

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

LAW ENFORCEMENT-RELATED INJURY F039-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	8/14/23		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant A	11 years, 5 months
Officer A	5 years, 6 months
Officer B	14 years
Officer C	3 years, 11 months
Officer D	3 years, 8 months
Officer E	12 years
Officer G	1 year, 2 months
Officer H	15 years, 3 months

Reason for Police Contact

On August 14, 2023, officers responded to a radio call of a man armed with a metal object. Upon arrival, they located the Subject in a parking lot. The officers gave the Subject commands; however, he refused to comply. The officers approached the Subject and attempted to detain him for a criminal investigation. The Subject resisted, resulting in a Use of Force (UOF). After several minutes of struggling with the Subject, he was taken into custody.

During the struggle, the Subject sustained an abrasion to his head. The Subject was transported by a Rescue Ambulance (RA) to a hospital, where an additional UOF occurred. While at the hospital, medical staff determined that the Subject had amphetamines, benzodiazepines and cannabinoids in his system and was suffering from rhabdomyolysis. The Subject was admitted into the hospital due to rhabdomyolysis.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 31 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 (Chief); and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on July 23, 2024.

Incident Summary

On August 14, 2023, Witness A was driving his vehicle, he observed a male, later identified as the Subject, standing in the middle of the roadway. Witness A decreased his speed to check on the well-being of the Subject at which time the Subject threw a "metal stake" at his vehicle striking the driver's door. According to Witness A, the Subject was using profanity and making incoherent statements. At one point, the Subject told him, "*Give me your car. Give me your car.*" Witness A locked his vehicle doors and then observed the Subject attempt to open the left rear passenger door. Witness A became frightened and drove his vehicle in a southerly direction, away from the Subject. Witness A then observed the Subject pick up the "metal stake" that he had previously thrown at his vehicle and begin walking north on the street. Witness A dialed 911 and reported that the Subject was armed with a sharp object (possible knife), had threatened him, and threw a sharp object at his vehicle. Witness A described the Subject as a male wearing a grey hoodie and black pants.

Officers A (driver) and B (passenger) were assigned the radio call and acknowledged that they were equipped with a 40mm Less-Lethal Launcher (LLL). Sergeant A also acknowledged that he/she would be responding. In response to the edged weapon radio call, the several units also responded to back Officers A and B.

Officer A repeated the Subject's description, advising Officer B that he was a male wearing a grey hoodie and black sweatshirt. As they neared the location, Officers A and B observed Witness A standing in the street, near the entrance of a public parking lot. The officers also noticed a male, later identified as the Subject, standing in the parking lot. Witness A pointed toward the Subject and stated, "*Yeah, that is him.*" Officer A asked Witness A what the Subject had done. Witness A informed the officers that the Subject had something "really sharp" and had damaged his vehicle.

Officer A parked the police vehicle on the south apron of the parking lot, facing north toward the Subject. The Subject began walking in a southerly direction, toward the officers. Officers A and B exited the vehicle and stood behind their respective doors for cover. Officer A observed that both of the Subject's hands were concealed inside his pockets.

Officer A unholstered his/her service pistol. Officer A ordered the Subject to remove his hands from his pockets, turn around, and put his hands on top of his head. The Subject turned around in a clockwise direction and then faced the officers. The Subject began walking toward the officers with both arms down by his sides. Officer A commanded the Subject to put his hands behind his head and turn around. The Subject did not comply.

Officers C and D arrived at the scene. As they exited the vehicle, Officer D directed Officer C to retrieve their 40mm LLL. Officer D unholstered his/her service pistol and positioned himself/herself beside a guard shack near the parking lot's south entrance.

Officer B began giving commands to the Subject and ordered him to go down to his knees. The Subject did not comply and continued making unintelligible statements. After retrieving the 40mm LLL, Officer C joined Officer A.

Officer B asked Officer A to confirm that a crime had occurred. Officer A advised Officer B that the Subject was allegedly swinging a knife. Officer A then asked Witness A additional questions to ascertain if they had reasonable suspicion or probable cause to detain the Subject. Witness A informed the officers that the Subject had damaged his vehicle and wanted him to be arrested. During their conversation, Witness A reiterated that the Subject attempted to "attack" him and other unidentified individuals and was armed with a sharp metal object.

Meanwhile, the Subject began walking east in the parking lot toward the north/south alley between parked vehicles. Officer D walked east across the driveway and joined Officer B. As he/she did so, Officer D held his/her pistol in his/her right hand, in a low-ready position, with his/her index finger along the frame.

The officers began walking north in the alley toward the Subject. As they did so, Officer B told the Subject not to reach for the bag and asked who he was talking to. The Subject replied, "*I'm talking to you*" and other unintelligible words. Officer B told the Subject, "*I need you to keep your hands where I can see them.*" Officer D told the Subject that Witness A said he was armed with a knife. The Subject denied having a knife and crossed his arms.

Officer B ordered the Subject to turn around and place his hands behind his back. The Subject replied, "*You're not going to do that to me. You're not going to put me in no cuffs.*" The Subject leaned forward and picked up his backpack with his left hand. Officer B stated to the Subject, "*Hey, do me a favor. Don't, don't, don't make this worse than what it is.*" The Subject informed Officer B that there was nothing in his backpack and slung the bag over his left shoulder.

The Subject remained non-compliant, cursed at the officers, and then began walking west toward the center of the parking lot away from the officers. The Subject backed away from the officers in a westerly direction toward the center of the parking lot. As he did so, the Subject donned his backpack and placed both hands behind his head.

