

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

LAW ENFORCEMENT RELATED INJURY – 005-22

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Newton	2/11/22		
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Officer(s) Involved in Use of Force	Length of Service
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Officer H /PO III	6 years, 4 months
Officer C /PO III	13 years, 5 months

Reason for Police Contact

On February 11, 2022, at approximately 2320 hours, officers observed that a Jeep Wrangler with tinted windows was involved in a significant traffic collision with a large flat-bed-truck. This resulted in a vehicle pursuit of a felony hit-and-run driver (the Subject). The Subject ultimately exited his vehicle, and fled on foot. A short foot pursuit ensued until one officer caught up to the Subject and took him down onto a grassy area in front of a residence. Unbeknownst to the officers during the foot pursuit, the Subject was holding a nine-month-old infant boy. Officers immediately removed the infant from the Subject's arms. The Subject was taken into custody without further incident. The infant was transported to the hospital for medical treatment. It was determined the infant had a skull fracture, likely caused by the takedown of the Subject. The infant, who tested positive for cocaine and fentanyl, was admitted to a hospital for treatment.

Subject(s)	Deceased ()	Wounded ()	Non-Hit (X)
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Subject: Male, 25 years of age.

Board of Police Commissioners' Review

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

General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on January 24, 2023.

Incident Summary

On Friday, February 11, 2022, at approximately 2250 hours, uniformed officers were conducting an investigative traffic stop. The occupants of the vehicle were members of several criminal street gangs. Officers recovered a loaded firearm and a discharged cartridge casing from inside of the vehicle.

During the investigative traffic stop, the officers observed a Jeep Wrangler with tinted windows drive past the location of the stop. The driver of the vehicle was the Subject. The name of a local criminal street gang was shouted from within the Subject's vehicle. Officers began to follow the vehicle.

The Subject's vehicle accelerated and became involved in a significant traffic collision with a large flat-bed-truck. The Subject's vehicle then accelerated away from the scene and the officers initiated a vehicle pursuit for a felony hit-and-run driver. Officers continued the vehicle pursuit until the Subject stopped his vehicle and fled on foot. The officers exited their vehicle and chased after the subject.

At approximately 2319 hours, uniformed Sergeant A was driving a marked police vehicle equipped with Digital In-Car Video (DICV).

Sergeant A was at scene monitoring the investigative stop when he/she observed the Jeep Wrangler drive by their location. Sergeant A and some officers at scene heard what they believed to be the name of a local street gang. Concerned that the occupants of the Jeep were gang members seeking to engage in criminal activity, Sergeant A followed the Jeep as it traveled toward a public housing development. According to Sergeant A, the area within this public housing was a territory claimed by the gang.

Officers A and B followed the vehicle.

The body-worn video (BWV) of the officers at scene was analyzed by Force Investigation Division (FID), Video Technology Unit. The analysis could not identify the statement(s) the Jeep occupant(s) said while driving by.

The FID investigation revealed that none of the sworn personnel observed any occupant other than the Subject exit the Jeep during the entire incident.

Immediately after the traffic collision, Sergeant A broadcast that the traffic collision had occurred. Communications Division (CD) acknowledged and repeated the broadcast. Sergeant A activated his/her vehicle's forward-facing red light at the scene of the traffic collision.

Officers A and B arrived at the scene of the traffic collision and exited their police vehicle. The officers approached the Jeep and ordered the driver to turn off the ignition.

The Subject ignored the officers' commands and immediately drove away, traveling west and then south. The Subject failed to stop at the scene of a traffic collision, identify himself, and render assistance. Based upon the perceived severity of the traffic collision, Sergeant A broadcast that he/she was in pursuit of a hit-and-run felony suspect.

As the Jeep sped away, Sergeant A requested three additional units to respond to the vehicle pursuit.

At 2323:42 hours, uniformed Officers C and D joined the vehicle pursuit as the third unit. The officers were assigned to a marked police vehicle. Officers A and B took over as the primary unit in the vehicle pursuit.

During the pursuit, the Subject stopped multiple times. When this occurred, the pursuing officers stopped, exited their vehicles, and unholstered their pistols, preparing to conduct a high-risk felony stop.

At 2324:45 hours, Officers C and D, equipped with overhead emergency lights, became the primary unit in the vehicle pursuit.

