

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

LAW ENFORCEMENT-RELATED INJURY 008-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Southwest	2/13/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer M	8 years 3 months
Officer N	1 year 6 months
Officer O	4 years 5 months
Officer P	3 years 8 months

Reason for Police Contact

Uniformed officers pursued a stolen vehicle, during which time the suspect's (Subject's) vehicle was disabled. The Subject exited the vehicle and begin fleeing on a skateboard. An officer pushed the Subject from the skateboard, which resulted in a Law Enforcement-Related Injury (LERI).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Male, 30 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 (FID) investigation (including all of the transcribed statements of witnesses, pertinent suspect 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 (Chief); 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 February 6, 2024.

Incident Summary

On Monday, February 13, 2023, at approximately 0430 hours, Witness A was sleeping inside his residence. Witness A woke up to the sound of Victim A's [his father's] gray

pick-up truck with an attached dump trailer driving away from their residence. Witness A looked outside and discovered his father's vehicle missing and called 911.

At 0432:38 hours, Communication Division (CD) broadcast a radio call of the theft.

Witness A was initially unable to provide CD with the license plate number to his vehicle. Several minutes after the first call, Witness A called 911 once again and provided the license plate number which was added to the comments of the radio call.

At 0444:28 hours, CD assigned the radio call to Police Officers A and B. Officer A was the driver officer of a marked black and white Sport Utility Vehicle (SUV), equipped with ballistic door panels and Digital In-Car Video (DICV). According to Officer A, at the start of watch, the vehicle's DICV forward-facing red light and siren were inspected. The equipment was found to be fully functional.

According to both officers, prior to the start of watch, they were informed, due to a statewide system outage, that they would not be able to verify vehicle registration information or conduct license plate queries during their watch.

According to Officer B, due to the outage, after receiving the radio call, he/she directed CD via his/her Mobile Digital Computer (MDC) to advise Victim A to report his vehicle stolen at the police station later in the day. Officer B interrupted his/her unit's response through the MDC and held the call in the event the technical issue was resolved and the system went back online.

According to the incident recall, CD advised Victim A to make a police report at the police station. The investigation determined that the officers did not "go Code Six" (i.e., broadcast their arrival on scene) at Victim A's residence.

All the below referenced times were derived from Officers A and B's BWV and DICV unless otherwise noted.

At 0602:30 hours, Officers A and B observed a gray pickup towing a white dump trailer. The pickup was in front of the officers when they noticed it matched the description of Victim A's vehicle. There was a single occupant inside the vehicle later identified as the suspect (Subject).

As the officers followed the vehicle, Officer B conducted an inquiry into the previously mentioned incident via the MDC and confirmed the license plate number of Victim A's vehicle and the vehicle they were following were the same.

The officers continued to follow the Subject south and stopped at a red tri-light. Police Officers C, D, E, and F arrived and joined the following as the second and third units.

As the officers followed the vehicle, CD broadcast that the air (helicopter) unit was launching. The investigation determined that the use of force occurred prior to the launch of the air unit and they ultimately cancelled their response.

The vehicle following continued when the officers observed the pickup accelerate to approximately 60 miles per hour.

As the vehicle approached an intersection, the trailer sideswiped the driver side of a parked grey vehicle and failed to stop. The Subject continued driving at a high rate of speed.

At 0606:04 hours, Officer A momentarily activated then de-activated the police vehicle's forward-facing emergency lights and siren as the officers pursued the Subject.

Although Officer A de-activated the emergency lights and siren, FID investigators determined that the vehicle pursuit was initiated at that moment.

At 0606:07 hours, Officer B broadcast that the unit was in pursuit. At 0606:21 hours, Sergeant A, responded to the area of the vehicle pursuit.

At 0606:34 hours, Officer A activated the emergency lights and siren on his/her police vehicle for the remainder of the pursuit.

Among the units to respond were Police Officers G, H, I, J, K, and L.

At 0606:58 hours, the Subject attempted a turn to another street. The truck and trailer jack-knifed in the intersection and came to a stop, facing north, in the officers' direction. The investigation determined the vehicle pursuit lasted 54 seconds and covered approximately 0.56 miles.

