

LOS ANGELES POLICE COMMISSION

***OFFICE OF THE INSPECTOR GENERAL
2006 ANNUAL REPORT
REGARDING
CATEGORICAL USES OF FORCE***



Conducted by

OFFICE OF THE INSPECTOR GENERAL

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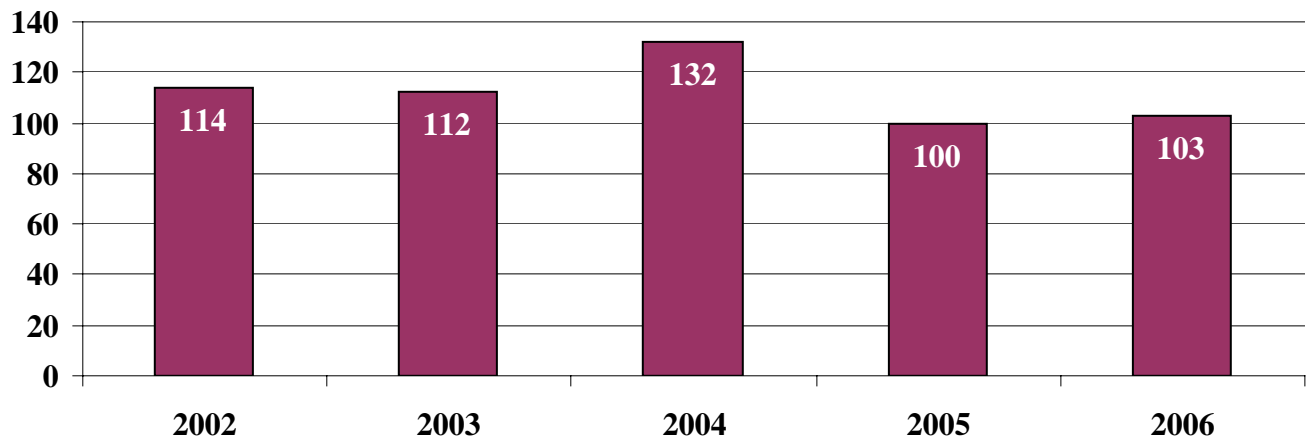
INTRODUCTION

Consent Decree paragraph 142 requires the Board of Police Commissioners (BOPC) to annually issue a public report detailing its findings regarding Categorical Use of Force (CUOF) incidents. Pursuant to this requirement, the Office of the Inspector General (OIG) has prepared this annual report (Report) detailing the findings of the BOPC relative to CUOF incidents reviewed during 2006.

STATISTICAL OVERVIEW OF CATEGORICAL USES OF FORCE THAT OCCURRED IN 2006

The primary focus of this report is on incidents involving Categorical Uses of Force *reviewed* by the BOPC during 2006. However, the following data provide an overview of incidents involving Categorical Uses of Force that *occurred* during 2006. Similar data for the previous four years is included for comparison.¹ The yearly total number of incidents involving Categorical Uses of Force remained relatively consistent, with 114 in 2002, 112 in 2003, 132 in 2004, 100 in 2005, and 103 in 2006. The following chart includes Negligent Discharges and Animal Shootings in the total number of Categorical Uses of Force for comparison purposes.²

Categorical Use of Force Incidents, 2002-2006



¹ Special Order No. 34, issued on October 12, 2005, deactivated the use of the term Law Enforcement Activity Related Death (LEARD) and provided for all incidents resulting in the death of an individual during an incident involving LAPD officers to be referred to as an In-Custody Death (ICD). Thus, for purposes of this report, all incidents previously referred to as a LEARD are included in the totals for ICD incidents.

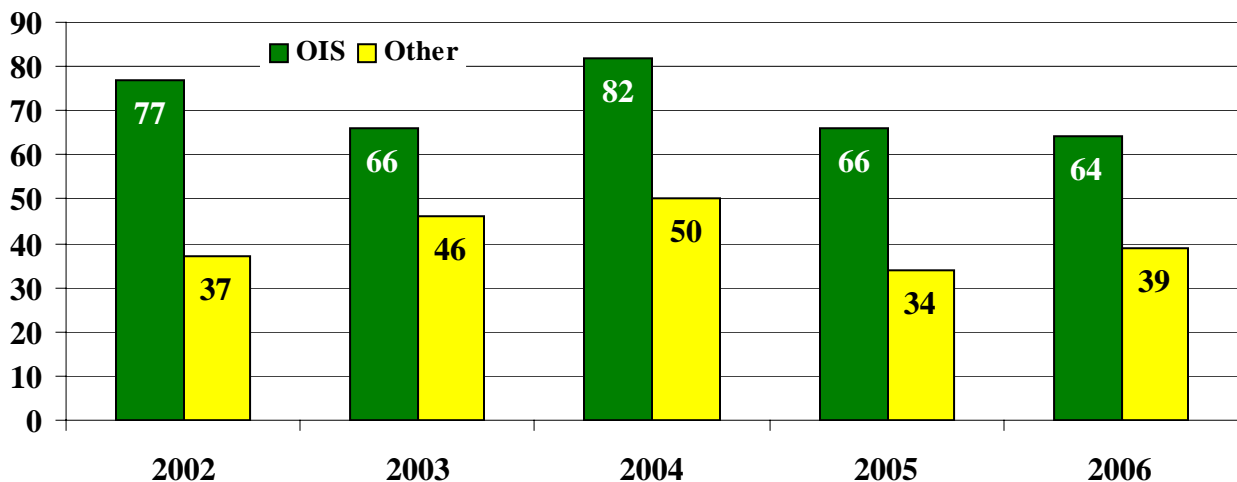
² On June 2, 2005, the United States District Court approved amendments to Consent Decree paragraph 13, which excluded Negligent Discharges and Animal Shootings from the definition of Categorical Uses of Force. The definition of the term "Categorical Use of Force" currently means "all incidents involving the use of deadly force by an LAPD officer, except for non-tactical accidental discharges and animal shootings." However, for comparison purposes, Negligent Discharges and Animal Shootings are included in the 2005 and 2006 numbers on this chart.

The following graph compares Officer Involved Shootings (OIS) with other types of Categorical Uses of Force. Other types of Categorical Uses of Force include law enforcement related injury (LERI); in-custody death (ICD); carotid restraint control hold (CRCH)³; head strike with an impact weapon (HS); and police canine contact resulting in hospitalization (K9). The graph includes Negligent Discharges and Animal Shootings in the total number of OIS incidents for comparison purposes. As depicted in the graph:

- Of the 114 CUOF incidents that occurred in 2002, 77 (68%) involved an OIS.
- Of the 112 CUOF incidents that occurred in 2003, 66 (59%) involved an OIS.
- Of the 132 CUOF incidents that occurred in 2004, 82 (62%) involved an OIS.
- Of the 100 CUOF incidents that occurred in 2005, 66 (66%) involved an OIS.

In 2006, there were 103 incidents involving a CUOF. Excluding Negligent Discharges and Animal Shootings, there were 85 incidents involving a CUOF. Of these 85 incidents, 46 (54%) involved an OIS where an officer intentionally discharged a firearm at a person. In addition, there were eight incidents of Negligent Discharges and ten Animal Shootings, for a total of 64 shooting incidents.

OIS Compared to Other Categorical Uses of Force, 2002-2006



³ Formerly referred to as “upper body control hold,” or UBCH.

The following table illustrates the number of Categorical Use of Force incidents that occurred in 2006 by Bureau and Division.

| | OIS | LERI | ICD | CRCH | HS | K9 |
|-------------------------|-----|------|-----|------|----|----|
| Central Bureau: | | | | | | |
| Central | | | 3 | | | |
| Hollenbeck | 3 | | 2 | | 1 | 1 |
| Rampart | 3 | 2 | | | | |
| Newton | 2 | 2 | | 1 | | |
| Northeast | 3 | | | | | 1 |
| | | | | | | |
| South Bureau: | | | | | | |
| 77 th Street | 8 | 2 | 4 | | 1 | |
| Harbor | 1 | | | 2 | 1 | |
| Southeast | 10 | | | 1 | | |
| Southwest | 4 | | 2 | | | |
| | | | | | | |
| West Bureau: | | | | | | |
| Hollywood | 1 | 2 | | | | |
| Pacific | 1 | | | | | |
| West Los Angeles | | 2 | | | | |
| Wilshire | 1 | | | | | |
| | | | | | | |
| Valley Bureau: | | | | | | |
| Devonshire | 1 | | | | | |
| Foothill | 2 | 1 | 2 | | | |
| Mission | 1 | 1 | | | | |
| North Hollywood | 1 | | | | | |
| Van Nuys | 1 | | 2 | | | |
| West Valley | 2 | 1 | 1 | | | |
| | | | | | | |
| Outside the City | 2 | | | | | |

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OFFICER-INVOLVED SHOOTINGS

In 2006, officers were involved in 46 shooting incidents, 41 of which occurred while the involved officers were on-duty, and five of which occurred while the involved officers were off-duty. This figure of 46 does not include eight Negligent Discharges and ten Animal Shootings.

By comparison, in 2002, officers were involved in 77 shooting incidents total, 65 of which occurred while the involved officers were on-duty and 12 of which occurred while the involved officers were off-duty. This total, however, includes ten Negligent Discharges and nine Animal Shootings. In 2003, there were 66 shooting incidents, 59 of which occurred while the involved officers were on-duty and seven of which occurred while the involved officers were off-duty; eight of these incidents were Negligent Discharges and 14 were Animal Shootings. In 2004, there were 82 shooting incidents, 76 of which occurred while the involved officers were on-duty and six of which occurred while the involved officers were off-duty; six were Negligent Discharges and 20 were Animal Shootings. In 2005, there were 44 shooting incidents (excluding six Negligent Discharges and 16 Animal Shootings⁴), 42 of which occurred while the involved officers were on-duty and two of which occurred while the involved officers were off-duty.

Suspects were shot in 35 incidents in 2002; 27 incidents in 2003; 43 incidents in 2004; 29 incidents in 2005; and 27 incidents in 2006. Of these, there were 15 suspect fatalities in 2002; 14 suspect fatalities in 2003; 17 suspect fatalities in 2004; 11 suspect fatalities in 2005;⁵ and 12 suspect fatalities in 2006. Officers were shot in one incident involving an OIS in 2002; two incidents in 2003; five incidents in 2004; two incidents in 2005; and three incidents in 2006.⁶ No officers were killed in OIS incidents in 2002, 2003, 2005, or 2006. One officer was killed in an OIS incident in 2004. Also in 2004, there were a total of four by-standers hit by gunfire during three OIS incidents. In 2005, there was one bystander/hostage who was shot and killed in the course of an OIS incident.

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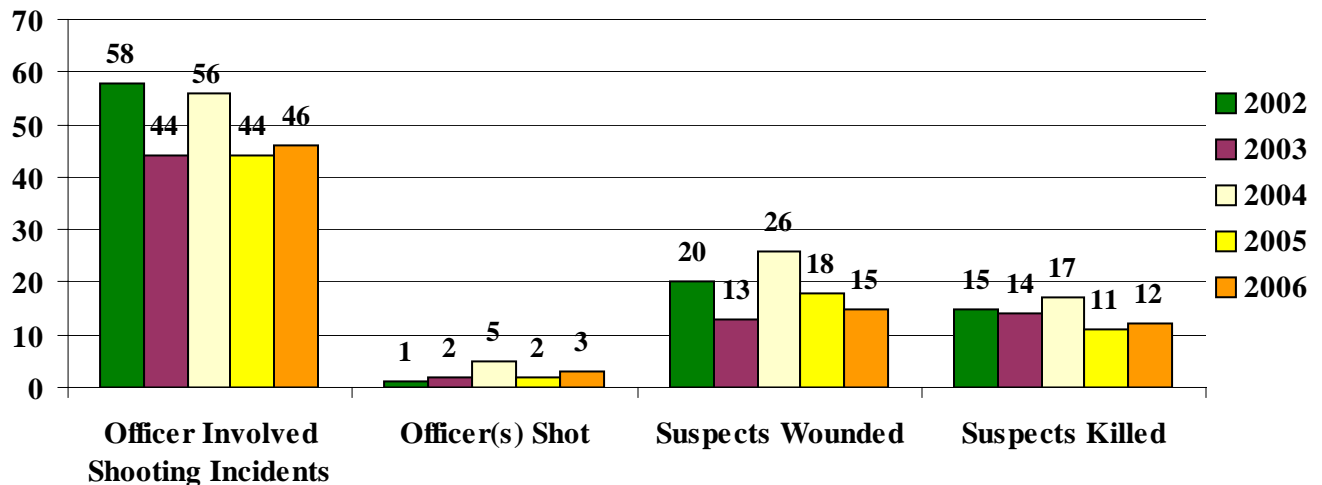
⁴ All of the Negligent Discharges and 12 of the 16 Animal Shootings that occurred in 2005 occurred after the June 2, 2005, amendment to the Consent Decree.

⁵ In 2005, there were five incidents during which officers fired at suspects, but the suspects escaped. So, for these five incidents, it is uncertain whether the suspects sustained any type of injury as a result of the officers' gunfire.

⁶ This figure does not include officer injuries sustained in the course of Negligent Discharges or Animal Shootings.

The following chart does not include Negligent Discharges or Animal Shootings in the total number of OIS incidents.

Officer Involved Shooting Incidents, 2002-2006



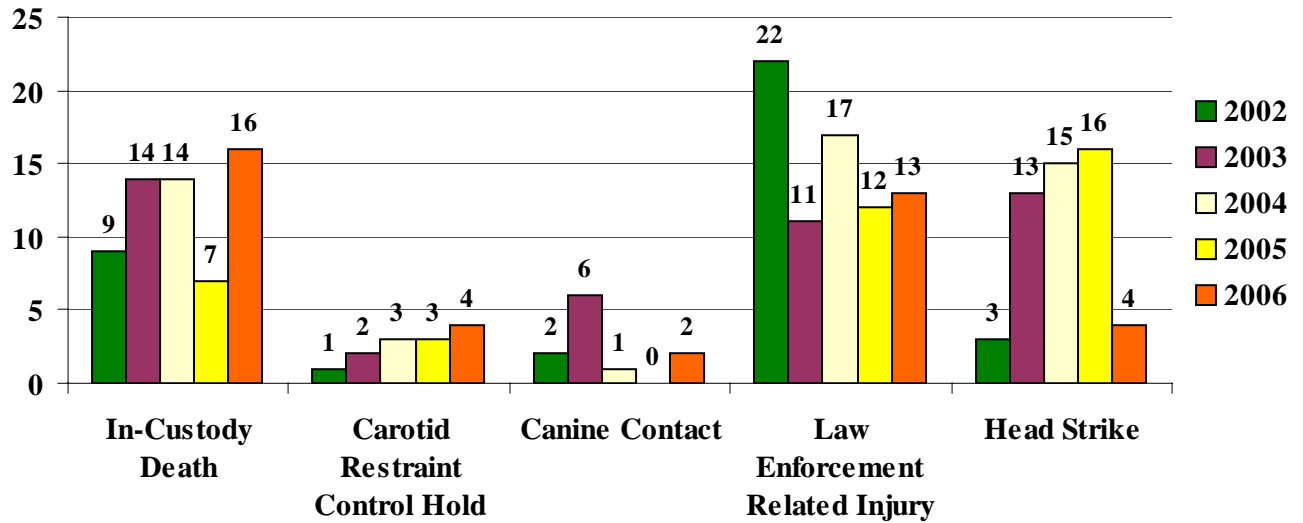
OTHER CATEGORICAL USES OF FORCE

Other (non-OIS) Categorical Uses of Force include ICDs, CRCHs, K9s, LERIs and HSs. Of the Categorical Uses of Force that occurred in 2002, 32% were non-OIS Categorical Uses of Force. These consisted of nine ICDs, one CRCH, two K9s, 22 LERIs and three HSs. Of the Categorical Uses of Force that occurred in 2003, 41% were non-OIS Categorical Uses of Force. These consisted of 14 ICDs, two CRCHs, six K9s, 11 LERIs and 13 HSs. Of the Categorical Uses of Force that occurred in 2004, 38% were non-OIS Categorical Uses of Force. These consisted of 14 ICDs, three CRCHs, one K9, 17 LERIs, and 15 HSs. Of the Categorical Uses of Force that occurred in 2005, 44% were non-OIS Categorical Uses of Force. These consisted of six ICDs, two CRCHs, 10 LERIs, 12 HSs, one incident involving both a HS and an ICD, two incidents involving both a HS and a LERI, and one incident involving both a HS and an CRCH.

Of the 85 Categorical Uses of Force that occurred in 2006, not including Negligent Discharges and Animal Shootings, 46% (39 incidents) were non-OIS Categorical Uses of Force. These consisted of 16 ICDs, four CRCHs, two K9s, and 13 LERIs, and four HSs.

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Other Categorical Uses of Force, 2002-2006⁷



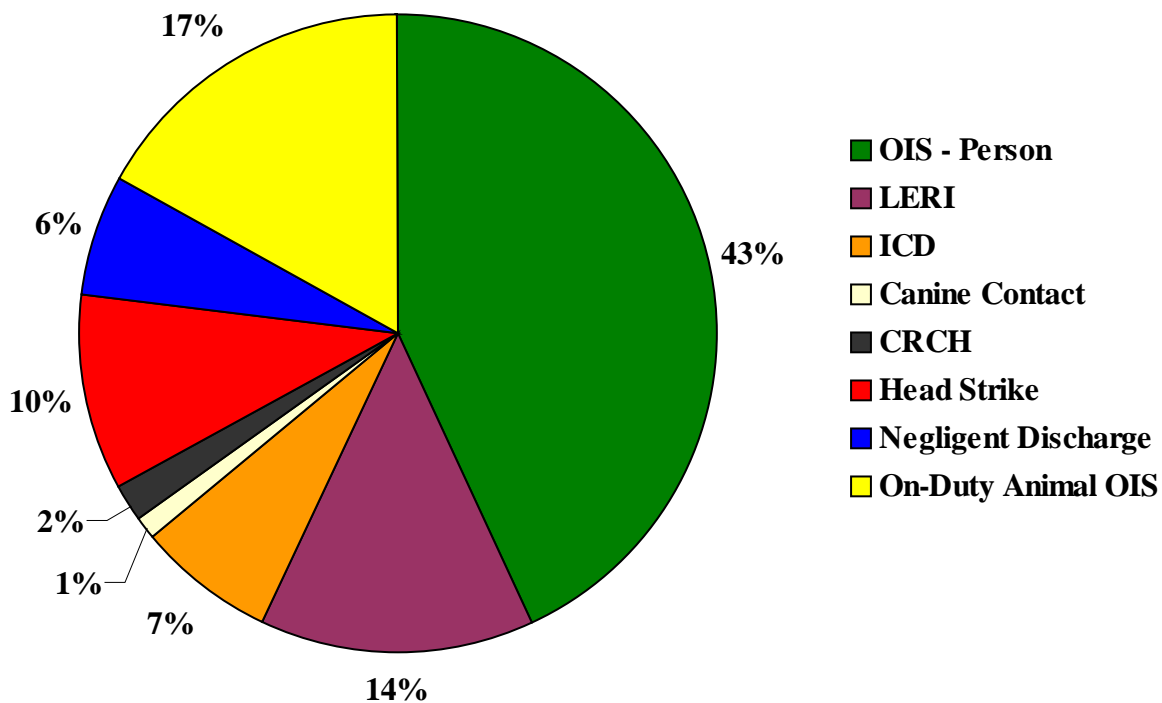
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⁷ This chart represents the occurrence of each type of use of force. Thus, the incident that involved both a HS and an ICD is included both in the number of HSs and the number of ICDs; the incidents that involved both a HS and a LERI are included both in the number of HSs and the number of LERIs; and the incident that involved both a HS and an CRCH is included both in the number of HSs and the number of CRCHs.

**CATEGORICAL USES OF FORCE REVIEWED BY THE
BOPC DURING 2006**

During 2006, the BOPC reviewed 100 CUOF incidents.⁸ These consist of 66 OISs (including 43 incidents where an officer intentionally discharged a firearm at a person, six Negligent Discharges and 17 Animal Shootings); 14 LERIs; ten HSDs; seven ICDs; one K9; and two CRCHs.

Categorical Uses of Force Reviewed by the Commission in 2006



The BOPC reviews CUOF incidents for a) tactics, b) drawing, exhibition and holstering a firearm, and c) all involved uses of force. No “in policy” or “out of policy” *finding* is made in relation to tactics. However, a determination is made regarding the *action* warranted in relation to officers’ tactical performance. Officers’ tactics can be deemed to warrant “no action,” “divisional training,” “formal training” or “administrative disapproval.” For drawing/exhibition/holstering, the BOPC determines whether the involved officers’ actions conformed to Departmental policy and issues a finding of “in policy” “in policy, divisional training,” “in policy, formal training” or “out of policy, administrative disapproval,” accordingly. For uses of force, the BOPC issues a finding of “in policy,” “in policy, divisional training,” “in policy,

⁸ Absent justification for tolling the statute of limitations for a particular incident, the BOPC has up to one year from the date of an incident to adopt findings regarding the appropriateness of the actions of the involved officer(s). The statute of limitations for an incident may be tolled for a limited number of reasons, including pending criminal investigation/prosecution and pending civil litigation.

formal training,” “negligent,⁹ administrative disapproval” or “out of policy, administrative disapproval.” If a weapon was not drawn or no force was used, a finding of “does not apply” is made. Findings relative to canine contacts requiring hospitalization are either deemed “consistent with established criteria” or “not consistent with established criteria.”

TACTICS

Of the 100 CUOF incidents reviewed by the BOPC in 2006, 19% (23) resulted in a finding of no action for tactics for all officers involved; 36% (43) resulted in a finding of divisional training for tactics for at least one of the involved officers; 28% (34) resulted in a finding of formal training for tactics for at least one of the involved officers; and 17% (21) resulted in a finding of administrative disapproval for tactics for at least one of the involved officers.¹⁰ The 21 incidents that resulted in a finding of administrative disapproval for tactics involved the tactics of a total of 50 officers.

Those cases in which there was a finding of “administrative disapproval” for tactics are summarized below. Some of these cases may have also warranted a finding of administrative disapproval for drawing, exhibition and holstering a firearm and/or for use(s) of force, and, as such, will also be referenced in subsequent sections of this report.