Air Support Division Officers E and F responded to the vehicle pursuit. At approximately 2324 hours, they arrived overhead and Officer F broadcast that they were available for tracking. Sergeant A advised the air unit they would continue to pursue the vehicle, as the occupants were possible gang members looking for an avenue of escape.

At 2326:24 hours, Sergeant A made a broadcast requesting a total of five units to join the vehicle pursuit, due to the pursuit moving out of the city.

Officers G and H joined the vehicle pursuit as the fourth unit and Officers I and J joined the pursuit as the fifth unit.

At 2328:23 hours, Officers K, and L took over the vehicle pursuit. The Officers continued to pursue the Jeep.

At 2329:22 hours, Sergeant A broadcast and authorized the officers to conduct a Pursuit Intervention Technique (PIT) if the opportunity and the conditions allowed it to occur.

At 2331:04 hours, the Jeep slowly turned north onto a driveway that led into an electrical easement and collided into a set of concrete barrier poles. The Subject exited the vehicle's driver-side door and ran north through the electrical easement.

Officers C and D of the primary unit exited their police vehicle, unholstered their pistols, and approached the Subject's vehicle. Officer C cleared the passenger's side of the vehicle and Officer D cleared the driver's side. After clearing the vehicle, the officers went in foot pursuit of the Subject.

Officer H was the passenger in the fourth vehicle of the pursuit. Officer H exited his/her vehicle and pursued the Subject on foot.

Officer H closed the distance on the Subject and was approximately 10 to 15 feet behind the Subject when he/she shouted to him, "Stop, Police, Stop!" It appeared that the Subject began slowing down as Officer H approached him from behind. Officer H then placed both of his/her arms around the Subject's waist and used a combination of the Subject's forward-moving momentum and physical force, resulting in a takedown. The Subject fell forward and landed on his right arm and chest onto the grassy area. The Subject then rolled himself onto his back. Officer H transitioned himself/herself into a top mount hip position and applied a firm grip to the Subject's left arm.

Moments after the Subject fell to the ground, Officer C arrived to assist Officer H. As Officer C ran toward the Subject, he/she ran onto the wet grass, causing him/her to slip onto his/her knees past the Subject's head. Officer C quickly turned around, faced the Subject, and applied bodyweight with both of his/her hands to the Subject's chest.

Within seconds, Officers B and J joined Officers C and H. Officer J observed that the Subject had an infant in his arms and immediately removed the infant from him. Officer B assisted with turning the Subject onto his stomach and then handcuffed him.

Officer J handed the infant boy to Officer G who cared for him until Los Angeles County Fire Department personnel arrived and took the infant to the hospital.

Hours after the incident Sergeant A was provided with an update on the infant's medical status. The doctors determined the infant had a skull fracture. However, the doctor could not determine the cause of the injury. The infant by also tested positive for cocaine and fentanyl. As a result of the physician's findings, the infant was admitted into the hospital.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Sergeant A	Yes	Yes	Yes	Yes	Yes ¹
Officer C	Yes	Yes	Yes ²	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes

¹ Sergeant A's DICV audio was not activated.

² Officer C's BWV became detached from his/her uniform moments before the arrest occurred; therefore, the use of force was not captured.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Sergeant A and Officers C and H's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

As the drawing and exhibiting occurred with the pursuit, it did not apply to the use of force investigation.

C. Non-Lethal Use of Force

The BOPC found Officers C and H's non-lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability.

Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;

- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenario, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, *Tactical De-Escalation Techniques*)

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

Planning and Assessment – Officers C and D had been partners for approximately two months. During that time, they had discussed use of force, pursuit tactics, and contact & cover roles. At the termination of the vehicle pursuit, Officers C and D helped clear the Jeep before pursuing the Subject on foot. As the Subject ran, Officer C observed that he was holding his waistband with his right hand and maneuvering his left hand. During the foot pursuit, Officer C observed the Subject discard what he/she believed to be a firearm. Soon after, officers apprehended the Subject.

