

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

**LAW ENFORCEMENT-RELATED INJURY – 010-14**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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North Hollywood	3/23/14		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	15 years, 5 months
Officer B	17 years, 11 months
Officer C	17 years, 7 months
Officer D	5 years
Officer E	6 years, 4 months
Officer F	7 years, 4 months
Officer G	7 years, 11 months
Officer H	5 years, 3 months
Officer I	7 years, 7 months
Officer J	5 years, 3 months

**Reason for Police Contact**

Officers responded to a radio call of a male walking into lanes of traffic. A struggle ensued, which resulted into a law enforcement-related injury.

<b>Suspect</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 34 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 Chief 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 March 17, 2015.

### **Incident Summary**

Witness A observed the Subject running in and out of moving traffic and causing a disturbance in the roadway. Witness A notified Communications Division (CD) and requested a police response. Witness A further advised that he last observed the Subject entering a movie theater. CD then created a radio call of a man loitering and refusing to leave the movie theater at the location.

Witness A, who continued to witness the Subject's actions, made a second call to CD. Witness A advised CD that the Subject was now standing in the middle of lanes of the street, blocking traffic.

Uniformed Officers A and B received the radio call. Officers A and B were handling an unrelated investigation at another location when they were assigned the call. Officer A verbally acknowledged the call and advised they would be responding with a delay from their current location.

Shortly thereafter, Officers A and B drove to the location of the radio call. Officer B parked his police vehicle in the number three lane of northbound traffic. The officers were immediately directed by Witness B to the Subject, who was now in the number three lane of northbound traffic, walking toward their police vehicle.

Due to the Subject's behavior, Officer A believed he was possibly intoxicated or mentally ill. Officer A feared the Subject would be hit by a car as the officers approached him on foot. Officer A attempted to encourage him to move out of the street. The Subject began to walk away from the officers and further westbound into vehicle traffic. Officer A immediately grabbed the Subject's leather jacket at the right elbow and escorted him to the east sidewalk and out of the street while continuing to verbally encourage the Subject to allow them to help him.

Upon reaching the sidewalk, the Subject began to yell obscenities and exclaimed, "They're taking my car!" The Subject seemed disoriented and paranoid and did not appear to recognize them as police officers. Due to the Subject's behavior and to avoid an escalation of the situation, Officers A and B opted to handcuff the Subject while they continued their investigation.

Officer A instructed the Subject to drop his bags, to which he complied. Officer B obtained a hold of the Subject's left arm while Officer A held onto his right arm. The officers verbalized with the Subject and explained they were going to handcuff him but that he was not being arrested. Officer A further advised the Subject their intent was to check on his well-being.

As the officers attempted to place the Subject's hands behind his back, the Subject tensed his body, spun clockwise toward Officer A, and began to run westbound into the

street. Officer A, due to the Subject sweating excessively, lost his grip on the Subject's right arm. Officer B continued to hold onto the Subject's left arm and, as a result, was pulled into the street. Officer A immediately grabbed the Subject by the jacket as he and Officer B attempted to pull the Subject back onto the sidewalk to prevent him from being struck by passing vehicles. As the officers neared lanes of vehicle traffic, Officer B reached down to his police radio, keyed the microphone and requested a back-up.

The Subject resisted the officers' attempts to pull him back onto the sidewalk. Officer A, in an attempt to prevent the Subject from walking into traffic lanes, placed the Subject in a "bear hug," then shifted his body weight from left to right until he was able to pull the Subject to the ground, landing on his side.

Officer B, not wanting to release his grip on the Subject, followed him and his partner to the ground. The officers and the Subject ultimately came to rest on the street between the number two and three lanes of northbound traffic. Officer B continued to verbalize with the Subject stating they were not going to hurt him, repeatedly instructing the Subject to relax and to stop resisting. The Subject exclaimed, "You're going to kill me! Get off of me!"

The Subject, while on his back, began rolling from side to side on the ground, kicking at the officers, flailing his arms, and attempting to stand. Officer A, in an attempt to prevent the Subject from escaping, laid his body on the Subject's right upper torso. The Subject continued to roll from side to side, eventually ending up on his back. The officers attempted to gain control of the Subject's arms, but were unsuccessful. Officer A instructed the Subject to stop resisting and warned the Subject he was going to utilize a TASER if he did not comply. The Subject stated, "Please don't tase me," but continued kicking at the officers and rolling on the ground.

