

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

**HEAD STRIKE – 009-17**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
77 <sup>th</sup> Street	1/27/17		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	31 years, 4 months
Officer B	1 year, 3 months
Officer C	11 years, 1 month
Officer D	10 years, 8 months
Officer E	3 years, 1 month
Officer F	1 year, 4 months

**Reason for Police Contact**

Officers responded to a call of a suspect beating a woman in the street. The Subject was still assaulting the woman upon the officers' arrival. The Subject refused to obey the officers' commands and began assaulting the officers, resulting in a head strike.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 26 years old.

**Board of Police Commissioners' Review**

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

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on January 16, 2018.

## **Incident Summary**

Communications Division (CD) received an emergency call for service from a woman who wanted to remain anonymous. The 911 caller reported a bare-chested male physically assaulting a female victim in the street. The 911 caller stated the male Subject and female victim were located next to a black SUV with its emergency lights flashing and a red pick-up truck parked on the sidewalk.

CD broadcast the call to the units in the field. Officers A (passenger) and B, advised CD they were responding with emergency lights and siren (Code Three). Communications Division acknowledged the officers' broadcast.

**Note:** Officer A was Officer B's assigned training officer and it was their first day as partners. At the beginning of their work shift, they discussed foot pursuits, containment and apprehension, and traffic and pedestrian stops. Officer A continued to discuss tactics, not becoming physically involved with a suspect, and to seek the advantage if the Subject is on the pavement. Officer B was designated as the contact officer, while Officer A was designated as the cover officer. The officers were aware their roles could change depending on the circumstances.

CD further broadcast additional information describing the Subject's clothing and appearance, as well as the license plates and descriptions of the nearby vehicles. As Officers A and B responded, Officer A read the comments of the call aloud.

As the officers drove, they observed the flashing rear emergency lights of the black SUV.

The officers deactivated the police vehicle's emergency equipment, and Officer A advised CD they were Code Six via the Mobile Digital Computer. Officer A utilized the passenger side-mounted spotlight to illuminate the Subject. The Subject was shirtless and standing on the curb adjacent to the SUV and at the right rear of a red pick-up truck, parked on the sidewalk.

Officer B stopped the police vehicle close to the location. Officers A and B exited and approached the Subject, who looked in their direction. The Subject was standing over the victim, later identified as his mother, 48 years of age, who was seated on the sidewalk. The Subject was holding her by the hair with his left hand and punching her face in a downward motion with his right fist. The officers' immediate concern was to help the victim, so they did not request a back-up. According to Officer A, as he approached the Subject, he ordered him to stop and get on the ground.

**Note:** Witness A, a reporter with a local television station, was with Witness B, his camera operator, and they were monitoring a police radio scanner when they heard the broadcast and arrived at the scene prior to the officers. Witnesses A and B were standing close to the Subject and the victim. Witness B took video of the incident from various positions until the Subject was taken into custody.

Witness A provided a statement, however Witness B refused to be interviewed.

Officer B, unsure if the Subject was striking the victim with an object, unholstered his service pistol and held it in his right hand. Officer B holstered his pistol when the Subject stopped striking the victim and he determined that the Subject was not clutching anything in his hands.

Officer B approached the Subject and deployed his collapsible baton with his right hand. Officer A told him to wait. Officer A evaluated the parked vehicle's proximity to the Subject and the victim, and realized it was not an ideal location to attempt any type of physical control of the Subject. Officer A was standing east of the Subject and the victim, who were between the two parked vehicles, and he alerted Officer B he was going to deploy the TASER.

Officer A, from an approximate distance of six and a half feet, deployed and discharged his TASER; he indicated the probes made contact on the right side of the Subject's torso. Officer A indicated that as the TASER went through the five-second cycle, the Subject fell backwards between the two parked vehicles.

Once the five-second activation cycle ended, the Subject stood up from the pavement. Officer A ordered the Subject to stay on the ground. The Subject failed to comply with Officer A's commands. Officer A feared the Subject might continue to physically assault the victim and activated the TASER a second time.

Officer A chose not to give a warning prior to these activations, as he felt the situation had escalated to a point where the Subject's punches had to be stopped.

The DICVS depicted the Subject suddenly grabbing Officer A by the upper front area of his uniform jacket with his left hand. The Subject repeatedly punched Officer A with a clenched right fist behind the head and neck area. Officer A moved into a defensive position leaning forward with his arms up toward his face and his back against the black SUV.

Officer A stated that when the Subject continued punching him in the head and neck area, he activated the TASER a third time, and pushed the Subject away with his elbows as the Subject grasped at the TASER to take it away.

