

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

LAW ENFORCEMENT-RELATED INJURY 026-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	6/19/2023		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	7 years, 5 months
Officer B	7 years
Officer C	3 years, 1 months
Officer E	2 years, 5 months
Officer D	1 year, 3 months

Reason for Police Contact

Officers responded to a radio call of an *Assault with a Deadly Weapon (ADW) Suspect There Now*. The subject was reported to be armed with a crowbar and a handgun. While attempting to detain the subject, officers deployed a 40mm Less-Lethal Launcher, a TASER, and a beanbag shotgun, resulting in a Law Enforcement Related Injury (LERI).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject, Male, 39 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations, 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 April 30, 2023.

On June 19, 2023, at approximately 1510 hours, Witness A observed a subject, later identified as Subject, running toward her and other community members. According to Witness A, Subject was acting "*high strung*," yelling and challenging people while waving a 2 ½-foot crowbar. Witness A believed Subject was instigating a fight and heard him say, "*Anybody got a problem? I ain't afraid today.*" And "*If anyone has a problem. Like, come try me.*" At one point, Witness A observed a six-year-old child nearly get struck by Subject's erratic swinging of the crowbar. Additionally, Witness A observed the curved wooden handle of what she believed was a handgun protruding from Subject's waistband and called 911. At 1520 hours, Communications Division broadcast the *ADW Suspect There Now* radio call.

Officers B and A were assigned the Code Three call. While en route, Officer B read the comments of the call to Officer A, which included that Subject was shirtless, wearing blue shorts, and waving a crowbar at passersby, while additionally armed with a handgun in his pocket. Officers A and B arrived approximately one minute later and Officer B broadcast that they were Code Six in the area.

As they drove north, Officer B observed Subject walking north on the east sidewalk carrying a "*metal stick*" in his right hand. Officer A then activated their vehicle's siren and pulled to the east curb, south of Subject. Subject looked over his left shoulder at the officers but continued to walk north while repeatedly slamming the end of the rebar on the sidewalk.

According to both officers, when Subject walked away, they observed the wooden handle of a handgun protruding from Subject's right waistband. As they followed Subject, Officer B requested backup for a "*415 Man with a possible gun.*" Officer B opened his/her passenger door and used the ballistic panel as cover, before unholstering his/her duty pistol. Officer B kept the passenger door open and repeatedly ordered Subject to stop. In response, Subject, looked over his left shoulder at the officers and sprinted north several yards, before striking the sidewalk repeatedly with the rebar.

When Subject neared the next intersection, he turned toward the open entrance of a business, but a security guard warded him off by holding a stool with the legs toward Subject. As this occurred, Officer A stopped their vehicle at the east curb, south of Subject, and both officers stood behind their respective vehicle doors. At this time, Officer A unholstered his/her duty pistol.

When Officer B ordered Subject to put his hands up, Subject walked toward the officers with the rebar in his right hand and pointed it in the officers' direction while speaking unintelligibly. Officer B again ordered Subject to "*Get your hands up! Do not come any closer,*" at which point Subject turned and walked north, away from the officers.

Officers C (driver) and D, who broadcast they were backing Officers A and B, arrived, and stopped immediately west of Officers A and B's vehicle. As Subject walked away

from the officers, Officer C unholstered his/her duty pistol, and Officer D retrieved their beanbag shotgun from the trunk of their vehicle.

As Subject crossed the intersection, Officers C, D, A, and B followed in their respective vehicles. Officers A and C holstered their duty pistols prior to following; however, Officer B remained unholstered, with his/her passenger door open. When Subject reached the north side of the intersection, he again struck the piece of rebar against the ground before passing multiple community members and continuing north.

As Subject continued north on the east sidewalk, Officer C drove north, ahead of Subject, and briefly stopped their vehicle. In response, Subject sprinted north on the sidewalk past them. As this occurred, Officer B broadcast that Subject was “*running northbound...*” Officer C drove past Subject a second time and stopped his/her vehicle facing the east curb, north of Subject.

Officers C and D exited their vehicle. Officer C unholstered his/her pistol while Officer D maintained the beanbag shotgun. As Subject walked north on the sidewalk past them, the officers ordered him to stop and show his hands. Additionally, Officer C directed community members to move out of Subject’s path.

Simultaneously, Officer A stopped their vehicle south of Subject. He/she and Officer B exited and briefly unholstered their pistols. Officer B can be heard on BWV warning community members to get out of Subject’s way. Subject ignored the officers’ commands to stop and continued north. Officers A and B holstered their pistols and drove past Officers C and D, who were now following Subject on foot. Officers A and B then stopped parallel to Subject.