Officers E and F arrived at the scene and exited their police vehicle. Officer A advised Officers E and F to contain the southern portion of the parking lot. Meanwhile, the Subject began walking north in the parking lot as Officers B, D and C paralleled him from the alley. Shortly thereafter, the Subject stopped near the northern portion of the parking lot. Officers B, D, and C stopped in the alley near the east entrance/exit.

Officer B held the 40mm LLL in his/her right hand, in the low-ready position, and gave the Subject a verbal use of force warning. The Subject replied, "*Guns and all, you better get ready then.*" Officer B told the Subject that they did not want to use any force on him. The Subject then removed his hands from his head, crossed his arms in front of his body, and replied, "*First of all, I'm going to put my hands low. We gonna wrestle now.*" Officer B ordered the Subject to turn around and place his hands behind his back but he did not comply.

According to Officer B, he/she attempted to de-escalate the situation by giving the Subject verbal commands, distance, and plenty of time to cooperate on his own. Officer B stated there was no need to rush the incident and he/she would continue waiting for the Subject's cooperation if necessary.

The Subject extended his arms to his sides, turned away from the officers, and placed his hands behind his back. The Subject then walked backward toward the officers with his hands behind his back. According to Officer B, the Subject's actions caused Officer B to believe it was safe to approach him. Officer B ordered the Subject not to move and assured him that the officers did not want to hurt him. As the Subject walked backward, Officer C approached the Subject and used his/her left hand to grab both of the Subject's wrists while utilizing his/her right hand to lift the Subject's backpack.

As Officer C maintained his/her hold on the Subject's wrists, he/she transitioned his/her right hand from the backpack onto the Subject's right elbow. Officer C then guided the Subject toward a red truck. According to Officer C, he/she wanted to use the truck as a controlling agent to prevent the Subject from fleeing or striking any officers. As they approached the truck, the Subject told Officer C to stop pushing him. Officers B, C and D advised the Subject to relax multiple times. Officer D, while still unholstered, held his/her pistol in his/her right hand and used his/her left hand to lift the Subject's backpack up and away from his hands.

Officer C directed the Subject to put his hands together and attempted to reposition the Subject's hands so that his palms were facing one another. Officer C indicated that he/she wanted to place the Subject's hands in a "praying position" so he/she could gain control of his fingers and maintain a better grip. As he/she did so, Officer C felt the Subject's body tense up and noticed that his fists were clenched. Officer C asked

Officer D to grab the Subject's arm. The Subject told the officers not to grab his arm, briefly moved from side to side, then turned toward Officer C. Officer D holstered his/her pistol and used his/her right hand to grab the Subject's left wrist while keeping his/her left hand on the Subject's backpack.

According to Officer B, he/she recognized that Officers C and D were having difficulty taking the Subject into custody; therefore, he/she slung his/her 40-mm LLL behind his/her back and began walking in their direction. Shortly thereafter, the Subject pulled his right arm forward, causing Officer C to lose his/her grip on the Subject's right wrist. The Subject then tucked his right arm in front of his chest. At that time, Officer C still had a firm grip on the Subject's left hand while Officer D held onto the Subject's left wrist area. Officer D then transitioned his/her left hand to the Subject's left forearm area.

With his/her 40mm LLL slung, Officer B approached the Subject, placed his/her left hand on the Subject's back, and pushed him forward toward the truck. The officers placed the Subject against the side of the truck and utilized it as a controlling agent. The Subject continued to resist the officers. The Subject pulled his arms away from Officers C and D, causing them to lose their grip. The Subject then moved his arms forward and tucked them into his chest.

Simultaneously, Officers G and H arrived at the scene. At this point, the officers had the Subject pinned against the truck. Officer B was positioned behind the Subject and placed his/her left arm across the Subject's left upper chest. Officer C was positioned in front and to the right of the Subject and held onto the Subject's right wrist area with his/her right hand. Officer D was positioned to the Subject's left side and held onto his left elbow area with his/her left hand.

Officers B, C, and D continued to struggle with the Subject and began to move away from the truck in a northerly direction. All three officers described the Subject as being very strong. Officer D described himself/herself and the other officers as "larger than average" men; however, they were still unable to control the Subject's movements. The Subject's strength caused Officer B to believe that he was possibly under the influence of an unknown substance.

According to Officer B, the Subject was pushing his body backward away from the truck and attempting to escape detention. Officer B feared that the Subject was going to punch and kick the officers. Officers B and D both felt that it would be safer for all parties if they took the Subject down to the ground. According to Officer B, he/she performed a "leg sweep" on the Subject and began pulling him down toward the ground.

Together, Officers B, C, and D used their bodyweight to conduct a takedown of the Subject. The Subject landed in a prone position with both of his arms underneath him. Officer B landed on top of the Subject and straddled his legs. Officer D landed to the right of the Subject, while Officer C landed near the Subject's legs. Officer B said his/her arm possibly made contact with the lower back portion of the Subject's

head/neck area; however, he/she did not apply any pressure.

Officer B remained on top of the Subject while Officer D repositioned himself/herself to the Subject's left side. Officer A retrieved his/her handcuffs, held them in his/her right hand, and positioned himself/herself on the Subject's left side. Officer C noticed that Officer B was positioned on top of the Subject and decided to reposition himself/herself on the Subject's legs to control his leg movement.

At this time, the Subject's arms were tucked underneath his chest, and both hands were under his head/face area. Officer D used his/her left hand and assisted Officer B by grabbing the Subject's left hand, which was still under his head.