Officers G and H had been partners for two and a half years. During that time, they had discussed less-lethal options, foot pursuit tactics, contact & cover roles, and how roles can change. At the initiation of the foot pursuit, Officer H heard an officer yell, “Clear,” and assessed he/she could safely bypass the Jeep. As Officer H chased the Subject on foot, he/she observed him discard an unknown item. He/she also observed that the Subject’s arms and elbows were “pumping,” consistent with someone running “freehandedly.” Assessing, Officer H determined that “apprehension was the correct course of action” and performed a takedown to stop the Subject.

When the pursuit began, Sergeant A did not enter tracking mode because he/she believed the Jeep may contain armed suspects. As the pursuit progressed, Sergeant A noted that despite multiple opportunities for passengers to flee from the vehicle, no one did so. Sergeant A reassessed and opined that perhaps the driver was solely a hit-and-run suspect. In response, he/she approved the use of the Pursuit Intervention Technique (PIT); however, the Subject abandoned the Jeep before a PIT could be performed.

Time and Redeployment/Containment – After colliding with two civilian vehicles, the Subject fled from police and led them in a vehicle pursuit. The Subject subsequently fled from his vehicle on foot. Despite repeated commands, the Subject refused to surrender. The Subject’s actions limited the officers’ ability to contain him and use time as a de-escalation technique. Officers C and H’s efforts to apprehend the Subject, versus containing him, are discussed further in Debriefing Point No. 1.

Other Resources – When this incident began, multiple units, a supervisor, and an airship were present. Initiating the pursuit, Sergeant A requested backup units. During the pursuit, Sergeant A authorized five units, all of which were present when the Subject fled on foot. Additional officers were present to assist Officer H when he/she used a takedown to stop the Subject.

Lines of Communication – After Officer C cleared the Jeep, he/she verbally yelled, “Clear!” to notify other officers that the Jeep was safe to pass. While in foot pursuit, Officer C attempted to alert the other officers that he/she had observed the Subject discard an object; however, he/she may not have been heard. The Use of Force Review Board (UOFRB) would have preferred that he/she had effectively communicated his/her beliefs contemporaneously.

As Officer H passed his/her partners on foot, he/she advised, “I got him!” referring to the Subject. Officer H then ordered the Subject, “Stop!” and identified himself/herself as the “Police!” At the termination of the foot pursuit, Officer J alerted the officers that the Subject was holding an infant and quickly helped remove the infant from the Subject.

During its review of the incident, the BOPC noted the following debriefing topics:

Debriefing Point No. 1 - Foot Pursuit Concepts

When the Subject fled from the Jeep, Officers C and H were among the officers who pursued him on foot. As the Subject ran, Officer C observed that he was holding his waistband with his right hand and maneuvering his left hand. As the Subject continued to run, Officer C observed him discard an item he/she believed to be a gun.

During his FID interview, Officer C was asked what mode he/she was in during the foot pursuit. Officer C stated, “containment;” however, he/she also stated that the primary objective was to apprehend the Subject and take him into custody.

As Officer H chased the Subject, he/she observed the Subject discard an “object” and continue running. As he/she chased the Subject, Officer H could see that both of the Subject’s arms and elbows were “pumping” which led him/her to believe that the Subject was not armed.

The BOPC noted that the UOFRB assessed Officers C and H’s tactics during the foot pursuit. The UOFRB noted that as Officer H approached the Subject’s Jeep, he/she heard an officer advise that the vehicle was clear. In response, Officer H transitioned his/her focus to apprehending the Subject. As Officer H chased the Subject, he/she observed the Subject discard an “object” and continue running. As he/she chased the Subject, Officer H could see that both of the Subject’s arms and elbows were “pumping,” which led him/her to believe he was not armed. Per Officer H, this is why he/she was in apprehension mode. Although Officer H was not asked during his/her FID interview, nor did he/she state that he/she believed the Subject was armed when the foot pursuit began, based on the available evidence, the UOFRB opined that it was appropriate for him/her to pursue the Subject in apprehension mode. The UOFRB also opined that apprehension was appropriate due to Officer H’s extensive training, experience, and physical fitness.

