the time Detective A and B left to follow and interview Witness A, he was parked close to Officer B and remained covering the front of the primary location in case the Subject exited the complex.

Officer A was then asked to reposition himself to in case another person left and needed to be followed.

Per the detectives, Witness A confirmed that the Subject was in her apartment alone with his son. She indicated that the Subject was preparing to leave and was waiting for a ride. Witness A was asked if she observed the Subject with a handgun. She said she had not seen the Subject with a gun. Detective A relayed the information obtained from Witness A to everyone on the perimeter via the police radio.

With the verified information that the Subject was inside the apartment, Detective A contacted the Special Weapons and Tactics (SWAT) lieutenant and advised him of the situation. He told the lieutenant that investigators were in the process of writing a search warrant for the apartment unit, and under the circumstances, asked if SWAT would execute the search warrant. The SWAT lieutenant, upon being briefed, agreed that they would serve the search warrant. Detective A advised everyone on the task force that SWAT was responding.

After obtaining the information from Witness A, Detectives A and B returned to the primary location and parked close to the complex. Detective C remained with Witness A and monitored her phone. Detective A advised all the task force members of the plan -- if the Subject exited the apartment complex, Officers B and C and Detectives B and D would approach the Subject from the south before he entered a vehicle with his son. The officers were planning to give commands to the Subject and try to make the arrest. Detective C would cover the north side. Officer B was assigned the TASER and Detective D was assigned the bean bag shotgun.

Detective C maintained his position and was aware of the tactical plan. Detective C stated that he was rehearsing scenarios in his head as to what tactics he would use if the Subject was to make it into a vehicle.

If the Subject was able to make it into a vehicle, Detective C's plan was to drive his vehicle in front of the Subject's vehicle and block him from leaving. Detective C would then run from his vehicle to the nearest point for cover, out of the line of fire.

From his observation point, Detective C observed a small compact vehicle stop in front of the primary location and activate the vehicle emergency flashers. Detective C believed that the vehicle was there to pick up the Subject. Detective C alerted everyone on the perimeter of his observations. At that moment, Detective C deployed his assault rifle. He utilized his three-point sling and chambered a round. Detective C stated that in the event he had to utilize deadly force from his location, (across the street) he would prefer to use his rifle, which was equipped with an optic system and would be more accurate. The vehicle then drove away.

Approximately eight minutes later, that same small compact vehicle returned and stopped in front of the primary location.

Detective C saw the Subject come out of the apartment complex and speak with the driver of the compact vehicle. Detective C said that he advised the task force members on the perimeter what he had observed and that the Subject was wearing a blue hat, and white shirt with tan pants, but he saw no little boy. Detective C then saw the Subject turn and run back into the building. Detective C then advised the team that the Subject returned to the vehicle with a bag he put into the trunk.

Note: The officers on scene were not sure if the driver had a relationship with the Subject, or if the car was an Uber or a taxi.

Detective B stated, "It was, in fact, maybe an Uber or a taxi and he was getting ready to leave. And when he called Witness A, he asked about what the best way was to get picked up. Was it better to get picked up in the alley or in the front of the building. And Witness A told him it was in front of the building, the best way to get picked up."

FID interviewed the driver and learned he was, in fact, a bandit cab, driving his own car, and was supposed to pick up the Subject.

As Detective C relayed what the Subject was doing, a vehicle stopped next to him waiting for the red tri-light signal to change, which blocked his view. Detective C immediately advised Detective B that his vantage point was now blocked and he could no longer clearly see what the Subject was doing.

Detective B observed the Subject run back into the apartment complex and exit the building with a small boy (his son). At that point, he broadcast his observations and directed everyone to move in. Detective B moved forward in his vehicle and stopped behind the vehicle waiting to pick up the Subject and his son. As Detective B exited his vehicle, he observed Officer B and Detective D coming up behind him.

Officer B indicated he drove his vehicle up and stopped behind Detective A. He exited his vehicle and took cover behind a vehicle parked in front of the primary location. Due to the tactical situation and the potential for serious bodily injury to himself and others, Officer B unholstered his pistol. He held his pistol at a low-ready position, and estimated he was approximately ten feet from the Subject and his son, when he yelled out, "Los Angeles Police Department, LAPD, let me see your hands." The Subject had his left hand on his son's shoulder and he was carrying a backpack with his right hand. Officer B again yelled out for the Subject to show his hands. The Subject stood and looked at Officer B.

Based on the information that Detective B had, that the Subject was possibly armed with a 9-millimeter handgun, he believed that there was the potential for serious bodily injury or imminent threat to life and unholstered his pistol and held it at a low-ready position. Detective B gave the Subject orders to show his hands and to get on the

ground. Detective B thought the Subject looked confused and, for about a second, appeared as if he did not know what to do. The Subject then looked at his son.