Officer E arrived at the scene and joined Officers B, C, and D. Upon his/her arrival, Officer E observed the Subject kicking his legs. He/she grabbed the Subject's left calf with his/her left hand and right calf with his/her right hand. Officer E then transitioned his/her right hand to the back of the Subject's left thigh and applied his/her bodyweight to prevent him from kicking.

Officer C moved to the Subject's right shoulder area and used both hands to grasp the Subject's right arm. Officer C attempted to pull the Subject's arm out from under his body but was unsuccessful. The Subject continued to resist the officers.

The Subject was kicking his right leg and remained non-compliant with the officers. Officer G approached the Subject and then applied a firm grip and bodyweight to the Subject's right leg to prevent him from kicking.

As Officer B was still on the Subject's back, he/she transitioned his/her left arm across the Subject's upper back/head area. Using his/her left hand, Officer B clasped the Subject's head and moved it toward the left.

The officers were still unable to gain control of the Subject's arms; therefore, Officer B placed his/her left triceps on the right side of the Subject's head and conducted a lateral head displacement. In doing so, Officer B used his/her left arm to push the Subject's head toward the left and away from his right shoulder. According to Officer B, the maneuver was "slightly effective" and provided Officer C with better access to the Subject's right arm. The Subject continued to resist the officers' efforts and kept his arms tucked underneath him.

Officer B placed his/her right arm under the Subject's right arm/ armpit area, while Officer C used both hands to pull on the Subject's right arm. Officer C was still unable to pull the Subject's right arm out from underneath his body. Officer H continued to verbalize with the Subject and ordered him to stop resisting. The Subject did not comply with Officer H's commands and continued to resist the officers. Believing the first application of the lateral neck displacement had positive results, Officer B applied an additional lateral head displacement on the Subject.

Officer H observed a pair of handcuffs on the pavement (presumably Officer A's handcuffs) and picked them up. Officer H repeated his/her command for the Subject to stop resisting and warned him that he may get tased.

According to Officer A, he/she pulled on the Subject's left elbow area, between the bicep and upper forearm, and was able to extract his left arm from underneath his body.

Officer E used his/her left hand to hold the Subject's left forearm and right hand to hold his left wrist and applied bodyweight to hold his arm on the ground. Officer A ordered the Subject to remain still, but he continued to resist the officers.

According to Officer C, his/her 40mm LLL was still slung in front of his/her chest and was getting in the way. Officer C relinquished his/her 40mm LLL to Officer F and grasped the Subject's right arm with both hands. He/she then began to move the Subject's right arm behind his back.

Simultaneously, Officer B remained on top of the Subject and placed his/her left forearm on the side of the Subject's head and his/her right arm underneath the Subject's right armpit. Officer B then placed his/her palms together in a position resembling a gable grip. According to Officer B, he/she used this hold to maintain leverage of the Subject's right arm in order to place the Subject's right arm behind his back. Officer B stated his/her left elbow was on the ground and was using it as leverage to hold himself/herself up. Furthermore, he/she stated he/she did not place any pressure on the Subject's neck.

Officer E held the Subject's left arm down as Officer H handcuffed his left wrist. Officer H transitioned the Subject's left arm toward the rear and center of his back as Officer E assisted. Officer H continued to grip the handcuffs; however, was unable to access and handcuff the Subject's right wrist due to Officer B's positioning (straddling the Subject). Officer H asked Officer E to take control of the handcuffs, which he/she did. The Subject then advised the officers that he was not going to move anymore and apologized to the officers.

Officers B and C held the Subject's right arm behind his back as Officer E placed the handcuff on the Subject's right wrist. Officer E then advised the arrest team that the Subject was handcuffed. Once the Subject was handcuffed, he asked the officers to get off him. The officers stood up and placed the Subject onto his left side. While lying on his right side, the Subject informed the officers that he could not see because the sweatshirt hood covered his face. Officer G removed the Subject's hood from his head. Officers B and G held the Subject on his right side while Officer B began searching the Subject's person.

Officer B rolled the Subject onto his stomach and continued searching his person. As he/she did so, Officer B held the Subject's right elbow area with his/her left hand and searched the right rear pocket of the Subject's pants with his/her right hand. The Subject then abruptly turned toward his right, looked in Officer B's direction, and began

kicking his legs. Officer B believed that the Subject was still attempting to escape custody.

Officer B rolled the Subject onto his stomach and placed his/her left knee on the Subject's lower back/upper buttocks area. Officer B transitioned his/her left hand from the Subject's right elbow to his lower neck/upper back area while applying a firm grip on the Subject's right forearm with his/her right hand.

Simultaneously, Officer A kneeled beside the Subject and planted his/her left foot on the pavement and right knee between the Subject's left arm and left rib cage area. Additionally, Officer A placed his/her right hand on the Subject's right shoulder and left hand on the Subject's left shoulder area. Officer D placed his/her left foot on the Subject's right thigh. According to Officer D, he/she did so to prevent the Subject from standing up, kicking, or causing harm to the officers. Nearly simultaneously, Officer G grabbed the Subject's left leg with his/her right hand as Officer E placed his/her left foot on the Subject's left leg.

Officer D then placed his/her left knee on the Subject's right thigh/buttocks area. Officer E requested a hobble, at which time Officer C removed his/her hobble from his/her equipment belt. The Subject continued to resist.

Officer C placed his/her HRD around the Subject's ankles while Officer G held the Subject's legs. Officer C then began to tighten the hobble.

Sergeant A arrived at the UOF scene and assumed the role of the Incident Commander.

Officer H continued to verbalize with the Subject and repeatedly ordered him to stop resisting and to cooperate with the officers. Officer H told the Subject the officers would place him in a police vehicle.