OIS 008-05

Sergeant A located a vehicle parked on the street with parts missing. A check confirmed that the vehicle had been stolen. However, before the Sergeant recovered the car, he was called to the police station to handle a citizen complaint. Later, Sergeant A returned to where the stolen car had been located and discovered it was gone. Sergeant A obtained information that the car had been recovered at another location by another law enforcement agency. Subsequently, Sergeant A met with Officers A and B to discuss that there had been several vehicles reported stolen and that an auto theft ring might be operating in the area. Sergeant A directed Officers A and B to patrol the area for any suspicious activity related to stolen vehicles.

Officers A and B began patrolling the general area when they turned into an alley and spotted an individual standing in the alley. As the officers entered the alley, the individual turned and ran between the buildings and out of sight of the officers. The officers considered this conduct suspicious, so they proceeded up the alley and stopped at the location in the alley where the

⁹ On July 12, 2005, the Board of Police Commissioners accepted and filed the Department's Report dated June 28, 2005, regarding the terminology for non-tactical discharges of firearms. This Report provided that a “discharge resulting from a violation of the (firearms) safety rules” shall be referred to as a “negligent discharge,” and “an unintentional discharge when all safety rules are followed, e.g. a mechanical breakdown of a weapon” shall be referred to as an “accidental discharge.”

¹⁰ One incident resulted in a finding of formal training for at least one officer and a finding of administrative disapproval for at least one officer. Five incidents resulted in a finding of divisional training for at least one officer and administrative disapproval for at least one officer. Four incidents resulted in a finding of formal training for at least one officer and a finding of divisional training for at least one officer. Two incidents resulted in a finding of formal training for at least one officer, divisional training for at least one officer, and administrative disapproval for at least one officer.

individual was last seen. During efforts to locate the individual, Officer A looked through an opening on the side of a closed garage door and observed a light on inside the garage.

Additionally, Officer A heard voices inside the garage along with sounds of someone working on an automobile. Officer A believed the people in the garage might be auto theft suspects, so the officers investigated further by checking alongside the garage. There, they found a steel drum containing miscellaneous burnt car parts. Also, the ground in front of the garage appeared saturated with oil, and additional car parts were lying on the ground around the garage. Based upon these observations, Officers A and B believed that the garage was the possible location of a chop shop.

Officer A moved to one side of the garage and Officer B to the other. Officer B contacted Sergeant A by radio and advised him of their location and that they may have located auto theft suspects there. Sergeant A indicated he would drive to the location. Officer B also requested an additional unit to respond. Sergeant A parked his police unit at the entrance of the alley and walked down the alley toward Officers A and B.

In the interim, Officer A observed the "silhouette" of a person approach the inside of the garage door and peer through the opening at the edge of the door. Officer A stated that he identified himself as a police officer and ordered the suspect to open the door. Officer A noted that someone in the garage replied, but he could not understand what that person said. Officer B stated that an individual inside the garage replied to Officer A, "Who are you? What do you want?" One of the individuals inside the garage told investigators that he heard someone outside the garage repeatedly ask for a specific individual by name.

Officer A then heard two gunshots from inside the garage. Believing someone was shooting at him from inside the garage, Officer A raised his pistol and fired one round at the "silhouette" he had seen inside the garage and at the edge of the closed garage door. Officer A then retreated to cover. The round fired by Officer A struck the exterior of the closed garage door.

During the time Officer A was making contact with the individuals inside the garage, Officer B remained on the other side of the garage and had drawn his weapon. Officer B recalled hearing two gunshots from inside the garage and one round fired by Officer A. Sergeant A was approaching the garage from the alley when he heard two gunshots followed by another single gunshot. Sergeant A thought the gunshots had come from the area where Officers A and B were, but did not see either officer fire their weapon. Sergeant A moved forward taking cover behind buildings along the alley. When the Sergeant moved closer, Officer A told him that there were two individuals in the garage who had shot at him and he had returned fire.

Both Officers A and B ordered the individuals out of the garage, but they did not comply. Subsequently, other units arrived at the location along with an Air Unit. A perimeter was established around the location. Metropolitan K-9 and Special Weapons and Tactics (SWAT) units responded. The SWAT unit made contact with the suspects in the garage and soon thereafter they surrendered without further incident.

The individuals in the garage were later identified as Subject 1 and Subject 2. Subject 1 denied he knew police officers were outside the garage, and stated that he had test fired a shotgun inside

the garage before he heard someone knocking at the garage door, but specifically denied shooting at anyone outside of the garage. Subject 2 stated that Subject 1 armed himself with a shotgun and fired at the garage door after hearing someone outside of the garage. Subject 2 stated that he thought Subject 1 feared individuals from a prior shooting incident had returned. Subject 2 also stated that he was not aware that police officers were outside the garage door. Subject 3, the wife of Subject 1 and sister of Subject 2, stated that she heard gunshots, looked out of the rear of the garage's residence toward the garage and observed Subject 2 inside of the garage. Subject 2 then instructed her not to come outside or to enter the garage because the police were there.

The BOPC found Officers A and B's tactics to warrant administrative disapproval. The BOPC noted that Officers A and B did not advise Communications Division (CD) of their location or status and that Officers A and B did not discuss a tactical plan prior to approaching the fleeing individual in the alley or the suspects inside the garage. Additionally, the BOPC determined that Officers A and B should have requested an additional unit when they initially observed an individual run from the area of the garage, and that prior to verbally engaging the suspects in the garage, the officers had waited for additional officers to arrive and had briefed those officers of the incident details. The BOPC also noted that Officers A and B, while waiting for responding units, were in close proximity to the garage doors and were on either side of the garage, thus creating a potential crossfire situation. As such, the BOPC determined that Officers A and B's tactics warranted a finding of administrative disapproval. In addition, the BOPC determined that Sergeant A and Officers A and B would benefit from additional training.

The BOPC considered that Sergeant A did not ensure that the reported stolen vehicle was recovered when it was initially observed. The BOPC was also concerned that Sergeant A should have advised another unit to respond to ensure recovery of the confirmed stolen car. The BOPC directed Sergeant A's commanding officer to discuss this issue with Sergeant A and to provide training as necessary.

The BOPC found Officers A, B, Sergeant A's drawing/exhibition/holstering of a firearm to be in policy.

The BOPC found Officer A's use of force to be out of policy, warranting administrative disapproval. The BOPC was critical of Officer A's decision to utilize lethal force under the totality of the circumstances. Officer A was unable to discern any recognizable figures inside the garage and he was only able to see a silhouette through a crack at the side of the garage door. When Officer A heard the gunfire from the garage and believed he was being shot at, he was unaware of who fired the rounds or where specifically the suspect was located within the garage, and returned fire into the garage striking the closed garage door, without firing at a specific target.

OIS 022-05

Officers A and B observed a sport utility vehicle (SUV) with rear lights that were inoperable. The officers "ran the plate" and discovered that there were no wants or warrants associated with the SUV. Based on the violation of having taillights that were inoperable, the officers decided to conduct a traffic stop on the SUV. The officers activated their overhead lights and siren to signal

the driver to pull over. The SUV failed to stop and drove in a manner that the officers identified as consistent with someone driving under the influence (DUI). The officers advised CD that they were following a possible DUI suspect and requested an additional unit. Approximately three minutes later, Officers C and D joined Officers A and B in following the SUV. Officer D requested an Air Unit, but was advised that the Air Unit was grounded because of the thick fog.

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

Hearing the details of the pursuit being broadcast over the radio, Watch Commander Lieutenant A instructed the Assistant Watch Commander to advise CD to show Officers A and B in vehicle pursuit.

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

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

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

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

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

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

Lieutenant A and Sergeant B responded from the station to the pursuit. Sergeant B drove from the station until they caught up to the pursuit. When they got close to the pursuit, they pulled

over on a side street, exited the vehicle, drew their service pistols and took cover behind the vehicle. Once the pursuit went by, Lieutenant A took over as driver of Sergeant B's vehicle. Lieutenant A then fell in behind the pursuing officers and took over as Incident Commander of the pursuit. Approximately 23 minutes after the pursuit began, Lieutenant A advised CD to have two units parallel the pursuit on side streets in an attempt to contain the subjects.

Once Lieutenant A took over as Incident Commander, Officer F contacted Lieutenant A and requested permission to engage the subjects. Lieutenant A granted his request.

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

While exchanging gunfire, the subjects accelerated and lost control of the SUV. While traveling north approximately 33 minutes after the pursuit began, the SUV hit a curb, proceeded through an intersection and then knocked down a section of a six-foot high wrought iron fence surrounding a parking lot of a business located on the corner of the intersection. The disabled SUV came to rest in the parking lot of the business, terminating the pursuit. At the time, the business was closed and the only other vehicles in the parking lot were some distance from where the SUV stopped.

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

Officers E and F were the first officers to arrive at the scene of the termination of the pursuit. Officer E parked their vehicle almost parallel with the SUV. Officer E exited the vehicle and proceeded to a telephone box¹¹ just outside the wrought iron fence at the southeast corner of the parking lot. Officer E fired multiple rounds at the subjects in the SUV from his position at the telephone box. He then proceeded over the damaged fence and through the open parking lot to a metal enclosure,¹² shooting at the subjects as he proceeded. Officer E continued to fire at the subjects once he reached the enclosure. Officer E fired a total of between 18 and 25 rounds after arriving at the scene of the termination of the pursuit.

Once Officer E parked their vehicle, Officer F exited the vehicle and also proceeded to the telephone box. By this time, Officer E had already proceeded to the enclosure. Officer E fired

¹¹ The telephone box was not enclosed in any type of booth.

¹² The metal enclosure was a four-sided fenced area that surrounds the base of the sign for the business. All four sides of the fence consisted of solid sheets of metal. The enclosure was located just southwest of the position in which the SUV came to rest in the parking lot.

approximately 11 rounds at the subjects from this position, and then moved to a position of cover behind a vehicle parked near the telephone box.

Sergeant C and Officer G arrived at the scene of the termination of the pursuit after Officers E and F. Sergeant C parked their vehicle just to the southeast of Officers E and F's vehicle. Sergeant C exited his vehicle and proceeded west to a light pole. Sergeant C fired approximately two rounds from his service pistol at the subjects from his position at the light pole and then proceeded to the telephone box. He fired approximately nine rounds from his position at the telephone box. Sergeant C then moved back/east and then north and took a position of cover behind Officers E and F's vehicle from where he fired approximately 12 rounds at the subjects.

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

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

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

Officers J and K¹³ arrived at the scene of the termination of the pursuit. Officer J parked their vehicle with its front tires up on the handicap ramp of the sidewalk a few feet southeast of the damaged section of the wrought iron fence. Officer K exited the vehicle and proceeded to the telephone box from where he fired approximately 43 rounds from his service pistol at the subjects. Officer J exited the vehicle and proceeded toward the damaged section of the wrought iron fence while firing approximately five rounds at the subjects. Officer J then proceeded over the damaged fence and through the open parking lot to the enclosure while continuing to fire at the subjects. On his way from the fence to the enclosure and without cover, Officer J knelt

¹³ Officer K was a Probationary Officer at the time of this incident, and Officer J was his Field Training Officer.

down, conducted a speed reload of his service pistol and then continued to move to the enclosure and resumed firing at the subjects. While firing at the subjects from a position at the enclosure, Officer J's service pistol malfunctioned. Officer J cleared the malfunction and continued to fire at the subjects. Officer J fired a total of approximately 11 rounds from his service pistol at the subjects from inside the parking lot. This includes both the rounds he fired while moving from the damaged section of the fence to the enclosure and the rounds he fired once he took a position at the enclosure.

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

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

Officer O exited the vehicle and initially began to take a position behind the bus bench. However, Officer O noted that if he were to fire from the bus bench, he would have to shoot his rounds through the wrought iron fence, possibly resulting in his rounds ricocheting off the bars of the fence. So, Officer O proceeded further east to a traffic signal box¹⁴ located on the north sidewalk southwest of the damaged section of the wrought iron fence. From this position, the wrought iron fence still obstructed his line of sight. So, Officer O moved slightly to the east, past a tri-light signal pole, to get a clearer shot at the SUV. Officer O then fired 11 rounds from his service pistol at the subjects.

Officers P and Q arrived at the scene and parked their vehicle in the north/south crosswalk on the west side of the intersection and south of Officers J and K's vehicle. Officer Q exited the vehicle, took a position of cover and did not fire his service pistol. Officer P exited the vehicle and proceeded north to the traffic signal box. Officer P was armed with a UPR. From his position at the signal box, Officer P fired seven rounds from his UPR at the subjects.

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

¹⁴ The traffic signal box is a large square metal box that stands approximately five to six feet tall.

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

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

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

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

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

The BOPC was also concerned with Officer G's mode of firing. Officer G rapidly fired all 37 of the rounds that he had in his possession. He then advised other officers that he was out of ammunition. As a direct result of his firing pattern, Officer G placed himself in a position where he ran out of ammunition twice while standing in a position that offered him no cover. Moreover, not only was Officer H deprived of some of his ammunition, but Officer I was placed in a position whereby he needed to respond to Officer G's position of no cover in order to deliver the new magazine to Officer G. Officer G's decision to rapidly fire all of his rounds placed himself and, by extension, Officer I in unnecessary danger.

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

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

The BOPC was concerned with Officer S’s actions for a number of reasons. Officer S’s decision to fire from his position on the south sidewalk placed the officers positioned behind the signal box and bus bench in a crossfire situation. Officer S effectively placed these two officers in danger of being hit by his gunfire. If Officer S’s targeting of the SUV was not accurate, or if any of these officers had moved while Officer S was firing, they could have been hit by Officer S’s gunfire. This is of even greater concern given that not long after Officer S fired his rounds, Officer T moved across what had been Officer S’s line of fire. Had Officer T arrived earlier during the incident and had Officer S not seen him approaching, Officer T may have been hit by Officer S’s gunfire.

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

Based on the above, the BOPC found Officers G and S’s tactics to warrant administrative disapproval.

- The BOPC noted that Lieutenant A directed units to parallel the pursuit on adjacent streets, creating a possible crossfire situation. The BOPC would have preferred that Lieutenant A had provided Officers E and F with more specific instructions when he instructed them to “engage” the subjects. The BOPC would have preferred that the detailed instructions had included direction of how to approach the subjects’ vehicle if the engagement was successful.
- The BOPC would have preferred that Sergeant C had taken a more supervisory role as opposed to becoming directly involved in the incident. The BOPC noted that Sergeant C was among several officers who deployed away from their vehicles to positions that afforded them only minimal cover. The vehicles they abandoned were equipped with ballistic doors and offered good cover for the officers.

- The BOPC noted that at the end of the pursuit Officer E parked his vehicle in the street parallel to the subjects' vehicle. The BOPC would have preferred that Officer E had parked his vehicle in such a manner as to allow Officers E and F to utilize the ballistic door panels of the vehicle for cover. The BOPC also noted that Officer E left the vehicle, initially deployed to the telephone box, and then re-deployed to the enclosure in the parking lot. While changing his position, Officer E left himself exposed to the subjects' gunfire without any cover.
- The BOPC noted that Officer F was among those who left the cover of their vehicles. Officer F took a position behind the telephone box that provided only minimal cover. Officer F subsequently re-deployed to the trunk of his vehicle to retrieve additional ammunition, leaving him exposed to potential gunfire from the subjects.
- The BOPC noted that Officer I left a position of cover to provide Officer G with additional ammunition.
- The BOPC noted that Officer J parked his vehicle on the handicap ramp in the sidewalk just outside the damaged section of the wrought iron fence. Due to the slant in the sidewalk and the weight of Officer J's ballistic panel vehicle door, the door would not stay open. Officer J left his vehicle and deployed without the benefit of any cover to the enclosure. While deploying to the enclosure, Officer J dropped to one knee and reloaded his service pistol, dropping four live rounds to the ground. These rounds could have been critical during such a prolonged gun battle.
- The BOPC noted that Officer K was another officer who left his vehicle for the "cover" of the telephone box that provided only minimal cover. The BOPC also noted that Officer K fired all but three of his rounds.
- The BOPC noted that Officer M left his vehicle and deployed behind the telephone box that provided only minimal cover.
- The BOPC noted that Officer N left his vehicle and deployed behind a bus bench. Realizing it would be difficult to fire through the wrought iron fence surrounding the parking lot, Officer N walked up to the fence and fired between the metal bars of the fence without any cover.
- The BOPC noted that Officer O left his vehicle and sought cover behind a tri-light signal pole that offered only limited cover. He then moved away from the limited cover of the pole slightly to the right and fired at the subjects.
- The BOPC noted that at the behest of other officers to get closer, Officer T took a position at the wrought iron fence with no cover. After firing at the subjects, Officer T exposed himself to potential gunfire from the subjects when he climbed over the fence to deploy to the enclosure.

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

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

The BOPC found Lieutenant A, Sergeant C and Officers C, D, E, F, G, H, I, J, K, M, N, O, P, S and T's drawing/exhibiting to be in policy. The BOPC further found the drawing/exhibiting of firearms by the numerous other officers who drew/exhibited firearms at the termination of the pursuit to be in policy.

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

OIS 030-05

Off-duty Officer A and his wife were receiving increasingly angry and threatening phone calls from Subject 1. Approximately 45 minutes after the first phone call, Officer A's wife observed two males and two females in the street directly outside the residence, threatening the residence and vandalizing the family vehicle. Officer A retrieved his service pistol from its holster located in his duffel bag in the room where he was watching television. After instructing his wife to call the police, Officer A proceeded outside to confront the individuals in the street, carrying the weapon alongside his leg.

Officer A moved across the front lawn of the residence and addressed the group, instructing them to keep their distance, but he did not identify himself as an off-duty police officer. When members of the group observed Officer A with his pistol, three of the group moved to the opposite side of the street. Officer A directed his wife to return to the residence and to call the police. His wife instructed another nephew to call 9-1-1. Subject 1 grew verbally abusive and walked to Officer A's wife, challenging her to fight. Subject 1 reached out and grabbed the front of the wife's shirt. Officer A's wife, in response, pushed Subject 1 away.

Subject 1 walked back to the curb, reached down, picked up an object, and circled around her friends to the front lawn of the residence across the street from Officer A's residence. Subject 1, making a stabbing style motion with the object in her hand, began to advance on Officer A and his wife. When his wife observed the object in Subject 1's hand, his wife warned, "She has a knife."¹⁵ Officer A fired a single "warning shot" into the lawn between Subject 1 and the three

¹⁵ The item that was perceived by Officer A and his wife to be a knife was subsequently determined to be a dinner fork that Subject 1 had brought to the scene.

individuals who accompanied her to the location. The round struck the lawn approximately 25 feet away.

Subject 1 fled the scene to the back residence of the nearby home and used the telephone to call 9-1-1. When the local law enforcement agency arrived, a female resident of the home escorted Subject 1 to the front door to meet the officers. The local law enforcement spoke to Subject 1 and took her into custody.

Officer A then identified himself as a Los Angeles Police Department officer. He placed his service pistol on the ground and was handcuffed pending a preliminary investigation; he was later released, as were Subject 1's three friends. Subject 1 remained in custody, and was later convicted of one count of making criminal threats.

The BOPC determined that Officer A's deficient tactics unnecessarily placed himself and his family at risk of injury. As a result, the BOPC determined that Officer A's tactics warranted administrative disapproval. Officer A had no urgency to engage the Subjects because they did not pose an immediate threat to his safety. Officer A left himself with limited tactical options by engaging the Subjects without cover in front of his residence, and with his personally owned pistol. Officer A's decisions placed him at a tactical disadvantage because he did not have the equipment items an on-duty officer would routinely have, did not wait for backup, did not maintain distance from the subjects, and did not identify himself as a police officer, which may have diffused the situation.

The BOPC also found Officer A's drawing, exhibiting and holstering to warrant administrative disapproval. Officer A exited his residence with an unholstered pistol to confront the subjects and without the ability to secure his pistol. Further, when Officer A unholstered the firearm inside his residence, there was no threat that would have reasonably led him to believe that a deadly force situation may occur.

The BOPC found Officer A's use of lethal force, a "warning shot," to warrant formal training. The BOPC noted that although "warning shots" are generally prohibited, in this incident it was reasonable for Officer A to believe that Subject 1 posed an immediate threat of serious bodily injury or death when Subject 1 began to advance upon Officer A. As a result of firing the "warning shot," Subject 1 stopped her advance and ran away. The BOPC found that it is likely that Officer A's decision to fire a "warning shot" prevented him from having to use lethal force on Subject 1.

OIS 053-05

Officers A and B were patrolling in a marked vehicle. As the officers drove towards a SUV, they saw the license plate and realized it was the same vehicle that was associated with prior crimes. The SUV had two occupants: Subject 1 (passenger) and Subject 2 (driver).

As the officers followed the SUV, Officer A broadcast to CD that they were conducting a traffic stop. Officer B activated the vehicle's forward-facing red light and sounded the horn. The SUV did not stop. Officer B activated the vehicle's overhead lights and sounded the siren as the officers continued to follow the SUV at an estimated speed of 15 to 30 miles per hour.

The SUV turned onto a narrow, short roadway that dead-ended at a fire road. Subject 1 exited the SUV and began to run alongside it. Officer A saw that Subject 1 was holding a pistol by the SUV frame with his left hand. Officer A told his partner that Subject 1 had a gun and broadcast that he was going in foot pursuit. The officers lost sight of Subject 1 as he turned into a residential driveway.

Officer B stopped the vehicle just west of the driveway, and Officer A exited. Officer A drew his service weapon and maneuvered around the corner of the driveway. As he came around the corner, Officer A saw that Subject 1 was attempting to scale the gate. Officer A told Subject 1 to "Stop." As Subject 1 attempted to climb over the gate, it swung open and Subject 1 fell to the ground. As Subject 1 fell, the pistol he was carrying fell to the ground.

Subject 1 began to run away from Officer A, but then turned back and reached towards the dropped pistol. Officer A told Subject 1, "Don't pick up the gun." Subject 1 did not pick up the pistol, but turned and ran from Officer A.

According to Officer A, as Subject 1 ran away from him, he gave repeated verbal commands to Subject 1 to stop. Subject 1 stopped, with his right hand towards the front of his waist, then turned to his right and faced towards Officer A. This enabled Officer A to see that Subject 1's right hand was inside his pants at the waist. Officer A, whose weapon was aimed at Subject 1, then saw Subject 1 "jerk" his hand out of his pants. Officer A believed that Subject 1 had a gun in his hand. Officer A fired a single round at Subject 1.

