

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

**CAROTID RETRAINT CONTROL HOLD 013-20**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Duty-On (X) Off ( )</u></b>	<b><u>Uniform-Yes (X) No ( )</u></b>
Central	4/17/20	11:40 p.m.		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	3 years, 10 months

**Reason for Police Contact**

Uniformed patrol officers attempted to detain a Subject wanted for Assault with a Deadly Weapon (ADW). The Subject fled on foot and a foot pursuit ensued. The Subject attempted to arm himself with a handgun, at which time Officer A applied a Carotid Restraint Control Hold (CRCH).

<b><u>Subject</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
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Male, 39 years of age.

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force 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 (BOPC) recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on March 16, 2021.

## **Incident Summary**

On April 17, 2020, Central Area uniformed Police Officers A, B, and C were conducting crime suppression in the area of 5<sup>th</sup> Street and Wall Street. Officer B was driving a marked police vehicle, equipped with a Digital In-Car Video System (DICVS). Officer A was the front passenger while Officer C was seated in the rear of the Police Vehicle.

According to Officer B, it was the first time that all three officers had worked together; however, they had all worked as partners on previous occasions. Officer B noted that working in a three-officer configuration was a common occurrence and added that roll call training was given on foot pursuit tactics. The officers each agreed that Officer A was the cover officer, Officer B was contact, and Officer C was responsible for communications and the additional cover officer.

At approximately 2335 hours, Officers A, B, and C were traveling in their police vehicle, west on 5<sup>th</sup> Street approaching Wall Street in the number 2 lane. As they neared the intersection, Officer A observed an individual standing near the northeast corner who resembled a named Subject from a recent Los Angeles Police Department Crime Alert Bulletin who was wanted for an assault whereby the Subject used bodily force and kicked the victim multiple times while he/she was on the ground, causing the victim to go unconscious. There was no weapon used in the crime.

As the officers drove past the Subject, Officer A told his/her partners, that he/she thought that he was the suspect for the assault. Officer A used his/her Mobile Digital Computer (MDC) to access Central Area's online homepage, which had a link to photographs of suspects who were wanted for crimes committed in Central Division and brought up a photograph of the Subject. Officer B put the police vehicle in reverse and slowly drove backward, east, in the number 2 westbound lane of traffic towards the Subject. According to Officer B, he/she made sure that there were no vehicles or pedestrians behind him/her as he/she reversed the vehicle.

As the officers reversed past the Subject in the number 2 lane, and stopped in the street, surveillance video captured the Subject face east while holding a cellular phone to his ear. The officers all agreed that the Subject matched the photograph of the wanted Subject on their MDC. According to Officers A and C, their intent was to detain the Subject for ADW. Officer B put the vehicle into drive and angled the vehicle northwest towards the sidewalk.

According to Officer B, he/she attempted to align the front end of the police vehicle with the Subject's position; however, the Subject began walking east, so he/she was unable to do so. According to Officer B, it appeared that the Subject was going to run from them because he was looking back in their direction as he walked, so Officer B warned his/her partners that the Subject was going to run.

At approximately 2336:14 hours, Officer A broadcast their intention to detain the Subject. As captured on BWV, the Subject continued to walk east, as Officer A opened his/her vehicle door and told the Subject that he/she wanted to talk to him.

As Officer A exited the vehicle, the Subject ran east on the north sidewalk of 5<sup>th</sup> Street and Officer A started chasing the Subject on foot. As the Subject passed San Julian Street, he came off the sidewalk and continued to run east on the street in the traffic lanes. According to Officer A, he/she ran offset of the Subject, closer to the sidewalk as the Subject ran in the middle of the street. Officer A noted that the Subject had baggy clothes and that he grabbed onto his pants to keep them from falling. According to Officer A, due to the fact the Subject was wanted for an ADW involving bodily force and there was no weapon involved, Officer A's goal of the foot pursuit was to apprehend the Subject.

Officer B placed the car in park, removed the keys from the ignition, and he/she and Officer C also gave chase on foot, with Officer B in front of Officer C.