Upon arrival, Sergeant A approached Officer H and verified that the officers were okay. Officer H then informed Sergeant A that he/she was not present for the entire incident.

Meanwhile, the Subject stated, "*I can't [expletive] breathe.*" As the Subject made this statement, Officer B removed his/her knee from the Subject's lower back and stood up. Shortly thereafter, Officer D removed his/her knee from the Subject's right thigh and stood up as well. Officer B then placed the Subject onto his left side, in the left lateral recovery position.

Officers A, B, and D lifted the Subject off the pavement as Officer C held onto the hobble. Officer A was behind the Subject and used both hands to grasp the Subject's sweatshirt. Officer D was in front and held onto the Subject's right sleeve. Officer B was to the right and behind the Subject. He/she placed his/her left arm under the Subject's right arm and used his/her left hand to hold the Subject's hands. Officer D then grabbed the Subject's feet with his/her right hand and held the hobble with his/her left hand.

Officers A, B, C, and D carried the Subject toward Officer A and B's police vehicle, followed by Sergeant A. The Subject shouted, "*Hey, why the [expletive] is you carrying that [expletive] on my neck? I can't [expletive] breathe, man.*" Officer A told the Subject to remain quiet while the officers carried the Subject toward the vehicle. Officer D then transitioned his/her left arm to the Subject's legs and wrapped his/her left arm around the Subject's legs. The Subject began to thrust his legs and torso.

The Subject began crouching his body as Officer D's right arm was near the Subject's face. The Subject leaned forward and bit his/her right arm. In response, Officer D stated, "*Don't [expletive] bite me. If you bite me again, I'm going to [expletive] kick you in the face.*"

According to Officer B, he/she heard Officer D say that he/she had been bit by the Subject. The officers decided to place the Subject back onto the ground for officer safety. Officers A, B, and D placed the Subject on the ground in a left lateral recovery position while Officer C continued to hold the hobble and the Subject's legs with his/her right hand. According to Officer B, the officers placed the Subject in a left lateral recovery position because he/she did not want to restrict the Subject's breathing since the Subject indicated that he could not breathe.

Officer B crouched and applied his/her body weight to the right side of the Subject's body, holding the Subject's hands with his/her right hand and placing his/her left hand on the Subject's head. Officer D placed his/her right arm on the Subject's right shoulder/lower neck while Officer A held the Subject's sweatshirt.

The officers walked and placed the Subject into the left rear passenger door of the police vehicle, feet first. Officer E grabbed the hobble from the opposite door and pulled the Subject into the vehicle as Officer B pushed the Subject into the vehicle and closed the left rear passenger door.

Once the Subject was secured in the police vehicle, Sergeant A told Officer B to get the Subject away from the scene.

During the UOF incident the below officers indicated and/or were captured on BWV utilizing the following force:

- **Officer A:** Firm grips
- **Officer B:** Bodyweight, lateral head displacement, leg sweep, takedown, and firm grips
- **Officer C:** Firm grips and takedown
- **Officer D:** Bodyweight, leg sweep, takedown, and firm grips
- **Officer E:** Bodyweight and firm grips
- **Officer G:** Bodyweight and firm grips
- **Officer H:** Firm grips

Officer A then met with Witness A. Witness A showed Officer A the damage to his

vehicle and repeated the details of the incident. Officer A asked Witness A if he knew the whereabouts of the metal object that the Subject used during the incident. Witness A pointed to the last known location of the object. Officer A illuminated the area, observed a metal rod, and asked Witness A if that was the weapon. Witness A confirmed that was the object the Subject utilized to damage his vehicle. Officer E photographed the metal rod and the damage to Witness A's vehicle.

Sergeant B arrived at the scene and assumed the investigative responsibilities for the Non-Categorical UOF (NCUOF) incident.

As the Subject was seated in the police vehicle, Officer B observed an abrasion on the Subject's head. Sergeant A stated that Sergeant B had recommended requesting a Rescue Ambulance (RA) and having them respond to the Police Station. Officer B agreed with Sergeant B due to the potential risk of another UOF incident if they removed the Subject from the police vehicle.

Officer A requested an RA and asked that they respond to the Police Station due to the laceration on the Subject's head. Officers A and B transported the Subject to the Police station and parked their police vehicle near the booking stalls. They were met by Los Angeles Fire Department personnel, who were already at the station awaiting the officers' arrival.

Upon their arrival, the Subject refused to comply with the officers' commands and would not exit the vehicle. Due to the Subject's behavior, the LAFD personnel had difficulty assessing him. Initially, the Subject refused medical treatment and threatened to fight the officers and spit in their faces.

Subsequently, the Subject exited the police vehicle and sat on the gurney. Officer A removed the left handcuff from the Subject's left wrist, at which time Officer B utilized his/her set of handcuffs and cuffed the Subject's left arm to the gurney. Officer A then handcuffed the Subject's right arm to the gurney. According to the paramedic, he examined the Subject, observed a minor laceration to his forehead, and noticed his vital signs were normal.

Officer B rode in the rear of the ambulance. Officers C and D followed in their police vehicle. Officer A met Officer B at the hospital a short time later.

Before responding to the hospital, Sergeant A advised Lieutenant A and Sergeant B that a possible neck/head contact occurred during the UOF with the Subject.