Subject 1 turned to his left and continued to run away. Officer A temporarily lost sight of Subject 1 due to a tree blocking his view. Officer A repositioned and saw that Subject 1 was stopped with his hands up.

Meanwhile, Officer B watched the SUV as it drove on the fire road and stopped at a gate. Officer B saw Subject 2 exit the SUV and run behind a large bush. Officer B exited the vehicle. As he did so, Officer B heard a single gunshot from the direction of the driveway. Officer B broadcast that shots had been fired.

Officer B walked back towards the driveway where Officer A was located. Officer A had Subject 1 held at gunpoint and Subject 1 appeared to be under control. Officer B then saw that Subject 2 had re-entered the SUV and was slowly reversing back down the fire road, toward the vehicle. Officer B moved back to the vehicle. As the SUV stopped next to the vehicle, Officer B drew his service weapon and ordered Subject 2 to park and exit the SUV. Subject 2 complied.

The BOPC found Officers A and B's tactics to warrant administrative disapproval. The BOPC noted that Officers A and B did not effectively communicate with each other about their plan to stop the SUV. Given the officers' prior knowledge of the vehicle, the BOPC would have preferred that the officers had requested an additional unit and an Air Unit prior to attempting the traffic stop.

The BOPC noted that, when the SUV failed to yield, the officers did not advise CD of this, nor did they update their location. The BOPC also noted that Officer A's foot pursuit broadcast did not include the officers' location or the subjects' direction of travel.

The BOPC noted that, by pulling the vehicle forward, Officer B exposed himself to a subject armed with a gun. In addition, the BOPC noted that the officers' actions resulted in them separating from each other and in Officer A confronting an armed subject alone. The BOPC further noted that, as Officer A followed Subject 1 along the driveway, Officer A did not use available cover.

The BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy. The BOPC also found Officer A's use of force to be in policy.

OIS 057-05

A 9-1-1 call was made by Victim A from a used car sales lot in Southeast Area. Victim A told the operator that her stepfather, Subject 1, was "harassing" and "threatening" her. She then told the operator that Subject 1 was leaving. The operator asked if Victim A still needed the police, and Victim A replied that she did, because Subject 1 had said he was "going to take [Victim A] with him, far." Victim A stated that she was going to go to their home. She also indicated that she would wait for the police to respond.

Note: Victim A was the stepdaughter of Subject 1, the daughter of Witness A, and the half-sister of Victim B. Victim A was 16 years old at the time of this incident.

Note: The used car lot was operated by Subject 1. The lot faced west, onto on a north-south Boulevard (Boulevard), and consisted of open areas to the west, east and north, where numerous vehicles were parked. There was a building at the south side of the lot, which contained a small office with a west-facing window. The building had entrances on both its east and west sides. The lot was surrounded by an approximately six-foot high iron fence, with sliding gates front and back. A north-south alleyway was at the rear (east) side of the location. The location was equipped with nine surveillance cameras which were viewable via a computer located in the office and provided views of the north, east and west sides of the location, in addition to a partial view of the interior of the building. The lot was less than one block away from the home of Victims A and B, Subject 1 and Witness A.

A non-coded radio call was generated in response to Victim A's 9-1-1 call. At 3:47 p.m., the call was assigned to Officers A and B. Meanwhile, Subject 1 went to his home and took Victim B from Witness A. Subject 1 told Witness A that today he was going to die and took Victim B with him back to the lot.

At 4:02 p.m., Subject 1 told Witness B to close and lock the sliding gate on the Boulevard side of the lot. At this time, Witness B saw Subject 1 loading a pistol. According to Witness B, Subject 1 had two handguns. Once the gate was closed, Subject 1 told Witness B that he would kill him

if he re-opened the gate. Witness B also reported that Subject 1 told him, "My end has come," and, "You're going to stay here with me shooting. If I see you leave I'm going to shoot you."

Note: Witness B, an employee of Subject 1, and a second male, whom Witness B identified as "Pariente," were inside the lot during a portion of this incident following the initial police response. Both Witness B and "Pariente" escaped from the lot prior to the conclusion of the incident.

At 4:05 p.m., Victim A called 9-1-1 from the lot office. The call was cut short when Subject 1 pulled the telephone cord out of the wall. The radio call generated following Victim A's first 9-1-1 call was upgraded to a Code-3 "Unknown Trouble" call. At 4:08 p.m., CD updated Officers A and B. Meanwhile, Victim A called 9-1-1 from a cellular telephone and was connected to a California Highway Patrol (CHP) operator. Victim A told the operator that a "crazy man" would not let her go. The call was transferred to CD. During the transfer, Victim A terminated her call. The CD operator called Victim A back on the cellular phone. Victim A told the operator that the crazy man was harassing her, would not let her go, and had said he was going to kill her. Subject 1 then took the telephone from Victim A and broke it.

At 4:12 p.m., Victim A left the office and waited inside the fence on the Boulevard side of the lot for the police. At 4:13 p.m., Officers A and B were flagged down by Victim A and broadcast that they were on the scene. The officers stopped their vehicle in front of the location. Victim A, who was separated from the officers by the fence, told them that the gate was locked; and that her stepfather had a 9mm handgun, had threatened to kill her if she called the police, and was holding a child. Victim A also told the officers that there was at least one additional person on the premises. Both officers drew their pistols and, at 4:14 p.m., Officer B broadcast a request for "an additional unit and a supervisor for a possible 415 man with a gun." At 4:14 p.m., Sergeant A indicated that he would respond.

As Officers A and B were waiting for the additional officers to arrive, they were approached by Witness A. Witness A showed the officers a copy of a Terrorist Threats report she had made earlier that day. The report named Subject 1 as the suspect. According to Witness A, she told Officers A and B not to shoot because her daughter was inside. Witness A then returned home.

Subject 1 came out of the office holding Victim B. Officers A and B asked him to come over towards them. Officer B asked Subject 1 if he had a gun. As Subject 1 moved about in the lot, Officer A moved to a position behind a utility pole in front of the lot.

At 4:17 p.m., Officer B upgraded his "additional unit" request to a request for "back-up." One minute later, Officers C and D arrived, parking their vehicle in front of the lot, just north of Officers A and B's vehicle. Subject 1 went back inside the office. Officers C and D re-deployed on foot to the alley at the rear of the lot.

Officers E and F then arrived on the scene and broadcast a request for two additional units. Officer F joined Officers C and D in the alley at the rear of the lot while Officer E took a position on the Boulevard, south of the lot. Meanwhile, Officer G and Detective A, who were transporting witnesses, arrived close to the scene. Detective A waited in the vehicle with the

witnesses, out of sight of the incident location. Officer G joined the officers positioned in the alley at the rear of the lot.

Note: Officer G was dressed in plain clothes and was not wearing body armor. Detective A ultimately left the scene and transported the witnesses home. He had no further involvement in the incident.

At 4:19 p.m., an Air Unit crewed by Officers H and I arrived over the location.

At 4:20 p.m., Subject 1 appeared at the door of the office holding Victim B in his right arm. Subject 1 raised a 9mm semi-automatic pistol in the direction of Victim A and Officer B and fired in their direction. Victim A and Officer B both ducked down behind parked cars and took cover. Meanwhile, Officer A took a kneeling position behind the utility pole and, using his service pistol, fired one round at Subject 1 from a distance of approximately 70 feet. The round did not strike Subject 1 or Victim B.

Note: According to Officer A, when he fired he could not see Victim B, and his view of Subject 1 was partially obscured.

Note: Officer B stated that he did not fire because Subject 1 was holding Victim B.

At 4:20 p.m., Officer B broadcast that shots were fired and the Air Unit made a "Shots fired, officer needs help" broadcast.

From their position in the alley, at the southeastern corner of the lot, Officers C, D, F and G could not see Subject 1 when he fired. Upon hearing the gunfire, Officer G stepped northwards in the alley to see where the shots were coming from. According to Officer G, he saw Subject 1 pointing a handgun in a southwesterly direction and heard additional shots. Using his service pistol, Officer G fired two rounds at Subject 1 from a distance of approximately 72 feet, then moved south and fired an additional four rounds from a distance of approximately 65 feet. Officer G fired these rounds in defense of the officers at the front of the location. The rounds did not strike Subject 1.

Note: According to Officer G, he was unaware of the presence of Victim B when he fired these six rounds.

At 4:21 p.m., the Air Unit broadcast a warning to the officers on the ground to "watch the crossfire," advising that there were units at the front and the rear of the location.

Meanwhile, Officers J and K responded and positioned their vehicle in the alley, at the southeast corner of the lot. Officer K armed himself with a shotgun and took cover behind the vehicle. Officer G took a position behind the engine block of the vehicle.

At 4:23 p.m., the Air Unit broadcast a request for Urban Police Rifle (UPR) equipped officers to respond to the incident location.

At 4:24 p.m., Sergeant A, who had responded to the alley, broadcast a confirmation that a young child was still inside the location. Meanwhile, Officer G moved north in the alley, leaving the cover of the vehicle. According to Officer G, he did so “hoping he could get a shot.” Subject 1, holding Victim B, emerged from the door of the office and fired towards Officer G. Officer G then retreated back to the vehicle and Subject 1 went back inside the office.

At 4:26 p.m., the Air Unit notified Metropolitan Division, “Heads up. Officer needs help, shots fired, active shooter...with a hostage.” Metropolitan Division confirmed that Special Weapons and Tactics (SWAT) officers were being notified. Meanwhile, Officer G briefly left the cover of the vehicle and moved north in the alley.

Officer L, who was armed with a UPR, responded to the location and went to the rear alley. Officer L deployed behind the vehicle, to the left of Officer G.

Officers M, N, O, P, Q, R, S, T and U heard the help call and responded to the scene.

Officer M arrived on scene. Officer M took a position behind Officers C and D's vehicle on the Boulevard, at the front of the lot. Officer M was subsequently joined by Officers N, O, P, R, S, T and U. Officers M, N, O and P were each equipped with UPRs. Officer M formulated a plan to initiate an Immediate Action Rapid Deployment (IARD),¹⁶ whereby Officer M would move in “diamond formation,” accompanied by Officers N, O and P, to effect a rescue of Victim A, who was still trapped behind the fence at the southwest corner of the lot. The plan called for Officers R and S to move behind the cover of the diamond formation, cut the lock on the gate and rescue Victim A. Officers T and U, both of whom were armed with pistols, indicated that their role in the rescue effort was to provide cover.

At 4:38 p.m., Subject 1 fired from within the office, striking a vehicle parked in the southwest portion of the lot.

At 4:39 p.m., Officers M, N, O, P, R, S, T and U began to move in a southeasterly direction, leaving the cover of Officers C and D's vehicle.

Note: Although the plan reportedly involved the use of a “diamond formation,” video evidence shows that the officers moved in a loosely-formed line.

As soon as the officers initiated their movement, Subject 1 began to fire at them from the window of the office. The group of officers immediately scattered to the cover of nearby vehicles. As he moved towards the cover of Officers A and B's vehicle, Officer P lost his footing and stumbled to the ground.

Officers M and N both saw a muzzle flash and glass flying from the office window. Both of these officers fired at the window as they moved to cover. Officer M believed that he fired two bursts of two to three rounds, and Officer N believed he fired six or seven rounds. According to

¹⁶ IARD is defined by Department training as, “The swift and immediate deployment of law enforcement resources to ongoing, life threatening situations where delayed deployment could otherwise result in death or serious bodily injury to innocent persons.”

Officer O, he saw a muzzle flash and fired six or seven times towards the muzzle flash as he moved back to the cover of Officers C and D's vehicle.

Once in their positions of cover, Officers M, N and O fired additional rounds in response to a further volley of gunfire. According to Officer M, this further volley sounded like a "shoulder weapon" (as distinct from Subject 1's initial pistol fire).

Meanwhile, from their positions in the rear alley, Officer G fired two additional rounds from his pistol and Officer L fired 11 rounds from his UPR. The officers' rounds struck the exterior walls of the office where Subject 1 and Victim B were located.

Note: Both Officers L and G reported that they fired at Subject 1 when they saw him firing in their direction from the door of the office. Based on video and other evidence, investigators established that, at the time the officers fired, the door to the office remained closed and Subject 1 did not present himself to Officers L and G. Rather, Officers G and L were apparently firing in response to the "friendly fire" coming west-to-east from Officers M, N and O. For their part, the evidence indicates that the volley of gunfire to which Officers M, N and O returned fire from their positions of cover was "friendly fire" from the officers in the alley.

Note: A total of approximately 48 rounds were fired by Officers M, N, O, L and G during this exchange. None of the rounds struck anyone.

Officer M instructed officers to "cease fire" and reminded officers to be sure of their target.

At 4:40 p.m., erroneously believing that the rifle fire had come from Subject 1, Sergeant A broadcast a warning that the suspect had armed himself with a "high-powered weapon."

Officer S moved from his position behind Officers A and B's vehicle, towards Victim A's location. Officer S stood up to cut the lock on the gate, was shot at by Subject 1 from within the office, and abandoned his attempt. Officer S was not hit by Subject 1's gunfire.

Metropolitan Division K-9 Sergeant B and Officer V and Metropolitan Division SWAT Officers W, X and Y, arrived on the scene.

At 5:05 p.m., Officers S, V, W and X made a northbound approach to the southwest corner of the lot, pried the gate off its tracks, and pulled Victim A to safety. Officer W then directed that Victim A be debriefed.

Note: Prior to initiating the rescue, Officer W told a supervisor at the scene that his officers would be designated shooters, and that the supervisor's officers should hold their fire if anything happened during the rescue.

At approximately 5:08 p.m., Officers Z and A1 responded to Witness A's home to speak with Witness A and gather intelligence. The officers found Witness A speaking on the telephone with Subject 1. Witness A was crying and begging Subject 1 not to do anything to Victim B.

Officer A1 asked Witness A if he could speak to Subject 1, and Witness A passed the telephone to him. According to Officer A1, Subject 1 was rambling and delusional. Subject 1 made

numerous statements to Officer A1. These included statements that he was Tony Montana;¹⁷ that he was going to kill police officers; that he would come out shooting, holding the baby; that he was going to hell with the baby; that he would kill himself and the baby; that he had military and police experience and knew how to use weapons; that he had been drinking and using drugs; that he was armed with two 9mm weapons and a shotgun; and that he could see officers via his cameras and would come out shooting if the cameras were damaged. Officer A1, who found it “real hard to get in a word,” repeatedly told Subject 1 that Subject 1 had not hurt anyone and that everything would be okay.

While Officer A1 was talking on the telephone, Officer Z was listening in on the conversation from another handset. Officer Z made written notes regarding Subject 1's statements, and would periodically leave and take these notes to the Command Post (CP) that had been established nearby.

Note: All telephone contact between police officers and Subject 1 during this incident was conducted in Spanish.

At approximately 5:40 p.m., Officer A1 was joined by Officer B1, a Crisis Negotiator. Officer B1 did not speak Spanish, so he advised Officer A1 to give Subject 1 reassurance.

At approximately 6:05 p.m., Sergeant C (assigned as the Crisis Negotiations supervisor) and Officer C1, a Spanish-speaking Crisis Negotiator, arrived at Witness A's home. Officer B1 briefed Officer C1, and Officer C1 took over negotiations from Officer A1.

According to Officer C1, Subject 1 was very excited and agitated, and would talk continually. Subject 1 told Officer C1 that he wanted food from McDonald's, that he wanted Witness A to come in and feed Victim B “for the last time,” and that he would not hurt Witness A. Subject 1 also told Officer C1 that he could see officers moving the gate and that he would kill anyone whom came inside. Officer C1 attempted to reassure Subject 1 that the goal of the police officers was to peacefully resolve the situation. After about ten minutes of conversation, the call was terminated. Officer C1 made attempts to call back, but to no avail.

During the time negotiations were occurring, additional SWAT officers arrived at the scene.

Note: SWAT's response to this incident included attendance at the scene by Lieutenant B, Sergeants D and E, and Officers W, X, Y, D1, E1, F1, G1, H1, I1, J1, K1 and L1.

Note: The majority of the SWAT officers involved in this incident responded from their homes after being called by Metropolitan Division. Some of the officers were working overtime elsewhere in the city and were called out or heard the incident over the radio. Consequently, the involved SWAT officers arrived at the scene in a piecemeal fashion.

Officer W, whose responsibilities included tactical planning, was one of the first SWAT officers to arrive at the incident. Having participated in the rescue of Victim A, Officer W went to the rear alley with Officers X and Y. Officer W determined that the approach to the building where

¹⁷ Tony Montana is a character in the movie *Scarface*.

Subject 1 was located was less impeded from that alley than it was from the Boulevard side of the location, and selected the alley as the position to establish an Emergency Assault Team (EAT).¹⁸ Officer W initially tasked Officer X with setting up an EAT at that location.

Officers D1 and E1 arrived and were directed by Officer W to participate in the EAT.

Sergeant D responded, observed Officer W as he was deploying officers, and then went to the CP. Sergeant E, the designated tactical supervisor, then arrived on scene.

Officer W briefed Sergeant E, telling him that there had been two officer-involved shootings, that Subject 1 was contained inside the structure at the lot, that Subject 1 had his daughter as a hostage, and that there were possibly two additional males inside. An EAT had been established at the rear of the location, and an attempt was underway to establish containment.

As additional SWAT officers arrived, they were assigned to an arrest team which was placed at the southwest corner of the lot. The team consisted of three officers, one of whom spoke Spanish.

The next two SWAT officers to arrive, Officers I1 and J1, were placed on the Boulevard, across the street from the lot, in a sniper role, relieving a patrol officer with a UPR.

Patrol officers taking cover behind vehicles on the Boulevard were relieved from those positions.

A second sniper team, consisting of Officers K1 and L1, was placed on an apartment building to the north of the lot.

A containment team was placed in a BEAR (armored vehicle) on the Boulevard, south of the lot. A further containment team was placed at the northeast corner of the lot.

Sergeant E, on the first of two visits to the personnel in the rear alley, had a brief conversation with Officer D1. Officer D1 told Sergeant E that he had his personnel and a plan in place, and that the EAT had run through a number of scenarios that might arise and how to deal with them.

Officer D1 assumed responsibility for the EAT from Officer W. Having responded to the alley, Officer D1 saw that the sliding gate at the rear of the lot was closed, but that the padlock holding the gate closed was not locked. Officer D1 removed the padlock and slid the gate open by four or five feet.

Officers X, Y, D1, and E1 discussed potential scenarios, including, Subject 1 coming out shooting, holding a gun, or holding Victim B, and what their actions would be if any of those scenarios were to arise. It was determined that, if shots were heard from inside the location, the EAT would initiate entrance. The EAT members' responsibilities if an assault was launched were also discussed.

¹⁸ The term "EAT" has been discontinued since this incident occurred. The current term is "Emergency Rescue Team." This team is deployed to immediately respond and rescue innocent persons and stop the deadly actions of a suspect when it is deemed that the suspect's actions are immediately life-endangering, and a delay in response would result in death or serious bodily injury to innocent persons.

At 5:28 p.m., in response to a request by Officer D1, Officer H1 responded to the rear alley with a BearCat.¹⁹ The vehicle that had been providing cover for officers in the alley was removed and the BearCat was positioned at the southeast corner of the lot.

Officer D1 assigned Officer V to a position in the hatch in the roof of the BearCat.

Note: Officer D1 placed Officer V (a K-9 officer) in the hatch of the BearCat because the EAT was “pretty thin on manpower,” and he was working with the resources he had available. Officer D1 also noted that Officer V was an experienced and respected officer, and that he was equipped with a UPR with a scope.

Note: According to Officer V, when he was given his assignment Officer D1 told him, “if this guy comes out and there’s, you know, any danger to anybody or endangering (inaudible) and you have a clear shot you’re going to have to take it.”

Metropolitan Division K-9 Officer M1 responded to the alley and was assigned to assist the EAT by carrying breaching tools.

When Officer F1 arrived at the scene, he was informed by Officer W that he was to participate in a Deliberate Assault Team (DAT).²⁰ Shortly after Officer F1 was given that instruction, Sergeant E told him to respond back to his vehicle and retrieve his sniper gear, as he was going to be placed in a sniper position. Officer F1 retrieved his sniper equipment and found Officer K1 to go with him to the sniper position. In the process of attempting to reach a sniper position, Officer F1 was told by Officer W that he would not be placed in the sniper position and was to participate in the DAT. Officer F1 placed his sniper equipment in the BearCat in the alley and joined the DAT in the alley, to the south of the EAT officers.

From his sniper position, Officer I1 briefly observed a male figure, apparently holding a baby, at the office window. Officer I1 became confident that the person he had seen was Subject 1. Officer I1 broadcast, “I see a gentlemen at the window; appears to be holding a baby.... If this gentleman, the suspect, goes back to the window and loiters at that window and I see a handgun and he’s got a child, this thing might go.”

Officer G1 arrived and, along with Officer H1, spoke with Officer W. As Officer W was briefing these officers, he heard a request from Officer D1 for additional officers to supplement the EAT.

At 6:20 p.m., Subject 1 came out of the office holding Victim B and presented himself to the EAT officers in the rear alley. Officer V saw that Subject 1 had a pistol in his waistband and relayed this information to the EAT officers. Officer X began speaking to Subject 1 in Spanish,

¹⁹ The BEAR and BearCat are two types of armored vehicle used by SWAT.

²⁰ The DAT term has been discontinued since this incident occurred. The current term is “Deliberate Rescue Team.”

repeatedly telling him, "Release the baby. We don't want any harm to come to the baby. Just please release the baby."

Officer X then saw Subject 1 hold Victim B far enough away from his own body for a sniper to neutralize him. When Subject 1 did this, Officer X said to Officer Y, "If you're going to take a head shot, now would be a good time to do it."

Meanwhile, Officer V was watching Subject 1 through the scope of his rifle. Officer V aimed his rifle at Subject 1's head and upper body, but initially assessed that it was unsafe to fire due to the way Subject 1 was holding Victim B. Subject 1 then momentarily moved out of Officer V's view. When Subject 1 reappeared, Officer V could see Subject 1's head, upper body and left arm through his scope, but could not see Victim B.

Subject 1 yelled, waved and reached towards the gun in his waistband. Officer V saw that he had a clear shot, without Victim B being in the way. Officer V fired one round at Subject 1.

Note: Officer V did not hear Officer X make the statement regarding the head shot. Officer V had been told that a shot would prompt a hostage rescue.

