

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

LAW ENFORCEMENT-RELATED INJURY – 010-18

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

Outside City	2/15/18		
--------------	---------	--	--

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

Officer C	14 years, 11 months
Officer D	10 months
Officer E	2 years, 5 months
Officer F	1 year, 5 months
Officer G	10 years
Officer I	3 years, 4 months
Officer J	3 years, 3 months

Reason for Police Contact

Officers were involved in a vehicle pursuit of a possible Driving Under the Influence (DUI) driver. The pursuit ended in an unincorporated area of East Los Angeles when the Subject intentionally drove her vehicle into two black and white police vehicles. The Subject was Tased and struck with a Super-Sock round, resulting in injury and admittance to a hospital.

Suspect	Deceased ()	Wounded (X)	Non-Hit ()
----------------	---------------------	--------------------	--------------------

Subject: Female, 31 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.

The following incident was adjudicated by the BOPC on January 15, 2019.

Incident Summary

Officers A and B were stopped for a red light at an intersection. The officers were positioned in the number one lane, but Officer A had decided to turn and positioned his/her vehicle diagonally to enter the number two left turn lane. The officers heard a black Sport Utility Vehicle (SUV) screech to a stop, approximately 5-10 feet behind them. From the open driver's side window, Officer A hand gestured for the driver of the SUV, later identified as the Subject, to pass them. When the Subject failed to drive forward, Officer A drove in reverse and positioned the police vehicle behind the Subject's vehicle. The officers observed that the rear window of the SUV was shattered and the rear of the vehicle had traffic collision (TC) damage.

Officer B utilized the vehicle's Public Address (PA) system and instructed the Subject to pull into a carwash parking lot located at the corner. Officer B noted that when the Subject turned left she accelerated slowly and took the turn wide. Officer B surmised that the Subject was possibly driving impaired and relayed this to Officer A. The Subject passed the parking lot and turned onto the freeway.

Upon entering the freeway, the officers observed the Subject accelerate her vehicle and drive from the right side of the freeway to the left side, cutting off other drivers and causing them to brake abruptly. The officers followed the Subject as she merged onto another freeway. Officer B broadcast that the officers were following a possible DUI driver. Officer B broadcast the description of the vehicle and requested a back-up unit and a supervisor. Communications Division (CD) broadcast the officers following and requested an Air Unit.

The Subject continued to drive at a high rate of speed while changing lanes, nearly colliding with other vehicles. Officer A activated their lights and siren, and Officer B notified CD that they were in pursuit on the freeway.

Officers C, D, E, and F notified CD that they were responding.

Sergeant A advised that he/she was en route and monitoring the pursuit. Sergeant B requested that CD notify the California Highway Patrol (CHP).

An Air Unit broadcast they were over the pursuit and available for tracking. Sergeant A directed the units to go into tracking mode, and the Air Unit turned off their Nightsun lighting system and began to track the Subject's vehicle.

As the Subject continued on the freeway, she transitioned into the number one lane, then back to the number four lane before exiting. The Subject struck a white car that was stopped for the red light at the off-ramp, causing a three-vehicle chain-reaction traffic collision (TC). A news helicopter was overhead and filmed the TC.

The Air Unit broadcast the TC. The Subject slowly exited the off-ramp and stopped her vehicle on the side of the street. Officers A and B drove past the collision and advised the drivers to wait there.

Officers A and B pulled behind the Subject's vehicle, and Officer B broadcast the officers' status and location (Code Six). Officers A and B exited their police vehicle. Officer B deployed a beanbag shotgun, and Officer A unholstered his/her duty pistol and ordered the Subject to turn off her car. The officers remained behind the doors of their vehicle and waited for additional units to arrive. While stopped, Officers A and B observed the Subject smoking and Officer B observed her drink from a bottle.

The Subject pulled away from the curb and continued driving. Officer A holstered his/her pistol and re-entered the police vehicle. Officer B entered their vehicle with the beanbag shotgun and as they continued in tracking mode with the Air Unit overhead, Officer B unloaded and secured the beanbag shotgun in the rack.