Officer B described that the Subject looked frightened and startled, as if he did not know what was happening. Officer B saw the Subject slightly push his son away and then drop the backpack. Officer B described how the Subject used his left hand to pull his right front pants pocket out as if he was creating room to put his right hand in his pants pocket. Officer B and Detective B saw the Subject put his right hand into his front right pants pocket and start to remove an item. Detective B and Officer B saw that the item the Subject had in his hand was a pistol.

Upon seeing the Subject with a pistol in his hand, Officer B went from holding his pistol at a low-ready position to pointing his pistol at the Subject. Officer B heard Detective B order the Subject to drop his weapon. Officer B saw that the Subject was focused on Detective B as he began to back pedal, then turned and ran.

Officer B saw that the boy was now in a crossfire situation and immediately holstered his pistol, left his position of concealment and cover, and ran to the sidewalk. Officer B grabbed the boy and brought him back behind cover.

Detective B advised responding task force members that the Subject was running and was armed with a handgun.

Detective C drove diagonally across the intersection. He believed he was halfway through the intersection when he saw the Subject start to run on the sidewalk. As the Subject continued running, Detective C saw that the Subject was turning his upper body to look back south as he was using both of his hands trying to pull something out of his front left pants pocket. It was not until the Subject turned to run, while continuing to turn his upper body to look back, that Detective C saw what he believed was a semiautomatic handgun in the Subject's right hand.

Detective C believed he activated his forward-facing red emergency lights before coming to a stop at the corner. Detective C stopped, exited his vehicle, and took a position by his driver's door. As Detective C exited his vehicle, he recalled yelling, "gun" three times as the Subject turned the corner to run. He also recalled seeing Special Agent C coming from the opposite direction toward him.

Note: Detective C could not recall when he unholstered his pistol.

At this time, Officer C stated that when he heard Detectives B and C say that the Subject was outside and had his boy, he began to drive north. He stopped to the left of Detective B and began to exit, when he saw the Subject reach into his pants pocket with his right hand and remove a pistol. He saw the Subject push his son away and run. Officer C got back into his vehicle and continued driving. By this time, Officer C was already stopped at one corner of the intersection.

Detective B kept his eyes on the Subject as he ran. As the Subject ran, Detective B saw Detective C was already at the corner and out of his vehicle, pointing his pistol at the Subject. Detective B did not chase the Subject because he was concerned about the possibility of crossfire.

Detective C estimated the Subject was approximately thirty feet away from him when the Subject stopped and turned to face him. Detective C saw the Subject holding the pistol next to the right side of his head, with the barrel of the pistol pointed up to the sky.

Detective C recalled the Subject looking directly at him with the pistol in his right hand. The Subject then brought his left hand over and took a two-handed grip on the pistol and began to bring it down and forward. At this point, Detective C thought the Subject was beginning to take an isosceles stance toward him.

Note: Isosceles stance is a triangle shooting stance. Both arms are extended while gripping onto the pistol with both hands, creating a triangle from the officers' chest to the pistol, and his/her legs slightly spread apart.

Detective C recalled that his pistol was on target and was aware that his background was a dirty red brick building, a cement planter and a big tree. Detective C stated, "And when that gun was coming down I thought -- I thought, he's going to shoot me. He's going to shoot me. He's going to kill me or he's going to shoot [Special Agent C] and kill [Special Agent C]." Detective C fired three consecutive rounds at the Subject.

Officer C advised he had stopped his vehicle close to Detective C's vehicle and exited. Officer C could not see the Subject when he exited his vehicle. Officer C unholstered his pistol and as he moved to the passenger side of Detective C's vehicle, he heard Detective C yelling something, then heard three consecutive gunshots. He positioned himself at the right side of Detective C's vehicle, where he used the engine block for cover. Officer C observed the Subject moving backward, holding his pistol with both hands. The Subject was pointing the pistol at Detective C. Officer C pointed his pistol at the Subject.

Note: According to Officer C, he did not shoot the Subject when he saw him point his pistol in the direction of Detective C because he observed the Subject falling to the ground and believed that the Subject was no longer a threat.

Detective C stated he watched the Subject start to collapse to the ground. But before his body completely hit the ground, Detective C saw the Subject bring the pistol he was holding in his right hand underneath his chin and pull the trigger. Detective C saw the Subject fall onto his back with his right arm across his chest and the pistol still in his right hand.

Note: Per the Los Angeles County Coroner's report, the gunshot wound to the Subject's head was a through and through GSW that travelled from right to left.

According to Officer C, he saw the Subject fall to the ground and then heard another shot. Officer C saw Special Agent C to the right of the Subject, with his rifle pointed at the Subject, when the last shot was fired. Officer C believed it was Special Agent C who fired the last shot.