According to Officer A, he was unable to remove his ringed baton as it became entangled with his jacket and equipment. Officer A then decided to keep the Subject close because the punches he was receiving could render him unconscious. Officer A activated the TASER but given the series of distractions such as screaming, yelling and the passing of vehicles, was not sure if the TASER had activated, was effective, or even operable.

As this was occurring, Officer B repositioned himself around the black SUV and approached the Subject from the opposite direction. He observed the Subject's left arm wrapped around Officer A's upper body and saw the Subject striking Officer A on the

head and face with a clenched right fist.

Officer B said he discharged his TASER from an approximate distance of four feet. He recalled seeing a probe making contact on the mid-section on the Subject's back. Officer B recalled pressing the TASER's trigger twice, with no results. The Subject continued punching Officer A on the head. Officer B was convinced the TASER was having no effect on the Subject. According to Officer B, he switched the TASER to the off position, removed the cartridge, and holstered the TASER.

Officer B said he considered the force options available to him. He considered utilizing his pistol but took into consideration the bullet passing through the Subject and accidentally striking his partner or his pistol being taken away or knocked out of his possession. Officer B stated he did not opt for OC spray because it may incapacitate Officer A. Officer B was not confident in applying an upper body control hold on the Subject given his constant movement. Officer B opted to utilize his collapsible baton as the best option to stop the Subject's assault on his partner.

Officer B, while holding the collapsible baton in his right hand, and from approximately three feet away, struck the Subject on his right rear shoulder area approximately three to five times utilizing a downward motion. According to Officer B, the Subject had no reaction to the strikes. The Subject continued to punch Officer A in the head and face.

Officer B estimated the Subject forcibly struck Officer A in the face for 15 to 20 seconds.

After being struck on the head with the collapsible baton, the Subject suddenly stopped his attack and moved away from Officer A and the two parked vehicles.

The television video depicted Officer B approaching the Subject from the west while holding the collapsible baton in his right hand. It appeared that Officer B was striking the Subject on the back and shoulder areas. Officer B then unholstered his TASER with his left hand and discharged the TASER toward the Subject's mid-back section which had no effect. The video then depicted Officer B strike the Subject with the collapsible baton once on the upper right area of his head. This baton strike appeared effective and the Subject's actions stopped. The victim was observed in the video moving past Officer B as the Subject punched Officer A.

The officers' DICVS depicted the Subject being assisted to the sidewalk by an unidentified witness and lying on his left side near a utility pole. The Subject moved toward his right into a seated position in front of Officer B.

**Note:** In the DICVS two TASER activations are heard. It is not apparent from the video who used the TASER at this point. According to Officer B, he activated the TASER twice as the Subject was lying on the pavement. He did not think the altercation was over and believed that if the Subject stood, the fight would continue.

According to Officer A, he thought that Officer B was activating the TASER but was not

100 percent sure.

A review of Officers A and B's TASER's data port activation entries revealed that Officer A's TASER was activated while the Subject was leaning against the pole (as depicted on the DICVS).

Officer B wanted the Subject to stay down on the pavement. Officer B observed the Subject make a motion to raise himself from the curb. Officer B believed that if the Subject stood up he would continue with his physical assault. According to Officer B, he struck the Subject once on the upper right shoulder area with his collapsible baton.

**Note:** The DICVS depicted the Subject seated on the curb. The Subject shifted his weight forward as if in preparation to stand. At that moment, Officer B, who was standing in front of the Subject, struck him with the collapsible baton. The video the baton struck the Subject on the right side of his head, and the Subject's head jerks in reaction to the strike. When asked if the baton strike made any contact with the area of the head, Officer B said he didn't believe so.

After being struck with the collapsible baton on the right side of his head, and looking in the direction of Officer B, the Subject is heard exchanging word with Officer B.

Ultimately the Subject failed to comply with the officer's commands to remain seated, rose from the curb, and moved toward Officer B. According to Officer B, he utilized his collapsible baton and struck the Subject twice on the left shoulder while backing away. The Subject then entered the westbound lanes of traffic.

**Note:** The DICVS depicted Officer B strike the Subject's right shoulder with the baton followed by a strike to the Subject's left shoulder as the Subject continued past Officer B.

Officer A broadcast, "Officer needs help." Communications Division broadcast, "All units, officer needs help," and provided the officers' location.