The Subject stopped and parked her vehicle a second time, and Officers A, B, C, and D pulled behind her. Officers A and D unholstered their pistols, and Officer B deployed a beanbag shotgun to conduct a high risk stop. Officer A ordered the Subject to turn off her car. The Subject did not respond and quickly drove away. Officers A and D holstered their pistols prior entering their vehicles. Officer B unloaded and secured the beanbag shotgun in the rack after again entering his/her vehicle.

The Air Unit indicated that the Subject was driving toward the downtown buildings and would be out of view. Sergeant A authorized the units to go back in pursuit mode and requested a third unit for the pursuit. Sergeant A advised that the officers would attempt to set up for a Pursuit Intervention Technique (PIT) maneuver.

The officers briefly lost the Subject in the downtown area. Officers E and F located her and became the primary unit in the pursuit. The Subject drove with Officers E and F following. Moments later, the Subject turned and drove for two blocks, with Officers E and F following. The Subject briefly turned on a one-way street before turning around. The pursuit was placed back into tracking mode.

The Subject continued driving on city streets before entering a freeway with her headlights off. The Air Unit turned off their Nightsun lighting system and continued to track the Subject's vehicle visually. The Subject exited and struck an unidentified blue vehicle but then continued driving.

The Subject drove approximately three blocks before parking on the street with her headlights off. Officers E and F stopped in front of the Subject's vehicle and unholstered their pistols to conduct a high risk stop. The officers ordered the Subject to put her hands up. The Subject did not comply and drove away past the officers' vehicle. The officers holstered their pistols before entering their vehicle.

The Subject stopped her vehicle in the roadway. Officers C, D, E, F, G, and H pulled behind her. Officers C, D, E, and F unholstered their pistols to conduct a high risk stop. Officer E repeatedly ordered the Subject to get out of the vehicle with her hands up. The Subject pulled forward three car lengths before stopping again. The officers holstered their pistols and pulled forward in their vehicles.

Officers C, D, and E unholstered their pistols a second time to conduct a high risk stop. Moments later, the Subject drove away. The officers holstered their pistols and followed the Subject.

The Subject continued driving, and the Air Unit directed the officers to the location and advised them that the street ended in a cul-de-sac.

Officers C, D, G, and H, and Sergeant A drove toward the Subject, but the Subject turned around and drove toward the officers who remained in their vehicles.

Officer D pulled his/her vehicle to the right and stopped on the side of the roadway, near Officers G and H's vehicle (hereafter referred to as Officer G's vehicle). Sergeant A pulled his/her vehicle approximately half a car-length back from Officers G's vehicle, blocking the roadway. The incident was captured by news helicopters. Sergeant A indicated he/she blocked the roadway because the Subject was a felony hit and run suspect who was involved in multiple TC's and driving erratically. Sergeant A felt the pursuit could not continue and her actions needed to be stopped.

The following is an account of each officer's actions at the termination of the pursuit. The officers all had their BWV activated at the time.

The Subject drove past on the side of Officers C and D's vehicle. The Subject briefly stopped with the front left quarter panel of her vehicle against the front left quarter panel of Officer G's vehicle. Her right front bumper was against the right front bumper of Sergeant A's vehicle. Sergeant A and Officer G's vehicles were in park at the time.

Sergeant A and Officer H exited, unholstered their pistols, and stood behind the doors of their vehicles. The Subject's driver's side window was down. Officer H pointed his/her pistol at the Subject and repeatedly ordered her to get out of her car. Officer H and Sergeant A repeatedly ordered the Subject to put her hands up, and Sergeant A repeatedly called for a beanbag (shotgun). Sergeant A stated he/she knew the officers were wearing TASERS and requested a beanbag shotgun to have less-lethal options available.

The Subject accelerated her vehicle forward approximately six times. Each time that occurred, she pushed Sergeant A's vehicle back, while scraping her vehicle along the driver's side of Officers G's vehicle. Sergeant A's vehicle door contacted Sergeant A as his/her vehicle was pushed back. Sergeant A called for the officers to redeploy because he/she believed the Subject intended to drive through them. Officer G was unable to exit his driver's side door, because the Subject's vehicle was wedged up

against his/her door. In an effort to escape, Officer G climbed over the center console and exited his/her vehicle through the passenger side door.