Up to this point, Officer B noted that Subject had not attempted to draw the item he believed to be a firearm and consequently acquired the 40mm Less-Lethal Launcher (hereafter referred to as 40mm) from the rack inside their vehicle. Officers A and B exited their vehicle, with Officer A unholstering his/her duty pistol and Officer B loading the 40mm. While Subject continued walking north, they joined Officers C and D in following Subject on foot.

Officer D repeatedly ordered Subject to “*Drop it;*” however, Subject maintained possession of the rebar as he passed multiple open business. As Subject approached a store opening, Officer D raised the beanbag shotgun toward Subject. On his/her BWV, Officer A can be heard saying, “*Background, background, background!*” alerting Officer D that Subject was passing in front of a community member. After Subject passed the community member, Officer A said, “*Hit him! Hit him!*” directing Officer D to discharge the beanbag shotgun.

While Officer D manipulated the beanbag shotgun, Subject transferred the rebar to his left hand, and with his right hand, he reached for the knife with the wooden handle in his waistband. At this point, Officers B, A, and C were positioned in the street parallel to Subject. According to Officer B, he/she believed Subject was about to draw a firearm.

In an effort to de-escalate a potentially lethal force situation, Officer B aimed the 40mm at Subject's navel area and discharged one round.

The 40mm round missed Subject and penetrated the glass door of a business. Immediately after Officer B fired, Subject pulled the curved handled knife from his waistband and held it in his right hand.

According to Officer B, prior to making the decision to discharge the 40mm, he/she observed that community members inside the business south of Subject had cleared away from the glass doors. Officer B's 40mm round appeared to have passed behind Subject. After penetrating the glass door, the 40mm projectile bounced off the floor and contacted a community member in the upper right arm, causing a bruise.

Subject continued walking north toward additional open businesses. According to Officer D, he/she was concerned that Subject would enter a business with the rebar and possible firearm and could cause serious bodily injury or death to the occupants inside. While walking north, Officer D discharged two beanbag rounds at him, within four seconds, from an approximate increasing distance of 24 to 30 feet.

Officer D indicated he/she heard Officer A's direction to fire the beanbag; however, his/her decision to discharge the beanbag was based on his/her assessment.

Officer D discharged the first beanbag round approximately four seconds after Officer B discharged the 40mm round. According to Officer D, he/she aimed at Subject's left belt line while moving. A review of BWV determined that after being struck on the left shoulder by the beanbag round, Subject dropped the knife and transferred the rebar into his right hand as he continued walking north.

Officer D assessed that the first beanbag round had not stopped Subject, and while still on the move, he/she aimed at Subject's lower abdomen and discharged a second beanbag round, which struck Subject on his left cheek. Subject immediately dropped the rebar and collapsed to the ground.

Officers E and F (driver) heard the radio call of a "415 man" armed with a crowbar and a possible firearm. They responded Code Three to the backup request. While en route, Officer E donned latex gloves, which is his/her practice when responding to radio calls. Officer F parked their vehicle approximately three businesses south of Subject and the group of officers following him. As Officer E exited the passenger seat, he/she heard a less-lethal munition being fired, which he/she determined to be ineffective, because Subject was still walking away. Officer E observed Subject armed with the rebar.

As Officer E approached the officers following Subject, he/she observed officers with their firearms unholstered, providing lethal cover. Officer E was concerned that Subject would possibly access a firearm or go inside a business and harm others. Officer E ran north on the sidewalk toward Subject, unholstered his/her TASER, and turned it on. Officer E heard an additional less-lethal round being discharged and observed that

Subject was still standing and approaching the door of an open business. Officer E believed he/she approached within 12 feet, aimed the laser sights at Subject's beltline, and discharged the TASER.

Officers A and C holstered their pistols, approached Subject, and handcuffed him. As they did so, Officers B and E provided cover with the 40mm Less-Lethal Launcher TASER, respectively. When Officer D moved forward with the other officers, he/she used his/her foot to move the rebar south, away from Subject. Officer C immediately searched Subject, removed the knife sheath from his right waistband, and placed it on the ground. Officer C then placed Subject in a right-lateral recovery position, as Officer B requested a rescue ambulance (RA). After being in the recovery position for approximately three minutes, Subject indicated to Officer Uribe that he wished to stand, at which point Officer Uribe assisted Subject to his feet.