When Officer V's shot was fired, Subject 1 spun to his left, downwards and out of view of all the EAT officers. Officer D1 gave the instruction for the EAT to enter the lot. At 6:21 p.m., a broadcast was made to indicate that the EAT was initiating.

Although the round that was fired by Officer V did not strike Subject 1, none of the EAT officers was aware of this fact as they initiated. According to Officer D1, he believed that Subject 1 had been shot but not incapacitated.

Note: Video evidence shows that, after he was shot at, Subject 1 ran back into the office. As he ran, Subject 1 was holding a pistol in his left hand and Victim B in his right arm. Victim B does not appear injured in the video images.

The EAT officers made entry to the lot according to the pre-planned order. Officer Y went first. As he made it past the vehicles parked in the lot, Officer Y saw Subject 1 running into the office. Officer Y stopped just short of the office door. Behind Officer Y was Officer X, who had been assigned the role of deploying a noise flash device. Respectively following Officer X were Officers E1 and D1. Officer M1 followed with the breaching tools.

Meanwhile, as the EAT officers initiated entry, Officers W, F1, G1 and H1 followed them in.

The EAT officers lined up behind Officer Y at the entrance to the office. Subject 1 fired several rounds from his pistol through the wall alongside which the officers were standing. Officer X was struck by a round and sustained a gunshot wound to the area of his right arm and shoulder.

Officer X deployed a noise flash device into the office. The device detonated, emitting smoke.

Officer Y entered the office first, staying to the left (west) side of the room. As Officer Y entered, he could hear shots being fired and observed that there was a lot of smoke in the office. Officer Y tripped and fell to the ground.

From his position on the ground, Officer Y looked up and saw Subject 1 holding Victim B in his right arm and firing his handgun in the direction of Officer Y's fellow officers. Subject 1 moved, in what Officer Y took to be an effort to avoid being shot. As he did so, Subject 1 was firing at the officers and "pointing his weapon in the area of the hostage."

Officer Y fired 25 rounds from his M4 rifle at Subject 1. The shooting stopped and Officer Y saw Subject 1 lying on his back with Victim B by his knees. Subject 1 looked at Officer Y and started to move his left hand towards his pistol. Feeling that Subject 1 was attempting to reacquire his pistol, which was approximately one inch from his fingertips, to shoot at the officers or the hostage, Officer Y fired two contact shots at Subject 1's head.²¹ It looked to Officer Y as if Subject 1's pistol was still "in-battery."

Note: Following this incident, Subject 1's pistol was recovered in "out of battery" condition, with the slide locked back.²²

Officer X had followed Officer Y into the office and moved to the right. Upon entry to the office, Officer X saw numerous rounds fired at the officers. Officer X saw Officer Y go down (presumably when Officer Y tripped).

Through the smoke from the noise flash device, Officer X saw the silhouette of a person with a gun behind a desk, and muzzle flashes. Officer X knew that he had been shot, and thought that Officer Y had also been shot.

Officer X attempted to shoulder his M4 rifle, but could not do so because of his injury. Officer X then held his weapon in an underarm position. Officer X fired a total of ten rounds at the torso of the person behind the desk. During the exchange, it appeared that the person behind the desk fell, then fired over the desktop. When the gunfire stopped, Officer X said, "I'm hit," and went down on all fours.

Note: Officer X believed he had been shot from behind, did not see Subject 1 enter the office, and did not think that the person he was engaging in the office was Subject 1. Rather, he believed that he was confronting one of the two additional males he had been informed were at the location.

Officer E1 followed Officers Y and X into the office. As he did so, Officer E1 saw both officers go down and believed that they had both been shot. Officer E1 stepped to the right and saw Subject 1 in the corner of the office. Subject 1 was pointing his gun at Officer E1, and Officer E1 saw a muzzle flash from Subject 1's weapon.

Officer E1 fired nine rounds at Subject 1's torso. Officer E1 moved forward as he engaged Subject 1 and Subject 1 fell back. As Officer E1 moved up on Subject 1, he saw him holding his

²¹ A "contact shot" is a gunshot fired when the muzzle of the weapon is in contact with the body of the person being shot.

²² The slide of a semi-automatic pistol generally locks back when all the ammunition in the pistol has been discharged. A locked-back slide indicates that the pistol is in an "out of battery" condition.

pistol in his left hand, attempting to point the gun at the officers. Officer E1 stepped up and delivered a two-round contact burst to Subject 1's torso. Officer E1 then saw that he was not moving and was no longer a threat.

Note: Officer E1 did not recall the condition of Subject 1's pistol (e.g., whether it was in slide-lock) when he saw Subject 1 holding the pistol immediately prior to the contact shots.

Officer F1 followed Officer E1 into the office. Upon entering the office, Officer F1 saw Officer Y down on a knee on the west side of the room. Officer Y was shooting. To Officer F1's right was Officer E1, who was also shooting. Meanwhile, Officer X, who was also shooting, was on his knee. The officers were shooting at Subject 1, who was behind a desk, holding Victim B in his right arm and shooting a handgun in the direction of the officers with his left hand. Officer F1 saw that Subject 1 was using Victim B as a "shield," and was holding her by his torso with her head at the level of his right shoulder.

Officer F1 raised his MP5 9mm sub-machine gun, illuminated Subject 1 with the weapon's light system, aimed at Subject 1's head and fired six rounds. Officer F1 was unsure whether his rounds struck Subject 1. As he fired, Officer F1 saw Subject 1 start to "slide down the wall." Officer F1 saw that Subject 1 was still holding Victim B in his right arm as he slid down the wall.

Officer F1 lost sight of Subject 1 as Subject 1 went behind the desk. Officers E1 and Y moved towards Subject 1, and Officer F1 did the same. Officer F1 saw Victim B lying on Subject 1's lap. He saw that Victim B had a major head injury and appeared to be dead. Officer F1 then saw Subject 1 reaching for a handgun that was one or two feet away from Subject 1, against the east wall of the office. Officers E1 and Y then delivered contact shots to Subject 1. Officer F1 reached down and picked up Victim B by the arm and moved her towards the entrance of the office.

Note: Smoke from the noise flash device impaired Officer F1's ability to see "to a certain degree" when he entered the office. Additionally, according to Officer F1, the window of the office had been covered and there was an issue with light. However, Officer F1 could still make out Subject 1 and Victim B.

Note: Officer F1 did not know what the condition of Subject 1's pistol was at the time Subject 1 reached for the pistol.

Officers G1, D1, and M1 followed Officers X, Y and F1 into the office. These officers did not discharge their weapons.

Note: Excluding the four contact shots, two of 50 rounds fired by SWAT officers during the exchange struck Subject 1. One round struck Subject 1 in the thigh, the other in the finger.

Note: Officer X fired his weapon in semi-automatic mode, due to his injury and the anticipated difficulty in controlling his weapon in fully-automatic mode.

Officers Y, E1 and F1's weapons were set to fully-automatic during the exchange with Subject 1. The officers who used their weapons in fully-automatic mode indicated that they fired in two-round bursts, as they were trained to do.

Note: None of the officers who made entry to the office saw Victim B get shot. Victim B sustained two gunshot wounds: a non-fatal injury to her leg and a fatal injury to her head.

Subject 1 was incapacitated and fatally injured by the contact shots.

Officer M1 saw that Officer X was injured and dragged him from the office. Based on information provided that two additional males were inside the location, officers began to clear the remainder of the lot and the adjoining premises.

At approximately 6:30 p.m., paramedics entered the office and determined that Subject 1 and Victim B were deceased.

Note: Paramedics entered the scene before officers had completed their search of the location for the additional males.

The location was cleared and no additional people were located. Involved and certain witness officers were subsequently separated and monitored.

At 6:34 p.m., Officer X was transported to the hospital. Officer X subsequently underwent surgery for a gunshot wound, and the projectile was removed.

Subject 1 fired a total of 39 rounds in the course of this incident, including an estimated 15 during the final engagement with SWAT officers.

A subsequent autopsy determined that Subject 1 had consumed methamphetamine and cocaine.

The BOPC found Officers G and L's tactics to warrant administrative disapproval. The BOPC found Lieutenant A, Sergeants A, F and G, and Officers A, B, H, I, M, N, O, P, R, S, T and U's tactics to warrant formal training. The BOPC found Officer E1's tactics to warrant formal training. The BOPC found Lieutenant B, Sergeants D and E, and Officers V, W, X, Y, D1, F1, G1, H1 and M1's tactics to warrant no action.

The BOPC found Lieutenant A and Officers A, B, G, L, M, N, O, P, V, W, X, Y, D1, E1, F1, G1, H1 and M1's drawing and exhibition of a firearm to be in policy. There were additional officers who drew or exhibited a firearm during this incident. Although these officers were not specifically named, the BOPC found these officers' drawing and exhibiting of a firearm to be in policy.

The BOPC, because of the scope and outcome of this incident, directed that all significantly involved personnel participate in a formal debrief of the entire incident.

The BOPC subdivided the tactical analysis of this incident according to Command and Control, First Responders, SWAT Functions and SWAT Entry Team Functions. Summaries of their separate analyses for each are presented below.

Command and Control

The BOPC noted that, because of a lack of command and control during this incident, subordinate officers assumed leadership roles, implemented tactics that were not coordinated and ultimately fired into a building where it was known that at least one hostage was being held.

The BOPC recognized that the initial rescue attempt of Victim A, while courageous, was not fully coordinated or led by a supervisor, and that when the rescuing officers came under fire and returned fire, their rounds penetrated through the building, causing Officers G and L to believe they were under fire from Subject 1. Further, the BOPC noted that, if there was a need to rescue Victim A, more supervisory oversight would have afforded the officers additional time to plan and for supervision to coordinate activities. It was noted that Officer M recognized the need for supervisory input but received none, and therefore assumed a leadership role. It was also noted that, had there been more supervisory input, Officer M and Officer M's team could have used alternative, safer tactics to rescue Victim A. The BOPC noted that it would have been preferable for all on-scene personnel to seek and maintain good cover because of the on-going shooting by Subject 1.

The BOPC noted that it is crucial that in such situations, an incident commander be readily identifiable, and noted supervisory actions that routinely must be implemented in a rapid and decisive manner, including:

- Assuming and announcing command and control of the situation;
- Securing a radio frequency;
- Establishing an inner and outer perimeter;
- Directing and controlling tactics;
- Diverting traffic; and,
- Establishing a Command Post and staging area if needed.

The Chief of Police indicated to the BOPC that the above-recommended actions would be reviewed and evaluated for inclusion in supervisory training programs.

The BOPC noted that the Air Support officers were among the first to use the term "active shooter." The BOPC noted that Subject 1 had not yet shot a hostage and did not have access to substantially more victims, and as such was not an "active shooter." The BOPC noted that, because the term "active shooter" was used by several persons, IARD tactics were used to attempt the rescue of Victim A and ultimately used in modified fashion in an attempt to rescue Victim B. The BOPC noted that this incident was a hostage incident, not an "active shooter" incident.

The Chief indicated to the BOPC that he had directed the Commanding Officer, Air Support Division, to implement a series of scenario-based training exercises for all Air Support personnel to include:

- Command and Control from the air and assisting supervision in establishing the above six supervisory actions;
- Active shooter training versus actively shooting barricaded suspects; and,
- Perimeter containment.

The BOPC determined that Lieutenant A, Sergeants A, F and G, and Officers H and I would benefit from formal training in reference to command, control and supervision of incidents such as this involving a barricaded suspect with hostage(s). This training would be considered a formal debrief as well as capturing any additional training concerns.

First Responders

The BOPC noted that Officers A and B arrived at the radio call and parked the vehicle directly in front of the location, placing them in a position of tactical disadvantage.

The BOPC determined that Officers A and B would benefit from additional training in regard to tactical deployment and operations in situations involving a hostage.

The BOPC noted that although the decision to rescue Victim A, which involved Officers M, N, O, P, R, S, T and U, was a brave one, a more appropriate tactic should have been used. The BOPC noted that the IARD tactic is more suitable for an indoors active shooter, such as in a school or church. The BOPC reviewed the video footage of the incident and noticed that the diamond formation looked like a loosely-formed line of officers traveling across an open space at one time. The BOPC noted that the tactics used in the second (successful) rescue attempt, when officers approached from the south of the lot, was safer for everyone involved. The BOPC noted that this incident revealed a weakness in the Department's tactics should a similar situation occur. The Chief indicated to the BOPC that additional training would be developed regarding this tactical issue.

The BOPC determined that Officers M, N, O, P, R, S, T and U would benefit from additional tactical training regarding IARD and hostage rescue operations.

The BOPC noted that Officer G left cover on two occasions in order to see where gunfire was coming from or to get a clear shot at Subject 1. The BOPC also noted that, as he moved about, Officer G placed himself directly in the line of fire of another officer's shotgun. The BOPC additionally noted that Officer G was not wearing body armor as he moved away from cover, making him more vulnerable to injury from Subject 1's gunfire.

The BOPC determined that Officer G's tactics were severely deficient, warranting administrative disapproval.

The BOPC noted that, as Officer L deployed into the alley and took a position behind the vehicle, he was cognizant of rounds impacting in his immediate vicinity. The BOPC noted that Officer L's position behind the vehicle left him partially exposed, susceptible to Subject 1's gunfire, and ultimately resulted in him firing his UPR. The BOPC noted that, due to Subject 1 being contained inside of the building, as well as the presence of a hostage, it would have been more tactically sound for Officer L to assume a position of cover that would have reduced his

risk from Subject 1's gunfire. The BOPC determined that Officer L's tactics were severely deficient, warranting administrative disapproval.

SWAT, Metropolitan Division Functions

The BOPC noted that a SWAT armored vehicle (BearCat) was positioned in the alley to the rear of the lot. SWAT Officers W, X, Y, D1, E1, F1, G1, H1, and M1, along with K-9 Officer V also deployed to the rear. Officer W coordinated tactical operations throughout the entire immediate perimeter area, as Officer D1 led Officers E1, F1, G1, H1 and M1 at the rear of the structure behind the armored vehicle. Officer D1 was the element leader and developed an Emergency Assault Team (EAT). Officer V, armed with a UPR with a scope, was directed by Officer D1 to enter the armored vehicle hatch.

The BOPC noted that the EAT is deployed to immediately respond and rescue innocent persons and stop the deadly actions of a suspect when it is deemed that the suspect's actions are immediately life-endangering, and a delay in response would result in death or serious bodily injury to innocent persons. Members of an EAT are trained that if a single round is fired by either a suspect or a sniper officer, the EAT will initiate to stop the immediate threat.

The BOPC noted that, when the EAT had been formed and as the sniper teams were being positioned on the perimeter, Subject 1 exited the rear of the building while carrying Victim B in his right arm. Officer V relayed this information to the others and gained a sight picture of Subject 1's face and neck area through the scope of his UPR. Officer V then observed Subject 1 reach down to his front waistband in an apparent effort to retrieve a pistol. Officer V believed that Subject 1 was about to retrieve the pistol and shoot at the officers or kill Victim B. Officer V fired one round at Subject 1.

SWAT Entry Team Functions

The BOPC noted that Officer V's single round caused Subject 1 to drop down, out of view of the EAT officers, and to run back into the building holding Victim B. As was standard protocol at the time of this incident, the EAT initiated and entered the building, staging immediately outside of the office doorway.

The BOPC noted that several SWAT officers on the EAT stated that it was consistent with SWAT training and protocol at that time that when an EAT is formed and any round is fired, either by the suspect or a sniper officer, this will cause the EAT to initiate and neutralize the threat, while making every effort to rescue any hostages.

Subject 1 fired through the office wall at the officers, striking Officer X. Officer X deployed a flash noise device into the office and the team made entry, as Subject 1 continued to fire at them. Upon entering the office, four SWAT officers fired rounds at Subject 1 to stop his deadly actions.

The BOPC noted that several of the entry team members stated that the flash noise device caused enough smoke to partially impair their view of Subject 1.

The BOPC found that Officers V, W, X, Y, D1, F1, G1, H1 and M1's tactics were consistent with prevailing standards, warranting no further action. The BOPC determined that Officer E1

would benefit from additional tactical training regarding the placement of contact shots to Subject 1's torso, due to the proximity of the shots to Victim B, who was on the lap of Subject 1 at that time.

Use of Force

The BOPC found Officers G and L's use of force to warrant administrative disapproval. The BOPC found Officers A, M, N, O, V, X, Y, E1 and F1's use of force to be in policy.

The BOPC noted that Subject 1 exited the west door, stood near the doorway, raised a handgun with his left hand and fired at Victim A and Officer B. Officer A observed Subject 1's upper torso through the window of a vehicle parked in the lot and believed Subject 1 was going to shoot his partner.

The BOPC determined that Officer A's use of lethal force was reasonable in this situation to stop Subject 1's violent actions and found Officer A's use of force in policy.

The BOPC noted that, upon Officers M, N, O, P, R, S, T and U's arrival, they formed an IARD team to rescue Victim A from within the gated lot. The BOPC noted that, as the team moved from the cover of a vehicle, Subject 1 fired upon them from inside of a window of the office and that Officers M, N and O returned fire at the muzzle flash. These officers then saw additional gunfire coming from the door at the front of the building and returned fire.

The BOPC noted that Officer P fell to the ground as Subject 1 fired at the officers. The BOPC noted that Officers N and O believed that Officer P had been shot and fired in defense of their own and Officer P's lives.

The BOPC determined that Officers M, N and O's use of force was reasonable in this situation. The BOPC found Officers M, N and O's use of force in policy.

The BOPC noted that, upon Officer G's arrival at the rear alley, he heard two to three rounds being fired from inside the building and left cover to obtain a better view. The BOPC further noted that, as Officer G moved northbound, he saw Subject 1 move in the direction of the doorway of the inner office, raise his left arm in a southwesterly direction and fire one to two rounds.

The BOPC noted that Officer G, fearing for the lives of the officers and the lives of the citizens in the area, fired six rounds at Subject 1.

The BOPC noted that, as Officer G re-assumed a position behind the vehicle, Officer L arrived with a UPR and took a position of cover behind the vehicle, to the left (south) of Officer G.

The BOPC noted that Officer G again heard gunshots and rounds impacting near to his location and fired an additional two rounds. Although Officer G subsequently reported that he had seen Subject 1 firing at him, the BOPC noted that evidence demonstrated that Officer G could not have seen Subject 1 at this time. The BOPC further noted that the investigation established that the rounds impacting near Officers G and L were those of the officers at the front of the lot firing at Subject 1 during their attempt to rescue Victim A.

The BOPC determined that it was not reasonable for Officer G to believe that he was being fired upon by Subject 1, and that Officer G fired without a target. The BOPC found the final two rounds fired by Officer G to be out of policy, warranting administrative disapproval.

The BOPC noted that Officer L stated that he observed Subject 1 standing at the opening of the inner office doorway, firing a handgun in his direction, and that Officer L fired 11 rounds from his UPR. The BOPC noted that the projectile path and impact analysis identified the trajectory of five of Officer L's rounds. These rounds were determined to have traveled in a northwest direction, impacting the east office wall, three to four feet north of his purported target.

The BOPC noted that that Officer L arrived in the alley after Subject 1 had entered the interior office and closed the door and could not have seen Subject 1, thus firing without a target.

The BOPC noted that Officer L knew that hostage(s) were present and showed disregard for their safety. The BOPC also noted that Officer L knew that other officers were positioned on the opposite side of the lot and were potentially in his line of fire. The BOPC determined that Officer L's use of lethal force was out of policy, warranting administrative disapproval.

The BOPC noted that, soon after the SWAT EAT had been formed, Subject 1 exited the rear of the building holding Victim B. Officer V, from an elevated and protected position within the hatch of the armored vehicle in the alley, obtained a view of Subject 1's neck and face area with the scope mounted to his UPR. Officer V observed Subject 1 with the handgun in his front waistband. Officer V believed that Subject 1 was about to retrieve the pistol and shoot at the officers or kill Victim B and, as Subject 1 began to reach for the gun, Officer V fired at Subject 1's neck area.

The BOPC noted that the EAT initiated and entered the building, forming a line alongside the south wall outside of the doorway to the office. Subject 1 fired rounds from inside the office, through the walls, at the officers. Officer X, who was struck by Subject 1's gunfire, deployed a noise flash device into the office, and the officers made entry to stop Subject 1's violent actions and to attempt to rescue Victim B.

The BOPC noted that the EAT officers feared being shot and killed by Subject 1's ongoing gunfire, knew that Officer X had already been shot, and were concerned for the safety of Victim B, thinking that Subject 1 would shoot and kill her. The BOPC noted that Subject 1's pistol was recovered in an "out of battery" condition after the incident. The BOPC noted that, as the entry team officers fired their weapons inside of the office, they did not observe Subject 1's pistol in this condition. The BOPC further noted that, due to the location of the pistol in an inaccessible corner of the office, obstructed by furniture, the officers could not use alternative methods to prevent Subject 1 from reaching his pistol when he did so prior to the use of contact-shots.

The BOPC noted that the EAT members attempted to rescue Victim B while being fired upon repeatedly by Subject 1, and that, unfortunately, both Subject 1 and Victim B were killed by gunfire within the final moments of this incident.

The BOPC determined that the uses of force by the SWAT entry team officers were reasonable due to the fact that they were being fired upon by Subject 1. The BOPC noted that the SWAT entry team officers acted in accordance with their training during this incident.

The BOPC found Officers X, Y, E1 and F1's use of force to be in policy.

OIS 058-05

While on patrol, Officers A and B observed a male jaywalking. When they exited their vehicle, a second male (Subject 1) began to run away from the officers. As Subject 1 ran, both officers saw him place his left hand at his waistband. Both officers interpreted Subject 1's actions as an indication that he could be armed with a gun. As Subject 1 continued running, the officers began to follow Subject 1 in their vehicle.

Officer A broadcast to CD that his unit would be in foot pursuit of a possible man with a gun. The officers then lost sight of Subject 1. Officer A exited the vehicle and took a position behind the vehicle's trunk, seeking a better view of Subject 1. Officer B drew his service pistol. Officer A engaged Subject 1 in a foot pursuit into a residential area and drew his service pistol as he watched Subject 1 go over a gate.

An Air Unit responded, requested additional units, and directed the establishment of a perimeter. Officers C, D, E and F heard Officer A's broadcast regarding the foot pursuit. The officers responded to the vicinity and were directed by the Air Unit to hold positions on the perimeter.