Officer H believed the Subject struck and traveled down the side of Officer G's vehicle before impacting Sergeant A's vehicle. Officer H did not believe the Subject stopped prior to striking his/her vehicle.

Officer C exited his/her vehicle, unholstered his/her pistol, and moved along the sidewalk as the Subject repeatedly accelerated into the police vehicles. Officer C ordered the Subject several times to stop her car.

In a final acceleration, the Subject pushed Sergeant A's vehicle. The Subject's front tires briefly continued to spin as Sergeant A holstered his/her pistol, re-entered his/her vehicle, and applied the brake.

A review of news video determined that during the incident the Subject pushed Sergeant A's vehicle back approximately 26 feet.

Officer C moved from the sidewalk to the side of Officer G's vehicle and repeatedly yelled "TASER", while holstering his/her pistol and retrieving his/her TASER. Officer C stated he/she yelled TASER to alert the other officers that it was an option at that point to try to stop the Subject's actions, and to deploy one, if possible.

After her final acceleration into Sergeant A's vehicle, the Subject backed up approximately two feet. Sergeant A believed the only way to stop the Subject from causing an officer from being struck by a vehicle was to put his/her vehicle into drive and "apply force against force." Sergeant A drove his/her vehicle approximately two feet, pushing the front bumper of his/her vehicle into the front bumper of the Subject's vehicle. Sergeant A then placed his/her car in park and stood in the door jamb, while maintaining his/her foot on the brake. The Subject's vehicle did not move for the remainder of the incident.

Upon exiting his vehicle, Officer G unholstered his/her pistol. He/she holstered it moments later and then drew his/her TASER. Immediately after Officer C yelled, "TASER, TASER, TASER," and Officer H said, "[T]aser her," Officer G said, "[G]ot it." While positioned at the rear passenger side of his/her vehicle with his/her TASER in his/her left hand, Officer G aimed at the Subject's top left shoulder area and fired from an approximate distance of six feet. One of the TASER darts struck the Subject's driver's door and the other dart struck the vehicle's airbag, which had been deployed prior. Officer G removed the cartridge from the TASER, dropped it to the ground and holstered his/her TASER.

Officer G stated that due to the exigent circumstances of trying to stop the Subject from pushing Sergeant A's vehicle, he/she did not warn her that a TASER was about to be deployed. Officer G believed he/she fired his/her TASER from a two-handed grip.

Officer C observed that Officer G's TASER did not affect the Subject and positioned him/herself to the left of Officer G. With a two-handed grip, Officer C aimed at the Subject's abdomen and fired his/her TASER from an approximate distance of four feet. Upon being struck with the TASER dart(s), the Subject crossed her arms over her chest and said, "Ow, what [...] is wrong with you[?]" Officer C ordered the Subject to keep her hands up and to not move. Officer C yelled, "Front passenger side, passenger side. Officers E, G, and F deployed to the passenger side of the Subject's vehicle.

Officer C fired his/her TASER approximately four seconds after Officer G fired his/her Taser and after Sergeant A had driven his/her vehicle forward into the Subject's front bumper. Officer C indicated he/she did not give a verbal warning based on the exigency of the Subject using her vehicle as a weapon. Officer C also indicated that because the Subject was behind the driver's door of her SUV, he/she had to close the distance to target her abdomen, while not approaching too close in case the Subject began surging her vehicle forward again.

After the Subject passed his vehicle, Officer D exited and unholstered his/her pistol because he/she believed they were conducting a high risk stop. With his/her index finger along the frame, Officer D's pointed his/her pistol toward the Subject's driver's door. At the time, the Subject's vehicle was stopped in the roadway in front of Sergeant A's and Officer G's vehicles. In his/her FID interview, Officer D stated he/she observed the police vehicles, but did not observe any officers (in the background) due to the vehicle lights.

Officer D holstered his/her pistol and retrieved a beanbag shotgun from the rack between the front driver and passenger seats. Officer D stated he/she retrieved it to de-escalate the situation.