At approximately 1532 hours, Los Angeles Fire Department (LAFD), arrived, and treated Subject for lacerations to the left side of his. At approximately 1541 hours, they transported Subject to the hospital, where the doctor initially treated him for a penetrating laceration to his left cheek. Force Investigation Division received initial notification from Central Division of a potential pending LERI and notified the Department Operation Center (DOC) of the assessment at 1625 hours. At approximately 1810 hours, medical staff determined that Subject would be admitted to the hospital to repair his fractured mandible. At 1830 hours, FID assumed investigative responsibility and notified the DOC.

Force Investigation Division detectives reviewed the documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID.

Los Angeles Board of Police Commissioners' Findings

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

Tactics: The BOPC found Officers A, B, C, D and E's tactics to warrant a finding of Tactical Debrief.

Drawing and Exhibiting: The BOPC found Officers A, B and C's drawing and exhibiting of a firearm to be In Policy.

Less-Lethal Use of Force: The BOPC found Officer B, D and E's less-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 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 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 – This incident was the first time working together for Officers A and B. According to Officer B, they discussed tactics throughout their shift, including contact and cover roles and less-lethal options. Officers C and D were also working together for the first time and they discussed similar topics at their start of watch. At the time of the incident, Officers F and E had been partners for approximately three months and discussed tactics on multiple occasions, including contact and cover roles, use of available resources and routes of approach.

While Officers A and B were en route to the radio call, they discussed the comments of the call and their plan to verify if Subject was armed with a firearm. After arriving at scene, the officers observed Subject slamming the rebar on the ground as well as the wooden handle of what they believed to be a firearm protruding from his waistband. Officers A and B assessed Subject's actions to be erratic and aggressive, as if under the influence of unknown substances or mentally ill and requested a back-up. Officer A reminded officers to use cover as they followed Subject. Additionally, Officer A assessed and realized following Subject in their vehicle was not working and decided to follow him on foot.

While following Subject, the officers observed multiple open businesses and bystanders around him and assessed he was a danger to them. Officer B assessed Subject was not reaching for the firearm, so he/she retrieved the 40mm LLL from the rack inside his/her vehicle. Right before less-lethal munitions were used on Subject, the officers assessed the possibility of him entering one of the nearby open businesses and harming the bystanders inside. Based on his/her assessment, Officer A directed Officer D to discharge the beanbag shotgun at Subject. Officer B assessed as Subject reached for the possible firearm in his waistband and discharged the 40mm LLL. Officers B and D assessed each round's effectiveness.

While en route to the back-up request, Officers E and F discussed the comments of the radio call. Upon arrival, Officer E heard less-lethal munitions being fired and assessed they were ineffective. Officer E observed none of the officers at scene had deployed a TASER. When Officer E assessed Subject was possibly acquiring a firearm and entering a nearby business to harm others, he/she unholstered and discharged his/her TASER.

Time and Redeployment and/or Containment – Officers A, B, C and D followed Subject in their respective vehicles as he walked north on Broadway. The officers attempted to contain and triangulate on Subject by positioning their vehicles in a way that allowed them to use their vehicle doors as cover, while maintaining distance from him. The officers gave Subject time to comply by giving him multiple commands to stop and drop the rebar, but he refused to comply. Officers redeployed from their vehicles to follow Subject on foot and utilized parked vehicles along the east curb of Broadway as cover as they continued their attempts to contain him.

Other Resources and Lines of Communication – After Officers A and B observed the wooden handle protruding from Subject's waistband, Officer B requested a back-up for a man armed with a firearm. Officer A directed all officers at scene to move forward and follow Subject. Throughout their encounter with Subject, Officers A, B, D and C used clear, concise commands to take him into custody without incident, but Subject refused to comply. The officers also directed nearby bystanders to get away from Subject and out of their line of fire. Throughout the incident, the officers communicated with each other clearly and effectively, discussing the need for less-lethal and alerting each other to Subject's background. Once Subject's background was clear, Officer A directed Officer D to discharge the beanbag shotgun.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1: Use of Force Warning

Officers B, D and E did not give Subject a verbal warning prior to discharging the 40mm LLL, beanbag shotgun and TASER respectively.