Officers A and B observed the Subject approach and punch the windshield of a stopped vehicle twice with his right fist and forearm shattering the windshield. The DICVS depicts the Subject punching the front passenger side windshield with his fist approximately seven times while repeating a profane phrase. Officer B believing the Subject would break into the vehicle and attack the occupant, struck the Subject once on the left shoulder area with the baton. As the driver reversed the vehicle, the Subject continued hitting the windshield with his fist.

Witness C was driving in the number two lane when he observed a male seated on the curb bleeding from his face. Witness C saw an officer standing in front of the male and a second officer to the right standing on the sidewalk behind the male who was seated. Witness C described the officer with the baton and saw that the other officer held a TASER. He heard the officers issuing commands to stop moving and get down.

Witness C observed a police officer strike the male with a baton once when he was seated, then saw the male get up, acting belligerent. Witness C said the officers attempted to Tase him which failed. Witness C observed the officer strike the male with a baton a second and third time when the male was up from the seated position. Witness C mentioned the baton strikes were to the area of the forehead/temple and described the baton as long with a handle and held along the right forearm. Witness C observed the male being Tased twice which had no effect. Witness C described the male lunging at his vehicle and saying, "If you want to kill me, kill me. I'm going to - - I'm going to - - if you want to kill me, kill me. Run me over." Witness C stated, "...the male bashed my window and I put the car in reverse and he chased me. I drove around and passed him and he went in the opposite direction."

Officer A issued a secondary broadcast, indicating, "Officer needs help." Communications Division then broadcast another "officer needs help" call.

Officers A and B followed the Subject on foot to the front of a fast food restaurant. The officers waited for additional units to arrive and assist with taking the Subject into custody. Officers A and B had their batons out and had deployed on the Subject in a triangular formation. According to Officer B, as the Subject stood between them, the Subject told the officers to put their guns and batons down and challenged them to a fight.

Meanwhile, Officers C (driver) and D (passenger) were monitoring the police radio, heard the help request, and responded. Officers C and D saw Officers A and B standing on opposite sides of the Subject. The Subject was not wearing a shirt and had blood and sweat on his face and upper torso. Officers C and D exited their vehicle as Officer A was ordering the Subject to get on the ground. Officer A told Officer C they were involved in an altercation with the Subject. Officer A advised that the Subject was not complying and told Officer C to Tase the Subject.

Officer C said that he knew from the officer's vehicle position that the altercation had moved a distance. He was told by a senior officer that they had just been in an altercation and observed blood and sweat on the Subject. He saw that the Subject was not obeying commands and felt it was unsafe to approach. Officer C formed the opinion that if he did not take immediate action the Subject would continue the fight and did not believe a Garner warning, indicating that the TASER was about to be used and would be effective.

Officer C removed his TASER from the holster and held it with his right hand. Officer C switched the TASER to the on position, aimed toward the Subject's abdomen area, and from an approximate distance of 13 feet, discharged the TASER. He believed the probes made contact on the Subject's mid-section. The Subject fell onto his back on the grassy area in front of the fast food restaurant. The Subject attempted to get up and was not complying with the commands to stay on the ground and to turn over. Officer C activated the TASER a second time.

Officer C observed the Subject attempting to remove the probes from his mid-section and feared the TASER would not be effective if the darts were removed. As a result, he activated the TASER a third time. This activation stopped the Subject's actions. Officer C engaged the safety and holstered the TASER.

All TASERs used during this incident were inspected and their clocks were synchronized.

Meanwhile, Officer E, (driver), and Officer F, (passenger), responded to the CD broadcast of an "officer needs help" call. Officers E and F exited their police vehicle and observed the Subject, who appeared to be uncooperative and covered in blood, standing between Officers A and B. Officers E and F heard Officer A direct one of the officers to utilize a TASER.

Once the Subject was on the ground in front of the fast food restaurant, Officer A used his right foot to push on the Subject's upper left shoulder area. According to Officer A, the Subject was not complying, so while holding his baton, he was using his right foot to gain the Subject's attention while continuing to issue commands to turn onto his stomach.

Officer A placed his left foot on the Subject's left wrist in attempt control the Subject, as the Subject was placed in a prone position by the officers. Officer A moved down toward the Subject's legs and placed his right foot on top of the Subject's right ankle to secure his foot.

According to Officer B, he placed his left foot on the Subject's right wrist because of the Subject's combative behavior, blood on his torso, and not complying with the officer's commands. Officer B did not want to give the Subject the opportunity to strike him or remove any equipment from his uniform belt.

According to Officer C, when the Subject was lying on his stomach he placed his right foot on the Subject's left ankle to prevent the Subject from kicking or fighting.