Approximately ten to 15 minutes after the officers established positions on the perimeter, a number of area residents approached Officers C and D with information regarding Subject 1's location. Officers C and D left their assigned position on the perimeter and approached the residents. Officer E, followed by Officer F, joined Officers C and D at the front of the residents' house. Officers C, D, E and F did not broadcast that they were leaving their positions on the perimeter, nor did they broadcast an update regarding the subject's possible location. Officer F entered the house via the front door with a witness in order to retrieve a young child who was still inside the house.

Officer C saw Subject 1 under a vehicle in a driveway. Officer C shouted commands to Subject 1 to not move and to keep his hands in view. Subject 1 got out from under the vehicle and climbed onto a wall at the end of the driveway. Officer C saw "what looked like the handle of a gun" in Subject 1's waistband and saw Subject 1 place his hand on the "handle." As Subject 1 turned towards him, Officer C fired one round at Subject 1. It was later determined that Subject 1 was holding his cellular phone, which was in a black holder clipped to the pocket of his pants.

Subject 1, who was not struck by Officer C's round, fled and hid in a nearby yard. The Air Unit observed Subject 1's movements and broadcast this information to units on the ground. The perimeter was maintained until Subject 1 was taken into custody without incident later that evening.

The BOPC found Officers A and B's tactics warranted divisional training. The BOPC found that Officers C, D, E and F's tactics were seriously deficient, warranting administrative disapproval.

The BOPC noted that, while still in their vehicle, Officer A informed CD the officers were going to be in foot pursuit of a possible man with a gun. The BOPC would have preferred that Officer A had requested a back-up unit and an Air Unit. The BOPC noted that during the time that Subject 1 was out of the officers' view, Officer B remained in the vehicle and drew his service pistol. This tactic is not taught and generally places the officer at a disadvantage.

The BOPC would have preferred that, as Subject 1 fled and climbed over a wall, Officer A had given him verbal commands to attempt to take him into custody.

The BOPC noted that Officers C, D, E and F left their respective positions on the perimeter to approach area residents. The BOPC would have preferred that the officers had not left their respective positions on the perimeter and had instead advised the CP. Likewise, the BOPC would have preferred that the officers had communicated with the CP when Officers C, D, and E entered the backyard to search for Subject 1, when officer F entered the residence to retrieve a child, and when the officer involved shooting occurred. The BOPC would have also preferred that the officers had requested a supervisor and additional units, and had established a tactical plan before initiating the search for Subject 1.

The BOPC found Officers A, B, C, D and E's drawing and exhibition of a firearm to be in policy. The BOPC also found Officer C's use of force to be in policy, warranting formal training. However, the BOPC would have preferred that Officer C had used cover and considered the distance and the immediacy of the threat prior to using lethal force.

OIS 061-05

Officers A, C and D were working with supervisory Officer B and Detective E, and a federal task force aimed at firearms-related criminal activities. A federal arrest warrant had been issued for the arrest of Subject 1 on charges of narcotics and firearms sales. Officers A through C proceeded to a target apartment in an unmarked police van, attired in plain clothes. The officers had been in contact with a Special Agent from the Bureau of Alcohol, Tobacco and Firearms (ATF), who now partnered with Officer D.

The officers arrived at the target apartment, a three-story building with three-foot-wide open-air walkways on each floor. They parked their van on a side street where they could see the target apartment. A short time later, the officers observed Subject 1 and Subject 2, Subject 1's sibling, emerge from an apartment and loiter outside the front door. Because they were not equipped with binoculars, the officers were unable to positively identify Subject 1.

Officer B contacted off-duty Detective A via cellular telephone and advised Detective A of their location, that they had located an individual who looked like Subject 1, and they had not yet positively identified him. Detective A instructed the officers to notify him if they succeeded in identifying and arresting Subject 1.

The officers decided that Officers A and B would meet the Special Agent and Officer D in front of the apartment building while Officer C stayed in the van to maintain observation. The officers and the Special Agent met in front of the apartment building to form a tactical plan to approach it. Officers A, B, D and the Special Agent did not carry police radios with them, but kept in

contact with Officer C via cellular telephone. The officers and the Special Agent were not wearing ballistic vests or raid jackets.

It was decided that the best course of action was to go to the third floor and then come down the stairs at the north end of the building. Officer B opened the door to the walkway, and they all walked out onto the walkway with Officer B first, Officer A second, the Special Agent third, and Officer D fourth. They positively identified one of the individuals in front of the apartment as Subject 1. Subject 1 was standing north of Subject 2. Officer B walked past Subject 1 and made contact with Subject 2 while Officer A approached Subject 1. The officers identified themselves, and Officer A attempted to take Subject 1 into custody. Officer A held Subject 1's right arm to begin handcuffing him. Subject 1 then began to resist and lunged into the apartment, drawing Officer A with him. A physical struggle ensued.

Officer B moved toward Subject 1 in order to assist Officer A. Officers A and B struggled to obtain control of Subject 1 inside the apartment.

Officer D observed Subject 1 lunge into the apartment, and fearing Subject 1 may be arming himself, Officer D drew Officer D's service pistol. Officer D re-holstered his pistol to assist the Special Agent with Subject 2. The Special Agent and Officer D moved past the front door of the apartment to take control of Subject 2, who resisted and attempted to move toward Subject 1.

Subject 1 proceeded out the apartment front door as Officer A continued holding onto Subject 1's right arm. Special Agent saw Subject 1 produce a handgun and told the officers, "He's got a gun." Officers A and B released their grip on Suspect 1 and drew their service pistols. Officer A observed Subject 1 with a gun in his left hand and observed Subject 1 move his hand to the left in the direction of the other Officers. Officer A fired one round at Subject 1, striking him. Subject 1 threw his gun over the railing of the walkway and fell to the ground. Subject 2 then moved toward Officer A, yelling that Officer A had shot his brother. Subject 2 grabbed the top of Officer A's service pistol. After informing the other officers, Officer A pulled his service pistol downward and away from Subject 2. Officer B moved up behind Officer A and prepared to fire a "contact shot" at Subject 2. However, the Special Agent and Officer D were able to pull Subject 2 away and take him into custody.

The BOPC found Officer A through D's and Detective A's tactics to warrant administrative disapproval. The BOPC noted that once Detective A was advised that the officers were at Subject 1's address, Detective A should have instructed the officers to notify an on-duty supervisor who could have responded to the scene. The BOPC noted that Officers A, B and C did not have the proper equipment with them, including binoculars. The BOPC would have preferred that Officers A and B had met the Special Agent and Officer D at an off-site location instead of in front of the subject's apartment building. The BOPC also would have preferred that Officer A and/or Officer B had been equipped with a radio when they approached the Subjects' location instead of limiting their communications with Officer C to the use of cellular telephones. The BOPC also would have preferred that prior to approaching the subjects' location, the officers had requested additional units, set up containment around the location, and were attired in body armor and raid jackets. During the incident, the BOPC would have preferred greater communication between the officers. The BOPC also found that Detective A's

lack of control and the officers' actions unnecessarily placed the officers in a tactically disadvantageous situation.

The BOPC found Officers A, B, and D's drawing and exhibiting of a firearm to be in policy because at the time Officers A, B and D drew their pistols, they had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

The BOPC found Officers A, B, and D's non-lethal use of force to be in policy, as their non-lethal use of force was reasonable to overcome the Subjects' resistance and control them.

The BOPC found Officer A's lethal use of force to be in policy because, at the time Officer A fired at Subject 1, it was reasonable for Officer A to believe Subject 1 presented an immediate threat of serious bodily injury or death.

OIS 064-05

Witness A called 9-1-1 and told the operator that a man with a gun was threatening her and was going to kill her. A unit dispatched to the call determined that the alleged perpetrator (Subject 1) had left the location. Later that afternoon, Witness A again called 9-1-1 and reported that Subject 1 was knocking on her door. CD broadcast an "Assault with a Deadly Weapon Domestic Violence" call.

Officers A and B responded to the call. As the officers drove toward the call location, Officer B read the comments of the call from the vehicle's Mobile Data Terminal. Officer B relayed the comments to Officer A, including the information that the subject was reported to have a gun. The officers did not formulate a tactical plan as they responded to the call.

As Officers A and B arrived at the location, they saw a female (Witness A) at a second floor window of the address, motioning toward the western side of the building. Officer A stopped the vehicle in front of the call location as Officer B informed CD that they were on scene. The officers exited their vehicle, approached the front of the address, and saw a narrow wooden stairway on the exterior of the side of the building. At the top of the stairway was a short landing and a door that led into the second floor residence. Subject 1 was on the stairway, holding a partially-full 40-ounce glass beer bottle.

While positioned at the bottom of the stairway, Officer B broadcast a request for an additional unit. Officer B told Subject 1 to put the bottle down and come down the stairs. Subject 1, whom Officer B described as "agitated," did not comply with this instruction. Officer B then started to approach Subject 1 by climbing the stairs. Officer A followed behind Officer B.

As the officers began climbing the stairs, Subject 1 began to move around and raised the bottle. Officer B told Subject 1 that he would be shot if he threw the bottle.

Approximately twenty seconds after Officer B had broadcast his request for an additional unit, Sergeant A arrived at the location. Sergeant A observed that Officers A and B were approximately halfway up the stairway. Sergeant A saw Subject 1 at the top of the stairway, holding a large bottle of beer, and noted that Subject 1 was not responding to verbal commands.

Sergeant A also noted that Subject 1 was “yelling” into the residence, where he saw a female whom Sergeant A presumed to be the domestic violence victim.

From a position in the street, Sergeant A asked Officer A if the officers had a beanbag shotgun. Officer A replied that they did not have a beanbag shotgun. Sergeant A broadcast a request for a unit to respond with a beanbag shotgun.

Officer B continued to give Subject 1 instructions to put down the bottle. Subject 1 did not comply, and threatened to throw the bottle at the officers.

Subject 1, still holding the bottle, then moved from the landing at the top of the staircase onto the sloping roof of an adjacent building. Officers A and B moved up the stairway and positioned themselves on the landing, facing toward Subject 1, with their backs to the door to the residence. Subject 1 moved to the apex of the roof. Sergeant A broadcast a request for two additional units.

A number of additional officers responded, including Officers C, D, E, F and G. Upon arrival, Officer E, F and G drew their pistols.

Officers C and D deployed to the stairway, below Officers A and B. Officers C and D, both of whom spoke Spanish, heard Subject 1 tell Witness A in Spanish that he was going to make the officers shoot him. Officers C and D did not relay this information to other officers at the scene.

Officer B saw that Officer D was equipped with a TASER and asked Officer D for the device. Officer B re-holstered his pistol and took the TASER from Officer D. Officers C and D remained on the stairway and drew their pistols.

Officer B told Subject 1 that if he did not put the bottle down the TASER, would be used against him. Subject 1 told the officer to go ahead and use the TASER, and repeated his threat that he would throw the bottle.

Officer B discharged the TASER at Subject 1. Both TASER darts contacted Subject 1's shirt, but Subject 1 remained standing and maintained his hold of the bottle. Subject 1 pulled the TASER darts from his clothing and, with his right hand, raised the bottle, stepped forward and threw the bottle at Officer B. The bottle broke on the wall behind Officer B. At or about this time, Officer A fired two rounds from Officer A's pistol at Subject 1, striking him.

Subject 1, who was hit in the abdomen and the right forearm by Officer A's gunshots, clutched his stomach area and began to stagger. Officer B, observing a bulge in Subject 1's pocket, dropped the TASER and re-drew his pistol. Officer B gave commands to Subject 1 to place his hands above his head. Subject 1 did not respond to these commands and subsequently collapsed on the roof.

Officers A and B climbed onto the roof. Officer B re-holstered his pistol and handcuffed Subject 1. Sergeant A broadcast a request for a Rescue Ambulance (RA). Subject 1, who was determined to have consumed alcohol at the time of the incident, survived his injuries.

The BOPC found Sergeant A and Officers A and B's tactics to warrant administrative disapproval. The BOPC found Officers C and D's tactics to warrant divisional training.

The BOPC would have preferred that the officers had parked at a more tactically advantageous distance from the location. Additionally, the BOPC would have preferred that the officers had better communicated between themselves regarding their expectations and intentions as to how to best handle the radio call. The BOPC would have preferred that Officers A and B had attempted to speak with the witness to obtain more information before making contact with Subject 1 and that Officer B had obtained all of the necessary equipment prior to making contact with the subject. Moreover, the BOPC was concerned with Officer B's decision to separate from Officer A to retrieve the baton, and with Officer A's decision to remain at the location without Officer B.

The BOPC would have preferred that Officers A and B had requested additional units and waited for their response prior to approaching the suspect and that they had requested a beanbag shotgun. Additionally, the BOPC would have preferred that the officers had remained behind cover, given Subject 1's elevated position and the information that he was armed with a handgun.

Following the officer-involved shooting, the BOPC would have preferred that Officers A and B had communicated their intentions to the additional officers and developed a plan to take Subject 1 into custody. The BOPC was critical that the officers opted to handle the entire incident by themselves without the use of the additional resources that were readily available to them.

The BOPC would have preferred that Sergeant A had taken an active role in supervising the incident and established communication with Officers A and B. The BOPC was also critical that Sergeant A did not approach Officers A and B's location, take control of the tactical situation and develop a plan to contain and control Subject 1.

The BOPC additionally noted that, when Officers C and D responded to assist the primary unit, they overheard Subject 1 yelling in Spanish that he was going to force the officers to shoot him. The BOPC would have preferred the officers had communicated Subject 1's statement to the other officers at scene. The BOPC found Officers C and D's tactics to warrant divisional training.

The BOPC found Officers A, B, C, D, E, F and G's drawing and exhibition of a firearm to be in policy.

The BOPC found Officer B's less-lethal use of force, the TASER, to be in policy. The BOPC found Officer A's use of force to be out of policy, warranting administrative disapproval. The BOPC was critical of Officer A's decision to use lethal force, noting that the officers' actions leading up to the officer-involved shooting did not indicate they believed that Subject 1 presented an immediate threat of serious bodily injury or death.

OIS 086-05

Off-duty Officer A pulled his truck into the "drive-thru" lane of a fast food restaurant. While waiting behind a vehicle at the food pick-up window, Officer A observed a Subject 1 walking in the "drive-thru" lane. The Subject stopped at the vehicle in front of Officer A and yelled profanities at its driver. Officer A observed the handle of a small gun protruding from the Subject's waistband.

Subject 1 moved toward the passenger side of Officer A's truck. At this point, Officer A could only see the Subject from the chest and up, but could not see Subject 1's hands. Believing Subject 1 was going to open his truck door and hold him at gunpoint to steal the truck, Officer A removed a service pistol from underneath the right thigh area and pointed it at Subject 1. Officer A stated that the doors of his truck were unlocked.

When Officer A drew the pistol, Subject 1 moved a step or two toward the rear of the truck. Officer A thought that Subject 1 had seen his weapon and was moving in order to use the door frame of the truck as cover. Holding the pistol with a one-handed grip, Officer A fired one round through his truck's rear window at Subject 1's upper body. Subject 1 ducked down, then began to run away. There was no evidence recovered to indicate that Subject 1 was struck by Officer A's round.

Officer A stated that he exited the truck and used the truck's cab as cover. Officer A was initially unable to see Subject 1, and stood on top of a concrete curb in order to get a better view. From that position, Officer A saw Subject 1 run away towards the vicinity of a stopped bus. Officer A stated that he ordered Subject 1 to stop, but he did not identify himself as a Department Employee. When the bus pulled away, Officer A could no longer see Subject 1 and surmised that he got onto the bus.

Officer A verbally identified himself as a Department Employee to a restaurant employee, but did not display a police identification card or badge. Officer A then approached Witness 1, who opened his car door and asked Officer A, "Did he shoot you?" Officer A replied, "No, I shot him." Officer A identified himself as a Los Angeles Police Officer. Officer A secured his pistol in the rear of his waistband.

Officer A then asked Witness 1 for his cellular phone. Officer A used the Witness 1's telephone to call his Area Watch Commander. Officer A was connected to Officer B. Officer A informed Officer B of the OIS and that Subject 1 had tried to rob him, and that Subject 1 had escaped on an MTA bus. Officer A also provided a brief description of Subject 1.

Officer B broadcast a request for any units in the area to respond to Officer A's location. Officer B did not broadcast the descriptive information regarding Subject 1. Officer C was in the Watch Commander's office when Officer B took Officer A's telephone call and was directed by Officer B to respond to the scene of the OIS. Officers D and E responded to Officer A's location, but did not inform CD that they were responding to the emergency call.

The BOPC found Officers A, B, and C's tactics to warrant administrative disapproval. Additionally, the BOPC directed Officer A to additional training. The BOPC would have

preferred that Officer A had exited his vehicle to obtain a better tactical position prior to engaging Subject 1. Officer A failed to consider locking the vehicle doors and did not attempt to speak to Subject 1, nor did he give him any commands to get away from his vehicle. Further, Officer A approached the Witness while still holding the service pistol in his hand. Officer A did not identify himself as a police employee and did not display his identification card or badge. Subsequently, Officer A placed his un-holstered pistol in the rear waistband with no visible identification displayed. Finally, Officer A utilized the Witness' phone and called the front desk of his division, instead of 9-1-1.

The BOPC would have preferred that Officers B and C had not responded to the incident using emergency lights and sirens without informing CD that they were doing so. The BOPC also found that Officer B did not obtain sufficient details regarding the incident when he spoke with Officer A after the OIS.

The BOPC found Officer A's drawing and exhibition of a firearm out of policy. Officer A kept his service pistol under the thigh area, instead of properly holstered. Further, after the OIS, Officer A did not secure his firearm in a holster but placed it in his rear waistband.

Finally, the BOPC found Officer A's use of force out of policy, warranting administrative disapproval. Officer A's use of force was found out of policy because Officer A could not see Subject 1's hands, nor a weapon at the time he fired shots at Subject 1. Although Officer A feared Subject 1 would remove what he believed to be a weapon from a waistband and shoot him, Officer A had limited view of Subject 1's upper torso. At the time Officer A fired the weapon, there was no immediate threat of serious bodily injury or death. The BOPC directed Officer A to additional training.

OIS 088-05

CD received a call of an armed robbery. An apartment was identified as a possible location for suspects associated with the robbery. It was also determined that the suspects could be driving a SUV. Officers A and B, Sergeant A and Detectives A and B responded to an area north of the apartment building and began searching for the vehicle. Detectives A and B were in plainclothes, but wearing body armor and raid jackets.

After an unsuccessful attempt to locate the suspects, Detectives A and B resumed their search for the SUV in the local area. They then returned to the apartment building, where Detective A observed a SUV. Detective A drew his service pistol, broadcast over the area frequency that the suspects were at the location, and requested assistance. However, Detective A provided an incorrect address.

Officers A and B monitored Detective A's broadcast and responded to the address that Detective A had provided in the broadcast. Upon arriving at what they immediately knew was the wrong address, Officers A and B began to run toward the previous apartment location. As Officers A and B reached the entrance to the apartment complex, Officer A chambered a round in Officer A's shotgun, and Officer B drew Officer B's service pistol. With Officers A in the lead position, Officers A and B moved along a path through the apartment building.

Meanwhile, Detective A had moved from the corner of the apartment building to a position at the passenger side of the parked car. Detective A looked up the path and saw the silhouette of a figure carrying a shotgun or large-caliber rifle. Detective A did not issue verbal commands to the figure. Detective A saw the "suspect" swing the shotgun toward Detective A. Detective A aimed at the shotgun and fired one round. Thinking that the shot had hit the "suspect," Detective A then dove to the ground, behind the car.

Officer A heard a gunshot and saw a muzzle flash. Officer A stepped back to cover to retreat from the gunfire and assess the situation, then stepped back out to engage the person who had fired the shot. As Officer A did so, Detective B identified themselves at officers.

The BOPC found Detective A's tactics to warrant administrative disapproval, Detective B's tactics to warrant formal training, and Officers A and B's tactics to warrant divisional training.

The BOPC noted that it would have been tactically advantageous for the detectives and officers to have coordinated their activities and communicated more effectively throughout the investigation, particularly when the officers and Detectives split up, which occurred on several occasions. Likewise, the BOPC noted that, at various times throughout the incident, Detectives A and B had their radio volume down low, which precluded them from hearing pertinent communications.

The BOPC noted that the detectives did not advise CD of their location. The BOPC reminded Detectives A and B that CD should be aware of their location while conducting follow-up investigations. Further, Detective A broadcast inaccurate information that ultimately led to Officer A's decision to deploy a shotgun, led officers to believe that Detective A was confronting a suspect, and unnecessarily increased the sense of urgency about the situation. The BOPC noted that, as a detective on scene, Detective A should have coordinated a response and exerted command and control of the situation, but did not do so.

The BOPC noted that Detective A left cover while observing the suspects' vehicle. The BOPC would have preferred that Detective A had not left the position of cover to obtain the license plate number, given that the suspects were known to be armed and that their vehicle had not been cleared of additional individuals.

When Detective A observed what Detective A believed to be a suspect with a shotgun or rifle, Detective A did not verbalize with the individual or identify himself as a police officer. The BOPC further noted that the culmination of events, including Detective A's lack of cover and poor communication, did not afford Detective A time to assess the potential threat. The BOPC would have preferred that Detective A had identified himself as a police officer and had verbalized with the individual he believed was a suspect with a gun.

The BOPC noted that Detective A held his radio and his service pistol in his hands, preventing him from using a flashlight in the dimly lit area. The BOPC further noted that Detective A did not de-cock his pistol prior to diving to the ground, which could have caused a negligent discharge, and that the dive exposed him to the very threat that he had purportedly attempted to stop.

The BOPC noted that after Detective A fired the shot, Officer A stepped from cover in order to engage the person who had fired the shot. The BOPC would have preferred that Officer A had remained behind the cover of the building and devised a plan with Officer. The BOPC would also have preferred that Officer A had identified himself and attempted to verbalize with the person he observed.

The BOPC found Detectives A and B and Officers A and B's drawing and exhibition of a firearm to be in policy.

The BOPC found Detective A's use of force to warrant administrative disapproval. The BOPC noted that Detective A failed to properly identify the target, which caused Detective A to fire upon a fellow police officer. The BOPC determined that Detective A's use of force was not reasonable or justified.