The UOFRB (Use of Force Review Board) evaluated the tactics employed by Officers B, D and E with regards to not giving Subject a use of force warning prior to discharging their respective less-lethal force options. The UOFRB noted Subject was armed with a piece of rebar and had a knife with a wooden handle in his waistband, which the officers believed was a firearm. The UOFRB also noted the officers formed the opinion Subject's behavior was erratic and aggressive due to possibly being under the influence of unknown substances and/or mental illnesses and further noted the officers were concerned for the bystanders around him and in the nearby businesses. The UOFRB assessed the officers were presented with a stressful situation that was fluid and ever-changing. Subject was armed, refused to comply with officers and was mobile in an area where he posed an immediate threat to people near him.

The UOFRB discussed the feasibility of a use of force warning in that situation. The UOFRB noted the Department's less-lethal directives states an officer shall, when feasible, give a verbal warning prior to using less-lethal to control an individual. Feasibility, the UOFRB noted, does not equate simply with having the time to give a warning. In this incident, the situation was not a standoff or static but was dynamic, which was occurring in the downtown business district at a time that had heavy pedestrian and vehicle traffic. The responding officers were multitasking, including formulating a plan, assessing the situation, looking for cover, maintaining distance while looking for the safest opportunity to deploy less-lethal munitions. Based on the situation, the UOFRB opined it was not feasible for the officers to give a use of force warning.

Based on the totality of the circumstances, the BOPC determined the tactics employed by Officers B, D and E were not a substantial deviation from Department-approved tactical training.

Debriefing Point No. 2: Basic Firearms Safety Rules

A review of Officer D's body worn video (BWV) footage determined at 1524:10 hours and 1524:28 hours, he/she placed his/her finger in the trigger guard of the beanbag shotgun for approximately one second both times when he/she raised it toward Subject. Officer D took his/her finger out of the trigger guard when he/she lowered the beanbag shotgun due to the bystanders in front of and behind Subject.

According to Officer D, prior to discharging his/her beanbag shotgun, he/she recalled positioning his/her beanbag shotgun from low ready to up on target (Subject) approximately "five to 10" times and recalled placing his/her finger on the trigger guard. Officer D stated he/she did not discharge the beanbag prior to that due to the pedestrians in his/her foreground and background.

The UOFRB evaluated the tactics employed by Officer D with regards to his/her adherence to the Basic Firearms Safety Rules and the findings were not unanimous.

The UOFRB Majority took into consideration the stressful and dynamic situation combined with Officer D's lack of experience, which contributed to him/her not recalling momentarily placing his/her finger in the trigger guard of the beanbag shotgun. The Majority noted Officer D was a probationary officer at the time of the incident, opining the training and experience of an officer with his/her tenure is different from that of a more experienced officer. The Majority opined due to the situation, Officer D reverted to his/her training, which is to, when appropriate, disengage the safety, come up on target and discharge the beanbag shotgun. The Majority noted there were moments Officer D could have discharged the beanbag shotgun but took into consideration his/her constant assessment of pedestrians in his/her foreground and background, supplemented by his/her statement that he/she came up on target approximately five to ten times intending to, but before actually committing to his/her decision to discharge a round at Subject once he/she was clear of pedestrians. The Majority opined it was commendable of Officer D to not have discharged a round with pedestrians around Subject. The Majority also took into consideration Officer D held the beanbag shotgun in a left-handed configuration, leading him to place his/her trigger finger across the front of the trigger guard and on the safety. During the UOFRB, FID stated the investigation could determine Officer D's finger was within the trigger guard but could not confirm if the finger was on the actual trigger.

The UOFRB Minority noted Officer D was on probation at the time of the incident and noted he/she failed to chamber a beanbag round when he/she initially deployed the beanbag shotgun. The Minority was concerned Officer D did not recall placing his/her finger on the trigger or coming up on target with his/her sights aligned. Furthermore, Officer D, the Minority opined, was unable to articulate his/her intention to discharge the beanbag shotgun, which supported the placing of his/her finger inside the trigger guard was unintentional. The Minority understood the scene was fluid and dynamic and noted there were numerous pedestrians walking near Subject. The background consisted of multiple businesses, which were all occupied, and noted the interiors of those businesses were visible through the large glass windows. The Minority opined that although the scene at times was chaotic, this only further demonstrated the importance of Officer D keeping his/her finger off the trigger in strict adherence to the Basic Firearms Safety Rules. The Minority further opined any deviation from the safety rules could lead to a tactical unintentional discharge (TUD), possibly injuring an innocent bystander. The Minority opined the placement of Officer D's finger inside the trigger guard, regardless if any pressure was applied to the trigger, did not adhere to Department policy and training and both instances were a substantial deviation without justification.