During this period, Sergeant A arrived on scene and directed the officers to handcuff the Subject.

Officers E and F watched as the Subject fell on his back and onto the grassy apron in front of the fast food restaurant. Officers E and D donned latex gloves and approached the Subject when it appeared safe to do so. Officer E placed the Subject onto his stomach as the Subject moved his arms underneath his waist. Officer C repositioned himself and utilized his foot on the Subject's back to apply body weight. Officer E held onto the Subject's right arm and, with assistance from Officer D, placed the Subject's arms behind his back and handcuffed the Subject without further incident. During the handcuffing, Officer D placed his hand on the rear of the Subject's neck and held the Subject down to the ground.

During the handcuffing procedure, Officers A and F held the Subject's legs down.

Officer F secured his Hobble Restraint Device (HRD) around the Subject's ankles and placed the Subject into a left side lateral recumbent position.

Sergeant B arrived and identified Officers A and B as the officers who were first involved in a use of force with the Subject, the type of force used and ensured crime scene measures were being taken. Sergeant A conferred with Sergeant B. It was determined that Sergeant B would assume supervisor responsibilities for the incident. Sergeant A identified the original location of the head strike and directed officers to secure the two scenes.

Officer G spoke to the victim, who was still at the scene. The victim told Officer G that she and her son were in her car. The Subject was driving erratically and telling the victim that he was going to die. The victim begged the Subject to stop driving. When the Subject stopped the car, he exited and told the victim "You're going to die. You're going to die." He grabbed her by the hair, pushed her to the ground, and started hitting her with a closed fist. While doing this, the Subject held the victim to the ground by placing his knee on her ankle. The victim did not see when the officers arrived, and did not witness the use of force. A Rescue Ambulance (RA) was requested for the victim, and she was transported to the hospital and treated for a broken ankle and injuries to her head and face.

The Watch Commander, Sergeant C, arrived at the scene and declared himself the Incident Commander (IC).

Sergeants D and E also arrived at the scene. Sergeant B instructed Sergeant D to monitor Officer A and Sergeant E to monitor Officer B.

Meanwhile, Sergeant B obtained a Public Safety Statement (PSS) from Officer B. Sergeant B continued with implementing separation and monitoring protocols consistent with a Categorical Use of Force (CUOF). He directed Sergeant E to continue monitoring Officer B. Sergeant B advised IC Sergeant C that a categorical use of force (CUOF) had occurred.

Los Angeles Fire Department (LAFD) received the alarm to respond to the location. After an initial assessment, the Subject was transported to the hospital for treatment, accompanied by two officers. The Subject did not make any statements.

Sergeant F arrived at scene. Sergeant F identified, separated, and monitored Police Officers C and D. Sergeant F obtained a PSS from Officers C and D. Sergeant G arrived within a minute at the primary incident location and ensured crime scene protocols were in place.

Sergeant C notified the Real-Time Analysis and Critical Response (RACR) Division of the CUOF head strike with an impact device.



## **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 weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. 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, and F's tactics to warrant a Tactical Debrief.

### **B. Drawing/Exhibiting**

The BOPC found Officer B'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, and F's non-lethal use of force to be in policy.

### **D. Less-Lethal Use of Force**

The BOPC found Officers A, B, and C's less-lethal use of force to be in policy.

### **E. Lethal Use of Force**

The BOPC found Officer B's lethal use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:
  1. Back-Up Request

Officers A and B did not request a back-up unit when they observed the Subject striking the victim several times in the face.

Although officers are given discretion regarding the appropriate time to broadcast, a request for an additional unit or back up unit would have been tactically advantageous based on the comments of the radio call.

In this case, when the officers arrived at the scene, their attention was immediately directed to the Subject who was violently striking the female victim on the face. Fearing for the victim's safety, the officers immediately exited the vehicle and contacted the Subject to stop his attack on the victim.

## 2. Non-Conflicting Simultaneous Commands

The investigation revealed that several officers at the scene gave non-conflicting simultaneous commands to the Subject throughout the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

## 3. Maintaining Baton in Right Hand and TASER in Left Hand

The investigation revealed that Officer B maintained possession of his collapsible baton in his right hand and drew his TASER with his left hand. It is preferred that an officer holster one tool before transitioning to another.

These topics were to be discussed at the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.

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

In conclusion, the BOPC found based on the totality of the circumstances, that the officers' actions were not a substantial deviation from approved Department tactical training.