While still at his/her vehicle, Officer D chambered a Super-Sock round and pointed the beanbag shotgun at the Subject's driver's side door. Officer D observed the Subject ram Sergeant A's vehicle and move it approximately 10 feet. Officer D moved to the rear passenger side quarter panel of Officers G's vehicle for cover with his/her beanbag shotgun pointed in the Subject's direction. As Officer D approached, he/she stated he/she heard a TASER discharge, but did not see it have any effect on the Subject. Officer D observed Officer C fire his/her TASER and heard the Subject scream with her hands up. Officer D observed Officer C positioned in front of the Subject's driver's window while ordering the Subject to keep her hands up.

Officer D announced that he/she had a beanbag and told Officer C to stand back. When Officer C moved away from the driver's side window, Officer D aimed at the Subject's left biceps/shoulder area and fired one Super-Sock round at the Subject from an approximate distance of six feet. Officer D indicated his/her background looked clear and that he/she did not see any other officers when he fired.

Officer D stated he/she did not believe he/she had time to give the Subject a warning before firing the beanbag shotgun. Regarding his/her decision to fire, Officer D stated,

“And as my partner’s telling her, ‘Keep your hands up. Keep your hands up,’ she puts her hands down. Her window was down so I knew I had a good shot at her shoulder area. I felt that if I wasn’t able to take that shot that time with the way she was going to harm other officers...I felt like the Taser that we used were kind of ineffective because she was still moving. She - - she did put her hands up, but then she put them down as to maybe, I thought maybe she was going to accelerate again and take off and hurt one of the officers.”

Officer D believed he/she said, “Beanbag ready” and “Beanbag ready, standby,” to let his fellow officers know that he/she was getting ready to fire the beanbag.

A review of BWV by FID investigators determined that when Officer D fired, the Subject’s left hand was in front of her, at shoulder level. The Subject’s right hand was being pulled by Officer E from the passenger side.

Immediately after Officer D discharged the beanbag shotgun, Officer H placed his/her right hand on top of the beanbag shotgun’s receiver and announced, “Crossfire, crossfire, crossfire.” Officer D brought the beanbag shotgun to a low-ready position, and Officer C said, “You didn’t fire that did you?...Not with officers in the background[.]”

Officer C removed the cartridge from his/her Taser and tossed it inside the driver’s side of the Subject’s vehicle as Officers G and H pulled the Subject out through the passenger door.

During the incident, Officers E and F deployed to the passenger side of the Subject’s vehicle. The following is an account of their actions in relation to removing the Subject from her vehicle.

Officers E and F parked their vehicle. The officers ran while the Subject was pushing Sergeant A’s vehicle. Officer F communicated to Officer E, “We need to open the door, it’s unlocked (referring to the Subject’s vehicle).” After Sergeant A drove his/her vehicle into the Subject’s vehicle and after Officer C fired his/her TASER, Officer F communicated to Officer E, “[R]eady,” followed by, “Go on the other side.” Officer F ran around the trunk of Sergeant A’s vehicle to the front passenger door of the Subject’s vehicle, while Officer E climbed over the hood of the Subject’s vehicle from the driver’s side to the passenger side. As Officer F reached the passenger side, Officer C could be heard yelling, “passenger side, passenger side.” Officer F communicated, “I got it.” Officer G joined Officers E and F on the passenger side of the Subject’s vehicle after running around the trunk of Sergeant A’s vehicle.

Sergeant A joined the officers on the passenger side and observed as Officer F reached into the partially open front passenger window and unlocked the door. Officer F opened the door and attempted to grab the Subject’s right arm with both hands. Officer F lost his/her grip and stumbled backward out of the passenger compartment.

Prior to moving to the passenger side, Officer F believed he/she heard an officer say, "Secure her," or, "Detain her." This statement is not discernible on the officers' BWV.

Officer H stated that prior to moving to the passenger side of the Subject's vehicle, Officer G communicated that he/she was going to redeploy to the passenger side. Officer G did not mention that communication in his/her interview and it was not discernible on the officers' BWV.

Officer E observed that Officer F was unable to maintain his/her grasp of the Subject and reached into the front passenger area to assist. Officer E grabbed the Subject's right hand, but Officer E, too, was unsuccessful in removing her from the vehicle. While that was occurring, Officer D fired the beanbag shotgun at the Subject from the other side of the vehicle. Sergeant A directed Officer G to assist Officer E. Officer G grabbed the collar of the Subject's jacket, and together with Officer E, pulled the Subject out of the vehicle and placed her on the street in a prone position.