The ambulance arrived at the hospital and the Subject was transported to the hospital jail ward. The Subject was removed from the ambulance gurney and handcuffed to a hospital gurney while his legs were still hobbled. Sergeant A then admonished the Subject of his Miranda Rights. The Subject used profanity and stated he was not going to answer any questions. The Subject continued to yell at the officers and at one point stated, "*We do kill cops.*"

Sergeant A was informed by a Los Angeles County Sheriff's Department (LASD) Deputy that their policy dictated that no photo/video recordings were allowed in the facility. Sergeant A also recalled seeing a posted sign that stated such. Sergeant A advised Officers A, B, C, and D that they could not record while inside the jail ward.

While the officers waited for medical personnel to examine the Subject, Sergeant A directed Officers A, B, C, and D to respond to the Police Station to complete their UOF report. Officers C and D left the hospital and were replaced by Officers G and H.

According to Sergeant A, the Subject was approached by a doctor. The doctor attempted to ask the Subject questions, but he continued being belligerent and stated he was going to kill him, the medical staff, and the officers. The doctor then requested a "Code Gold" over the public address system. The investigation revealed that a Code Gold is a request for the hospital's Behavioral Response Team (BRT), comprised of medical personnel, to respond and restrain any patient who is being combative in order to receive medical treatment.

Before Officers A and B left the hospital, they heard the "Code Gold" announcement. According to Officer B, he/she was cognizant that a "Code Gold" indicated an "unruly patient" was present and required restraints. Officers A and B then re-entered the jail ward. Officer B noticed the Subject was still handcuffed to the gurney and noticed he was removing the hobble from his legs by kicking his legs.

Meanwhile, Sergeant A was advised by LASD personnel that the medical staff would be administering the Subject a tranquilizer, which would be considered a medical procedure. The deputy reminded Sergeant A that they could not have their video cameras recording. According to Sergeant A, the Subject was still in LAPD custody since he did not have a booking number and was aware LASD personnel would not assist in restraining the Subject.

According to Sergeant A, he/she devised a plan to assist the BRT if necessary. Sergeant A discussed the plan with Officers A, B, G, and H. The BRT Nurses responded to the jail ward along with security personnel. The Subject was verbally abusive, threatening staff members and spitting. The Subject threatened to hurt anyone who came near him.

Nurse A was cognizant that the BRT consisted of three female and one male team members (including herself). After assessing the situation and observing the Subject's demeanor, Nurse A requested additional personnel to assist in restraining the Subject.

Additional medical personnel and security guards arrived to assist the BRT. They attempted to restrain the Subject; however, they had difficulty because he was kicking and spitting.

As Nurse A attempted to restrain the Subject's lower extremities, he began kicking and struck her face. The Subject's foot impacted her face shield. A Security Guard said he

was holding the Subject's left leg and was kicked on his side/rib cage area.

According to Sergeant A, he/she assisted in restraining the Subject by placing his/her right hand on the Subject's left ankle and his/her left hand on his right ankle. Sergeant A then applied bodyweight to hold the Subject's legs down and prevent him from kicking.

Officer H assisted by placing his/her hands on the Subject's left ankle. Officer H held the Subject's left ankle in place so medical staff could restrain him.

Officer G placed a spit mask on the Subject's face. The Subject managed to remove the mask and spit in Officer G's face. The Subject's spit landed on his/her face and inside of his/her mouth. Officer G then noticed the Subject was kicking with his right leg. Officer G transitioned to the Subject's right leg, used his/her hands to hold the leg, and applied bodyweight.

According to Officer B, the handcuff on the Subject's left wrist had already been removed and replaced with a hospital restraint. Since the Subject's legs were free, he placed his right leg over his right wrist, which was still handcuffed to the gurney. To gain access to the Subject's right wrist so hospital restraints could be applied, Officers B and A pushed the Subject onto his left side and then applied bodyweight. According to Officer B, the medical staff then placed the restraints on the Subject's legs.

Officer B then placed his/her left hand on the right side of the Subject's head. According to Officer B, he/she did this to prevent the Subject from biting the medical staff as the restraints were being placed on his right hand. Officer B stated, "*So it's not like a hold. Like it was just a management of his range of motion.*"

Officer A alternated his/her hands on the Subject's chest and used bodyweight to hold the Subject down. The Subject continued to resist and attempted to sit up. Officer A placed his/her left hand across the Subject's chest area and pushed the Subject toward the gurney.

Officers A, B, G, and H, along with Sergeant A, medical personnel, and security guards held the Subject in a supine position. Medical personnel ultimately applied four restraints on the Subject, one on each limb. They then administered two injections to tranquilize the Subject. According to Officer B, the Subject was asleep within two/three minutes.

The officers indicated below were captured on BWV utilizing the following force during the jail ward UOF incident:

- **Officer A:** Bodyweight
- **Officer B:** Bodyweight
- **Officer G:** Firm grip and bodyweight
- **Officer H:** Firm grip
- **Sergeant A:** Firm grips and bodyweight

Later, Officer H advised Sergeant A that the Subject was being admitted to the hospital. Sergeant A then notified Lieutenant A. Sergeant B responded to the hospital to gather information on why the Subject was being admitted. Sergeant B learned that the Subject was being admitted into the hospital due to “*various ailments*” and that medical staff refused to provide further information. Subsequently, Force Investigation Division responded and conducted a LERI investigation.