As it pertains to Officer C, the UOFRB was not unanimous. The UOFRB Majority noted that during his/her interview, Officer C stated he/she was in containment mode; however, both his/her stated objective and his/her actions indicated that he/she was in apprehension mode. The UOFRB also noted that before the Subject ostensibly discarded a gun, Officer C observed him holding his waistband with his right hand and maneuvering his left hand as he ran. The UOFRB Majority further noted that according to Officer C, he/she was five to ten feet behind the Subject when he discarded the item. Although Officer C was not asked, nor did he/she state it was so, based on the available evidence, the UOFRB Majority opined that Officer C believed the Subject was armed when he/she began chasing him, and that he/she did so in apprehension mode. The Majority also opined that if their presumption was true, Officer C should have pursued the Subject in containment mode until he/she formed the belief that the Subject was unarmed and/or at a tactical disadvantage. Based on the available evidence, the Majority opined that Officer C's actions substantially deviated, without justification, from Department-approved tactical training.

While the UOFRB Minority agreed that Officer C pursued the Subject in apprehension mode, it disagreed that Officer C explicitly believed that the Subject was armed when the foot pursuit started. The Minority opined that it was not until Officer C saw the Subject discard a possible gun that he/she believed the Subject had been armed. Additionally, per the Department's Directive on Foot Pursuits, pursuing an armed suspect in containment mode is a "should" not a "shall," and the decision to pursue an armed suspect in apprehension may be appropriate when the suspect is at a tactical disadvantage. Regardless of Officer C's presumed beliefs, based on the totality of the circumstances, the Minority opined that the Subject was at a tactical disadvantage.

The UOFRB Minority also noted that the UOFRB unanimously determined that Officer H's tactics did not deviate from Department-approved tactical training. The Minority opined that the main difference between Officer H's statement and Officer C's is that Officer H expressly stated that he/she did not believe that the Subject was armed during the foot pursuit. Based on Officer C's statement, it can be inferred that he/she did not believe the Subject was armed when the foot pursuit started. Based on the available evidence, the Minority opined that Officer C's actions did not deviate from Department-approved tactical training.

The BOPC noted that, based on the available evidence, there was no clear indication that Officer C believed the Subject was armed during the foot pursuit. First, shortly before the Subject abandoned his vehicle and fled on foot, Sergeant A can be heard on Officer C's BWV stating, "Roger, we're good, no indication of firearms, let's do it." This was in response to Officer C's request to perform the PIT. During his FID interview, Officer C said he/she was given approval for the maneuver, indicating he/she heard Sergeant A's broadcast. Second, while Officer C described the Subject as holding his waistband, he/she did not describe seeing the Subject holding a firearm. And third, although a subject holding his/her waistband while running can indicate that he/she is armed, this alone is not dispositive of the issue. These factors are in addition to points identified by the UOFRB Minority.

Based on the totality of the circumstances, the BOPC found that the tactics employed by Officers C and H were not a deviation from Department-approved tactical training.

Additional Tactical Debrief Topics

- **Profanity** – After the Subject was apprehended, Officers A, C, and H used profanity while speaking to/about the Subject. While the profanity was not excessive and likely a product of the incident, it is not a best practice.
- **Protocols Subsequent to a Non-Categorical Use of Force** – Before this incident was deemed a CUOF, Sergeant A directed Officer H to photograph the UOF area. According to Sergeant A, this was due to a lack of available supervisory personnel and because he/she did not have his/her digital camera. Alternatively, Sergeant A could have borrowed Officer H's camera and taken the photos him/herself.
- **Non-Medical Facial Coverings** – Officers C, H, and Sergeant A were observed at the scene not wearing non-medical facial coverings, as directed by the Chief in May 2020.

Command and Control

- Sergeant A arrived at the termination of the vehicle pursuit at approximately 2331 hours. He/she was the first supervisor to arrive at the scene. Upon arrival, Sergeant A directed officers to monitor the Subject's vehicle. While responding to the termination of the foot pursuit, Sergeant A met with an officer who advised that the Subject had discarded a weapon. In response, Sergeant A coordinated a grid search for evidence. Sergeant A advised Communications Division (CD) that there was a Code Four broadcast (i.e., no additional assistance needed) at the location and directed Officer H to take photographs of the location where the UOF occurred. Sergeant A then responded to the original traffic accident location to assess if there were injuries as Central Traffic Division was handling the collision investigation.

At approximately 0200 hours, Sergeant A was advised that the infant was going to be admitted to the hospital for a skull fracture, and because he tested positive for cocaine and fentanyl; however, the physician could not determine the cause of the skull fracture at that time.