OIS 110-05

Officers A and B were executing an arrest warrant for Subject 1. The officers were dressed in plainclothes and were driving an unmarked vehicle. The officers proceeded to the storage facility they had been informed that Subject 1 frequented and provided the employees with a contact number. Approximately three hours later, one of the storage facility employees called Officer A and informed Officer A that Subject 1 had returned. The officers responded back to the storage facility.

The officers made their way to Subject 1's storage unit. The officers informed Subject 1 that they were police officers and that Subject 1 was under arrest. Subject 1 turned around and began shouting at the officers. The officers saw that Subject 1 had a chain in his hand. The officers instructed Subject 1 to put the chain down. Subject 1 ignored their instructions. Officer B warned Subject 1 that if he did not put the chain down, he would be "Tased." Subject 1 then swung the chain at Officer B and ran down the corridor, away from the officers to an open elevator. Officer A broadcast that they had a "415 man," and the officers pursued Subject 1 down the corridor. CD broadcast a request for backup at the storage facility.

Once inside the elevator, Subject 1 turned around and faced the advancing officers with the chain still in his hand. Officer B again ordered Subject 1 to drop the chain, but Subject 1 did not comply with the officers' orders. Officer A discharged the TASER at Subject 1 from a distance of approximately six feet. The TASER did not have any effect on Subject 1. Subject 1 advanced toward the officers, and Officer B warned Subject 1 to drop the chain or Officer B would shoot him. Subject 1 ignored the warning and swung the chain at Officer B's face. Fearing Subject 1 was going to cause him great bodily injury, Officer B fired one round from his service pistol in Subject 1's direction. Subject 1 retreated back into the elevator. The officers continued to order Subject 1 to drop the chain.

The elevator door began to close, but Officer B used his foot to trigger the door safety mechanism. Subject 1 emerged from the elevator and again swung the chain at Officer B, and retreated back into the elevator. This sequence of events repeated five more times with Officer B firing a total of eight rounds from his service pistol at Subject 1.

In the meantime, Officer A put the TASER down on the ground and drew his service pistol. Officer A broadcast a request to upgrade their "backup" request to a "help call," described Subject 1 and their location and indicated "shots fired." Once Officer A had fired his eighth round, he stepped back and Subject 1 then emerged in the doorway of the elevator again swinging the chain. Officer A fired one round from his service pistol at Subject 1. Subject 1 then retreated back into the elevator and collapsed onto the floor of the elevator, still holding the chain. Subject 1 subsequently let go of the chain.

Having heard Officer A's broadcasts, Sergeant A and Officers C, D, E and F responded to the storage facility. As they were attempting to find their way upstairs, the officers heard what sounded like gunfire. The officers drew their weapons as they were responding based on hearing shots and the prior "shots fired" broadcast.

The responding officers made their way to Officers A and B's location at the elevator on the second floor. As they approached Subject 1 in the elevator, Officer D put his finger on the trigger of his service pistol because he could not see Subject 1's hand and he knew there had been gunfire. Officers C, D, E and F holstered their service pistols and entered the elevator to take Subject 1 into custody. Subject 1 resisted the officers. Based on Subject 1's failure to comply with the officers' commands, Officer E used a closed fist to strike Subject 1 in the face, and two more strikes when Subject 1 continued to resist. The officers were then able to handcuff Subject 1, search him, and move the chain out of Subject 1's reach. Subject 1 was transported to the hospital where he underwent surgery for multiple gunshot wounds.

The BOPC found Officers A and B's tactics to warrant administrative disapproval, and Sergeant A and Officers C, D, E and F's tactics to be appropriate. The BOPC noted that Officers A and B put themselves at a tactical disadvantage by not utilizing the Department's Mental Evaluation Unit (MEU) prior to making contact with Subject 1 considering that the officers had knowledge of Subject 1's history and background. The BOPC noted that Officers A and B should have donned their raid jackets and ballistic vests, and availed themselves of all of their required equipment, including batons and additional magazines, prior to approaching Subject 1. The officers also should have requested uniformed units to assist with the arrest of Subject 1. The BOPC was critical of Officers A and B's complacency that resulted in a lack of planning, which placed the officers in unnecessary danger and at a tactical disadvantage with Subject 1.

The BOPC found Officers B and D's drawing and exhibition of a firearm to be in policy, warranting divisional training; and Sergeant A and Officers A, C, E and F's drawing and exhibition of a firearm to be in policy.

The BOPC found Officers B and E's non-lethal use of force to be in policy, warranting divisional training; and Officers C, D and F's non-lethal use of force to be in policy. The BOPC found Officer A's less lethal use of force to be in policy. Finally, the BOPC found Officers A and B's use of force to be in policy.

OIS 117-05

Sergeants A and B and Officer A were riding in an unmarked minivan in plainclothes. The officers noticed Subject 1 spraying graffiti onto a wall they decided to engage Subject 1. Officer A drove toward Subject 1, angled the minivan in a southwesterly direction, and, aiming its headlights directly at Subject 1, pulled to a stop near the curb. Sergeant B exited the minivan. Within seconds, Subject 1 stopped spraying graffiti, turned toward the officers' vehicle, and reached toward his waistband with both hands. Sergeant B immediately moved toward a lamp post to use it as cover and drew his weapon. Meanwhile, Officer A saw Subject 1 take an object out of his pocket and point it in the direction of the officers, and heard gunfire from the direction of Subject 1. Officer A fired two rounds at Subject 1 from the driver's side door of the minivan.

Subject 1 moved to a truck that was parked along the curb, opened the passenger's side door, and crouched down behind it. Subject 1 then fired two more rounds from his position on the passenger's side of the truck. In response, Officer A fired approximately four more rounds at Subject 1. Subject 1 then got into the truck. The truck moved to the direction of Officer A's position at the minivan while Officer A stood in front of the open driver's side door. As the truck went past Officer A's position, Officer A observed two muzzle flashes and heard two loud pops coming from the passenger compartment. In response, Officer A fired three to four additional rounds directly at the area where the muzzle flashes were seen. Officer A saw two occupants in the truck, both crouched down. Officer A did not see who was driving the vehicle (Subject 2).

As the truck went past Sergeant A's position, Sergeant A heard approximately four shots of gunfire from Subject 1 as he sat in the front passenger's seat. In response, Sergeant A fired three rounds at Subject 1.

Lastly, Sergeants A and B and Officer A all got back into their minivan in pursuit of the subject's vehicle. Sergeants A and B and Officer A never regained visual contact with the subject's vehicle. The three officers gave up their search and returned to the scene.

The BOPC found that Sergeants A and B's tactics were deficient, warranting administrative disapproval. The BOPC also found that Officer A would benefit from additional divisional tactical training. The BOPC noted that upon making the decision to contact Subject 1, the officers did not discuss a tactical plan on how they would approach and deploy upon Subject 1. In addition to driving an unmarked minivan, the officers were attired in plainclothes, were not wearing Department raid jackets, and did not have their badges visible. Upon stopping Subject 1, none of the officers verbally identified themselves as police officers. Additionally, the BOPC noted that after the initial confrontation when Subject 1 ran to the pickup truck and entered it, Officer A moved from Officer A's position to the front of the unmarked minivan. This movement eliminated Officer A's cover and also resulted in Officer A being illuminated by the minivan's headlights. The BOPC determined that it would have been tactically safer for Officer A to deploy to the rear of the minivan, which would have afforded Officer A cover.

The BOPC further noted that both Sergeants A and B were aware they were in a "gang infested" area and that graffiti subjects are known to carry weapons. They were not clearly identifiable as

police officers, which placed them at a tactical disadvantage and could have resulted in them being misidentified by the subjects.

The BOPC found Sergeants A and B's and Officer A's drawing and exhibition of a firearm to be in policy.

The BOPC found Officer A's use of force to be in policy. The BOPC found Sergeant A's use of force to be in policy for rounds one and two. The BOPC found Sergeant A's use of force to be out of policy, warranting administrative disapproval for rounds three, four and five. The BOPC determined that, at the time that Sergeant A fired these additional rounds, there was no immediate threat of serious bodily injury or death.

LERI 046-05

In the early morning, Officers A and B stopped a juvenile (Subject 1) walking in the street for curfew violation. Subject 1 was somewhat resistant, but eventually gave the officers his name and birthday and complied with a "pat-down" search by Officer A, recovering a pocketknife and a folding multi-tool.

Officer B conducted a check on the information provided by Subject 1, which yielded no matches. Officer B returned to Subject 1 to confirm the information. Officer B conducted further checks. None of these checks yielded any matches. Officer B told Officer A that Subject 1 did not "have any identification in the system." Subject 1 then began to run eastbound on a dirt path parallel to the sidewalk. Both Officers initiated a foot pursuit, but did not broadcast this information. Officers A and B were both holding flashlights as they pursued Subject 1.

After running approximately 150 feet, Officer A physically contacted Subject 1, still holding his flashlight as he did so. Subject 1 went to the ground, where Officer A restrained him. During this stage of the incident, Subject 1 sustained a 1½-inch laceration to his scalp and a 3-inch bruise to the right side of his back.

Note: An expert in injury pattern analysis opined that Subject 1's head laceration was "most consistent with being struck with an object," and that, "the bruise on the back is a pattern bruise consistent with the outline of the handle of [Officer A's] flashlight...the pattern bruise occurred when the officer fell on top of [Subject 1]."

Once on the ground, Subject 1 offered no further resistance and was handcuffed. Subject 1 provided Officer B with his true name and date of birth. A check revealed that Subject 1 had an outstanding felony warrant.

The BOPC determined that Officers A's tactics were seriously deficient, warranting administrative disapproval. The BOPC directed Officer A to additional training at Training Division. The BOPC directed Officer B to divisional training.

The BOPC would have preferred that Officers A and B had initially approached Subject 1 from behind and parked the vehicle with the flow of traffic. Due to the Subject's initial refusal to

cooperate and the property recovered from him, the BOPC would have preferred the officers had handcuffed him. The BOPC noted that neither of the officers broadcast that they were in foot pursuit, which covered a distance of approximately 150 feet.

The BOPC found that, as the foot pursuit continued, Officer A grabbed his flashlight with his right hand (gun hand) to prevent it from falling out his right sap pocket. The BOPC noted that, had the incident escalated to a shooting situation, Officer A would have been delayed in transitioning to his service pistol. The BOPC was also critical of Officer A's decision to attempt a takedown while in possession of his flashlight, noting that by contacting the Subject while still holding his flashlight, Officer A unnecessarily increased the potential for injury to the Subject.

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

LERI 101-05

Sergeant A, a supervisor, and Officers A, B, C, D, E, F, and G proceeded to the home of Subject 1, a known gang member, in response to a homicide believed to have involved gang members. Subject 1 was on probation for a weapons violation and had an outstanding arrest warrant. Upon arrival, Officers F and G were assigned to cover the rear of the home, while the other officers approached the front.

Officer C observed a male with a shaved head (later identified as Subject 1) walking southbound near the residence. Officer C shone his flashlight on Subject 1, who then turned and ran northbound. Officer C advised the other officers. Sergeant A directed the other officers to enter the home to conduct a search.

Officers D and F drew their service pistols and searched the interior of the house. Officer D located an opening to an attic from the bedroom. Sergeant A requested that the attic be cleared. Officer B entered the attic and saw Subject 1 crouched along the north wall of the attic. Officer C then drew his service pistol and took a crouching position west of the attic opening. Officer B noticed that Subject 1 had his hand in his waistband, which caused Officer B to believe that Subject 1 was armed. Officer B asked Officer D to enter the attic to assist. Officer D drew his service pistol, and crouched on the attic floor. Officer C then stood on the dresser. Subject 1 was ordered to remove his hand, but refused to comply. Instead, Subject 1 made several comments to the officer, indicating that Subject 1 and the officers would not make it out of the attic alive.

Officer B then requested a beanbag projectile shotgun. The request was relayed by Officer E, who was inside the bedroom, to Sergeant A, who was outside the house. A beanbag shotgun request was broadcast. Eventually, Sergeant A delivered the beanbag shotgun to Officer C.

The officers tried numerous tactics in attempt to get Subject 1 to show his hands, including warning Subject 1 that they would use a beanbag shotgun. They illuminated the attic with flashlights. Outside the house, Sergeant A moved the family members away to a CP location for their safety.

When Subject 1 refused another order to show officers his hands, Officer C fired one beanbag round at Subject 1. Officer C was given additional orders to fire, and Officer C continued to fire beanbag rounds at Subject 1, assessing the situation and giving warnings between each shot fired. Sergeant A requested K-9 and other officers to respond.

Subject 1 was then warned that the TASER was going to be used. Officer D deployed his TASER, which was unsuccessful. At about this time, Lieutenant A, Sergeants B and C and Officers H, I, J, and K arrived. After Lieutenant A and Sergeants B and C were briefed and a tactical plan was formulated, Officers H, I, J, and K entered the bedroom to relieve Officers B, C, and D from the attic.

Officer H moved to within 10-15 feet of Subject 1 and continued to give commands to Subject 1, ordering him to proceed towards the officers, show his hands, and submit to arrest. Officer H warned Subject 1 that he would use a TASER on him. Subject 1 made threats towards the officers, stating that he had a gun, that he was not going to go to jail, and that he was going to kill the officers. In response to Subject 1's threats and continued movements, Officer H deployed his TASER, which hit Subject 1 and discharged for a pre-set interval of five seconds. Officer H continued to order Subject 1 to move out where he could be taken into custody. However, Subject 1 would not comply. Officer H discharged the TASER again. This time, Subject 1 submitted to arrest and was handcuffed by Officer K. Subject 1 was booked for a warrant. Subject 1 sustained multiple contusions and abrasions to his chest, arms, legs, wrists, and neck and was hospitalized for injuries to his neck.

The BOPC found Sergeant A and Officers A, B, C, and D's tactics to warrant administrative disapproval. The BOPC directed the officers to additional training at Training Division. The BOPC determined that Officers H, J, and K's tactics were appropriate.

The BOPC noted that this incident should have been handled as an arrest warrant service, which required that a Warrant Service/Tactical Plan Report be completed. This would have ensured that specific protocols were followed and would have facilitated a safer and more efficient tactical operation.

The BOPC further noted that as the officers deployed around the residence, Officer C assumed a position to the rear of the location and remained alone until he announced that he observed Subject 1. The BOPC determined that it would have been tactically safer for Officers B and C to remain together to perform rear containment of the residence.

The BOPC also noted that once the fleeing individual had run inside the residence, Sergeant A and the other officers should have recognized the circumstances were consistent with the criteria for a barricaded suspect. At that point, the officers should have contained the location and notified the division for advice. Rather, Sergeant A decided to utilize his personnel to initiate a search of the residence. When they discovered that the cover to the attic was partially ajar, they did not establish containment or to make appropriate notifications to the division.

The BOPC further noted that, instead, the officers began a long face-to-face standoff with no cover. Sergeant A did ultimately contact the division and was advised that the incident met the criteria of a barricaded suspect and that other specially trained officers would respond. Although

the division advised Sergeant A that other personnel were responding, he proceeded to direct the use of the beanbag shotgun. The circumstances warranted establishing containment and did not present the exigency to fire the beanbag shotgun to gain compliance while awaiting the response of other personnel.

The BOPC noted that Officer C stood in the opening of the attic with his upper torso exposed to Subject 1 and fired a total of 26 super-sock rounds at Subject 1 from a distance of approximately 35-37 feet. The BOPC determined that Officer C should have recognized that the beanbag shotgun was not effective in obtaining Subject 1's compliance prior to firing a total of 26 rounds. Officer C then held the beanbag projectile shotgun in his right hand while holding the TASER in his left hand as he attempted to gain compliance by activating the TASER's laser sight on Subject 1. Officer C also maintained a Department-approved shotgun lying on the attic floor directly in front of him as he deployed the beanbag projectile shotgun. The BOPC noted that it would have been tactically safer for Officer C to deploy only one weapon at a time. In addition, there was no Combative Suspect Control Team (CSCT)²³ designated or a plan in place to detain Subject 1 if either the beanbag shotgun or TASER had been ineffective in causing him to surrender.

The BOPC noted that for a significant length of time during the standoff, the other occupants of the residence were allowed to remain inside instead of being evacuated for their safety. The BOPC determined that it would have been tactically safer for the occupants to be evacuated until Subject 1 was apprehended.

The BOPC further determined that, although Sergeant A was tasked with many responsibilities as this incident unfolded, his primary responsibility should have been to remain with the officers inside the residence as they initiated their plan to confront and detain Subject 1.

The BOPC was critical of Officers C and D's decision to utilize the beanbag shotgun and TASER, respectively, to attempt to gain compliance from Subject 1 after being informed that other personnel were responding. The BOPC would have preferred that the officers, once in their position within the attic, had continued to contain Subject 1 and had not utilized force unless necessary, pending the arrival of other officers.

The BOPC found Officers B, C, D, H, I, J, and K's drawing and exhibition of a firearm to be in policy.

Based upon the above, the BOPC found the less-lethal use of force by Sergeant A and Officers A, C, and D to be out of policy, warranting administrative disapproval. The BOPC found Officer H's less-lethal use of force to be in policy.

LERI 066-05

Officers A and B were working in plainclothes capacity, attempting to locate a homicide suspect. Officers A and B were parked in their unmarked van when they observed Suspect 1 throwing

²³ The CSCT is a separate team of officers put in place during the time the other officers are deploying the TASER who will maintain control of the subject if the TASER does not work and the subject becomes out of control.

gang signs to and speaking with a group of males regarding “ammo.” Suspect 1 was also holding his waistband. Subject 1 ran into an apartment, exited, and got into a vehicle. The vehicle left the scene. Approximately five minutes later, the vehicle re-appeared. Officer B broadcast that they had a possible man with a gun inside a vehicle and requested a marked unit to respond. Officers C and D responded to the request and stopped the vehicle. Officers C and D drew their service pistols, exited the patrol car, and ordered four occupants to kneel. Officer C also attempted to broadcast to CD with his radio in his left hand. Three complied with the officers’ orders and got on their knees. Subject 1 stated that he had a cramp in his leg and was unable to get on his knees. Subject 1’s hands were on his head, and he was looking back at Officer C.

Officer C began to approach Subject 1 because Officer C believed that Subject 1 was going to run. Officer C holstered his weapon and at the same time grabbed a hold of Subject 1. The butt of Officer C’s radio hit subject 1’s head as Subject 1 was moving toward the ground.

Officer C then handcuffed and searched all three subjects. The fourth subject was patted down and searched but not handcuffed because there were no more handcuffs available. Officer C then searched the vehicle for weapons but did not find one. All four subjects were identified and checked for warrants with negative results, and were subsequently released.

The BOPC determined that Officers C and D’s tactics to warrant administrative disapproval. The BOPC further determined that Officers A and B would benefit from additional tactical training.

The BOPC noted that Officer A’s broadcast of the possible man with a gun did not include a definitive description of the vehicle, number of suspects, their descriptions, and who they perceived to be armed with a gun. The BOPC also noted that Officers C and D did not advise the watch commander of their mission or make area patrol personnel aware that they were deployed.

The BOPC noted that Officers C and D responded to the area and were directed via radio by Officers A and B to the vehicle. The BOPC would have preferred that Officers C and D slowed their response and coordinated a tactical plan that would have included further direction from Officers A and B and the response of additional uniformed personnel to detain the four individuals. The BOPC would have also preferred that Officers C and D communicate more clearly with CD, given that there was another incident in the area involving a unit following a possible armed suspect in a vehicle. The investigation also revealed that Officers C and D did not clear themselves from an earlier incident and did not update their status.

The BOPC noted both Officers C and D were giving commands to the four individuals and that multiple officers giving commands creates confusion. Further, Officer C attempted to broadcast and also give commands to the suspects. The BOPC would have preferred that Officers C and D had not deviated from their contact and cover responsibilities, which diminished their abilities to control the four individuals.

The BOPC noted that Officer C moved the individuals to their knees against a wall once they were prone. The BOPC would have preferred that Officer C left the individuals in a prone

position because repositioning the individuals gave them an opportunity to resist the officers' commands. The BOPC also would have preferred that, when approaching Subject 1 to handcuff Subject 1, Officer C did not approach Subject 1 with his service pistol in his right hand and his ASTRO radio in his left hand, which limited his tactical options.

Finally, the BOPC noted that Officers A and B cleared the location prior to the uniformed officers completing their investigation. The BOPC would have preferred that they would have remained present throughout the investigation and had not cleared the location until it was tactically advisable. The BOPC found Officer C's use of force to be out of policy, warranting administrative disapproval.

LERI 011-06

Officer A and Officer B were assigned to a uniformed crime suppression detail. The officers decided to stop Subject 1 for a violation of the California Vehicle Code, riding a bicycle in the opposite direction without a forward facing lighting device during the hours of darkness. Officer B then negotiated a U-turn and positioned their police car behind Subject 1. Subject 1 increased his speed while holding the handlebars of the bicycle with his left hand and manipulating an object in his right front pants pocket with his right hand, which the officers discussed might be a handgun or narcotics. Officer B pulled the car approximately five feet behind Subject 1 while Officer A ordered Subject 1 to stop. Subject 1 ignored these commands and continued to ride eastbound, causing Officer B to activate the emergency equipment of the vehicle.

Subject 1 negotiated a southbound turn, turned into a driveway, and then rode his bicycle northbound on the sidewalk. Without communicating with Officer B or equipping himself with a baton, Officer A exited the vehicle and ran northbound on the roadway. Officer A ran past Subject 1 and westbound onto the sidewalk. Believing that Subject 1 was armed, Officer B exited the police car, drew his service pistol, and assumed the role of "cover officer." While moving toward Subject 1, Officer A observed the outline of a handgun in Subject 1's front right pants pocket and noted that he was attempting to retrieve it.

Officer A used his hands to push the Subject 1 against a wall, causing Subject 1 to fall off the bike. Subject 1 stood up and ran toward Officer B, effectively placing himself between the two officers. Officer A pushed Subject 1, causing Subject 1 to fall into a prone position. Officer A then approached Subject 1, placed one knee on Subject 1's upper back, and ordered Subject 1 to extend his hands from his body and not to move. Officer A observed the butt of a handgun extending from Subject 1's right front pants pocket. While atop Subject 1's back, Officer A drew his service weapon and pointed it within two inches of Subject 1's head and upper torso.

Officer B holstered his service pistol, and recovered a loaded handgun from Subject 1's right side. Officer B handcuffed Subject 1 without further incident. Subject 1 complained of injuries to his left arm and informed the officers that his arm was broken. An RA later treated Subject 1 for a possible fracture of his left arm and transported him to the hospital where he was admitted for surgery.

