

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

LAW ENFORCEMENT RELATED INJURY 035-22

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Newton	7/7/22		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	3 years, 9 months
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Reason for Police Contact

Officers responded to a radio call of an “ambulance cutting” in front of a fast-food restaurant. When the officers arrived, they were directed to the Subject, who was bleeding from the chest. As the officers approached, they observed the Subject involved in an altercation with an adult male (the Victim). After separating them, the Subject stepped into the roadway, raised his fists in a fighting stance, and walked toward the officers while yelling obscenities. As the Subject continued to advance, one of the officers repeatedly warned him that a Taser would be utilized. The officer then discharged his/her Taser and the Subject collapsed, striking his head on the roadway. A Los Angeles Fire Department (LAFD) rescue ambulance (RA) transported him to a local hospital, where he was admitted for a head injury.

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 subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on June 27, 2023.

Incident Summary

On July 7, 2022, at approximately 1808 hours, Witness A observed the Subject, outside fast-food restaurant shirtless and bleeding from a possible stab wound, and Witness A called "911." In response, Communications Division (CD) broadcast an "ambulance cutting" radio call.

Approximately two minutes later, an Air Unit arrived over the call. The Tactical Flight Officer (TFO) observed the Subject in the restaurant parking lot bleeding from his chest and broadcast his/her observations.

Officers A and B arrived at the restaurant approximately three minutes later and briefly met with an unidentified bystander, who informed them that the Subject was walking west. Simultaneously, the TFO broadcast the Subject's location to the officers.

Officer B told FID investigators that he/she believed that he/she had broadcast that they were Code Six (had arrived on scene), but his/her transmission may have been covered by broadcasts from the air unit. The officers' body-worn video (BWV) shows that Officer B picked up the vehicle's radio microphone and brought it to his/her mouth while the air unit was broadcasting; however, Officer B did not voice a transmission.

Moments later, the officers observed the Subject on the north sidewalk. According to the officers, they noticed that the Subject was shirtless, bleeding from the chest, and involved in an altercation with the Victim. Officer A stopped their police vehicle and the officers exited to intervene.

After exiting, Officer A briefly unholstered his/her pistol and ordered the Subject to "Get on the ground!" According to Officer A, he/she unholstered because he/she believed that the Subject may have been the suspect of the "ambulance cutting" radio call and was possibly armed with a knife. Officer A holstered his/her pistol moments later upon seeing that neither the Subject nor the Victim was armed with a knife.

Officer B ordered the Subject and the Victim to stop. As the Subject moved away from the Victim and began walking, Officer B asked the Subject, "Sir, sir, can you sit down over here. Hey what's going on? What happened?" The Subject continued in the street and began circling around the officers with his arms raised and fists clenched.

Upon observing the Subject's actions, the TFO broadcast a backup request for Officers A and B, directing units to respond. When interviewed, the TFO said, "So that's when I requested backup for them. Gave a direction of travel for any of the responding units. And this male is -- to me, he's taking a fighting stance. He's already beat one person up. He's got his fists clenched. And I can see that the officers are trying to de-escalate the situation. They're not going hands-on immediately as I assume they would. They looked to me like they were having some kind of conversation. But the male is -- is actively and aggressively approaching them, based on his demeanor, stance, and his positioning of his fists."

According to Officer B, as the Subject moved into the street, he/she believed that the Subject may have been intoxicated or under the influence of a controlled substance based on his body language and “averted gaze.” Officer B told Officer A that the Subject was on “meth” and to avoid fighting him. Officer B told investigators, “It looked like he had some type of fixation on my partner. He's just looking at him/her with this look. He raised his fist kind of angrily, you know, making some noises. I believe he was saying like ‘[Expletive] you, [expletive] you.’ So, I was like, at -- at that point, I'm like, okay, this guy it's like he's clearly on something.”

The Subject then began walking directly at Officer A. Officer A observed the Subject moving toward him/her with his fists raised and, in an effort to de-escalate, he/she backed away from the Subject. Simultaneously, Officer B requested a backup. When interviewed, Officer B described, “And at -- at that point, when I tried to approach him, I saw him kind of gets this weird look and start to actually move forward towards my partner. So, I was like, he wants to fight. You know what, let me get a backup.”