Officer A armed himself with his TASER, holding it in his left hand. Officer A then warned the Subject a second time that if he did not stop resisting he would utilize the TASER. The Subject failed to comply and continued to resist and kick at the officers. Officer A delivered a direct stun application of the TASER, making contact with the Subject's clothed chest area while the Subject was on his back.

The Subject continued to struggle with the officers and, as a result, the TASER was knocked out of Officer A's hand. Officer B realized the first TASER activation was ineffective and requested Officer A to utilize the TASER again. Officer A advised Officer B that he was no longer in possession of the TASER.

Officer A depressed the "Help Button" on his police radio while he and his partner continued to struggle with the Subject in an attempt to detain him. Simultaneously, Officer B cued his police radio and requested a back-up. CD immediately broadcast an "officer needs help" call and provided the officers' previous radio call location.

The officers attempted to roll the Subject onto his stomach in an effort to apply the handcuffs. As the officers rolled the Subject onto his left side, Officer A took control of the Subject's right arm. Officer A placed the Subject's right arm behind his back and

placed a handcuff on his right wrist. The Subject managed to pull his arm away from Officer A, causing Officer A to lose his grip on the Subject's arm and the handcuff.

The Subject continued to roll back and forth on the ground as Officer A attempted to regain control of his right arm while utilizing his body weight to restrict his movement. With Officer A's legs positioned near the right side of the Subject's head, the Subject managed to twist his upper body and bite down on Officer A's right inner thigh. Officer B continued to struggle to secure the Subject's left arm when Officer A advised him that the Subject was biting him. Officer B immediately used his left hand to push the Subject's chin away from Officer A's leg, causing the Subject to release his bite.

Officer A repositioned himself over the Subject, who was now lying on his back. The Subject wrapped his legs around Officer A's waist and began to "buck" Officer A forward. Officer A managed to take a full mounted position, straddling the Subject's waist while facing him. To prevent the Subject from striking either him or his partner with the loose handcuff, Officer A placed his right elbow onto the Subject's chest area. With his left hand, Officer A grabbed the Subject's handcuffed right arm and pinned it to the ground. The Subject continued to "buck" Officer A forward by thrusting his hips upward and kicking. Officer A stated that the Subject's actions caused his weight to shift forward and his right arm to slide to the Subject's neck area as he attempted to maintain control of the Subject's arm and brace himself from being thrown from his position. Each time, Officer A would immediately reposition himself, moving his weight back toward the Subject's abdomen and his elbow back on the Subject's chest.

**Note:** Officer A was asked how long his arm remained on the Subject's neck when it slid up during the struggle, and he indicated, "A few seconds at the most." The Subject's medical report did not reference any injuries to his neck or neck area.

Officer B observed the TASER lying on the ground near Witness B and at his request, Witness B retrieved it for him. Officer B then advised his partner, "I'm going to TASE him." Officer B delivered a direct stun application of the TASER (second activation overall) to the Subject's upper chest. The Subject attempted to grab the TASER from Officer B while stating, "Leave me alone, get off of me." Officer B continued to instruct the Subject to stop resisting or he would be tased again. The Subject replied, "Go ahead and TASE me."

The Subject continued to struggle with the officers by kicking at them. Officer B delivered another direct stun TASER application (third activation overall) to the Subject's left flank, near his ribcage.

Officer B immediately felt a sensation run up his arm. Officer A also felt the effect of the TASER and advised Officer B that he too was being tased. Officer B immediately disengaged the TASER and warned the Subject he would be tased again if he continued to resist. The Subject continued his assault on the officers and repeatedly kicked at both officers. The Subject also continued to flail his arms as Officers A and B unsuccessfully attempted to restrain him. Officer B delivered an additional direct stun

application of the TASER (fourth activation overall) to the Subject's left shoulder. Officer B advised that he again felt the effects of the TASER although it had no apparent effect on the Subject.

The Subject now rolled his upper body toward Officer B, who was positioned to his left. The Subject reached out and grabbed Officer B's magazine pouch, which was attached to his belt, and began to pull on it. Simultaneously, Officer B, believing additional TASER applications would be ineffective, opted to discard the TASER.

