

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

**IN-CUSTODY DEATH – 036-24**

**Division                      Date                      Duty-On (X) Off ( ) Uniform-Yes (X) No ( )**

Rampart                      7/6/24

**Officer(s) Involved in Use of Force                      Length of Service**

Officer A                      7 years, 0 months

**Reason for Police Contact**

Rampart Patrol Division uniformed police officers responded to a radio call of a “459 burglary hot prowl.” As the officers arrived, they were directed to a parking lot where a community member was restraining the Subject on the ground. The officers immediately handcuffed the Subject and noticed the Subject was in medical distress. The officers requested a Rescue Ambulance (RA) and began medical treatment until the arrival of Los Angeles Fire Department (LAFD) personnel. Los Angeles Fire Department personnel continued life saving measures until they pronounced the Subject deceased at scene.

**Subject(s)                      Deceased (X)                      Wounded ( )                      Non-Hit ( )**

Male, 45 years of age.

**Board of Police Commissioners’ Review**

This is a brief summary designed only to enumerate salient points regarding his 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 his 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 24, 2025.

## **Incident Summary**

On Saturday, July 6, 2024, at 1536 hours, Communications Division (CD) received an emergency call for service from Witness A, stating an unknown person broke into his/her apartment through the balcony. Additionally, Witness A advised that his/her family members were still inside of the apartment.

At 1537:08 hours, CD broadcast that a man had broken into the apartment through the balcony, and that Witness B was waiting outside.

At 1539:18 hours, CD broadcast that a citizen was holding a suspect down in front of the building.

At approximately 1540 hours, Air Support Division arrived over the incident and directed the officers to the location.

As the officers parked and exited their police vehicle, they were immediately flagged down by a citizen who directed them to a parking lot just south of the apartment building.

Officers A and B approached the Subject, who was lying face down on the pavement. Both officers observed Witness D holding the Subject down with both arms.

At 1541:26 hours, Officer A immediately handcuffed the Subject and rolled him over on his left side, given that the Subject appeared to be in medical distress, due to having limp hands and pale skin.

Approximately 30 seconds later, Officers C and D arrived on scene. Officer A instructed Officer D to request an RA while continuing to assess the Subject's condition. Officer A continued to provide medical aid and requested a Narcan nasal spray.

At 1542:59 hours, Officer D retrieved a canister of Narcan, and Officer A administered one spray into the Subject's nostril. Officer A performed a sternum rub to his chest who remained unresponsive.

According to Officer A, he/she was unable to detect a pulse and decided to position the Subject on his left side. Approximately two minutes later at 1543:27 hours, Officer C removed the handcuffs and Officer A began chest compressions.

At 1545:26 hours, Officer A requested a second Narcan nasal spray. Officer B retrieved the Narcan nasal spray and administered one spray into the Subject's nostril. Officer A checked for a pulse on the Subject's neck and continued chest compressions.

At 1547:05 hours, Officer C relieved Officer A and began chest compressions.

According to Officer C's BWV, at 1548:45 hours, LAFD arrived and took over with the medical treatment. Los Angeles Fire Department paramedics continued with life saving measures until Firefighter Paramedics (FF/PM) pronounced the Subject deceased at 1620 hours.

At 1640 hours, Sergeant A notified the Department Operations Center (DOC) of the In-Custody Death.

**BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	Yes	Yes

**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:

**A. Tactics**

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

**Basis for Findings**

In making its decision in his 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 his 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 his 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.

**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, 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.

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

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

## Definitions

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

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

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

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

**Objectively Reasonable:** The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test

of reasonableness is not capable of precise definition or mechanical application.”

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

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

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

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

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

## A. Tactics

### Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his//her or his/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, Assessment, Time, Redeployment and/or Containment, Other Resources and Lines of Communication** – Officers A and B had worked together approximately twenty times prior to the incident and had discussed tactics, including contact/cover roles, as well as how they would handle the call as they responded. They coordinated their approach with responding units, and the airship directed them to the location. As Officer A handcuffed the Subject, he/she assessed the

Subject was in medical distress based on his hands being limp and his skin pale. Officer A transitioned into life saving measures, which included removing the handcuffs to facilitate rendering aid and requesting the assistance of other officers at scene. As no force was used during this incident, the application of further de-escalation techniques was futile.

The BOPC assessed Officer A's tactics during this incident. The Board noted that he/she and Officer B were responding to a "Burglary Hot Prowl" suspect being held by a community member. The BOPC noted that burglary suspects are known to carry tools which can be used as weapons and opined that Officer A's handcuffing of the Subject was appropriate and consistent with the Department training of handcuffing felony suspects. The Board also noted that Officer A immediately assessed the Subject was in medical distress and began rendering aid. Officer A maintained clear and concise communication with officers at scene and directed them to retrieve Narcan and administered chest compressions. The BOPC found Officer A's tactics to warrant a Tactical Debrief.