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
Sergeant A	Yes	Yes	N/A	Yes	N/A
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	No	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	N/A
Officer D	Yes	Yes	Yes	Yes	N/A
Officer E	Yes	Yes	Yes	N/A	N/A
Officer G	No	Yes	No	N/A	N/A
Officer H	No	Yes	No	N/A	N/A

Los Angeles Board of Police Commissioners’ Findings

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

A. Tactics

The BOPC found Officers A, B, C, D, E, G, H and Sergeant A’s tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting of a Firearm

The BOPC found Officers A and D’s drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officers A, B, C, D, E, G, H and Sergeant A’s non-lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every “use of force

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

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

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

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force,

make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

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

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

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

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

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

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;

- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

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

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

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

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

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

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

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

witnesses, suspects, persons in custody, suspects of a use of force and fellow officers:

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

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

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

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

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

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

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial

risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

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

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

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

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

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation

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, and*
- *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 – At the time of the incident, Officers A and B had been assigned partners for approximately one year. They had discussions regarding tactics, contact/cover roles and stated they often discussed incidents prior to the arrival at scene. While enroute to the call, Officer B retrieved the 40mm LLL and loaded it upon nearing the location. Officer A was to provide lethal cover. The officers ensured a crime had occurred and had a plan to request additional resources, set up containment and take the Subject into custody.

At the time of the incident, Officers C and D had worked together multiple times over the course of two years. They had previously discussed command and control, contact/cover roles and overall tactics. When they arrived at scene, Officer C deployed the 40mm LLL and Officer D provided lethal cover. They spoke with Officer B, who planned to gather additional resources, set up containment and take

the Subject into custody after verifying a crime had occurred.

At the time of the incident, Officers G and H had worked seven shifts together. Officer H was Officer G's Field Training Officer (FTO) and prior to every shift they had discussed contact and cover responsibilities. They also discussed de-escalation tactics and the importance of obtaining voluntary compliance during all contacts.

Assessment – After verifying a crime had occurred, Officer B assessed the Subject was a felony suspect and a private person's arrest was not needed. During the contact with the Subject, Officer A heard the Subject rambling and making incoherent statements, during which time Officer A assessed the Subject was under the influence of drugs or experiencing mental illness. While giving the Subject commands, the Subject extended his arms to his sides, turned away from officers and placed his hands behind his back. The Subject walked back towards officers leading Officer B to assess the Subject's actions that he was complying and it was now safe to approach him.

Time and Redeployment and/or Containment – Upon initial arrival to the scene, Officers A and B exited their vehicle and utilized their respective doors for cover as the Subject approached them. Having cover afforded the officers time to assess the Subject's actions. Officer B directed responding officers to set up containment on the south exit of the parking lot. Officer B redeployed along with Officers C and D to cover the northeast exit of the location and contain the Subject. Officer B attempted to de-escalate the situation by giving the Subject verbal commands, distance and time to cooperate on his own. Officer B indicated there was no need to rush the incident and they would continue waiting for the Subject's cooperation.

Other Resources – Officer A requested an additional unit and a supervisor prior to attempting to take the Subject into custody. When Officers B, C and D began to struggle taking the Subject into custody, Officer A requested a backup. After taking the Subject into custody, LAFD personnel were requested to respond to the Police Station to provide medical treatment to the Subject.

Lines of Communication – Officer B gave clear and concise commands to gain compliance from the Subject. When the commands were ineffective, Officer B communicated to his/her partner Officer A to request an additional unit and a supervisor. During the incident, officers communicated with each other to control the Subject's limbs and advise each other the Subject had bitten Officer D.

During the review of this incident, no debriefing points were identified.

Additional Tactical Debrief Topics

Making Physical Contact with a Slung Weapon – Officer C approached the Subject to handcuff him, keeping the 40mm LLL slung across the front of his/her body, exposing the weapon system to the Subject and potentially interfering in the handcuffing process. Officer B also inadvertently wrapped the sling from his/her 40mm LLL to the Subject's arm during the use of force.

Holding Service Pistol while Holding Suspect – Officer D, while still unholstered, held his/her pistol in his/her right hand and used his/her left hand to lift the Subject's backpack up and away from his hands. At the time, the Subject had still not been handcuffed.

Profanity – During the incident, Officers B and D used profanity. While sometimes profanity can defuse a situation, it often can unnecessarily escalate an encounter.

Command and Control

Sergeant A was the first supervisor to arrive at scene and assumed the role of Incident Commander (IC). At the time he/she did not declare it as the Subject had already been handcuffed and the scene appeared stable.

Sergeant B arrived at scene and assumed the investigative responsibilities for the Non-categorical Use of Force.

Officer H advised Sergeant A that the Subject was being admitted to the hospital. Sergeant B notified Lieutenant A that the Subject was being admitted due to "various ailments" and that medical staff refused to provide further information. Lieutenant A contacted FID to notify them of the Subject's admittance.

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

In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A, B, C, D, E, G, H and Sergeant A were not a substantial deviation from Department approved tactical training.

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

B. Drawing/Exhibiting

Officer A

Officers A and B were directed to the Subject's location by Witness A. The radio call stated the Subject was possibly armed with a knife. Believing the situation could rise where deadly force could be justified, Officer A unholstered his/her service pistol.

Officer D

As Officer D arrived at scene, he/she unholstered his/her service pistol. Officer D believed the situation may escalate to where deadly force might be needed because the comments of the call indicated the Subject may be armed with a knife.

The BOPC assessed Officers A and D's drawing and exhibiting of their service pistols. Both Officers A and D unholstered their service pistols because they believed the Subject was armed with a knife after hearing the comments of the radio call. The BOPC opined it was reasonable for Officers A and D to believe the situation may escalate to where deadly force may be justified.

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

C. Non-Lethal Use of Force

Officer B – Bodyweight, lateral head displacement, leg sweep, takedown and firm grips.