At approximately 2336:24 hours, Officer B broadcast the Subject's description and direction of travel.

As the officers ran, Officer C yelled to Officer B that he/she would take over broadcasting. Officer C then immediately broadcast an update of the Subject's direction of travel.

In response to the officers' foot pursuit broadcast, the following uniformed Central Area personnel responded: Officers D, E, F, G, H, I, and J, Sergeants A and B, and Lieutenant A.

When the Subject reached San Pedro Street, he ran south, in the middle of the street with Officer A trailing behind as he/she shouted for the Subject to stop. According to Officer A, the Subject looked back at him/her and tripped, falling forward onto the ground. While still trailing behind the Subject, Officer A's BWV captured the Subject fall on his right side and roll, coming to rest in a seated position, facing in a southwesterly direction.

As he/she approached the Subject, surveillance video captured Officer A grab the Subject's left shoulder with his/her left hand and the Subject's upper right arm with his/her right hand. Officer A lowered his/her upper body onto the Subject's back and he/she came down to his/her right knee behind the Subject.

As he did so, Officer A observed the Subject reach into what he/she believed to be the left front pocket of a pair of shorts that the Subject wore under his outer pants. Officer A observed the Subject's left hand gripping the butt of the handgun and observed the barrel of the handgun through the fabric of the pants. As the Subject attempted to remove the handgun, it appeared to Officer A that the handgun caught in the fabric, which prevented the Subject from removing it.

The investigation ultimately determined that the handgun was inside a fabric pocket sewn on the inside of the Subject's pants.

With Officer A still on the Subject's back, surveillance video captured the Subject plant his right hand on the ground and push his way up on to his knees. Officer A maintained his/her upper body position against the Subject's back and spread his/her legs out to either side of the Subject's legs. The Subject's body appeared to move forward slightly, and Officer A momentarily placed his/her left hand on the ground as his/her feet were lifted off the ground.

At approximately 2337:11 hours, BWV captured Officer A yell that the Subject had a gun as Officers B and C neared.

Officer A's BWV camera was knocked to the ground moments after he/she came into contact with the Subject. Therefore, it did not capture the categorical use of force.

Officer A attempted to control the Subject, as they both fell onto their right sides. According to Officer A, to prevent the Subject from removing the handgun, he/she used his/her left leg to trap the Subject's left arm to his body while Officer A's chest remained in alignment with the Subject's back.

Officers B and C both heard Officer A's warning that the Subject was armed with a gun. According to Officer B, he/she believed he/she may have to shoot the Subject to save his/her or his/her partners' lives so he/she unholstered his/her pistol. According to Officer C, he/she believed Officer A was in danger, so he/she also unholstered his/her pistol.

Officer C's BWV captured him/her holding his/her TASER in his/her left hand and, moments later, captured him/her holding his/her pistol in his/her right hand, while running toward Officer A. According to Officer C, he/she held his/her pistol in a one-handed grip because he/she was trying to holster his/her radio.

As Officers B and C caught up with Officer A and the Subject, BWV captured Officer B order the Subject to drop the gun. Officer C realized Officer B had unholstered his/her pistol, and Officer C holstered his/her pistol.

Officer A identified that he/she was in a deadly force situation and quickly considered his/her options of either shooting the Subject or performing a (CRCH) on him. In an effort to preserve life, Officer A elected to place a (CRCH) on the Subject.

Officer A encircled the Subject's neck with his/her right arm by placing his/her right bicep on the Subject's right carotid, his/her right forearm on the Subject's left carotid and aligning his/her elbow with the Subject's chin. Officer A then grasped his/her left bicep with his/her right hand and placed his/her left hand on the back of the Subject's

head. Officer A took a deep breath to expand his/her chest to apply more pressure onto the Subject's back while he/she pushed the Subject's head forward with his/her left hand. Officer A then moved his/her right and left elbows toward each other to apply pressure to the Subject's carotid arteries. Officer A's intent was to render the Subject unconscious so that the Subject would release his grip on the gun and to take him into custody.