Officer B directed the Subject to let go of his equipment. When the Subject continued to pull on the magazine pouch, Officer B, with his right fist, punched the Subject two to three times on the forearm. As the Subject released his grip on Officer B's magazine pouch, Officer B observed one of the loaded magazines being propelled into the street, approximately six feet away.

Officer B then observed police vehicles pass their location and fail to stop to render assistance. Officer B advised CD of their location.

With the Subject lying on his back and still combative, Officer A continued to straddle his midsection. Officer B, using his body weight, draped his body over the Subject's left upper torso while they waited for assistance.

Uniformed Officers C and D observed Witness B shining a flashlight in their direction as if to get their attention. As they approached his location, they observed Officers A and B struggling with the Subject on the ground. Officer C parked his police vehicle.

The Subject continued to resist officers and, as he lay face up, kicked at them. Officer C, observing this, immediately placed his right knee diagonally across the Subject's shins and grabbed hold of the Subject's legs in an attempt to stop his assault. Officer D assumed control of the Subject's right hand by obtaining a grip on the loose handcuff attached to the Subject's right wrist, and held it to the ground.

Uniformed Officers E and F arrived on scene. Officer F assisted in securing the Subject's right arm by utilizing both of his hands to grip the Subject's wrist and apply downward pressure to pin his hand to the ground. Officer E took a position on the Subject's left side and grabbed his left arm, relieving Officer B. Officer B then repositioned himself to the Subject's lower body to assist in securing his legs.

Uniformed Officers G and H arrived on scene. Officer H utilized a firm grip on the Subject's left foot and pinned it to the ground. Officers C and H, now in control of the Subject's legs, relieved Officer B of his position.

Officer E then instructed the officers to roll the Subject onto his stomach counterclockwise. As they began to roll the Subject to his left, Officer E repositioned the Subject's left arm under the Subject's body and handed it to Officer F. Officer F took control of the Subject's left arm as Officer G took control of the Subject's right arm from Officer D. Once the Subject was on his stomach, Officer A stood up. Officer G then

obtained control of the loose handcuff attached to the Subject's right wrist. Officer D transitioned to the Subject's left side and placed his right knee on the Subject's left shoulder blade.

Uniformed Officers I and J arrived at the scene. Officer I observed the officers struggling to handcuff the Subject. Officer I placed his right knee on the Subject's upper left shoulder in an attempt to control the Subject's movement. The Subject was then handcuffed. Simultaneously, Sergeant A arrived on scene and observed officers handcuffing the Subject.

The Subject continued to kick his legs and roll from side to side after being handcuffed. Officer E utilized his hobble restraint, and with the assistance of Officer C, placed it around the Subject's ankles. Officer E maintained control of the hobble strap as Officer C, with his right knee across the Subject's calves, maintained control of his legs. Officer D remained with his knee on the Subject's upper back area in an attempt to control him.

Sergeant A observed an abrasion on the back of the Subject's head and requested a Rescue Ambulance (RA) to respond.

The Subject was still yelling and screaming and continued to kick and buck his body in an attempt to roll himself over. Officer D then heard the Subject state that he could not breathe. Officer D then moved his knee to the Subject's shoulder blade where he was able to decrease the amount of his bodyweight on the Subject.

Officer J used his left knee against the Subject's right side in an effort to stop the Subject's aggressive body movement. Officer J then placed both of his hands on the Subject's shoulder while speaking with the Subject in an attempt to calm him. The Subject provided Officer J with his name and began to calm down. Once calm, the officers rolled the Subject onto his left side while awaiting the RA.

**Note:** Officer J stated, when the Subject was placed on his side, he was still breathing and looking at his property which was strewn about in the street.

Los Angeles Fire Department (LAFD) RA staffed by Los Angeles Firefighters A and B where dispatched. As the RA arrived, Officer E transitioned the Subject into a seated position while Officer D supported his right shoulder. Officer E assumed a kneeling position, using his left knee to support the Subject's body from behind. Officer E recalled the Subject sitting straight up and then leaning back onto his knee. Officer D recalled the Subject moving his shoulders once in a seated position and believed the Subject to have been breathing at that time.