Officer A stopped his/her vehicle, exited, and unholstered his/her pistol. Officer A stood behind his/her vehicle door and shouted, "Stop, stop, stop." Officer B opened his/her vehicle door and while seated in the passenger seat broadcast the stop.

Officer C simultaneously stopped his/her vehicle to the right of Officer A and B's vehicle. Officers C and D exited their vehicle, unholstered their pistols, and shouted commands toward the Subject.

Officer E stopped his/her vehicle to the rear of Officers A and B's vehicle. Officers E and F exited their vehicle and unholstered their pistols.

According to Officer A's DICV, as the officers shouted commands toward the Subject, he exited the vehicle holding a skateboard. The Subject ignored the officers' commands, mounted the skateboard, and fled. Several officers ran after the Subject, including Officers A, B, C, D, E, and F.

As the Subject fled Police Officers M and N were driving in the area. According to Officer M, he/she lost sight of the vehicle pursuit and was unsure if any additional units responded to assist the officers.

At 0607:19 hours, as the officers pursued the Subject on foot, Officer B broadcast, their location and requested an additional unit. In response to Officer B's request, Officers M and N positioned their vehicle along the west side of the roadway in the area.

According to Officer M, he/she expected to see the pursuing officers and the fleeing Subject in front of him/her. Officer M was surprised to find he/she and Officer N were the only unit at the location.

Police Officers O and P also responded to the area of the officers' back-up request. Officers O and P were stopped when they observed the Subject fleeing on the skateboard.

Believing that their vehicle would not be able to follow the Subject due to additional police vehicles in front of them, Officer P exited the vehicle and ran after the Subject. Officer P shouted at the Subject to stop multiple times. According to Officer P, he/she made the decision to apprehend the Subject on foot due to the air unit being unavailable, he/she was familiar with the immediate area, the Subject did not appear to have anything in his hands, and there were sufficient units with him/her.

According to Officer O and P's DICV, at 0607:38 hours, Officer O drove past Officer P, around the Subject and stopped just north of Officers M and N's vehicle.

Simultaneously, according to Officer M, as he/she and Officer N were seated inside their vehicle, he/she looked through the driver-side mirror and observed the Subject on the skateboard, headed in his/her direction. Officer M observed Officer P running approximately five feet behind the Subject who was moving at approximately 10 to 15 miles per hour. Officers M and N alerted one another that the Subject was approaching and exited their vehicle.

According to Officer M, his/her intent was to time his/her approach and grab the Subject's right side and pull him off the skateboard. Officer M stated, "I was going to grab at him. There were certain, or tactical considerations that I had to take into account, such as his size. He wasn't a small guy. He was actually very proficient on the skateboard, so he seemed like he was traveling at a pretty good pace. And I didn't want to put myself directly in front of him for obvious reasons, such as him tackling me or his skateboard hitting my ankles and potentially risking myself getting injured. So my approach was to try to grab him from the side."

At 0607:47 hours, as the Subject continued in Officer M's direction, Officer M stepped toward the Subject, reached out with both hands, and pushed him on the upper torso area. The Subject veered toward the east curb and fell from skateboard onto the curb in the prone position.

After the Subject fell to the ground, Officers M, N, O, and P made physical contact with him. According to Officer M, the Subject initially resisted as the officers attempted to take him into custody.

Officer M pulled the Subject's left arm from underneath his torso and held it behind his back. Officer M placed his/her right forearm against the Subject's back to prevent him from moving. Officer P assisted Officer M with controlling the Subject's left arm. Officer N took hold of the Subject's right hand and held it behind his back.

Officer O placed his/her right and left hand on the back of the Subject's legs and applied body weight on him.

At 0607:56 hours, as the officers were controlling the Subject, Officers G and H arrived at scene. Officer G immediately assisted the officers and handcuffed the Subject without further incident. The Subject was moved to his right side into a recovery position when the officers discovered the injury to his right leg.

At 0608:15 hours, Officer I, broadcast a Code Four (i.e., no further assistance needed) followed by a request for a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) to respond.

Sergeant A and Sergeant B arrived at the termination of the foot pursuit. The officers informed Sergeant A that a use of force had occurred. According to Sergeant A, he/she observed the Subject's leg severely broken and bleeding. Sergeant A believed that he would likely be admitted to a hospital. Sergeant A directed the involved officers to deactivate their BWV cameras and they were monitored by Sergeant B.