As Officer A backed away, and the Subject advanced with his fists clenched. Officer A unholstered his/her Taser and warned the Subject that he/she was going to tase him. The Subject continued advancing with his fists raised in a fighting stance. In response, Officer A targeted the Subject's abdomen from approximately three to five feet and deployed a set of Taser probes.

According to Officer A, a probe struck the Subject in the arm and was ineffective. As the Subject continued moving forward with his fists balled, Officer A deployed a second set of Taser probes at the Subject's abdomen. When interviewed, Officer A stated, “He [the Subject] focuses his attention on me, starts approaching me. I unholster my Taser just because I -- he presented like an imminent threat, and I felt like he was getting -- he was going to get combative with us. Again, he tenses up, balls his fists and like approaches me in like a fighting stance. I give him like two or three warnings, ‘Hey, I'm going to tase you. I'm going to tase you.’ He gets like about five to six feet away from me and that's when I deployed my Taser. The first -- I squeezed twice. The first shot, I believe, connected with his arm and then I saw that he was still combative, like he had his fists still in a ball and kept moving a little forward, so I shot the second one.”

The investigation determined that three Taser probes contacted the Subject's lower abdomen and one probe struck the outer portion of his lower left forearm. It was not determined if the Subject was struck in the forearm during the first or second Taser deployment.

Once the second set of Taser probes contacted the Subject, he fell to the pavement and struck the back of his head. After the five-second Taser activation cycle was complete, Officer B grabbed the Subject's right arm and instructed him to roll over. Officer A holstered his/her Taser, and once the Subject rolled onto his stomach, he/she placed his/her right knee against the Subject's right shoulder and handcuffed the Subject's right wrist. Officer A then stood up and handcuffed the Subject's left wrist.

Once Officer A completed handcuffing, Officer B broadcast a Code Four (no additional assistance needed) and requested that an LAFD rescue ambulance RA respond to their location. Officers A and B assisted the Subject to his feet, and while holding his left and right arms respectively, walked him to the sidewalk and waited for the RA to arrive. Approximately two minutes later, while the officers continued holding the Subject's arms, he attempted to use his left leg to kick back in the direction of Officer B's legs. Approximately 17 seconds later, the Subject intentionally struck the right side of his head twice on the sheet-metal fence he was facing.

Approximately three minutes after the Subject was taken into custody, an RA arrived and began treating him. Approximately ten minutes later, they transported him to a hospital for treatment of the stab wound to his chest and a laceration to the back of his head. Approximately 90 minutes later, the Subject was admitted to the hospital for treatment of a subdural hematoma that resulted from striking the back of his head on the pavement.

BWV and Digital In-Car Video (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 A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' (BOPC) 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 A and B's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

The BOPC found Officer A's drawing and exhibiting of a firearm to be In Policy.

C. Less-Lethal Use of Force

The BOPC found Officer A'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 Subject 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 Subjected 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, subjects, 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 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 subject.

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 subject leading up to the use of force.

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

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

A. Tactics

Tactical De-Escalation Techniques

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

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 – This was the second time that Officers A and B worked together. According to Officer A, they had discussed tactics and officer safety information. According to Officer B, since Officer A was new to the area, he/she provided him/her with information about the area and cautioned that the suspect from this call may reside nearby. While responding to the call, Officer B designated himself/herself as the contact officer and Officer A as the cover officer. Per Officer B, they also discussed designated cover officer (DCO) responsibilities.

The BOPC considered that the Use of Force Review Board (UOFRB) noted Officers A and B's prior planning and discussions specific to this incident. While the UOFRB would have preferred further discussions about less-lethal force options and suspects with edged weapons, they did note that the officers discussed contact and cover roles.

Assessment – Officer B noted that the RA was already staged near the scene. Observing the altercation between the Subject and Victim, Officer B assessed that the Victim was trying to get away from the Subject and was not a threat to the officers. Officer B noted the Subject's body language and facial expression and assessed that he may be under the influence of a drug. Officer B

also noted that the Subject started to fixate on Officer A. After assessing that neither the Subject nor the Victim was armed with a weapon, Officer A holstered his/her pistol. Officer A noted that the Subject's body language (clenched fists, inhaling, and exhaling to "pump himself up") and verbal aggression were all "pre-fight" indicators.