Note: The investigation determined that Special Agent C did not fire a shot from his rifle, and the last fired shot was from the Subject.

Officer C then holstered his pistol, moved forward along with Detective A, and completed the handcuffing of the Subject.

Detective B heard Detective C say that the Subject was down. Detective B moved around the corner, saw the Subject down on the sidewalk, and Special Agents B and C and Officer C with the Subject.

According to Detective A, he was approaching the primary location. He advised his units on the perimeter via the FBI radio that they were going to conduct the take-down.

Detective A advised CD had arrived (Code Six) at the primary location and requested back-up. Detective A then heard Detective B broadcast on the FBI radio frequency that the Subject was running and he had a gun.

Note: Within seconds of Detective A's broadcast of his Code Six location, CD audio recording captured Detective B broadcast, "...shots fired officer needs help."

At that moment, Detective A was in the process of stopping in front of the primary location, double parked, in front of the apartment complex, and behind Officer C's vehicle.

Detective A exited his vehicle and unholstered his pistol based on the fact that the officers were pursuing a murder suspect and Detective B had broadcast that the Subject had just armed himself. At that point, Detective A proceeded to go on foot in the Subject's direction. As he approached the front of his vehicle, he heard a gunshot being fired. Detective A observed Detective C's vehicle stopped at the southeast corner. Detective A saw Detective C standing outside his driver's side door and saw him fire his pistol three times in an easterly direction. Detective A could not see who he was shooting at.

According to Detective D, he heard Detective B announce over the radio that officers were going to move in. Detective D was parked on the side of the street. He negotiated a U-turn and started moving, stopped his vehicle behind Officer B, and exited. He remained on the side of the parked vehicles and heard Detective B giving the Subject

commands. Detective D was never in position to see the Subject. He then heard that the Subject was running and saw Detective B start to move.

Detective D stated he observed the driver of the vehicle (identified as Witness C) standing near the trunk area and ordered him to get on the ground. Witness C complied and Detective D handcuffed him without incident. Detective D then took custody of the boy and brought him back to a safe place. Officer H saw Detective D with the young boy and took control of him. Detective D never unholstered his pistol.

According to Special Agent A, he heard someone on the radio refer to seeing the Subject. Special Agent A began driving slowly toward the primary location. Special Agent A stated he was still seated in his vehicle driving when he heard two gunshots.

Special Agent C advised he was parallel parked. He heard on the radio that the Subject was outside the complex. As he was driving, he activated his emergency lights. And as he got closer to the corner of the street, he saw a person he believed was the Subject begin to come around the corner. Special Agent C turned his vehicle toward the curb, and started to move toward the sidewalk. Special Agent C could see the Subject, who had turned his head still moving on the sidewalk. Special Agent C was not sure if the Subject saw that he was coming. Special Agent C described losing sight of the Subject for a second as he was driving. He then looked and saw what appeared to be a gun in the Subject's right hand. As Special Agent C turned towards the curb, the Subject was close to his location on the sidewalk. As Special Agent C pulled up onto the curb, he saw that the Subject now had the gun pointed underneath his chin as he was slowly moving backwards.

Special Agent C believed he had put his vehicle into park as he exited his vehicle. Special Agent C stated he heard an exchange of words, but could not understand what was said, then heard two pops and saw the Subject begin to fall. As he was falling, Special Agent C saw the Subject move the gun from underneath his chin, place the pistol to his right temple, pull the trigger and fall to the ground.

Detective E stated he maintained his position. He stated that he understood the plan was to apprehend the Subject before he could get into a vehicle. Detective E heard over the FBI radio that the Subject was observed outside the apartment complex and heard the order to move in. Detective E was driving in the middle of the street, when he heard over the FBI radio that the Subject had a gun. While still seated in his vehicle and driving, he observed the Subject running.

Detective E advised he stopped his vehicle in the middle of the street, exited and ran toward Special Agent B's vehicle. As he ran, Detective E heard gunshots. At that time, Detective E was not sure who was firing and unholstered his pistol. Although he did not personally see the Subject with a gun, he was advised over the radio that the Subject was armed. Upon hearing the gunshots, Detective E took a position of cover to the rear of Special Agent B's vehicle.

Detective E had a line of sight to the Subject but could only see his back profile. Detective E observed the Subject's right hand come up to his head or chin area, heard a gunshot, and saw the Subject drop to the ground.

Detective E recalled that he and Special Agents B and C approached the Subject, who was lying on the ground. Detectives A and Officer C also approached the Subject from the other direction. Detective E believed Detective A and Officer C handcuffed the Subject.