Officer E stated the vehicles were stopped and he/she believed the quickest, safest route was to go over the car. Officer E did not remember if he/she climbed over a police car or the Subject's vehicle.

Officers E, F, and G, in addition to Sergeant A, were not aware that a beanbag had been fired until after the incident was over.

Officer E placed the Subject's left hand behind her back and removed his/her handcuffs. Officer G placed his/her left knee on the Subject's lower back and brought her right hand behind her back. Officer F controlled the Subject's lower legs by crossing her ankles and bringing them toward her buttocks. Officer E cuffed the Subject's wrists with the assistance of Officer G and then stood her up and walked her out of the street and over to a metal gate. The Subject was on her stomach for approximately 35 seconds.

Sergeant A broadcast that the incident had been resolved (Code Four), the Subject was in custody, and Sergeant A also requested a traffic unit, additional supervisor, and a Rescue Ambulance (RA). Officers I and J arrived at the scene after the Subject was handcuffed.

Officer H observed a TASER wire wrapped around the Subject's left wrist with a dart dangling down. To prevent the Subject or an officer from being poked, Officer H held the wire, while Officer J cut it.

At Sergeant A's direction, Officers I and J took control of the Subject. Officer J conducted a pat-down search of the Subject and then moved her with Officer I over to the hood of a vehicle parked on the side of the street. Officer I relayed to Officer J they could place her on the hood of the vehicle if she resisted as opposed to conducting a takedown. At the vehicle, Officer I stood to the left of the Subject, and Officer J was positioned to her right. After standing at this location for approximately one minute, the Subject attempted to pull away from their grasp. Officers I and J responded by pushing

her upper body onto the hood of the vehicle as a controlling agent. The officers held her in this position until paramedics arrived. Officer I placed his/her left hand and briefly his/her left forearm on the Subject's upper back, and left shoulder area and his/her right hand on the Subject's left wrist. Officer J placed his/her left hand and forearm on the Subject's upper back and shoulder area and his/her right hand on the Subject's upper back and right arm. The Subject repeatedly attempted to stand upright. To assist Officers I and J, Officer K primarily placed his/her right hand on the back of the Subject's lower neck and upper back, but at times, also placed his/her left hand on the back of the Subject's neck and upper back. Officer K removed his/her hand(s) during the times the Subject was calm. Officer I's BWV provided the best depiction of the officers' actions.

The Los Angeles County Fire Department (LACFD) received the alarm to respond to the location. LACFD personnel noted the Subject had redness and complained of pain to her rib area. The Subject was transported by ambulance to the hospital for treatment.

Sergeant C responded to the scene and began investigating the incident as a Non-Categorical Use of Force (NCUOF). Sergeant C took verbal statements from the involved officers, photographed the scene, recovered evidence, and canvassed for witnesses.

Medical staff removed a TASER dart from the Subject's right chest and treated her for pain to her left lateral chest area and left wrist. The Subject was subsequently admitted for medical care and observation, and categorical use of force notifications were made in accordance with Department protocol. DOC notified FID.

Force Investigation Division Detectives reviewed all documents and circumstances surrounding the event. All protocols were followed and appropriately documented.

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

- The BOPC found Sergeant A, along with Officers C, F, G, H, I, and J's tactics to warrant a Tactical Debrief. The BOPC found Officers D and E's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

- The BOPC found Sergeant A along with Officers C, D, E, F, G, and H's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

- The BOPC found Officers E, F, G, I, and J's non-lethal use of force to be In Policy.

D. Less-Lethal Use of Force

- The BOPC found Officer C's less-lethal use of force to be In Policy. The BOPC found Officer D's less-lethal use of force to be Out of 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. It is also recognized 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

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), 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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where Palencia's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force.

(Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject 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 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. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Crossfire

At the termination of the pursuit, Officer D drew his/her service pistol and pointed it in the direction of the Subject despite Sergeant A being in his/her background.

Based upon the totality of the circumstances, the BOPC determined that Officer D's actions were a substantial deviation, without justification, from approved Department tactical training.