According to Officer B, he/she directed Officers C and D to contact the Subject and take him into custody. After attempts to de-escalate the situation, it appeared the Subject was going to cooperate as he placed his hands behind his back. The Subject was directed to face a truck in order to use it as a controlling agent while Officer C grabbed his hands. The Subject suddenly pushed his body backward away from the truck and attempted to escape detention. Officer B feared the Subject was going to punch and kick the officers as they attempted to take him into custody. Officer B communicated to Officer C and D to take the Subject to the ground.

Officer B began to rotate his body toward his left, with his arms wrapped around the Subject's upper torso (Firm Grip). According to Officer B, he/she placed his/her left knee against the back of the Subject's left knee and performed a Leg Sweep and pulled him down toward the ground (Takedown). The Subject landed prone with his arms underneath his torso. Officer B landed on top of the Subject and straddled both of his legs (Bodyweight). Officer B placed his/her left forearm against the left side of the Subject's head.

Officer B remained on top of the Subject and placed his/her left hand under the Subject's left shoulder while his/her right arm transitioned to the Subject's right shoulder/head area.

To gain access to the Subject's hands, which were underneath his torso, Officer B clasped the Subject's head and moved it toward the left. Since the officers were still unable to gain control of the Subject's arms, Officer B placed his/her left triceps on the right side of the Subject's head and conducted a Lateral Head Displacement. According to Officer B, it was "slightly effective" and provided Officer C with better access to the Subject's right arm. Officer B applied another Lateral Head Displacement by using his/her left elbow/triceps area to push the right side of the Subject's head away from his/her right shoulder.

Officer B remained on top of the Subject and placed his/her left forearm on the side of the Subject's head and his/her right arm underneath the Subject's armpit. Officer B placed his/her palms together in a position resembling a gable grip. According to Officer B, he/she used this hold to maintain leverage of the Subject's right arm to move the Subject's right arm behind his back. Officer B did not place any pressure on the Subject's neck.

Officer B and Officer C used a Firm Grip to control the Subject's arms and place them behind his back while he was handcuffed. After removing the Subject's backpack, Officer B rolled the Subject onto his side while holding the Subject's right elbow and continued searching his pockets. The Subject became angry and kicked at Officer B. To protect himself/herself and prevent the Subject's escape, Officer B rolled the Subject onto his stomach and placed his left knee on the Subject's lower back/upper buttocks area (Bodyweight). Officer B transitioned his/her left hand from the Subject's right elbow to his lower neck/upper back area while applying a firm grip on the Subject's right forearm with his/her right hand. Officer B continued applying bodyweight until the Hobble Restraint Device (HRD) was applied.

After the HRD was applied, Officer A, B, C and D carried the Subject toward the police vehicle. Officer B placed his/her left arm under the Subject's right arm and used his/her left hand to hold the Subject's hands. During the process, the Subject became uncooperative and bit Officer D. In response, the officers placed the Subject back onto the ground in a left lateral recovery position. Officer B crouched and applied his/her Bodyweight to the right side of the Subject's body, holding the Subject's hands with his/her right hand and placing his/her left hand on the Subject's head. Afterwards, Officer A, B, C and D carried the Subject again. Officer B used his/her left hand to hold the Subject's right wrist as he was placed in the back of a police vehicle.

During the second use of force at the hospital the Subject had kicked several hospital staff while they were attempting to restrain him. Officer B moved the Subject onto his left side and applied Bodyweight so medical staff could place restraints on

the Subject's legs.

Officer A – Firm grips, bodyweight.

Officer A observed officers struggling with the Subject. After the Subject was taken down to the ground his left arm remained underneath him. Officer A kneeled to the Subject's left upper arm, and using both hands, Officer A pulled the Subject's left arm from underneath his body (Firm Grip).

After the Subject was handcuffed and began kicking at officers, Officer A utilized his/her (Bodyweight) to prevent the Subject from turning over.

When officers decided to pick up and carry the Subject to the police vehicle, Officer A used both hands to grasp the Subject's sweatshirt. The Subject complained the hooded sweatshirt "choked" him as he was being carried. According to Officer A, he/she did not intentionally apply pressure to the Subject's neck with the sweatshirt and there was no indication pressure was being applied to that area.

While at the hospital, the Subject continued to resist while hospital staff tried to restrain him. Officer A alternated his/her hands on the Subject's chest and used his/her Bodyweight to hold the Subject down on the gurney.

Officer D – Bodyweight, leg sweep, takedown and firm grips.

According to Officer D, initially he/she provided lethal cover while Officer C approached the Subject. When Officer C attempted to place the Subject's hands behind his back, Officer D assisted by using his/her left hand to lift the Subject's backpack. As the Subject started to tense up and pull away, Officer D holstered and used his/her right hand to grab the Subject's left wrist (Firm Grip) while keeping his/her left hand on the Subject's backpack. Officer D held onto the Subject's left wrist area and left forearm area, but the Subject pulled his arms away causing him to lose his/her grip.

While holding onto the Subject's left elbow area and backpack, Officer D placed his/her left leg around the Subject's leg and attempted to Leg Sweep the Subject. Officer D used both hands to hold onto the strap of the Subject's backpack. Together, Officers B, D and C used their (Bodyweight) to conduct a (Takedown) of the Subject.

The Subject landed in a prone position with both arms underneath him. Officer D landed to the right of the Subject. Officer D repositioned himself/herself to the Subject's left side and used his/her left hand to grab the Subject's left hand and assist Officer B. Officer D used his/her Bodyweight to control the Subject's legs.

After the Subject was handcuffed, he began kicking at officers while he was being searched. In response, Officer D placed his/her left foot on the Subject's right thigh.