Based on the totality of the circumstances, the BOPC determined the tactics employed by Officer D were not a substantial deviation from Department-approved tactical training. Officer D did have the intention to discharge a round at Subject as he/she came up on target but was cognizant of his/her foreground and background not being clear and chose not to discharge a round.

During the review of this incident, the following Additional Debriefing Topics were noted:

Additional Tactical Debrief Topics

Unholstering/Holding Service Pistol While Seated – While moving north Officer B opened his/her passenger door and unholstered his/her service pistol. As Subject crossed the intersection, Officer B remained unholstered with the passenger door open. Once Officer B reached the intersection, he/she holstered his/her service pistol and closed the passenger door. The BOPC would have preferred Officer B did not leave the passenger door open while Officer A was driving and that he/she did not unholster his/her service pistol and remain unholstered while still seated inside the vehicle.

Beanbag Shotgun Protocols – Officer D did not chamber a round after retrieving the beanbag shotgun. Once Officer C drove past Subject, Officer D exited his/her vehicle and disengaged the safety. Officer D left the safety disengaged while following Subject on foot until Officer D raised the beanbag shotgun to discharge it at Subject. Officer D realized he/she did not have a round chambered, so he/she reengaged the safety, chambered a round and then disengaged the safety. Prior to discharging the beanbag shotgun, Officer D did not announce he/she was going to discharge it to prevent possible contagious fire. When Officer D downloaded the beanbag shotgun, he/she did not have the safety engaged. The BOPC would have preferred Officer D chambered a beanbag round as soon as he/she retrieved it from the trunk of his/her police vehicle, that he/she only disengaged the safety of his/her beanbag shotgun immediately before he/she discharged it, that he/she announced he/she was going to discharge the beanbag shotgun to prevent contagious fire and that he/she reengaged the safety prior to downloading the beanbag shotgun.

Bloodborne Pathogens – After Subject collapsed to the ground, Officers A and C handcuffed him without wearing gloves. Once he was handcuffed, Officer C continued to not wear gloves while searching and monitoring Subject. The BOPC would have preferred Officers A and C wore protective gloves when making physical contact with Subject.

TASER Holster Placement – Officer E had his/her TASER holster attached to the front of his/her duty belt instead of on the support-side in either a cross-draw or support-side draw position. Officer E is reminded to place his/her TASER holster on the support-side of his/her duty belt to prevent accidentally drawing his/her service pistol under high-stress situations.

Command and Control

As Subject neared the entrance to a nearby business, Officer D raised the beanbag shotgun toward him, but Officer A advised him/her of the background as Subject was walking in front of a bystander. Once Subject passed the bystander, Officer A directed Officer D to discharge the beanbag shotgun. After Subject was handcuffed,

Officer A directed one officer to don gloves and replace Officer C in monitoring Subject, and other to secure the scene with crime scene tape and block pedestrian and vehicle traffic.

Shortly after Subject was handcuffed, Sergeants A and B arrived at scene. Sergeant A ensured no officers were injured, Subject was in the right-lateral recovery position, an RA was requested and the scene was secured. Sergeant B called and notified Central Patrol Division, of the incident, and he/she advised that FID needed to be notified. Sergeant C arrived at scene and was directed by Sergeant A to begin a crime scene log and gather Public Safety Statements (PSS) from Officers B, D and E. Sergeant C directed an officer to begin the crime scene log as he/she separated, monitored, admonished and obtained a PSS from Officers B, D and E.

The UOFRB discussed Officer A's role in directing the officers at scene during the ongoing tactical situation and Sergeants A, B and C's roles afterward. With regards to Officer A, the UOFRB commended his/her efforts, opining he/she did a good job in assigning roles and ensuring Subject's background was taken into consideration when the less-lethal munitions were about to be discharged. The UOFRB also noted Officer A directed officers to secure the scene after Subject was handcuffed, opining his/her actions assisted in maintaining scene integrity.

The BOPC determined the overall actions of Officer A and Sergeants A, B and C were consistent with Department training.

Tactical Debrief

In conducting an objective assessment of this case, the BOPC determined the actions of Officers A, B, C, D and E were not a substantial deviation from approved Department tactical training. The BOPC found Officers A, B, C, D and E's tactics to warrant a finding of Tactical Debrief.

Each tactical incident merits a comprehensive debriefing. In this case, there were areas identified 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.

Therefore, the Chief directed Officers A, B, C, D and E attend a Tactical Debrief and the specific identified topics be discussed.

General Training Update (GTU)

Officers B, D and E attended a General Training Update (GTU) on August 1, 2023.