2. Vehicle Pursuit Driving Tactics

Sergeant A blocked the path of the Subject's vehicle with his/her own police vehicle to contain the Subject's vehicle and terminate the pursuit.

Vehicle pursuits by nature are inherently dangerous. The positioning of police vehicles to box in a suspect's vehicle should be balanced by the risk it poses to the community and to the officer themselves.

In this case, the BOPC noted that Sergeant A believed the Subject's driving maneuvers during the vehicle pursuit were extreme and posed a great risk to the public. The Subject had already struck several vehicles being driven by other citizens during the pursuit, causing injuries to some parties. The Subject was also driving her vehicle in a manner which indicated she intended to continue driving and was refusing to surrender to officers. Sergeant A, as a last resort, used his/her police vehicle to block the Subject's vehicle and her route of escape. In doing so, he/she successfully contained the Subject's vehicle and ended the pursuit. This action prevented the likelihood of the Subject causing additional traffic collisions, which could have resulted in serious or fatal injuries inflicted on innocent pedestrians or motorists.

Based on the totality of the circumstances, the BOPC determined that Sergeant A's actions were a substantial deviation, with justification, from approved Department tactical training.

3. Tactical Communication/Tactical Planning

Sergeant A utilized his/her police vehicle to box in the suspect's vehicle, however, he/she did not develop or effectively communicate any plan to the other officers involved in the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, the BOPC noted that Sergeant A did not communicate his/her plan or intent to block the Subject's vehicle. Faced with a rapidly unfolding tactical situation, Sergeant A made a split-second decision to block the Subject's vehicle without communicating a coordinated response. Sergeant A also did not communicate his/her intent to prevent the Subject's vehicle from leaving the area by pinning it between his vehicle and Officer G's vehicle. Once the Subject's vehicle was contained, Sergeant A directed the officers to deploy less-lethal force options and redeploy. Furthermore, upon taking the Subject into custody, Sergeant A issued a Code 4 broadcast, updated their location, requested a Rescue Ambulance (RA) for the suspect, and ensured all officers were

accounted for. Sergeant A was involved in a dynamic and fluid situation caused by the suspect's extreme actions. Sergeant A was forced to resolve this incident in a time compressed environment, which gave him/her limited time to make decisions and consider his options.

Based on the totality of the circumstances, the BOPC determined that in this situation, Sergeant A's actions were a substantial deviation, with justification, from approved Department tactical training.

4. Contact and Cover

Officer E climbed over the hood of the Subject's vehicle to reach the passenger side door at the termination of a vehicle pursuit.

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, although Officer E believed the Subject's vehicle was pinned and therefore immobile, he/she took an unnecessary risk by climbing over the hood of the Subject's vehicle while the Subject was still in control of it. Officer E made this decision without designating a cover officer or communicating his/her intent of going over the hood of the Subject's vehicle. The BOPC noted that Officer E's partner and additional officers approached the passenger side of the Subject's vehicle by going around Sergeant A's vehicle rather than going over the hood.

It was evident that Officer E's actions were well meaning and motivated by a desire to quickly assist officers in the resolution of this incident, however, it cannot be ignored that his actions placed him at a significant tactical disadvantage.

Based on the totality of the circumstances, the BOPC determined that Officer E's decision to climb over the hood of the Subject's vehicle was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also noted the following:

1. Situational Awareness

The investigation revealed that, as Officer D fired the beanbag shotgun at the Subject, Sergeant A and Officers E, F, and G were in the background attempting to take her into custody. Officer D was reminded of the importance of assessing his/her background to obtain situational awareness prior to discharging a weapon.

2. Non-Conflicting Simultaneous Commands

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

3. Use of Force Warning

The investigation revealed that Officers C, D, and G did not provide a Use of Force Warning prior to deploying a less-lethal force option. Officers C, D, and G were reminded that a Use of Force Warning shall be given, when feasible.

4. Vehicle Intervention

The investigation revealed that Sergeant A used his/her vehicle to push against the Subject's vehicle to pin it against Officer G's vehicle in an effort to prevent the Subject from fleeing and/or ramming the police vehicle again. Sergeant A believed the only means to effectively contain the Subject's vehicle was to apply "force against force." The Department reserves the utilization of the word 'force' for Use of Force incidents only. The Department does not adopt or encourage its use in any other context. Sergeant A was reminded that end of pursuit tactics, such as ramming and boxing in, should only be considered in those rare instances when warranted to save a life.