According to Officer D, he/she did so to prevent the Subject from standing up, kicking or causing harm to the officers.

Officer D placed his/her left knee on the Subject's right thigh/buttocks area and applied (Bodyweight) until the HRD was applied. Officer D then assisted in carrying the Subject by holding his right sleeve. Officer D transitioned his/her left arm to the Subject's legs and wrapped his/her left arm around the Subject's legs. The Subject began to thrust his legs and torso and bit Officer D.

Officers A, B and D placed the Subject back onto the ground in a left lateral recovery position. Sergeant A warned the officers to be mindful of their arms. Afterwards, Officer D used his/her right hand to grasp the Subject's right bicep and his/her left hand to grab the Subject's right pant leg and placed the Subject into the back of the police vehicle with the assistance of Officers B, A and C.

Officer C – Firm grips, takedown and bodyweight.

According to Officer C, he/she slung his/her 40mm LLL in front of his/her chest and approached the Subject and used his/her left hand to grab both of the Subject's wrists while utilizing his/her right hand to lift the Subject's backpack. As Officer C maintained his/her hold on the Subject's wrists, he/she transitioned his/her right hand from the backpack onto the Subject's right elbow. Officer C guided the Subject toward a nearby truck to use as a controlling agent and to prevent the Subject from fleeing or striking any officers.

Officer C transitioned his/her right hand from the Subject's elbow to his/her right wrist and held both of the Subject's hands behind his back (Firm Grip). Officer D assisted by lifting the Subject's backpack. Officer C attempted to place the Subject's hands in a praying position but the Subject started to tense up. Officer C explained,

Officer C asked for Officer D to grab the Subject's arm. The Subject pulled his arms away causing both Officers C and D to lose their grip; however, Officer C still had a firm grip on the Subject's left hand. Together, Officers B, D and C used their Bodyweight to conduct a Takedown of the Subject. Officer C repositioned himself/herself and took control of the Subject's legs by using his/her Bodyweight. Officer C moved to the Subject's right shoulder area and used both hands to grasp the Subject's right arm. Officer C unsuccessfully attempted to pull out the Subject's arm out from under his body. With the assistance of Officers B and E, they were able to eventually handcuff the Subject.

When the Subject started to kick officers while being searched, Officer D retrieved and placed the HRD around the Subject's ankles. Officer C assisted Officers B, D and A with carrying the Subject back to the police vehicle.

Officer G – Bodyweight and firm grips.

According to Officer G, when he/she arrived the Subject was on the ground kicking with his right leg and resisting the officers at scene. Officer G approached the Subject and applied a Firm Grip and Bodyweight to the Subject's right leg to stop his kicking. Officer G also held onto the Subject's right side while Officer B conducted a search of the Subject while he was on the ground. When the Subject began kicking again, Officer G held the Subject's ankles together while Officer C applied the hobble.

While at the hospital, Officer G used a Firm Grip and Bodyweight to control the Subject's right leg as the Subject was kicking hospital staff while being treated.

Officer H – Firm grips.

According to Officer H, to de-escalate the situation he/she ordered the Subject to, "Stop resisting, Put your hands out. Put your hands out. Stop resisting." The Subject did not comply. As officers struggled with the Subject, Officer H handcuffed the Subject's left wrist and transitioned the Subject's arm behind his back. Officer H then passed the handcuffs to Officer E who eventually handcuffed the Subject.

While at the hospital, Officer H assisted in restraining the Subject by placing his/her hands on the Subject's left ankle (Firm Grip). Officer H held the Subject's left ankle in place so medical staff could restrain him. According to Officer H,

Officer E – Bodyweight and firm grips.

According to Officer E, upon his/her arrival he/she observed the Subject kicking his legs on the ground as officers were trying to control him. Officer E grabbed the Subject's left calf with his/her left hand and right calf with his/her right hand. Officer E then transitioned his/her right hand to the back of the Subject's left thigh and applied his/her Bodyweight to prevent him from kicking. As Officer A attempted to gain control of the Subject's arm, Officer E released his/her hold of the Subject's leg, stood up and repositioned the Subject's left shoulder to assist. Officer E held the Subject's left forearm and left wrist while applying Bodyweight to hold his/her arm on the ground. Officer E assisted in handcuffing the Subject and used a Firm Grip to control the Subject's wrists.

Sergeant A – Firm grips and bodyweight.

According to Sergeant A, while at the hospital, he/she devised a plan to assist hospital staff to restrain and sedate the Subject.

According to Sergeant A, he/she assisted in restraining the Subject by placing his/her right hand on the Subject's left ankle and his/her left hand on his/her right ankle (Firm Grip). Sergeant A applied Bodyweight to hold the Subject's legs down

and prevent him from kicking. Sergeant A stated, he/she was consistently able to maintain control and oversight of all officers involved in the use of force.

The BOPC conducted a review and analysis of the investigation and circumstances of the incident in determining the reasonableness of the non-lethal force used by Officers A, B, C, D, E, G, H and Sergeant A.

As it pertains to Officer B, the BOPC noted he/she used bodyweight, lateral head displacement, leg sweep, takedown and firm grips to control the Subject. Based on the Subject's level of resistance, the BOPC opined the force applied by Officer B was objectively reasonable and proportional.

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

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

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

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

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

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

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

Based on the totality of circumstances, the BOPC determined that an officer and sergeant with similar training and experience as Officers A, B, C, D, E, G, H and Sergeant A would believe the force used was objectively reasonable and proportional.

Therefore, the BOPC found Officers A, B, C, D, E, G, H and Sergeant A's Non-Lethal Use of Force to be In-Policy.