B. Drawing/Exhibiting

Officer A

First Occurrence – When Subject neared the intersection, he turned toward the open entrance of a business, but a security guard warded him off by holding a stool with the legs toward Subject. As this occurred, Officer A stopped his/her vehicle south of Subject, exited and stood behind the driver door as he/she unholstered his/her service pistol. Officer A saw Subject was armed with the rebar and believed he might possibly be in possession of a firearm. Due to the number of bystanders in the area and Subject's "erratic behavior," Officer A believed Subject posed a threat to those around him and believed the situation could escalate to where deadly force would be justified.

Second Occurrence – As Subject walked north on the sidewalk past Officers C and D, Officer A stopped his/her vehicle south of Subject, exited and unholstered his/her service pistol. Officer A saw Subject was still armed with the rebar and still armed with what he/she believed to be a possible firearm. Due to Subject still being armed with the rebar and possible firearm, and his continued behavior, Officer A believed Subject still posed a threat to those around him and believed the situation could escalate to where deadly force would be justified.

Third Occurrence – After Officer A drew and exhibited his/her service pistol for a second time, Subject ignored the officers' commands to stop and continued north. Officer A holstered his/her service pistol to drive past Officers C and D, who were now following Subject on foot, and stopped parallel to Subject. Officer A exited his/her vehicle and unholstered his/her service pistol, joining Officers C and D in following Subject on foot. Due to Subject still being armed with the rebar and possible firearm, and his continued erratic behavior, Officer A believed Subject still posed a threat to those around him and believed the situation could escalate to where deadly force would be justified.

Fourth Occurrence – As Subject approached the entrance to a nearby business, Officer D raised the beanbag shotgun toward Subject and Officer A advised him of his/her background. Once the background was clear, Officer A directed Officer D to discharge the beanbag shotgun. Moments later, Officer A unholstered his/her service pistol. Due to Subject still being armed with the rebar, his continued behavior and his decision to reach for the possible firearm in his waistband, Officer A believed Subject still posed a threat to those around him and believed the situation could escalate to where deadly force would be justified.

Officer B

First Occurrence – As Officers A and B drove north, Officer B saw Subject walking north on the east sidewalk. Subject was seen carrying a "metal stick" in his right hand and concealing, what Officer B believed to be, a possible firearm in his right

waistband due to a protruding wooden handle. While driving, Officer B opened his/her passenger door and unholstered his/her service pistol. Due to Subject being "*armed with a metal pry bar*" and possibly being armed with a firearm, Officer B believed the situation could escalate to where deadly force would be justified.

Second Occurrence – As Subject walked north on the sidewalk past Officers C and D, Officers A and B stopped their vehicle south of Subject and exited the vehicle. Officer B unholstered his/her service pistol because he/she believed Subject's "mental state or being under the influence" would potentially cause him to retrieve the possible firearm from his waistband, escalating the situation to where deadly force would be justified.

Officer C

First Occurrence – Officers C and D arrived at scene and stopped west of Officers A and B. As Subject walked away from the officers, Officer C unholstered his/her service pistol because the comments of the radio call stated Subject could possibly be armed with a firearm and he/she believed the situation could escalate to where deadly force would be justified.

Second Occurrence – As Subject sprinted north on the sidewalk past Officers C and D, Officer C drove past Subject for a second time and stopped his/her vehicle facing the east curb north of Subject. Officer C then exited his/her vehicle and unholstered his/her service pistol as Subject walked north on the sidewalk past him/her to protect him/herself and other from serious bodily injury (SBI) or death. Officer C saw what he/she believed to be "some type of holster in his right hand waistband" and believed the situation could escalate to where deadly force would be justified.

Third Occurrence – Officer C followed Subject on foot as he approached the entrance to a business and Officer D began raising the beanbag shotgun toward Subject. Officer C unholstered his/her service pistol because his/her partner was designated as less-lethal and he/she designated him/herself as Officer D's "cover officer."

The UOFRB assessed Officers A, B and C's drawing and exhibiting of their service pistols. The UOFRB noted Subject was armed with a piece of rebar and had a knife with a wooden handle in his waistband, which the officers reasonably believed was a possible firearm at the time. The UOFRB also noted the officers formed the opinion Subject's behavior was erratic and aggressive due to being under the influence of unknown substances and/or mental illnesses and noted their belief the situation could escalate to where deadly force may be justified. The UOFRB also noted the officers' successive unholstering of their service pistols occurred while they were following Subject and he was still armed with the rebar and the possible firearm every time they unholstered.