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

## **B. Drawing and Exhibiting**

- According to Officer B, as he exited the vehicle, he observed the victim down on her butt or on her knees with the Subject standing over her. The Subject was using his left hand to grab the victim's hair and his right hand to hit her in the face. Believing that the Subject was possibly striking the victim with a weapon, Officer B drew his

service pistol.

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

Therefore, the BOPC found Officer B's drawing and exhibiting of a firearm to be in policy.

### **C. Non- Lethal Use of Force**

- **Officer A – (Body Weight)**

According to Officer A, the Subject was still on the Subject's back and not listening to commands to turn over, so he placed his left foot on the Subject's left wrist to control his arm until the officers were able to take him into custody. After the Subject was placed in a prone position, Officer A placed his right foot on top of the Subject's right ankle to secure his foot.

- **Officer B – (Body Weight)**

According to Officer B, he did not want to get too close to the Subject and give him an opportunity to strike him or remove any equipment from his uniform belt, so he placed his left foot on the Subject's right wrist.

- **Officer C – (Body Weight)**

According to Officer C, with the Subject lying on his stomach, he placed his right foot on the Subject's left ankle to prevent the Subject from kicking or fighting. He then repositioned himself and used his foot on the Subject's back to apply body weight to keep the Subject down on the ground.

- **Officer D – (Body Weight, Firm Grip and Physical Force)**

According to Officer D, he placed his hand on the back of the Subject's neck and utilized bodyweight to hold the Subject down to the ground to assist the officers who were attempting to handcuff the Subject. Officer D then used a firm grip and physical force on the Subject's left arm to assist Officer E during handcuffing.

- **Officer E – (Body Weight, Firm Grip and Physical Force)**

According to Officer E, he utilized bodyweight on the Subject's right shoulder and a firm grip on the Subject's right arm. He then used a firm grip and physical force to move the Subject's arms behind his back and handcuff him.

- **Officer F – (Body Weight)**

According to Officer F, he used bodyweight to hold the Subject's legs down because he was still resisting.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, D, E, and F, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome the Subject's resistance.

Therefore, the BOPC found Officers A, B, C, D, E, and F's non-lethal use of force to be objectively reasonable and in policy.

#### **D. Less Lethal Use of Force**

- **Officer A** – (TASER, seven activations, in probe mode, from an approximate distance of five to seven feet – one set of probes)

According to Officer A, he used the initial TASER activation to stop the Subject's attack on the victim, causing the Subject to fall to the ground. The Subject stood up and immediately attacked him, at which time he re-activated his TASER several more times in an attempt to stop his actions.

- **Officer B** – (collapsible baton, seven to nine strikes)

According to Officer B, he delivered several downward less-lethal collapsible baton strikes to the Subject's shoulder blade area to stop his attack on Officer A.

- **Officer B** – (TASER, two activations, in probe mode, from an approximate distance of two to three feet – one set of probes)

According to Officer B, he transitioned to his TASER because the baton strikes appeared to be ineffective. He deployed the TASER in probe mode from approximately four feet, striking the Subject in the rear mid-section. His first activation had no effect, so he activated the TASER a second time.

- **Officer C** – (TASER, three activations, in probe mode, from an approximate distance of thirteen feet – one set of probes)

According to Officer C, he saw that the Subject was not obeying Officer A's commands and felt that it was unsafe to approach. He believed if he did not take immediate action, the Subject would continue to fight. He then deployed his TASER, in probe mode, from an approximate distance of 13 feet, striking the Subject's front torso area and causing him to fall on the grass.

The Subject attempted to get up and was ignoring the officers' commands to stay on the ground and turn over, so Officer C activated the TASER for a second five-second cycle. He observed the Subject attempting to remove the probes from his

mid-section and feared the TASER would not be effective if the darts were removed. He then activated the TASER a third time which stopped the Subject's actions.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, and C, while faced with similar circumstances, would believe the applications of a less-lethal force option to stop the Subject's actions was objectively reasonable.

Therefore, the BOPC found Officers A, B, and C's less-lethal use of force to be objectively reasonable and in policy.

#### **E. Use of Lethal Force**

- **Officer B** – (Head Strike, Collapsible Baton, three to five times)

According to Officer B, the Subject continued to assault his partner. He believed that he needed to get the Subject off of Officer A before the Subject either knocked his partner unconscious or killed him. He felt that the use of other force options would be ineffective or unsafe for his partner. He then used his baton to strike the Subject on the head to stop the Subject from assaulting his partner.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B, would reasonably believe that the Subject's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force would be objectively reasonable.

Therefore, the BOPC found Officer B's lethal use of force to be in policy.