Sergeant A notified the Watch Commander, Sergeant C, of the use of force and injury sustained by the Subject.

At 0621:52 hours, an RA staffed by Firefighter Paramedics (FF/PM) arrived at scene and transported the Subject to the hospital for treatment.

BWV and DICV Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer M	Yes	Yes	Yes	Yes	Yes
Officer N	Yes	Yes	Yes	Yes	Yes
Officer O	Yes	Yes	Yes	Yes	Yes
Officer P	Yes	Yes	Yes	Yes	Yes

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 Officers M, N, O, and P's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

The BOPC found Officers M, N, O, and P'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 scenarios, 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 RA 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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- Planning
- Assessment
- Time
- Redeployment and/or Containment
- Other Resources
- Lines of Communication

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

Planning and Assessment – Officers M and N had been partners on two separate occasions. Prior to their start of watch, they discussed basic tactics, traffic stops, and contact/cover roles. At the termination of the vehicle pursuit, they began establishing a perimeter. While parked on the west side of the curb, Officer M observed officers foot-pursuing the Subject. Officer M did not observe anything in the Subject's hands, stepped out of his/her vehicle, and pushed him off of his skateboard while attempting to apprehend him.

Officers O and P had been partners for approximately one year. During that time, they had discussed foot-pursuit tactics and contact/cover roles. Officer P exited his/her patrol vehicle and, believing they were in apprehension mode, began foot pursuing the Subject. He/she observed that the Subject's hands were empty and believed that he/she would be able to apprehend him. Officer O remained in the vehicle paralleling his/her partner and the Subject. Officer O did not believe that the Subject was armed and was also in apprehension mode.

Time and Redeployment/Containment – After losing control of the vehicle, the Subject fled from police and led them in a foot pursuit while riding a skateboard. The pursuing officers requested a perimeter to contain the Subject. Officers M, N, O, and P set up their position ahead of the Subject to contain him. Due to the Subject's use of the skateboard and rapid speed, Officers O and P were unable to contain him and foot pursued him. Officers M and N's position allowed them to stop the Subject from escaping and kept him contained when they contacted him. The Subject's speed on the skateboard limited the officers' ability to use more time or redeployment to further de-escalate the incident.

Other Resources – When this incident began, multiple units were present. A supervisor was responding, and an airship had been requested. During the vehicle pursuit, Sergeant A requested an additional unit, for a total of four, for post-pursuit tactics. Additional officers were also present to assist Officer M in taking the Subject into custody.

Lines of Communication – At the termination of the vehicle pursuit, Officers A, B, E, and F issued multiple commands to the Subject to stop when they first attempted to detain him. The Subject failed to comply with their commands, instead fleeing on a skateboard. While Officer P was foot-pursuing the Subject, he/she identified him/herself as a police officer and issued commands to stop. The Subject continued to ignore the commands. Officers O and P communicated with one another regarding the Subject's location. Officer M told Officer N that the Subject was coming up from behind them as he/she exited the police vehicle. This allowed Officer N to react and exit the vehicle as well and aid in taking the Subject into custody. The UOFRB noted that the officers were limited on time to communicate a thorough plan due to the Subject's speed and the officers' need to react quickly. However, regarding Officers O and P, the UOFRB would have preferred that the officers had communicated a plan with one another prior to employing such complex tactics as a parallel foot pursuit with a vehicle.

During the review of the incident, the following additional Tactical Debrief Topics were noted:

Additional Tactical Debrief Topics

Foot Pursuit Concepts (Paralleling in Vehicle) – When Officer P exited his/her vehicle to foot pursue the Subject, his/her partner, Officer O, remained in the vehicle and drove alongside and overtook the Subject.

The UOFRB would have preferred that Officer O had stayed behind the Subject and maintained sight of him, affording the greatest tactical advantage, rather than driving past him. The UOFRB opined that because Officer O had to multitask between driving the vehicle and monitoring the Subject and his/her partner, while also needing to be prepared to react to the Subject's actions, he/she limited his/her tactical advantage. The UOFRB noted that Department policy allows for this tactic while in apprehension mode and it was therefore not a substantial deviation. However, the UOFRB cautioned that use of this tactic has the potential to place officers at a disadvantage and should be used only in limited circumstances when the incident allows for its safe use.