These topics were to be discussed at the Tactical Debrief.

- **Command and Control**

It is incumbent upon supervisors at the scene of a critical incident, such as this, to demonstrate and exercise supervision that is consistent with Department supervisory and tactical training.

In this incident, Sergeant A notified Communications Division (CD) and advised that he/she was monitoring and responding to the pursuit. Upon joining the pursuit, Sergeant A declared him/herself the Incident Commander (IC). During the pursuit, Sergeant A ensured the proper number of units and an Air Unit were involved in the pursuit. Furthermore, Sergeant A properly initiated tracking and the re-engagement of the pursuit when the Air Unit was unable to continue in tracking mode.

Upon entering the cul-de-sac, Sergeant A utilized his/her vehicle to block the path of the Subject's vehicle, which momentarily limited the amount of command and control he/she could provide at scene. Though faced with an intense tactical situation, Sergeant A provided direction to the officers at scene by ordering them to redeploy

and utilize less-lethal force options. Once the suspect was in custody, Sergeant A ensured that he/she requested an additional supervisor and an RA for the Subject.

Based upon the totality of the circumstances, the BOPC determined that Sergeant A's actions in placing his/her vehicle alongside the secondary vehicle and driving into the Subject's vehicle, limited his/her ability to provide oversight of the incident and were a substantial deviation, with justification from Department supervisory training.

Sergeant C had also responded to the scene. Based on initial information, Sergeant C initiated the investigation of this incident as a Non-Categorical Use of Force.

Sergeant D, upon learning of the Subject's admittance to the hospital, initiated Categorical Use of Force protocols and made proper notifications.

The actions of these supervisors were consistent with Department supervisory training and met the BOPC's expectations of a field supervisor during a critical incident.

- 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 the tactics be evaluated based on the totality of the circumstances.

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

The BOPC found Sergeant A, along with Officers C, F, G, H, I, and J's tactics to warrant a Tactical Debrief. The BOPC also found Officers D and E's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

- According to Sergeant A, at the termination of a pursuit for a felony hit and run suspect, he/she had reason to believe this situation could escalate to the use of deadly force. To stop the Subject's actions and protect the citizens, he/she drove his/her vehicle next to the secondary vehicle and blocked her path. Sergeant A then exited, drew his/her service pistol, assumed a position of cover behind his/her driver's side ballistic door panel, and gave her commands.

According to Officer C, he/she observed the Subject's vehicle pinned against two police vehicles, and he/she was fearful that the Subject may have had an officer pinned against or in between the two vehicles. Officer C then drew his/her service

pistol and from a position of cover, assessed, and gave commands to the Subject to, "Stop."

According to Officer D, he/she was conducting a high risk stop at the termination of a pursuit and drew his/her service pistol.

According to Officer E, he/she arrived at the termination of the pursuit with his/her partner. As they approached the primary unit, Officer E observed the Subject's vehicle hit one of the police vehicles. Believing the situation could escalate to the use of deadly force, Officer E drew his/her service pistol.

According to Officer F, he/she observed the Subject ramming two police vehicles. Officer F unholstered his/her weapon to protect him/herself and others from serious bodily injury or death because the Subject was using her vehicle as a weapon against officers.

According to Officer G, he/she feared for Sergeant A's life when he/she observed Sergeant A inside his/her vehicle as his/her vehicle was being pushed by the Subject's vehicle. He/she believed the situation was escalating and could lead to deadly force; accordingly, Officer G drew his service weapon.

According to Officer H, he/she feared for his/her partner's safety and exited his/her police vehicle. He/she drew his/her service pistol and began giving the Subject commands to stop and show her hands. The Subject failed to comply and continued moving her vehicle forward, colliding into the driver's side of the police vehicle as Officer G climbed out of the passenger side of the vehicle.

- Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A, along with Officers C, D, G, H, F, and E, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Sergeant A, along with Officers C, D, E, F, G, and H's drawing and exhibiting to be In Policy.