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

Therefore, the BOPC found Officers A, B and C's Drawing/Exhibiting to be In-Policy, No Further Action.

Policy on the Use of Force

Use of De-Escalation Techniques

It is the policy of this Department that, whenever feasible, 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 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.

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, subjects, suspects, persons in custody, subjects 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 an officer at the time assistance is needed.

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 may have additional information regarding the threat posed by a subject.

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 subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject 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 subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects;*
- *The environmental factors and/or other exigent circumstances; and,*
- *Whether a person is a member of a vulnerable population.*

Less-Lethal Use of Force

Officer B – one 40mm round from approximately 35 feet, in an easterly direction.

Background – An open business which consisted of glass windows and a glass double door. Inside the business were community members.

According to Officer B, he/she believed Subject was about to draw a firearm. To de-escalate a potentially lethal force situation, Officer B aimed at Subject's navel area and discharged one round from approximately 35 feet away. The 40mm round missed Subject, penetrated the glass double door of the business and bounced off the floor, contacting Witness B in the upper right arm causing a bruise. Other bystanders were also struck by glass debris.

Officer D – two 12-gauge super-sock beanbag rounds from an approximate decreasing distance of 30 to 24 feet, in an easterly direction.

Background – An open business which consisted of glass windows and a glass double door.

Round One – According to Officer D, Subject still held the rebar as he passed multiple open businesses. Subject was erratic and aggressive, striking the ground with the rebar multiple times, and Officer D was concerned for the bystanders. He/she raised the beanbag shotgun toward Subject. Officer A advised Officer D to be mindful of his/her background, directing Officer D to discharge the beanbag shotgun once Subject passed the bystander. Officer D stated he/she heard him/her directing him but made the decision based on his/her own assessment. As he/she raised the beanbag shotgun to discharge it, Officer D realized he/she did not chamber a round. While Officer D manipulated the beanbag shotgun, Officer B discharged one 40mm round at Subject, which Officer D heard and assessed to be ineffective. To prevent Subject from causing “serious bodily injury or death” to those around him, Officer D aimed at Subject’s beltline and discharged one round from approximately 30 feet away, which struck Subject on the left shoulder.

Round Two

According to Officer D, he/she assessed the first round did not stop Subject. A review of BWV footage determined Subject dropped the knife after being struck on the left shoulder. Officer D did not report seeing the knife; however, Subject transferred the rebar to his right hand as he continued north. Officer D aimed at Subject’s beltline and discharged a second beanbag round from approximately 24 feet away, striking him on his left cheek, causing him to drop the rebar and fall to the ground.

Officer E –TASER 7, one cycle from approximately 20 feet, in a northerly direction.

Background – An open business which consisted of glass windows and a glass double door.

According to Officer E, he/she heard less-lethal being discharged and assessed it was ineffective because Subject continued walking toward an open business. Officer E saw Subject still holding the rebar and “a black holster of some kind,” not knowing if it was “an item or a holster or firearm or weapon or a gun.” Officer E noted none of the officers had deployed a TASER. To prevent Subject from possibly accessing a firearm or entering a business to harm others, Officer E approached within, what he/she believed to be, approximately 12 feet of Subject, aimed the laser sights at his beltline and discharged the cartridge. Officer E believed the darts contacted Subject; however, the investigation determined they did not. Subject was already on the ground within one second of Officer D’s second beanbag round.

The UOFRB evaluated the less-lethal force used by Officers B, D and E, who discharged one 40mm round, two beanbag rounds and one cycle of the TASER’s cartridge, respectively. With regards to the entirety of the less-lethal force used, the

UOFRB opined the incident could have easily resulted in an Officer-Involved Shooting (OIS), but the officers' decision to exercise restraint and use de-escalation techniques preserved Subject's life, demonstrating a clear understanding of the Department's guiding principle of reverence for human life.

With regards to Officer B's use of the 40mm LLL, the UOFRB noted he/she observed Subject armed with the rebar and observed him reaching for the wooden handle protruding from his waistband, which he/she believed was a possible firearm. The UOFRB opined the suspect was an immediate threat and opined Officer B's discharging of the 40mm LLL was objectively reasonable, necessary and proportional.