Upon learning a TASER had been utilized, the LAFD personnel, per LAFD protocol, requested an Advanced Life Support (ALS) RA response via LAFD dispatch.

Firefighter A began to evaluate the Subject and determined that he was not breathing. Firefighter A was unable to find a pulse. Officer E removed the handcuffs from the

Subject and laid him onto his back. Officer E then assisted Officer C in removing the hobble restraint from the Subject's ankles. Firefighters A and B immediately began Cardiopulmonary Resuscitation (CPR) measures.

As a result of the ALS request, LAFD Firefighters/Paramedics C and D were dispatched. The Subject was transported by RA to the hospital.

Uniformed Officers K and L responded to the scene and were directed by Sergeant A to accompany the RA to the hospital. Because the RA was already leaving the scene, Officers K and L followed in their police car. Once at the hospital, they were advised that LAFD personnel had reacquired the Subject's pulse while en route to the hospital. The Subject was admitted to the hospital, in critical condition.

Sergeant A assumed responsibility as Incident Commander and identified the involved officers. He requested additional resources to establish a crime scene and ensured the separation and monitoring of the involved officers.

### **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, F, G, H, I, J and Sergeant A's tactics to warrant a Tactical Debrief.

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

The BOPC found Officers A, B, C, D, E, F, G, H, I, and J's non-lethal use of force to be in policy.

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

The BOPC found Officer A and B's less-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. Officer Responsibility

Officers A and B did not inform CD they were en route to their radio call upon completion of their non-coded neighbor dispute. Additionally, the officers did not notify CD of their status and location when they arrived at the location of the radio call.

While evaluating Officers A and B's actions, the BOPC took into consideration that the officers verbally acknowledged the radio call "with a delay." Upon entering their police vehicle after completion of their previous call, Officer A depressed the "Acknowledge" button on their MDC thereby believing he had updated their status to an "en route" response to the other radio call. Unfortunately, this error caused them to continue to display their status as "at scene" on the previous radio call. Consequently, when Officer A pressed his "help" button on his police radio, the responding officers drove to the other radio call location, resulting in a delay in the additional resources. Although officers are not required to notify CD of their response and starting point, doing so alerts other units in the area of the response and increases officer safety.

After taking into consideration the totality of the circumstances, the BOPC found that Officers A and B's actions of not properly updating their status did not represent a substantial deviation from approved Department tactical training because in this case, they did acknowledge the call but inadvertently pushed the acknowledge button instead of the en route button.

#### 2. Hobble Restraint Device Procedures

Officer D utilized bodyweight to control while the Subject was hobbled and handcuffed in a prone position.

Officers are required to remove their bodyweight from an individual, that has been handcuffed and an HRD is applied, as soon as practical. In this circumstance, the Subject was hobbled and handcuffed as he continued to yell, kick, and buck his body in an attempt to roll himself over. Officer D heard the Subject state he was unable to breathe and positioned himself wherein his bodyweight was decreased while attempting to prevent the Subject from standing.

Officer J used his left knee against the Subject's right side in an effort to stop the Subject's aggressive body movement. Officer J then placed both of his hands on

the Subject's shoulder while speaking with the Subject in an attempt to calm him. Officer J was able to calm the Subject and stop him from struggling. Officer D positioned the Subject into a left lateral position while awaiting the response of the LAFD. Upon arrival of LAFD personnel, the Subject was placed in a seated position.

The BOPC conducted an assessment of Officer D's decision to utilize bodyweight to control the Subject as he continued to kick while attempting to stand. The BOPC recognized that Officer D continuously evaluated the status of the Subject after he stated he was unable to breathe. Accordingly, Officer D removed a significant portion of his bodyweight, monitored his breathing, while other officers attempted to verbalize, thus gaining the Subject's cooperation. Upon gaining compliance, he was appropriately placed in a left lateral position. Lastly, the Subject was placed in a seated position upon arrival of LAFD personnel.

Based on the totality of the circumstances, the BOPC determined that the officers' actions did not substantially deviate from approved Department tactical training.