C. Non-Lethal Use of Force

- **Officer F – Firm Grip**

According to Officer F, he/she reached inside the passenger compartment of the Subject's vehicle and tried to grab the Subject by the sweater with both hands. Officer F's grip slipped as he/she attempted to pull her out, causing Officer F to fall backwards. Additional officers reached in, grabbed the Subject, and placed her on the ground. Officer F then maintained control of her legs due to her being combative.

- **Officer E – Physical Force and Firm Grip**

According to Officer E, he/she observed Officer F struggle to pull the Subject out of the vehicle. Officer E entered the passenger side door, grabbed the Subject's hand, and unsuccessfully attempted to pull her out. Officer G then entered the passenger compartment and assisted as they both pulled the Subject out of the vehicle. They placed the Subject on the ground as Officer E took control of her left hand, placed it behind her back, and handcuffed her.

- **Officer G – Physical Force and Firm Grip**

According to Officer G, he/she re-holstered his/her TASER and ran around the passenger side of the Subject's vehicle. He/she observed two officers attempting to pull the Subject out through the passenger side door. Officer G reached in, grabbed the Subject by the collar of her jacket, and pulled her out. Once the Subject was face down on the ground, Officer G utilized firm grips to control the Subject's right hand while she was handcuffed by Officer E.

- **Officer I – Physical Force and Firm Grip**

According to Officer I, the Subject became uncooperative when the officers took custody of her. He/she communicated to his/her partner that because the Subject was trying to fall to the ground and due to her intoxicated state, it would be tactically sound to lean her against a car, and utilize the vehicle as a controlling agent. When the Subject pulled away, Officer I placed his/her hands on her left shoulder and right forearm area to guide her shoulders onto the hood of the parked car to prevent her from standing upright.

- **Officer J – Physical Force and Firm Grip**

According to Officer J, he/she was directed to search and maintain control of the Subject while she received medical treatment. While waiting for the ambulance, the Subject attempted to pull away. As a result, the officers leaned her over the hood of the car, with the Subject bent at the waist, to maintain control of her actions. Officer J placed his/her left hand on the Subject's right shoulder blade, and his/her right hand on the Subject's right arm, using minimal pressure to guide her to the car, and prevent her from squirming.

- Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers E, F, G, I, and J, 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 E, F, G, I, and J's non-lethal use of force to be objectively reasonable and In Policy.

D. Less-Lethal Use of Force

- **Officer C – TASER**

According to Officer C, Officer G's TASER did not appear to have an effect on the Subject as she maintained control of the vehicle and refused put her hands up. Almost immediately following Officer G's unsuccessful TASER discharge, Officer C unholstered his/her Taser and discharged it to try to bring an end to the incident. Officer C believed he/she would have to get close to the Subject's vehicle because she presented a small target behind her vehicle door. Officer C indicated that although he/she wanted to get close, he/she did not want to get too close in case the Subject surged her vehicle forward and injured Officer C. Officer C then discharged the TASER at the Subject's abdomen in probe mode to stop her actions from approximately four feet away.

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

Therefore, the BOPC found Officer C's less-lethal use of force to be objectively reasonable and In Policy.

- **Officer D – Beanbag shotgun, one super sock round**

According to Officer D, he/she approached with the beanbag shotgun and assumed a position of cover behind Officer G's vehicle. Officer D heard a TASER go off, but it did not have any effect on the Subject. Officer D alerted the other officers that he/she was going to fire the beanbag shotgun. When the Subject lowered her hands, Officer D feared she would accelerate and injure an officer. Officer D aligned his/her sights on the Subject's left shoulder and discharged one round from the beanbag shotgun to stop the Subject's actions.

Based on the totality of the circumstances, the BOPC determined that the Subject was not violent and did not pose an immediate threat at the time Officer D discharged the beanbag shotgun. Officer C's TASER momentarily immobilized and distracted the Subject, affording officers the opportunity to extract her from the passenger side door; though, she was not cooperative, her actions were no longer violent, and did not warrant the discharge of the beanbag shotgun.

Therefore, the BOPC found Officer D's beanbag shotgun less-lethal use of force to be Out of Policy.