The BOPC found Officers A and B's tactics to warrant administrative disapproval. The BOPC directed the officers to additional training at Training Division.

The BOPC believed that, when they first determined Subject 1 may have been in possession of a firearm, it would have been tactically safer for Officer A to advise CD of their status and location, provide a description of the subject, and request a back-up unit. The BOPC noted that it would have been tactically safer for the officers to utilize the vehicle's PA system along with the emergency equipment to direct the Subject to stop while also maintaining a safe distance.

The BOPC would have preferred that the officers had established a pre-planned tactic to apprehend the Subject before spontaneously exiting the vehicle. It also would have been tactically safer for Officer A to arm himself with his baton. The BOPC noted that, once in foot pursuit, Officer B's position was too distant to provide effective cover for his partner. Officer B's placement also placed both officers at a tactical disadvantage with the potential for a crossfire situation. Likewise, once Officer A noticed the silhouette of a handgun, Officer A should have stepped away from Subject 1, drawn his weapon, and sought cover.

The BOPC found Officer A's drawing and exhibition of a firearm to be in policy. However, the BOPC directed Officer A to additional training at Training Division. The BOPC noted Officer A drew his service pistol while in contact with Subject 1, which was unsound and unsafe. Officers are trained to avoid drawing their pistol while in contact with a subject to avoid the subject reaching for the weapon or the possibility of a negligent discharge of the firearm.

The BOPC found Officer B's drawing to be in policy. The BOPC determined that Officer B had sufficient information to believe the situation may escalate to the point where deadly force may become necessary.

The BOPC found Officer B's non-lethal use of force to be in policy. The BOPC determined that Officer A's non-lethal use of force was also reasonable to overcome Subject 1's resistance and to effect his arrest.

ICD 052-05

While on patrol, Officers A and B noticed a bicycle in front of a vehicle. It appeared to them that there had been a traffic collision involving the bike and the vehicle. The officers then observed Subject 1 strike a window on the driver's side of the vehicle at least two times with a bicycle lock. Officer A stopped the patrol car and yelled at Subject 1 through the open window in order to gain his attention. Subject 1 fled the scene on his bicycle.

Officer A activated the vehicle's overhead amber warning lights, given that there was traffic in the area and vehicles were stopped in both lanes behind the officers' patrol vehicle, and they ordered Subject 1 to return to the sidewalk. Subject 1 did not comply. Officer A believed that Subject 1 appeared to be under the influence of narcotics because Subject 1 failed to obey Officer A's commands.

Subject 1 then dropped his bicycle in the center divider and engaged the officers in a chase. At one point, Subject 1 stopped running in the middle of the street and Officer A stopped the patrol vehicle. Officers A and B exited their vehicle and attempted to converse with Subject 1. Subject 1 did not respond and ran eastbound.

Officer A then re-entered the patrol car and directed Officer B to stay on foot to follow Subject 1. Officer A made a U-turn in his patrol vehicle and drove past Subject 1. Officer A then exited his vehicle, which caused Subject 1 to run back towards Officer B and then into the street once again. Officers A and B approached Subject 1 who was standing in the street holding the bicycle lock up at chest level. Subject 1 did not comply with the officers' orders to drop the bicycle lock. Officer A then drew his weapon to the close-contact position and ordered Subject 1 again to "drop the weapon." Subject 1 placed the bicycle lock down and engaged the officers in additional chase.

When the officers caught up with Subject 1, Officer A grabbed his left arm, but was unable to maintain a hold of it. Subject 1 then turned around towards Officer B, and Officer B used a "bear-hug" technique to get a hold of Subject 1. Officer B and Subject 1 fell to the ground, with Subject 1 falling on top of Officer B.

Immediately after falling to the ground, Officer B rolled Subject 1 off and towards the right, and turned Subject 1 over into a face down (prone) position. The officers handcuffed Subject 1, who was still resisting the officers. Officer A determined that the use of the hobble restraint device (HRD) would be appropriate and directed Officer B to apply the HRD to Subject 1.

After applying the HRD, Officer A continued to verbalize with Subject 1, given that Subject 1 was "still thrashing around a little bit." Officer A told Subject 1 to calm down and relax. Officer A also asked Subject 1 for his identification. Subject 1 never spoke to the officers. Officer A stated that Subject 1 eventually calmed down. As such, Officer A pushed Subject 1 up on his side from the face down position to pat him down for weapons.

Following the pat down, Officer A placed Subject 1 back down on the ground face down. Officer A continued to verbalize with Subject 1. Officer A stated that Subject 1 calmed down and Officer A noticed there might be something wrong. Officer A checked Subject 1's pulse and asked him, "Hey, man, you all right?" Subject 1 then let out a breath of air, causing Officer A to believe that Subject 1 was attempting to hold his breath in order to convince the officers something was wrong with him.

Officers C and D arrived on scene. Officer C noticed that Subject 1 was sweaty, lying face down on the ground. As Officer C rolled Subject 1 onto his side, Officer C asked Officer B if a rescue ambulance had been called. According to Officer C, Officer B stated, "no." As such, Officer C advised Officer B to call for a rescue ambulance. Officer B contacted CD and requested an RA. Subject 1 remained in a side-laying position until paramedics later treated him.

Subject 1 was transported to the hospital where he was deeply comatose and admitted in critical condition. A preliminary drug screen toxicology report for Subject 1 was negative. Approximately six days later, Subject 1 was pronounced dead.

The BOPC found Officer A's tactics to warrant administrative disapproval. First, the BOPC determined that Officers A and B stopped their vehicle and attempted to contact Suspect 1 while the officers were still seated in their vehicle. The BOPC would have preferred that the officers had exited their vehicle and taken a position of advantage prior to engaging Subject 1.

The BOPC would have preferred that, during the foot pursuit, Officers A and B notified CD that they were in foot pursuit, requested a back-up unit, and broadcast all pertinent information to alert responding units. The BOPC would also have preferred that the officers did not split up. Further, Officer A's decision to drive beyond the fleeing suspect created a crossfire situation. Finally, the BOPC noted that Officers A and B gave commands to Subject 1 simultaneously, possibly causing confusion.

The BOPC found Officer A's drawing and exhibition of a firearm to be in policy.

The BOPC found that the non-lethal use of force by Officer A and Officer B was reasonable to control Subject 1 and found the use of force to be in policy.

ICD 071-05

CD received a 9-1-1 call indicating that two males were fighting in an apartment building and that one of the males was attempting to break in the front door of an apartment. As they arrived at the scene, Officers A and B saw Subject 1 crawling out of a doorway, into the driveway of the apartment building. Also in the driveway, close to Subject 1, were two males and a female. Officer B asked them what was wrong with Subject 1. The three individuals walked away from the officers. Believing they were possibly involved in the reported incident, Officer B followed in order to detain them, leaving Officer A alone with Subject 1.

Officer A saw that Subject 1 had stood up and was walking toward Officer A, staggering from side to side. Officer A gave verbal commands to Subject 1 to "Stop." Subject 1 was resisting Officer A's attempts to handcuff him. When Officer A attempted to grab Subject 1's right arm, Subject 1 then tripped over a planter and fell to the ground. Officers C and D responded to the scene and approached Officer A to assist. The officers handcuffed Subject 1 and placed a Hobble Restraint Device (HRD) on Subject 1's legs. They were unable to sit up Subject 1 so the officers placed him on his side.

Meanwhile, Officers E and F responded to the scene. Officer E saw that Subject 1's eyes were rolled back, and that Subject 1 was not moving. Officer E instructed Officer A to request an RA. Subject 1 was later pronounced dead. A subsequent autopsy determined that Subject 1 had consumed amphetamine, methamphetamine and cocaine. The Coroner deemed the manner of Subject 1's death to be accidental.

The BOPC found Officer A, B, C, D and E's tactics to warrant administrative disapproval. The BOPC directed the officers to additional training at Training Division.

The BOPC noted that Officers A and B parked directly across the street from the radio call location, which placed the officers at a tactical disadvantage. The BOPC also noted that the officers separated during the incident, so one was not in a position to provide immediate assistance to the other due to the distance.

The BOPC also noted that Officers E and F were at the location for approximately 10 minutes prior to advising CD of their status and would have preferred that the officers had immediately notified CD of their arrival.

The BOPC was critical of the officers' decision not to make additional attempts to place Subject 1 into an upright seated position. The BOPC was also critical that the HRD was not removed once it was discovered that Subject 1 was experiencing distress, noting that the time between the officers recognition of Subject 1's medical distress and the arrival of the RA was approximately four minutes and twenty seconds. The BOPC found that the officers failed to follow Department policy in regard to proper procedures following the application of handcuffs and a HRD.

The BOPC found Officer F's tactics to warrant divisional training.

HS 017-05

Officers A and B were driving in their marked vehicle when they were flagged down by a group of citizens. The citizens directed the officers to follow a silver vehicle and told the officers that the occupant in the vehicle had a gun and had just been involved in a robbery. The officers observed the vehicle a few car lengths ahead of them. The officers followed the vehicle as it turned left and accelerated to a high rate of speed, failing to stop at the stop signs at various intersections. Officer B advised CD that they were in pursuit of the vehicle that contained an Assault with a Deadly Weapon (ADW) suspect armed with a gun. Officer B advised CD of their location as they continued following the vehicle. Officer B attempted to request a backup, however, that broadcast was not acknowledged by CD. Officers C and D were in the area and heard the broadcast of the pursuit. They saw the pursuit proceed through an intersection behind them, so they turned around and became the secondary unit in the pursuit. However, they did not advise CD that they had joined the pursuit.

The driver (Subject 1) of the vehicle lost control of the vehicle, resulting in a 5-car collision. This collision forced the vehicle and one other vehicle to flip and come to rest upside down. Officers A and B parked their vehicle just south of the accident and got out of their vehicle. Officer B believed he advised CD that they were at the accident location, but all that came through that broadcast was "we're going to need, ... standby." After getting out of the vehicle, the officers began checking the involved vehicles for occupants. Believing Subject 1 might be armed, both officers drew their service pistols in addition to drawing their flashlights to illuminate the area. As the officers approached the vehicle, they observed Subject 1 crawl from the vehicle.

Officers A and B began giving Subject 1 contradictory verbal commands. Specifically, Officer A ordered Subject 1 to stay on the ground and Officer B ordered Subject 1 to get up and face away from the officers. As Subject 1 began to crawl from the vehicle, Officer A put his finger on the trigger of his service pistol and ordered Subject 1 to stay on the ground, which Subject 1 did not do. Subject 1 grabbed at his waistband, turned away from the officers and began to run in a northeast direction. Officer A closely followed Subject 1 while Officer B tracked them and broadcast the foot pursuit. As Subject 1 was running he turned and looked back at the officers when Officer A again instructed Subject 1 to get down.

Officer A caught up to Subject 1 just as Subject 1 stumbled at the front of a vehicle parked in a driveway. Officer A pinned Subject 1 face down against the hood of the vehicle. When Officer B caught up, he holstered his service pistol and attempted to get control of Subject 1's right arm. By this time, Officers C and D had arrived at the scene and proceeded to the driveway where Officers A and B had Subject 1 pinned on the vehicle hood. As Officer C made his way through the wrecked vehicles, he attempted to broadcast the foot pursuit and to request an RA. However, no such broadcast was audible on the 77th Street base frequency.

Subject 1 refused to comply with the officers' commands. Officer A struck Subject 1 in the back of the head with the butt of his service pistol. Officer B struck Subject 1 once in the right shoulder blade with the palm of his right hand. Subject 1 continued to resist.

Officer D then approached and attempted to assist Officer B in getting control of Subject 1's right arm. Officer D struck Subject 1 in the right shoulder blade four times with his right fist. Subject 1 continued to resist. Officer A then struck Subject 1 in the back of the head with the butt of his service pistol a second time. The officers were then able to gain control of Subject 1's right arm. Once Subject 1's right wrist was handcuffed, Officer A holstered his service pistol and assisted with the handcuffing of Subject 1's left wrist.

The BOPC noted that Officers A and B did not obtain specific information regarding the robbery/car jacking including the description of the suspect and the fact that there was an additional vehicle that possibly contained additional suspects. In addition, the BOPC noted that Officers A and B did not immediately broadcast a location for the traffic collision or subsequent foot pursuit, and they gave Subject 1 conflicting commands as he crawled out of the vehicle. The BOPC also noted that Officer B's broadcast was incomplete and he did not immediately request backup.

The BOPC also noted that Officer A was not faced with the threat of immediate deadly force when he placed his finger on the trigger of his service pistol as Subject 1 was crawling out of the vehicle. Officer A also did not utilize cover while standing approximately five to seven feet from Subject 1, whom he believed to be armed. The BOPC also noted that Officer A limited his tactical and use of force options by holding his service pistol in his right hand and his flashlight in his left hand while he struggled to gain control of Subject 1. Further, a crossfire situation created when Officer B approached Officer A and Subject 1 whom were at the front of the vehicle in the driveway. The BOPC also noted that Officers A and D searched Subject 1 simultaneously, and Officers C and D did not advise CD when they arrived at the scene of the termination of the pursuit.

The BOPC found Officer A's tactics to warrant administrative disapproval. The BOPC also found Officers B, C and D's tactics to warrant divisional training.

The BOPC noted that the Department CP was not notified of the incident until approximately 45 minutes after it occurred and after the first supervisor arrived on scene. Thus, the BOPC determined that Sergeants A and B would benefit from divisional training regarding the requirement to immediately notify the DCP when they learn about a Categorical Use of Force.

The BOPC found that at the time Officers A and B drew their service pistols, they reasonably believed Subject 1 was armed with a gun. The BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

The BOPC determined that Officers A, B and D's use of non-lethal force was reasonable to overcome Subject 1's resistance. The BOPC found Officers A, B and D's non-lethal use of force to be in policy.

The BOPC noted that Officers are authorized to strike a suspect on the head with an impact device only when lethal force is justified. Because Officer A did not observe Subject 1 with an object that could have been used as a weapon against the officers, the BOPC determined that Subject 1 did not reasonably present an immediate threat of serious bodily injury or death at the time Officer A struck Subject 1 in the head with the butt of his service pistol. The BOPC would have preferred that Officer A had holstered his service pistol prior to making contact with Subject 1 and utilized both hands to detain him. The majority of the BOPC, by a vote of 3 -1, found Officer A's use of force to be out of policy, warranting administrative disapproval.

HS 056-05

Officers A and B were patrolling a community housing development when they observed four males sitting on a cinderblock wall near the parking lot. As Officer B drove through the Development, he recognized two of these individuals as Subjects 1 and 2, documented gang members. According to Officer A, Officer B indicated that Subject 2 was wanted on a felony arrest warrant suspect and that both subjects had been served with a gang injunction.

When the officers neared these four individuals, the individuals immediately fled on foot. Officer A exited his vehicle and gave chase while Officer B remained in the vehicle. Officer A then advised CD that he needed a backup and a Code-3 response.

Officer B followed the Subjects in his vehicle while Officer A paralleled the pursuit on foot. The officers separated and, at times, lost sight of each other. Officer B informed CD of the subjects' location and requested additional police units. When Officer B saw Subjects 1 and 2 run through the Development, he stopped, exited his vehicle and pursued them on foot. Officer A, who heard his partner's broadcast, joined Officer B in the foot pursuit and followed the subjects toward the Development's Community Center.

Subject 1 tripped and fell on the sidewalk while Subject 2 continued to run. As Subject 2 ran away, he reached for his waistband. Believing that Subject 2 was possibly armed, Officer A drew his service pistol. Meanwhile, Subject 1 stood up and attempted to run from the officers while holding his waistband. Based on Subject 1's actions, Officer A believed Subject 1 was armed as well. Officer B drew his service pistol and ordered Subject 1 to stop and to lie down. When Subject 1 complied and lowered himself facedown on the ground, Officers A and B agreed that Officer B should continue his pursuit of Subject 2.

Officer A walked toward Subject 1 with the intention of placing him into custody. Without first holstering his service pistol, Officer A walked toward Subject 1 and fell onto Subject 1's upper-back with his knees and left hand. Once on Subject 1's back, a struggle ensued wherein Subject

1 rolled to his right and reached for Officer A's holster. Officer A's service pistol was "not completely in the holster." Officer A pulled his service pistol out of Subject 1's reach and struck Subject 1 on the head with it, causing Subject 1 to bleed profusely.

According to Officer A, once his service pistol was secured in its holster, Subject 1 again reached for his holster. Officer A then struck Subject 1 in the head two times with a closed fist. Officer A was then able to secure Subject 1's left arm behind Subject 1's back with Officer A's knees. At that time, Officers C and D arrived on scene and assisted Officer A in handcuffing Subject 1.

Officer B arrested Subject 2 without incident.

The BOPC found Officers A and B's tactics to warrant administrative disapproval. The BOPC would have preferred that Officer A had broadcast that he was in foot pursuit, given his location, the subject's description, and direction of travel. The BOPC was critical of the officers' decision to separate from one another, which placed them in a tactically disadvantaged situation and is contrary to the Department's training.

The BOPC noted that Officer A should have holstered his service pistol prior to approaching Subject 1 and that he attempted to take Subject 1 into custody by himself. The BOPC would have preferred that Officer A had maintained his position and awaited the arrival of additional officers prior to approaching Subject 1.

The investigation revealed that this was Officers A and B's first day working together. The BOPC noted that the officers did not adequately discuss tactics prior to their start of watch, and did not communicate between each other as the incident unfolded. Finally, the BOPC also noted that Officer A left his baton in the vehicle when he exited to pursue the subjects.

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy. The BOPC also found Officer A's non-lethal use of force to be in policy.

The BOPC found Officer A's use of lethal force to be out of policy, warranting administrative disapproval. The BOPC was critical of Officer A's decision to intentionally strike Subject 1 in the head with his service pistol. The BOPC would have preferred that Officer A had considered disengaging with Subject 1 pending the arrival of additional officers.

HS 118-05

Officers A and B were patrolling when they observed a vehicle traveling at a high rate of speed. Officer A negotiated a U-turn and followed the vehicle, eventually losing sight of it. While continuing to patrol the area, the officers observed the vehicle parked in front of a residence. Officer A then positioned his police car behind the vehicle while Officer B sought a "wants/warrants" inquiry on the vehicle's license plate from CD.

When the officers approached the vehicle, they observed two occupants: Subject 1 (driver) and Subject 2 (passenger). The officers also noted that Subject 1 used his side view mirror to monitor their approach and that the vehicle's brake lights were illuminated. Subject 1 then

negotiated a U-turn and sped past the officers. The officers believed they might have observed an "unreported stolen," causing Officer B to broadcast, "We are in pursuit of a possible Code-37 vehicle northbound ... requesting a back-up unit and an airship."

The vehicle continued to flee until it collided with a vehicle driven by Victim A. Subject 1 and Subject 2 then exited their vehicle and fled the scene on foot in opposite directions. Officer B chased Subject 2 while Officer A chased Subject 1. During the chase, Officer B ordered Subject 2 to stop and placed him into custody after a short foot pursuit. However, Subject 1 ignored Officer A's order to stop.

Officers C and D heard Officer A's broadcast and responded to the scene of the traffic collision to assist. Officer B directed Officers C and D toward Officer A's last known direction of travel. The three officers heard Officer A's foot pursuit broadcast. Officers D and C remained at the scene while Officer B returned to his police car and searched for Officer A. Wanting to locate Officer A as well, Officer C then returned to his police car and searched for Officer A with Subject 2 in the back seat, leaving Officer D alone to maintain the scene.

During the foot pursuit, Officer A lost sight of Subject 1 when Subject 1 ran into an apartment. Officer A drew his weapon, initiated a perimeter, and requested additional units. Officer C located Officer A in front of the apartment complex and requested assistance. Moments later, Officers E and F arrived to the apartment complex and an Air Unit, piloted by Officers G and H arrived and orbited overhead. After establishing a tactical plan, Officers A, C, E, and F entered the apartment complex to search for Subject 1 while Officer B remained in front of the apartment complex with Subject 2. Once inside of the apartment, the officers split into two separate teams.

Officer H observed Subject 1 run along the walkway of the apartment complex and advised the officers, causing them to regroup and chase Subject 1 into the center of the apartment complex where they lost sight of him. The officers held their positions and then walked up a stairwell near the entrance of the apartment complex where Officer C drew his weapon.

While the officers walked up the stairway, Witness 1 directed Officer F to the rear of the apartment complex where Witness 1 believed Subject 1 was hiding. Following Witness 1's direction, Officer F separated from Officers A, C and E.

Officers A, C, and E continued to search for Subject 1 and gave chase when they saw him on the third floor of the apartment complex. Subject 1 disregarded the officers' commands to stop and eventually distanced himself from the pursuing officers. Officer F heard the officers' commands to stop and drew his weapon when he neared the rear stairwell, where Officer F immediately confronted Subject 1, causing a struggle to ensue while Officer F held a service pistol in his right hand. During the struggle, Subject 1 reached for Officer F's holster several times and then reached for Officer F's right hand. The momentum of the struggle between Subject 1 and Officer F caused them to fall down the steps of the rear walkway of the apartment complex. Subject 1 again attempted to gain control of Officer F's service pistol. Officer F and Subject 1 broke apart momentarily, at which point Officer F attempted to holster his weapon. Subject 1 then re-engaged the struggle, causing Officer F to believe that he would lose control of his service pistol if he re-holstered. Believing that he had no other options and that he was fighting

for his life, Officer F intentionally struck Subject 1 on his shoulder and head area with the butt of his service pistol two to three times.

Officer H broadcast a "help call" and directed additional units to the rear of the location to assist Officer F. As this was occurring, Subject 1 broke free from Officer F's grasp and attempted to climb a wrought iron fence. Wanting to prevent Subject 1's escape, Officer F wrapped his arms around Subject 1's waist. When Officers A, C, and E responded to the rear of the apartment complex and observed the struggle between Officer F and Subject 1, Officer A applied a firm grip to Subject 1's right arm while Officer C grabbed Subject 1's left wrist. The three officers then forced Subject 1 to the ground, causing Officer F to reposition himself near Subject 1's legs. Officer E then placed his right leg on Subject 1's back to prevent him from standing. The officers then guided Subject 1's hands behind his back, enabling Officer C to handcuff him without further incident. Subject 1 was taken into custody and treated for his injuries.