### 3. Command and Control

Sergeant A was the on-scene supervisor during the handcuffing and hobbling of the Subject. Based on the sergeant's radio broadcasts, it can be established that he was on scene for more than two minutes during the restraint of the Subject. It was Sergeant A who both broadcast "su[bj]ect in custody" for this incident, and who requested a rescue ambulance. Although it is unclear what the circumstances were, as understood by Sergeant A, when he broadcast that the su[bj]ect was in custody, based on the available evidence, Sergeant A was unaware that the Subject was hobbled while being held in a prone position. Indeed, Sergeant A commented during his interview that, had he known, he would have ensured that the Subject was placed on his side.

The available evidence did not establish that Sergeant A was aware that the Subject was restrained in a prone position after the hobble was applied. However, given that the su[bj]ect was restrained while Sergeant A was present at the scene, Sergeant A should be debriefed regarding his supervisory responsibilities relative to ongoing use of force incidents.

- 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 review and discuss the incident and the individual actions that took place during this incident.

In conclusion, the BOPC found Sergeant A and Officers A, B, C, D, E, F, G, H, I, and J's tactics to warrant a Tactical Debrief.

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

- **Officer A:** Firm Grip, Physical Force, Bodyweight and Take Down
- **Officer B:** Firm Grip, Physical Force, Bodyweight, Punches
- **Officer C:** Firm Grip, Physical Force, Bodyweight
- **Officer D:** Firm Grip, Physical Force, Bodyweight
- **Officer E:** Firm Grip
- **Officer F:** Firm Grip, Physical Force
- **Officer G:** Firm Grip, Bodyweight
- **Officer H:** Firm Grip
- **Officer I:** Bodyweight
- **Officer J:** Bodyweight

Upon arrival, Officers A and B observed vehicles swerving to avoid striking the Subject, who was walking in the number three lane of traffic. Officers A and B believed the Subject may be struck and encouraged him to move out of the street. Officer A held the Subject's arm and escorted him onto the sidewalk. Due to the Subject's erratic behavior the officers opted to handcuff the Subject while they completed their investigation. As the officers attempted to place the Subject's hands behind his back, the Subject began to tense up and refused to cooperate with the officers' commands. The Subject attempted to run away from the officers and pulled Officer B into the street with him. Officer A grabbed the Subject by the jacket and attempted to pull the Subject back onto the sidewalk. The Subject continued to resist, at which time Officer A wrapped his arms around the Subject's upper body and pulled him to the ground. In doing so, Officers A and the Subject fell to the ground. Once on the ground, Officers A and B attempted to roll the Subject onto his stomach to place him in handcuffs. Officer A was able to utilize bodyweight and physical force to control the Subject's actions.

The Subject began to kick the officers and flail his arms while attempting to stand. In an effort to prevent the Subject from escaping, Officer A utilized his bodyweight across the Subject's upper torso. The Subject continued to resist as he rolled from side to side, causing him to end up on his back. Officer A utilized a TASER direct stun application on the Subject as a pain compliance technique in order to get the Subject to comply and submit to arrest. The TASER appeared to be ineffective.

The officers continued to struggle with the Subject and attempted to roll him onto his stomach in order to place him in handcuffs. Officer A was able to place one handcuff on his right wrist; however, due to the Subject sweating, Officer A lost his grip of the Subject's handcuffed arm. Officer A continued to utilize his bodyweight in

an effort to restrict the Subject's movements. The Subject managed to gain access to Officer A's right inner thigh and bite down. Officer A screamed and advised Officer B that the Subject was biting his leg. In order to get the Subject to release his bite on Officer A's thigh, Officer B utilized his left hand to push the Subject's chin away from Officer A's thigh, successfully forcing him to release his bite.

The Subject, while on his back, wrapped his legs around Officer A's waist and attempted to "buck" him off. Officer A obtained a full mounted position, straddling the Subject's waist while facing him and placed his right elbow onto the Subject's chest area. Officer A assumed this position in order to prevent the Subject from striking the officers with the loose handcuff. The Subject continued to attempt to "buck" Officer A off, causing his weight to shift forward and his right elbow to slide toward the Subject's neck. Officer A repositioned himself, moving his weight back towards the Subject's abdomen and elbow back on the Subject's chest. Officer A, with his left, hand utilized a firm grip to hold down the Subject's right arm, which contained the handcuff.

Officer B obtained the TASER and utilized the direct stun application on the Subject three additional times, which was ineffective.