Time and Redeployment/Containment – As the Subject advanced and circled Officers A and B, both officers adjusted their positions. When the Subject focused on and advanced toward Officer A, he/she backed away to create distance from the Subject. To get the Subject out of the street and away from traffic, Officer B requested that he sit down on the sidewalk, but the Subject failed to comply with the request.

Other Resources – Both Officers A and B were aware that the RA was already staged in the area and an Air Unit was overhead providing updates on the Subject's position and actions. Once on scene, Officer B broadcast for a backup. Officer B also telephonically advised the responding supervisor, Sergeant A, that he/she was needed because a use of force had occurred. Officer A chose the Taser as the best less-lethal force option to prevent the Subject from getting closer. Although hand or foot strikes were options, the Subject was already bleeding from the chest and Officer A did not want to expose himself/herself or his/her partner to the Subject's blood.

Lines of Communication – Because Officer A was unfamiliar with the area, Officer B provided him/her with their route of travel to the radio call as well as the best way to approach the location. To calm the Subject, Officer B stated, "Sir, sir, can you sit over here? Hey, what's going on? What happened?" The Subject did not respond. Officer B advised Officer A of his/her belief that the Subject was on "meth," and to avoid fighting with him; however, the Subject aggressed toward Officer A. Before the UOF, Officer A warned the Subject repeatedly that he would be tased, but the Subject continued to advance toward him/her. After the UOF, Officer B advised Officer A to roll the Subject over and sit him up. When the Subject became verbally aggressive and struck his head against the sheet-metal fence, Officer B attempted to distract him by introducing himself/herself and asking the Subject questions about what had occurred. To limit the Subject's movements, Officer B asked that the LAFD RA paramedics to bring the gurney to the Subject.

The UOFRB noted that Officer B did not advise CD that the officers had arrived at the scene, nor did he/she provide his/her location while requesting backup units. This concern is further addressed in Debriefing Point No. 1.

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

1. Code Six

Officers A and B advised CD that they were responding to the call. When they arrived at the scene, they did not advise CD that they were Code Six (on scene); however, the air unit did advise that a patrol unit had arrived. According to Officer B, he/she believed that he/she had broadcast that they were Code Six.

The BOPC noted that the UOFRB assessed Officers A and B's adherence to the Department's Code Six policy. The UOFRB noted that Officers A and B advised CD that they were responding to the call. When they arrived at the scene, Officer B picked up the police vehicle's radio microphone and brought it to his/her mouth as if to broadcast; however, the frequency was occupied by the air unit who advised CD that a patrol unit had arrived on the scene. Although Officer B did not broadcast at that point, he/she believed that he/she had.

The UOFRB noted that shortly after arriving at the scene, Officers A and B were directed to the Subject's location by an unidentified bystander and the air unit. Locating the Subject a short distance away, the officers exited their vehicle to contact him. Observing the Subject's aggressive behavior, both the air unit and Officer B requested backup units. Although Officer B's backup request was interrupted by the air unit, CD received its request, which included the officers' location.

During its assessment, the UOFRB noted that the purpose of the Code Six policy is for officers to advise CD of their location and the nature of their activity, should the incident necessitate the response of additional personnel. Although the UOFRB would have preferred that Officers A and B had advised CD that they were at the scene, the UOFRB noted that both CD and the air unit knew a patrol unit had arrived. The UOFRB also noted that it appeared that Officer B had intended to broadcast but the frequency was occupied. The UOFRB further noted that the air unit was monitoring the officers and able to advise backup units of their location when the necessity arose.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, with justification, from Department-approved tactical training.

2. Handcuffing Protocols

Approximately 25 seconds after the Subject was handcuffed, Officers A and B rolled him to his right and into a standing position. Based on the BWV footage, and confirmed by investigators, neither Officers A nor B conducted a pat-down search of the Subject's waistband area after he was handcuffed, nor did it appear that he was searched while at the scene.

The BOPC noted that the UOFRB assessed Officers A and B's adherence to the Department's handcuffing protocols. The UOFRB noted that after being handcuffed, the Subject was prone for approximately 25 seconds before being rolled to his side and assisted to his feet. While the UOFRB would have preferred that the Subject had been moved sooner, they noted that during the time he was prone, Officer B was advising CD that the situation was stable (slowing the response of additional units) and requesting an RA. Simultaneously, Officer A appeared to be monitoring the Subject's condition. After completing his/her broadcast, Officer B immediately advised Officer A to roll the Subject over, and they assisted him to his feet. Based on the totality of the circumstances, the UOFRB opined that this was not a substantial deviation from the protocols.