At 0247 hours, Sergeant B called the Department Operations Center (DOC) requesting to speak with FID. Approximately two hours later, Sergeant B called the DOC again requesting to speak with the Major Collision Investigation Team.

At 0615 hours, it was determined that this case would be handled as a CUOF. Sergeant A then admonished Officers A, B, C, D, H, I, and J not to discuss the incident.

The BOPC determined that although there were areas identified for improvement, the overall actions of Sergeants A and B were consistent with Department training and expectations of field supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that the actions of Sergeant A and Officers C & H did not deviate from approved Department tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

B. Non-Lethal Use of Force

- **Officer H – Takedown, Physical Force, Bodyweight, and Firm Grips**

During the foot pursuit, Officer H closed the distance and was approximately 10 to 15 feet behind the Subject when he/she shouted, “Stop, Police, Stop!” It appeared that the Subject began slowing down as Officer H approached. Officer H then placed both of his/her arms around the Subject’s waist and used a combination of the Subject’s forward momentum and physical force, resulting in a takedown. The Subject fell forward and landed on his right arm and chest on the grassy area. When the Subject rolled to his back, Officer H transitioned to the mount position (body weight) and applied a firm grip on the Subject’s left arm.

- **Officer C – Bodyweight**

Moments after the Subject fell to the ground, Officer C arrived to assist Officer H. According to Officer C, as he/she ran toward the Subject, he/she slipped on wet grass, causing him/her to slip past the Subject. Officer C recollected that his/her knee did not contact the Subject. Officer C quickly turned around, faced the Subject, and applied body weight with both hands to his chest.

The BOPC noted that the UOFRB assessed Officers C and H’s non-lethal use of force. The UOFRB noted that after colliding with two vehicles, the Subject led officers in a vehicle pursuit. At the termination of the pursuit, the Subject fled on foot. Despite officers’ commands to the contrary, the Subject continued to run from officers. Due to his/her athletic abilities, Officer H was able to close the distance and take the Subject to the ground. Officers C and H then used bodyweight and firm grips to apprehend the Subject. Based on the totality of the circumstances, the UOFRB opined that the officers used only the force that was needed to overcome the Subject’s resistance and effect his arrest.

The UOFRB assessed Officer C's assertion that he/she slipped on wet grass and did not contact the Subject with his/her knee. Based on the available evidence, the UOFRB opined that his/her assertion was correct.

As it pertains to the infant, the UOFRB noted that at 2331:25 hours, the infant's legs were visible on BWV as they swung from in front of the Subject; however, based on the available evidence, there was no indication that officers were aware of the infant's presence before the UOF. The UOFRB also noted that the officers on the ground and in the airship did not know the Subject was holding the infant when he fled from the Jeep. The UOFRB opined it was reasonable that officers were unaware of the infant's presence before the UOF, as it was not something officers would have expected to see. The UOFRB opined that a fleeing suspect carrying an infant is a rare occurrence at best and something that most officers will never encounter.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officers C and H, in the same situation, would reasonably believe that the non-lethal use of force was proportional and objectively reasonable. Therefore, the BOPC found Officers C and H's non-lethal use of force to be In Policy.

Medical Treatment/Rendering Aid

- The FID investigation revealed that before requesting the rescue ambulance (RA), Officer G evaluated the infant for any injuries that he/she could have sustained from the traffic collision or takedown. Approximately 90 seconds after the UOF, Officer J requested an RA for the infant. While waiting for the RA, Officer G and H again assessed the infant for injuries and located a bump on the back of his/her head. At 2344 hours, the RA arrived and paramedics rendered aid to the infant.

A Los Angeles Fire Department RA then transported the infant to LAC+USC Medical Center. The doctor determined that the infant had a right parietal skull fracture but was unable to determine the cause of the injury. The final report noted that the infant's skull fracture was consistent with the takedown of the Subject by the officers during the use of force.

At 2331:58 hours, Officer B handcuffed the Subject. Officers B and H then assisted him to his feet. Before transporting the infant, Firefighter/Emergency Medical Technicians evaluated the Subject and determined that he had no injuries or medical complaints.

Requirement to Intercede

- Based on its review of this incident, the BOPC determined that the force used was not clearly beyond that which was necessary, as determined by an objectively

reasonable officer under the circumstances and would not have required an officer to intercede.