After the fourth application of the direct stun, the Subject reached out and grabbed the magazine pouch on Officer B's equipment belt. Officer B ordered the Subject to release his hold on his equipment belt. The Subject continued to pull on his magazine pouch, at which time Officer B utilized his right fist and delivered two to three punches to the Subject's forearm. As the Subject released his grip, Officer B observed one of his magazines fall onto the street.

As Officers C and D arrived, they immediately assisted in attempting to control the Subject. Officer C placed his right knee on the Subject's shins and utilized a firm grip to control the Subject's legs. Officer D controlled the Subject's right hand by obtaining a grip on the loose handcuff attached to the Subject's wrist, and held it to the ground.

Officers E and F arrived and assisted with attempting to control the Subject. Officer F utilized both hands with a firm grip to the Subject's right wrist and applied pressure to pin his hand down to the ground. Officer E grabbed the Subject's left arm relieving Officer B from that position. Officer B repositioned his bodyweight onto the Subject's lower body. Officers G and H arrived and also assisted in attempting to control the Subject. Officer H utilized a firm grip on the Subject's left foot and pinned it to the ground.

Officer E instructed the officers to roll the Subject onto his stomach. Officer E maintained control of the Subject's left hand, and once the Subject was on his stomach, he handed his left hand to Officer F. Officer G obtained control of the Subject's right handcuffed wrist, relieving Officer A. Officer D placed his right knee on the Subject's shoulder blade in order to control his upper body.

Officers I and J arrived and observed the officers struggling with the Subject. Officer I assisted by placing his right knee on the Subject's left shoulder, utilizing his bodyweight to control the Subject's actions. The Subject was subsequently handcuffed, however he continued to kick and struggle with the officers.

Officers C and E applied the HRD to the Subject's ankles. Officer E maintained control of the HRD strap while Officer C placed his right knee on the Subject's calves to control his legs.

The Subject continued to kick and "buck" his body in an attempt to roll over. Officer J then placed his left knee against the Subject's left side to control the Subject's aggressive movements. Officer J was able to calm the Subject as LAFD personnel arrived, allowing them to render medical attention to him.

After a thorough review of the incident and involved officers' statements, the BOPC assessed each application of force by each involved officer. The BOPC determined that officers with similar training and experience would believe the application of Non-Lethal Force would be reasonable to overcome the Subject's resistance to prevent further injury and/or escape.

In conclusion, the BOPC found Officers A, B, C, D, E, F, G, H, I, and J's non-lethal use of force to be in policy.

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

- **Officer A** – One Direct Stun TASER activation
- **Officer B** – Three Direct Stun TASER activations

Officers A and B attempted to gain control of the Subject's arms as they verbalized with him to stop resisting. Officer A advised the Subject if he did not stop resisting he would be tased. The Subject continued his resistance while attempting to kick the officers. Officer A then utilized the direct stun application of the TASER on the Subject's chest.

During the struggle with the officers, the Subject knocked the TASER out of Officer A's hand out of reach of the officers and the Subject. Officer B requested Officer A utilize the TASER again, at which time Officer A advised his partner he no longer had the TASER.

Officer B observed the TASER a few feet away and requested Witness B to retrieve it for him. Witness B handed it to Officer B. Officer B advised his partner he was going to tase the Subject. Officer B then administered a direct stun to the Subject's upper chest area.

The TASER appeared to have no effect on the Subject. The Subject then tried to grab the TASER from Officer B's hand. Officer B continued to verbalize with the Subject to "stop resisting" or he would be tased again. The Subject continued to

struggle and kick the officers. Officer B administered an additional direct stun activation to the left flank which had no effect on the Subject; however, both Officers A and B felt the effect of the TASER in their arms as they held onto the Subject.

Officer B advised the Subject one additional time to stop resisting or he would be tased. The Subject continued to kick both officers as they attempted to restrain him. Officer B delivered a fourth direct stun to the Subject's left shoulder with no effect. Believing the TASER was ineffective, Officer B opted to discard the TASER out of reach of the Subject's grasp.

The officer's decision to use force must be judged through the perspective of a reasonable officer with similar training and experience and in a similar circumstance. The BOPC determined that an officer with similar training and experience would reasonably believe that the application of less-lethal force to stop the Subject's aggressive actions was reasonable and would have acted in a similar manner.

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