The BOPC found Officers A, B, E and F's tactics to warrant administrative disapproval. The BOPC also found Officers C and D's tactics to warrant divisional training.

When the officers first observed the speeding vehicle, the BOPC would have preferred that they notified CD of their observations, provided a vehicle description, and requested an additional unit and air ship to assist with locating the vehicle. During the foot pursuit, the BOPC would have preferred that Officer A and B did not separate, which placed them in a severe tactical disadvantage and is a violation of standard Department practices and concepts. The officers also did not ensure that Subject 1's vehicle was clear of additional suspects.

The BOPC would have preferred that, rather than leave the vehicle pursuit termination scene to locate his partner, Officer B would have directed responding units to his partner's location so that he could have monitored Subject 2. Further, Officers C and D should have remained together at the scene.

While pursuing Subject 1, the BOPC noted that Officers A, C, E, and F should have contained the apartment complex and coordinated their efforts to locate Subject 1. These officers did not use available Department resources to effectively control this situation, placing them in unnecessary peril.

The BOPC determined that Officers A, C and F had sufficient information to believe the situation may escalate to the point where deadly force may become necessary and found the drawing of their weapons in policy. The BOPC also determined that Officers A, C, E and F's non-lethal use of force was reasonable to overcome Subject 1's resistance and found their use of non-lethal force in policy. Finally, the BOPC found Officer F's use of force to warrant formal training.

DRAWING/EXHIBITING/HOLSTERING

Of the 100 incidents involving a CUOF reviewed by the BOPC in 2006, two resulted in a finding of "out of policy, administrative disapproval" and three resulted in "in policy, training" for the drawing/exhibiting/holstering of a firearm. The findings for the drawing/exhibiting/holstering in the other 95 incidents were "in policy" or "does not apply." Summaries of the two incidents that

resulted in a finding of “out of policy, administrative disapproval” (OIS 030-05 and OIS 086-05) are provided in the Tactics section of this report.

USE OF LETHAL FORCE

The Department considers discharges of a firearm, Carotid Restraint Control Holds and head strikes with an impact weapon to be lethal force. Of the 100 incidents involving a CUOF reviewed by the BOPC in 2006, 2% (2) resulted in a finding that the use of lethal force was “in policy, training,” and 17% (17) resulted in a finding that the use of lethal force was “out of policy/accidental/negligent, administrative disapproval.”²⁴ The remaining incidents either did not involve the use of lethal force (e.g., ICD) or resulted in a finding of “in policy” for the use of lethal force.

Of the 17 incidents where the finding was that the use of lethal force warranted “administrative disapproval,” eight were incidents involving an OIS in which officers intentionally discharged firearms at individuals; six were Negligent Discharges; and three involved a head strike with an impact weapon.²⁵ The eight incidents in which officers intentionally discharged firearms at individuals involved the use of lethal force by 22 officers.

Both cases that resulted in a finding that the use of lethal force was “in policy, training” involved an OIS in which officers intentionally discharged firearms.

Summaries of nine incidents which resulted in findings of “out of policy/accidental/negligent, administrative disapproval” for the use of lethal force (LERI 017-05, LERI 056-05, LERI 066-05, OIS 008-05, OIS 057-05, OIS 086-05, OIS 088-05, OIS 117-05 and OIS 064-05), and summaries of both cases which resulted in findings of “out of policy, training” for the use of lethal force (OIS 022-05 and OIS 030-05) are provided in the Tactics section of this report.

The remaining cases that warranted a finding of “accidental/negligent, administrative disapproval” or “out of policy, administrative disapproval” for the use of lethal force are summarized below.

OIS 012-05

Officers A and B were patrolling in a marked vehicle. Officer B was driving. The officers observed a vehicle driving the wrong way on a one-way street. As they continued to observe the vehicle, it ran a red light and turned onto the southbound Harbor Freeway.

²⁴ These findings and actions applied to at least one of the involved officers in an incident. If at least one of the officers involved was found to have acted out of policy, then the finding for that incident was considered out of policy. If at least one of the officers involved was found to require additional training, but did not act out of policy, then the finding for that incident was considered in policy, training.

²⁵ One of these incidents, 066-05, was also classified as a LERI and was included among the LERI totals in this report.

The officers followed the vehicle onto the freeway, noted that it was being driven erratically, and formed the opinion that the driver may be under the influence of alcohol or drugs. The officers decided to stop the vehicle to investigate whether the driver was intoxicated.

Although the vehicle had been reported stolen hours earlier, this information had not yet been entered into the relevant databases. During the course of this incident, Officers A and B were unaware that the vehicle had been reported stolen. Officer B activated the vehicle's lights and siren. The vehicle continued southbound on the freeway. As it did so, the officers saw that, in addition to the driver (Subject 1), the vehicle was occupied by a front-seat passenger (Subject 2). Officers A and B were unaware of the ages of the vehicle's occupants during this incident.

The driver of the vehicle did not yield to the vehicle's lights and siren by pulling over. Rather, the vehicle made a sharp turn and exited the freeway. Officer B broadcast to CD that his unit was in pursuit of a "DUI driver."

During the pursuit, Officers A and B observed the vehicle being driven at excessive speeds on surface streets and running red traffic lights at intersections. Meanwhile, Officers C and D were monitoring the broadcasts of the pursuit and planned to join the pursuit. As the vehicle approached an intersection, it veered to the right, drove up onto the sidewalk and stopped just short of a fence at the northeastern corner of the intersection. As the vehicle came to rest, Subject 2 jumped out of the vehicle and ran away.

Upon seeing the vehicle apparently lose control and drive onto the sidewalk, Officer D drove his vehicle towards the intersection. Meanwhile, Officer B stopped their vehicle in the intersection. Officers A and B exited their vehicle, assumed positions behind the vehicle's doors and drew their pistols.

After exiting the vehicle, Officer A observed Subject 2 running with one arm swinging and the other at his waistband. Officer A believed that Subject 2 was armed with a gun. It was later determined that Subject 2 was holding a cell phone. Subject 1 then put the vehicle into reverse gear and accelerated backward toward the passenger side of the vehicle where Officer A was standing.

After reversing approximately 17.5 feet, the vehicle collided with the front passenger-side area of the vehicle. Following the initial impact, the vehicle continued backward for approximately 18 feet. The vehicle then changed direction, rolled forward, and stopped.

As the vehicle reversed, Officers A and B moved away from their vehicle. Officer A moved from the path of the oncoming vehicle and was not struck. As he moved, Officer A considered the safety of Officer B and attempted to establish Officer B's position. Officer A was also concerned about the fleeing passenger. Officer A fired 10 rounds at Subject 1, hitting him 7 times and causing fatal injuries.

The time between Officer A leaving his position at the passenger door of the vehicle and the beginning of the shooting was determined to be 2.9 seconds or less. Expert opinion, based on subsequent scientific testing, estimated the maximum speed of the vehicle's reverse movement to be between 10.1 and 12.7 miles per hour. Further, it was established that Officer A fired when

the vehicle was close to its rearward-most position, and that the maximum speed of the vehicle at that time was approximately two miles per hour.

Trajectory analysis established that Officer A fired all 10 rounds from the passenger side of the vehicle. Six rounds were fired through the window of the vehicle's rear passenger-side door, and four rounds were fired through the vehicle's open front passenger door. Upon hearing the sound of gunfire, Subject 2 laid down on the ground. He was subsequently taken into custody without incident.

An ambulance responded to the scene. Paramedics examined Subject 1 and determined that he had died from his injuries.

The BOPC noted that Officers E and F were conducting a stolen vehicle investigation of the vehicle driven by Subject 1. The officers monitored the pursuit broadcasts and sent text messages to CD and to Officer A and B indicating that the vehicle had been reported stolen. The BOPC would have preferred that the messages had been voiced over the radio to ensure that those messages were received.

The BOPC would have preferred that Officers C and D had positioned their vehicle differently in the intersection to prevent a possible cross-fire situation. The BOPC would have preferred that Officer B had positioned the vehicle to allow Officer A a better view of the passenger side of the vehicle.

The BOPC found that Officer A would benefit from formal tactical training.

The BOPC noted that Officers A, B, C and D drew their pistols at the termination of a vehicle pursuit and found that they had sufficient information to believe that the situation might escalate to the point where deadly force might become necessary.

The BOPC found that Officer A believed that the use of deadly force was necessary. However, the preponderance of the evidence including, but not limited to, expert scientific opinions that when Officer A fired all shots from his weapon he was to the side – and not in the path – of the vehicle and that the speed of the vehicle was no more than approximately 2 miles per hour, demonstrated to the majority of the BOPC that the officer's belief regarding the necessity of deadly force was not objectively reasonable and, therefore, his use of lethal force was found to be out of policy.

OIS 075-05

Lieutenant A and Detective A were conducting an investigation into an attempted murder²⁶ of an unidentified victim. Lieutenant A and Detective A were dressed in plainclothes and wearing their police badges on their belts. Witness A informed investigators that Witness B might be able to identify the victim.

²⁶ The victim subsequently died and, as such, the investigation became a homicide investigation.

Lieutenant A and Detective A left the crime scene in an attempt to locate Witness B. Detective A was driving an un-marked vehicle. Lieutenant A was seated in the front passenger seat. Detective A noticed Witness C working on a car while holding a hammer in his hand. As Lieutenant A and Detective A continued driving slowly, they observed Subject 1 standing behind a parked car.

The vehicle passed Subject 1's position. At that time, Subject 1 yelled at the officers, "Who are you?"

In response, Lieutenant A and Detective A told Subject 1, "We're the police." Detective A looked over his shoulder, observed Subject 1 approaching his rear bumper, and saw Subject 1 draw a gun out of his waistband. Detective A did not advise Lieutenant A of his observations, believing that Lieutenant A knew what was going on. Detective A yelled, "Police, police!"

Subject 1 then exclaimed, "F**k the police" and rapidly approached the passenger side of the vehicle, where Lieutenant A was seated. At or about this time, Lieutenant A drew his service pistol, believing Subject 1 was a threat. Detective A drew his service pistol. Lieutenant A kept visual contact with Subject 1 as he "paralleled" the police vehicle. Subject 1 then suddenly approached the vehicle. According to Detective A, Subject 1 approached within approximately one foot of the vehicle's passenger window.

Lieutenant A noticed that Subject 1's right hand was extended as Subject 1 advanced upon him, and Subject 1 had an object in that hand. Lieutenant A perceived the object to be a blue steel handgun. Lieutenant A then heard two to three shots as Subject 1 continued to advance towards him.

Believing that Subject 1 was trying to kill them, Lieutenant A responded by firing three rounds from his .38 caliber revolver towards Subject 1.

Meanwhile, Detective A observed a muzzle flash and believed that Subject 1 had shot Lieutenant A. Detective A then noticed that Lieutenant A began to fall back towards him, with his back towards the windshield. Believing that Lieutenant A had been shot, Detective A reached across Lieutenant A's back, pushed him out of the way, and fired two rounds towards Subject 1.

Detective A then attempted to place the vehicle in park, while simultaneously attempting to unlock the car doors. As he was doing so, Detective A unintentionally fired one round from his pistol through the vehicle's windshield.

Detective A exited the vehicle while identifying him again as a police officer. Detective A observed Subject 1 run, still holding his gun. Believing that Lieutenant A had been shot, and believing that Subject 1 was a danger to the public, Detective A fired at Subject 1 as he fled. Detective A then ran towards a parked vehicle and stood on the driver's side of that vehicle. According to Detective A, as Subject 1 continued to run in the street, he turned in Detective A's direction while pointing the gun at Detective A. Believing that Subject 1 was about to shoot him, Detective A fired several additional rounds at Subject 1. Detective A then lost sight of Subject 1.

Meanwhile, Lieutenant A, while still seated in the vehicle, also lost sight of Subject 1. Lieutenant A realized that his vehicle he was in was still moving and looked to his left to see if Detective A was hurt. Lieutenant A did not observe anyone in the driver seat of the vehicle, but noticed that the driver's door was open. Lieutenant A determined he could not exit his side of the vehicle safely, given that Subject 1 was on that side of the vehicle. As such, he jumped out of the driver side door of the vehicle as the vehicle continued to move. Lieutenant A stated that he dove out of the vehicle headfirst, with his arms extended, and landed in a "prone" position on the pavement still holding his pistol. The unoccupied vehicle continued and collided with a parked vehicle and then a fence, where it finally stopped.

Lieutenant A observed Subject 1 run between two houses. Lieutenant A and Detective A observed Witness D and Witness E inside a car and ordered them to exit the vehicle and lay down on the ground. As these witnesses were being detained, Detective A observed Subject 1 come back into view.

In response, Detective A pointed his gun in Subject 1's direction and ordered him to the ground. Detective A moved to a position of cover. Lieutenant A also took cover and used his cellular phone to request help.

Following the help call, uniformed officers arrived at the scene. Subject 1 and Witnesses D through F were each handcuffed. At that time, Detective A de-cocked and re-holstered his pistol. Lieutenant A placed his pistol in his waistband.

A subsequent search of the area resulted in the discovery of a fully loaded, .38 caliber revolver placed in an air vent underneath a home, in an area where Lieutenant A and Detective A had observed Subject 1 run. A weapon check revealed that none of the six rounds in the gun had discharged.

The BOPC found that Lieutenant A and Detective A's tactics to warrant divisional training. The BOPC found Lieutenant A and Detective A's drawing and exhibition of a firearm to be in policy.

The BOPC would have preferred that Detective A had communicated his observations regarding Subject 1 to Lieutenant A. The BOPC would have also preferred that Detective A had accelerated his vehicle out of the "kill zone" when he observed the muzzle flash and heard a shot being fired. The BOPC would have preferred that Lieutenant A had exited the vehicle in a manner other than diving with his hands out, while holding his pistol. Doing so drastically increased the chance of Lieutenant A's pistol discharging.

The BOPC noted that Lieutenant A fired only three of the attempted five rounds in his revolver. Additionally, the BOPC noted that Lieutenant A did not possess extra ammunition. The BOPC would have preferred that Lieutenant A had rotated his ammunition regularly and carried additional ammunition. The BOPC would have also preferred that Lieutenant A had carried a holster that would remain secure on his person to avoid having to place his revolver inside his waistband.

The BOPC found Detective A's use of force, round three, to be negligent, warranting administrative disapproval. The BOPC noted that Detective A failed to adhere to basic firearm safety rules. Detective A was scheduled for additional firearms training.

OIS 105-05

Officers A and B were monitoring a feud between two rival gangs. Officer A observed an individual (Subject 1), riding a bicycle on the sidewalk toward the officers. Believing that Subject 1 was a gang member because of his attire and wanting to stop him for the Vehicle Code (VC) violation, Officer A drove his police car along side of Subject 1 while Officer B asked Subject 1 if they could speak with him.

Although Subject 1 looked in the officers' direction, he continued to ride his bike past them. According to Officer B, it appeared that Subject 1 was attempting to evade them because he rode his bike faster. Officer B also noted that it appeared Subject 1 was trying to conceal, and later discard, a heavy object in his waistband or pocket.

Although no weapons were seen in Subject 1's possession, Officer B broadcast, "Can I get an airship to my location, 415 man with a gun," while Officer A activated the forward facing red light and briefly turned on the siren for Subject 1 to stop. Disregarding the orders to stop, Subject 1 continued to fumble with an object in his waistband. At one point during the pursuit, Officer A drove on the sidewalk for approximately 30 yards.

As Subject 1 traveled westbound, Victim A, another driver, traveled eastbound. Wanting to avoid a collision with Subject 1, Victim A stopped his car. Subject 1 then abandoned his bicycle in the roadway and ran toward Victim A's car. Seeing this, the officers stopped their police car and positioned themselves behind their respective vehicle doors in anticipation of a foot pursuit or a confrontation with Subject 1. Officer A drew his weapon to a low ready position but reholstered when Victim A's car passed him and then chased Subject 1 on foot with his partner.

When Officer B reached Victim A's car, he noted that Subject 1 was attempting to force Victim A out of the car and drew his weapon because he believed that Subject 1 was armed. When Officers C and D arrived at scene, they observed Officer B stand next to Victim A's car. Officer D also noted that two individuals were fighting in the front seats of the victim's car and that Officer A was possibly involved. Officer D exited his vehicle and ran toward Victim A's car. Subject 1 forced Victim A out of the car and drove toward Officer D. Officer D, believing that he was going to be struck by the vehicle and that he could not get out of the vehicle's path, unholstered his service pistol and fired one round from a distance of 10 to 13 feet.

Subject 1 then "jerked" the vehicle to the left and continued eastbound without striking Officer D. Subject 1 subsequently collided with a tree and fled on foot. Officer C maintained his position, advised CD of Subject 1's last known direction of travel, and established a perimeter.

The BOPC found Officers A, B, C, and D's tactics to warrant formal training. The BOPC noted that, despite being aware that Subject 1 had violated a VC section, Officers A and B attempted to initiate what appeared to be a consensual encounter with Subject 1, rather than initiate a

pedestrian stop with clear commands. Further, the BOPC would have preferred that the officers had exited their vehicle and taken a position of advantage prior to engaging the suspect.

When the officers began to pursue Subject 1, the BOPC would have preferred that the officers had requested additional resources and broadcast the suspect's physical description, his direction of travel and that the suspect was riding a bicycle. Further, at one point during the pursuit, Officer A drove the vehicle on the sidewalk past an open fast food restaurant. The BOPC would have preferred that the officers had remained on the street and stayed behind Subject 1 while paralleling his movement.

The BOPC would have preferred that, once they arrived on scene, Officer C and D broadcast their observations to CD to inform other responding units.

The BOPC determined that Officer D's lethal use of force was not within the standards of Department policy. Officer D was unable to provide sufficient cause to believe that there were no apparent means to flee from the moving vehicle. The BOPC found Officer D's lethal use of force to be out of policy, warranting administrative disapproval.

ACC 048-05

Officers A and B were in the station parking structure preparing for their start of watch. Officer A did the standard safety check of the shotgun. Upon confirmation that the weapon was loaded and ready to be placed in the patrol unit, Officer A placed the shotgun in the trunk and returned to the station to retrieve other items. He did not communicate to Officer B that the shotgun was loaded and ready for placement in the patrol unit.

Officer B walked to the rear of the patrol unit where he observed the shotgun in the trunk. Officer B, believing the shotgun had not been prepared for patrol, picked up the shotgun and began the standard safety check. In performing the check, Officer B moved the weapon safety to "off" and pulled the trigger in order to test the firing pin. The weapon discharged into the ceiling of the parking structure.

The BOPC found Officer B's weapon discharge to be negligent, warranting administrative disapproval. The BOPC was concerned that Officer B did not follow proper firearm safety procedures, specifically, that he did not properly examine the shotgun to assure it was not loaded prior to depressing the trigger.

ACC 072-05

Off-duty Officer A was seated alone in the living room of his residence, cleaning and putting tactical lights on his personal handguns. Officer A indicated that, while cleaning his semi-automatic pistol, he had inadvertently seated a partially loaded magazine and released the pistol slide that chambered a round. Mistakenly believing that the weapon was not loaded, Officer A pulled the trigger on the weapon, causing the weapon to discharge.

Officer A received a through and through bullet wound to his left hand.

The BOPC found Officer A's use of force to be negligent, warranting administrative disapproval. Further, the BOPC directed Officer A to additional firearms training at Training Division.

ACC 074-05

Officer A completed taking part in a weapons inspection. After the inspection, Officer A chambered a round into his service pistol from a full magazine of 15 rounds he had seated into the pistol magazine well. When Officer A did this, he failed to engage the safety on the pistol. When Officer A was preparing to re-holster the pistol, an accidental discharge occurred. Officer A stated that he did not recall his finger being on the trigger of the pistol when the discharged occurred.

At the time, four other officers were in the patio area, but they did not witness the discharge. Each indicated that they heard a round discharge, turned, and observed Officer A holding the pistol in his right hand pointed toward the ground. The direction the round was fired in was not in the same direction of any of the other occupants on the patio at the time of the discharge.

The BOPC noted that when Officer A chambered a round, he did not use one of three nearby loading/unloading barrels. The BOPC was also concerned that Officer A did not adhere to basic firearm safety rules when handling his service pistol. The BOPC found Officer A's use of force to warrant administrative disapproval. Further, the BOPC directed Officer A to additional firearms training.

ACC 109-05

Officers A and B responded to a radio call of a prowler. The officers arrived at the call location, parked their vehicle and approached the residence on foot. As the officers approached the rear of the house, they observed that the rear yard was fenced with a chain link fence and that the pedestrian gate to the rear yard was ajar. Officers A and B un-holstered their service pistols, proceeded through the gate and began a search of the dimly lit rear yard area.

Officer A, believing the search was completed, holstered his service pistol. Officer A did not feel the pistol was seated correctly in his holster so he withdrew the pistol and attempted to reseat the pistol in the holster. During this effort, Officer A's service pistol discharged, and the round struck him in the right thigh area.

The round entered Officer A's upper right thigh and exited above the knee. Officer A was transported to the hospital where he was treated for a through and through gunshot wound to his right thigh and released.

The BOPC found Officer A's discharge to warrant administrative disapproval. Further, the BOPC directed Officer A to additional firearms training.

ACC 114-05

Officers A and B, who were booking a prisoner, had placed their service pistols in the trunk of their assigned vehicle for safekeeping during the prisoner booking process. When Officer A

returned to the vehicle, he went to the trunk to retrieve his service pistol. As Officer A went to retrieve the pistol, he noted that Officer B's service pistol was placed somewhat on top of Officer A's pistol. When Officer A moved Officer B's pistol, it discharged a round. Officer A indicated that he was unfamiliar with Officer B's pistol. He was not certain whether, when he moved Officer B's pistol, he had his finger on the trigger of that pistol.

The BOPC found Officer A's use of force to warrant administrative disapproval. Further, the BOPC directed Officer A to additional firearms training.

ACC 115-05

Officer A was in a police station parking lot conducting an inspection of his assigned vehicle. After the vehicle inspection was completed, Officer A retrieved his back-up weapon, a .38 caliber revolver, from his back pocket to clean. The officer opened the pistol cylinder and believed he unloaded all five rounds. When the cleaning was finished, the officer closed the cylinder, assumed a right-handed firing position, pointed the pistol at the ground and pulled the trigger. The pistol discharged a round into the parking lot of the police station.

The BOPC found Officer A's use of force to warrant administrative disapproval. Further, the BOPC directed Officer A to additional firearms training.