With regards to Officer D's first beanbag round, the UOFRB noted Subject was still armed with the rebar and noted Officer D's concern for the bystanders around Subject and in the nearby open businesses. The UOFRB further noted Officer D heard Officer B discharge the 40mm LLL and assessed it to be ineffective, opining Officer D's first round was objectively reasonable, necessary and proportional. With regards to his/her second beanbag round and its impact to Subject's left cheek, the UOFRB noted Officer D assessed his/her first round to be ineffective and noted he/she aimed at Subject's beltline for both rounds. The UOFRB also noted the first round struck Subject on the left shoulder, which the UOFRB opined was an indication Officer D did not intentionally aim at Subject's head when taking into consideration where he/she was aiming. The UOFRB further noted the investigation determined the rear sight of his/her beanbag shotgun had impact damage, making it smaller than normal, and was set higher than normal, resulting in a point of impact that was 4.677 inches high from 30 feet. The damage to the rear sight would then cause the point of impact to be higher than where the weapon was aimed. The UOFRB opined Officer D's second beanbag round was objectively reasonable, necessary and proportional.

With regards to Officer E's use of the TASER, the UOFRB noted he/she heard the other discharging less-lethal munitions and assessed them to be ineffective. The UOFRB also noted Officer E observed Subject continue north toward an open business and believed he was possibly accessing a firearm and/or entering a business to harm community members inside. Therefore, the UOFRB opined Officer E's use of the TASER was objectively reasonable, necessary and proportional.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers B, D and E in the same situation would reasonably believe the use of less-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officers B, D and E's use of Less-Lethal Force to be In Policy, No Further Action.

Medical Treatment/Rendering Aid

At 1525:07 hours, Officer D discharged his/her second beanbag round at Subject, causing him to collapse to the ground. Immediately, Officers A and C approached and handcuffed Subject, and Officer C searched him as he/she placed him in the right-lateral recovery position. Officer B requested an RA at 1525:27 hours and at 1532 hours, six minutes and 53 seconds after the second beanbag round, the LAFD arrived at scene and treated Subject. At 1541 hours, Subject was transported to the hospital where he was treated for a penetrating laceration to his left cheek. At 1810 hours, Subject was admitted to the hospital, receiving surgery for a fractured mandible. Subject's toxicology report documented a positive test for amphetamines, cannabinoids, cocaine and benzodiazepines.

Witness B sustained a bruise to her right upper arm due to the 40mm round striking her but declined medical treatment. All other witnesses declined medical treatment. Barrera.

Requirement to Intercede

Based on their review of this incident, the UOFRB determined, and the Chief concurred, the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and the officers did not deviate from the duty to intercede.

Additional/Equipment

Required Equipment – Officers D, B, E, Alfaro and G and Sergeant B did not have their batons on their person. Officer B and Sergeant C did not have their hobble restraint device (HRD) on their person. As these issues were addressed at the divisional level via Divisional Training, with Operations- Central Bureau (OCB) and Office of Operations (OO) concurrence, the Chief deemed no further action necessary.

Preservation of Evidence – As Officer D moved forward to take Subject into custody, he/she used his/her foot to move the rebar away from Subject, rolling approximately 10 feet before Officer G stopped it. Before knowing the incident was a CUOF, Officer G donned gloves and picked the rebar up, placing it back on the ground when another officer photographed the knife.

After Subject was handcuffed, Officer D downloaded the beanbag shotgun to prevent an unintentional discharge even though he/she believed the incident was likely a CUOF. A review of BWV determined one round was in the chamber and one was in the magazine before the beanbag shotgun was downloaded. Officer D placed one round in the sidesaddle and one round back into the magazine. As these issues were addressed at the divisional level via Divisional Training, with OCB and OO concurrence, the Chief deemed no further action necessary.

Incident Commander (IC) Declaration – Sergeants A and B arrived at scene as the first supervisors and neither declared themselves as the IC. As these issues were addressed at the divisional level via Divisional Training, with OCB and OO concurrence, the Chief deemed no further action necessary.

Audio/Video Recordings

Body Worn Video (BWV) – Force Investigation Division detectives identified 38 BWVs related to this incident. These BWVs were tagged in Evidence.com under Identification No. 23061900003175. A review of the transporting officer's BWV footage determined he/she did not activate his/her BWV camera while escorting Subject in the RA.

Digital In-Car Video System (DICVS) – Force Investigation Division detectives identified 19 DICVS videos from police vehicles related to this incident. These videos were tagged in Evidence.com under Identification No. 23061900003175.

Outside Video – Outside footage was obtained by FID detectives and stored under Media Control No. 791323.

Social Media – Force Investigation Division monitored social media sites from the date of the incident until the submission of this report. No relevant social media posts were found.