As it pertains to Officers A and B's failure to pat-down search the Subject, the UOFRB saw no reason why the officers were unable to do so. By failing to pat-down search the Subject before he was placed in the RA, Officers A and B placed themselves and LAFD personnel at a significant tactical disadvantage and unnecessarily risked their safety. As such, the UOFRB concluded that the officers' failure to pat-down search the Subject was a substantial deviation, without justification, from Department-approved tactical training.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A and B were a substantial deviation, without justification, from approved Department tactical training.

Additional Tactical Debrief Topics

Backup Request and Location Information – As the Subject advanced on Officer A, Officer B requested backup units but did not provide their location. Although they were a short distance from the original location, his/her broadcast should have included the officers' current location.

B. Drawing/Exhibiting

- **Officer A**

After exiting the police vehicle, Officer A briefly unholstered his/her pistol. According to Officer A, he/she unholstered because he/she believed that the Subject may have been the suspect in the "ambulance cutting" radio call and was possibly armed with a knife. Officer A holstered his/her pistol moments later upon seeing that neither the Subject nor the Victim was armed with a knife.

The BOPC noted that the UOFRB assessed Officer A's drawing and exhibiting of his/her pistol. The UOFRB noted that Officer A responded to a radio call involving a stabbing. Shortly after arriving at the scene, Officer A observed the Subject in an altercation with another male. Based on his/her observations, Officer A initially was

unsure if the Subject was the suspect or the victim. Additionally, Officer A did not know if the Subject or the other male was armed with a knife. As soon as it was apparent that neither male was holding a weapon, Officer A holstered his/her pistol. Based on the available evidence, the UOFRB opined that Officer A's actions conformed to the Department's drawing and exhibiting policy.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that there was a substantial risk that the situation may escalate to the point where lethal force may be justified. Therefore, the BOPC found Officer A's drawing and exhibiting to be In Policy.

C. Less-Lethal Use of Force

Officer A - Taser 7 - two discharges from approximately three to five feet.

Officer A observed the Subject moving toward him/her with his fists raised. To de-escalate, Officer A redeployed away from the Subject. As Officer A backed away, the Subject continued to advance toward him/her with his fists clenched. Officer A unholstered his/her Taser and warned the Subject that he/she was going to tase him. The Subject continued advancing with his fists raised in a fighting stance. In response, Officer A targeted the Subject's abdomen from approximately three to five feet and discharged the first set of Taser probes. According to Officer A, a probe struck the Subject in the arm, but it was ineffective. As the Subject continued moving forward with his fists balled, Officer A discharged a second set of Taser probes at the Subject's abdomen, stopping the Subject.

The investigation determined that three of the Taser probes contacted the Subject's lower abdomen and one struck the outer portion of his lower left forearm.

The BOPC noted that the UOFRB assessed Officer A's less-lethal use of force. The UOFRB noted that despite repeated commands, the Subject refused to comply, clenched his fists, assumed a fighting stance, and advanced toward Officer A. Officer A attempted to create distance by stepping back, but the Subject continued to advance toward him/her, despite a partial UOF warning. Based on the Subject's actions, words, and aggressive demeanor, the UOFRB determined that he posed an immediate threat to Officer A's safety. The UOFRB further noted that the Subject was within the Taser's recommended deployment range when the UOF occurred.

Regarding the second discharge, the UOFRB noted that according to Officer A, the first discharge was ineffective, and the Subject continued moving forward with his fists balled. Based on the available evidence, the UOFRB felt that Officer A's belief was reasonable and that the Subject continued to pose an immediate threat to Officer A's safety when he/she discharged the second set of Taser probes.

As it pertains to a UOF warning, the UOFRB noted that Officer A had time to give only a partial warning, stating, "I'm going to tase you." The UOFRB also noted that a warning

is not required when an officer is attacked and must respond to the suspect's actions. Based on the totality of the circumstances, the UOFRB opined that a full warning was not feasible, and that Officer A's actions conformed to policy.

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