Per Special Agent C, he and Special Agent B approached the Subject, who still held the gun in his right hand. Special Agent C had his M-4 rifle pointed at the Subject as he attempted to kick the pistol out of the Subject's hand, but was unsuccessful. Special Agent C kicked the pistol a second time and was then able to remove the pistol from the Subject's hand. He then reached down, grabbed the Subject's wrist and rolled him over onto his stomach. Members of the Task Force completed the handcuffing.

Immediately after the shooting, Detective A assigned Detective F to obtain a Public Safety Statement (PSS) from Detective C. Following the PSS, Detective F continued to monitor Detective C until relieved by Detective G.

Detective B requested a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) for the Subject. An RA arrived and transported the Subject to the hospital, where the doctor pronounced death.

Force Investigation Division (FID) Detectives reviewed all documents surrounding the separation, monitoring, and admonition not to discuss the incident prior to being interviewed by FID investigators and determined that all protocols were complied with and 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 weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC made the following findings.

A. Tactics

The BOPC found Detectives A, B, and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Detective C's lethal use of force to be in policy.

Basis for Findings

Detention

- The officers received information on the location of a suspect wanted for murder and child abduction. The officers conducted surveillance of the location and when the Subject exited to the sidewalk, they attempted to detain him. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

Tactical De-Escalation

- Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the Subject fled from the officers and produced a handgun while he was running away. The Subject ignored commands and turned toward the officer with the gun in his right hand.

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

- During its review of this incident, the BOPC considered the following:

1. Notifications

The investigation revealed that Detective A contacted the lieutenant from Metropolitan Division, SWAT, after it was confirmed that the Subject and his child were in the apartment unit. Detective A is reminded that the Department's SWAT team is equipped and trained to resolve incidents that involve hostage situations and may have been able to provide assistance or advice earlier when formulating the tactical plan to locate and apprehend the Subject.

2. Plainclothes Attire

The investigation revealed that Detective B was wearing his ballistic vest with required Department identification markings. However, when he exited his vehicle, he had an open unbuttoned shirt over the ballistic vest. Detective B is reminded of the importance of remaining clearly identifiable when contacting a suspect.

3. Initiating Contact to Handcuff

Detective A, the Incident Commander, assisted with the handcuffing of the Subject while other resources were readily available.

4. Command and Control

Detective A assumed the role of IC and supervised the operation to apprehend the Subject and rescue the child. He completed an Operations Plan, ensured all team members were briefed, designated personnel assignments and made all required notifications.

Detectives A and B developed a tactical plan to apprehend the Subject and rescue the child and communicated this to all the team members.

Lieutenant A responded and assumed the role of IC from Detective A.

Detective F separated, monitored and obtained a Public Safety Statement (PSS) from Detective C.

The actions of these supervisors were consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident.

- The BOPC also considered the following:
 1. The investigation revealed that Detective B, along with Officer B, gave non-conflicting simultaneous commands to the Subject while attempting to apprehend him. This issue was addressed with Officer B by his Division Commanding Officer. As such, the BOPC deemed no further action is necessary.

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.

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

In conclusion, the BOPC found Detectives A, B, and C's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Detective C, he did not recall when he drew his service pistol, but recalled coming up on target when he observed the Subject armed with a handgun.

According to Detective A, he parked in the area, exited his vehicle, and drew his service pistol. As he approached the front of his vehicle, he heard gunshots and observed a muzzle flash coming from Detective C's service pistol.

According to Detective B, he observed the Subject exit with his son and walk towards the sedan. He broadcasted his observations to the team, advising them to "bring it in." He then approached, stopped his vehicle behind the sedan, exited and drew his service pistol.

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

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

C. Lethal Use of Force

- **Detective C** – (pistol, three rounds)

According to Detective C, the Subject stopped and turned towards him while holding his handgun at face level with the barrel of the handgun pointed straight up in the air. The Subject looked right at him, brought his left hand over, assumed a two-handed grip on the handgun, and began to bring it down and forward. Believing he was going to be shot and killed, Detective C fired three rounds from his service pistol at the Subject to stop the lethal threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective C would reasonably believe 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.

Therefore, the BOPC found Detective C's lethal use of force to be objectively

reasonable and in policy.

D. Additional

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)/Body Worn Video (BWV)**

The detective vehicles involved were not equipped with DICVS, nor were the personnel equipped with BWV at the time of this incident. One patrol division vehicle was equipped with DICVS; however, it did not capture the OIS.

- **Outside Video**

Surveillance video cameras located on the exterior of the apartment building captured the Subject running on the sidewalk with a handgun in his right hand. The Subject could then be seen turning around, and walking rearward, while maintaining the handgun in his right hand. The Subject is then seen placing the gun under his chin with his right hand, while extending his left hand out in front of him. As he continued backwards, a tree obstructs the camera's view, prior to the Subject falling to the ground.