Tactical Communications – The UOFRB noted that the officers were limited on time to communicate a thorough plan due to the Subject's speed on the skateboard and their need to react quickly. However, regarding Officers O and P, the UOFRB would have preferred that the officers had communicated a plan with one another prior to employing such complex tactics.

Based on the totality of circumstances, the BOPC determined the tactics employed by Officers M, N, O, and P were not a substantial deviation from Department-approved tactical training, and warranted a finding of Tactical Debrief.

Command and Control

At approximately 0607 hours, Sergeant A declared himself/herself Incident Commander (IC) and showed himself/herself Code Six with the vehicle pursuit and immediately requested an additional unit in the vehicle pursuit for post-pursuit tactics. Sergeants A and B arrived at the termination of the foot pursuit shortly after the Subject was taken into custody. Sergeant A observed the Subject's leg to be bleeding and apparently broken. He/she believed that he would be admitted to a hospital, resulting in an FID response. Sergeant A directed the involved officers not to discuss the incident and directed Sergeant B to monitor them. Sergeant A then notified the Watch Commander, Sergeant C, of the use of force and injury sustained by the Subject.

The BOPC determined that the overall actions of Sergeant A and B were consistent with Department training.

B. Non-Lethal Use of Force

Officer M — Physical Force, Bodyweight, and Firm Grips

Officer N — Firm Grips

Officer O — Bodyweight, Firm Grips

Officer P — Firm Grips

During the foot pursuit, Officer M exited his/her vehicle and attempted to grab the Subject on the skateboard as he headed in his/her direction. Officer M stepped towards the Subject, reached out with both hands, and pushed him on the upper torso area. The Subject veered toward the east curb and fell from the skateboard onto the sidewalk in the prone position. Officer M placed his/her right forearm on the Subject's back, applying his/her bodyweight to prevent him from moving. He/she used his/her left hand to grab the Subject's left arm and pull it from underneath his torso and hold it behind his back. Officer N took control of the Subject's right hand and held it behind his back with a firm grip. Officer P assisted Officer M with controlling the Subject's left arm using a firm grip. Officer O placed his/her right and left hands on the back of the Subject's legs and applied bodyweight to prevent him from kicking or attempting to get up. Officer O then assisted in controlling the Subject's left hand behind his back.

The UOFRB conducted a review and analysis of the investigation and circumstances of the incident in determining the reasonableness of the non-lethal force used by Officers M, N, O, and P.

As it pertains to Officer M, the UOFRB noted that he/she used physical force, firm grips, and bodyweight to control the Subject. The UOFRB noted that the push Officer M used to get the Subject off the skateboard was effective in preventing his escape and enabled officers to effect his arrest. Additionally, the UOFRB noted that pushes are taught by the Department as a method of ending foot pursuits when in apprehension mode. The UOFRB opined that pushing the Subject off the skateboard was objectively reasonable and proportional to the Subject's attempt to escape on the skateboard. Based on the Subject's level of resistance, the UOFRB opined that the force applied by Officer M to take him into custody was objectively reasonable and proportional.

As it pertains to Officer N, the UOFRB noted that he/she used firm grips to control the Subject. Based on the Subject's level of resistance, the UOFRB opined that the force applied by Officer N was objectively reasonable and proportional.

As it pertains to Officer O, the UOFRB noted that he/she used bodyweight and firm grips to control the Subject. Based on the Subject's level of resistance, the UOFRB opined that the force applied by Officer O was objectively reasonable and proportional.

As it pertains to Officer P, the UOFRB noted that he/she used firm grips to control the Subject. Based on the Subject's level of resistance, the UOFRB opined that the force applied by Officer P was objectively reasonable and proportional.

Based on the totality of circumstances, the BOPC determined that an officer with similar training and experience as Officers M, N, O, and P would believe the force used was objectively reasonable and proportional. Therefore, the BOPC found Officers M, N, O, and P's non-lethal use of force to be In Policy.