Officer B took a kneeling position, to the right of the Subject. According to Officer B, since he/she was in such close proximity to his/her partners, he/she placed the muzzle of his/her pistol against the Subject's torso in order to avoid shooting one of them in the event he/she had to discharge his/her firearm. Officer B also attempted to point his/her pistol downward to avoid a crossfire with his/her partners. Officer C's BWV captured Officer B using his/her left hand to grab the Subject's left wrist to control his/her left arm, which was across the front of the Subject's body. As Officer C stood on the street, just north of the Subject, he/she warned the Subject that he/she would tase him/her.

Officers B and C could not see the handgun and BWV captured them asking Officer A where the handgun was. Officer A told them the handgun was in the Subject's hand. Officers A and B ordered the Subject to drop the handgun. According to Officer B, he/she believed the handgun might have been pinned under the Subject's body.

At approximately 2337:26 hours, Officer C broadcast that the Subject had a gun.

Officer C knelt near the Subject's left side, grabbed the fabric of the Subject's sweatshirt with his/her right hand and pulled it up, exposing his waistband area. While holding the TASER in his/her left hand, Officer C pressed the TASER against the exposed skin of the Subject's abdomen and stated, that if the Subject didn't let go of the gun, he would be tased. According to Officer C, he/she didn't activate his/her TASER because he/she was concerned the TASER activation would affect the other officers as well.

At approximately 2337:40 hours, Sergeant A arrived on scene. As Sergeant A approached the officers, Officer C's BWV captured him/her state that the Subject had a gun in his hand and Officer B directed Sergeant A to grab the Subject's arms.

Sergeant A knelt near the Subject's right leg and briefly grabbed the Subject's left wrist with his/her right hand. Sergeant A transitioned the grip of the Subject's left wrist to his/her left hand, and used his/her right hand to grab the Subject's right hand, which was alongside the Subject's body. Sergeant A then asked where the gun was.

According to Sergeant A, he/she did not immediately assume command and control, because he/she was the first back up unit to arrive at scene, the handgun was not secured, and the Subject had not been handcuffed.

Officer B's BWV captured him/her advising to put the Subject's hands behind his back. Officers B maintained his/her grip on the Subject's left wrist as Officer C grabbed the Subject's left arm, pulling it toward him/her.

At approximately 2337:51 hours, Officer C's BWV captured him/her reposition the muzzle of his/her pistol on the Subject's torso. In doing so, the muzzle of Officer B's pistol appeared to briefly cover his/her left arm and Officer C.

As Officer A maintained his/her position on the ground behind the Subject, Officer A asked, whether the Subject was unconscious. Officer B replied that he was and that Officer A should let him go, and briefly released his/her grip on the Subject's arm to tap Officer A on his/her left arm. Officer B's BWV captured Officer A remove his/her left arm from behind the Subject's neck and reposition it across the Subject's upper torso. Officer A then rotated his/her hips out from behind the Subject and repositioned his/her upper torso over the Subject's upper body.

Investigators were unable to determine the exact time and duration the CRCH was applied. According to Officer A, he/she believed he/she applied the CRCH for approximately 10 to 15 seconds. Officer A was unsure if the Subject was ever unconscious; however, he/she released the pressure on the Subject's neck when he/she felt him go limp. Officer A maintained his/her arm and body position after the application of the CRCH, in the event that he/she needed to reapply it; however, he/she did not do so.

Officer B gripped the Subject's left arm and Sergeant A released his/her grip. Sergeant A advised the officers that he/she had control of the Subject's other hand and directed Officer C to grab the Subject's left arm. Officer C still had his/her TASER in his/her left hand, so he/she placed the TASER on the ground between his/her left leg and the Subject's left leg.

Officer C then gripped the Subject's left wrist and applied a wrist lock, as Officer B gripped the Subject's left forearm with his/her left hand. Sergeant A pinned the Subject's right wrist to the ground with his/her left hand. Sergeant A also placed his/her left knee on the Subject's right thigh and applied bodyweight. According to Sergeant A, he/she wanted to control the Subject's arms out from his body until the handgun was located, because handcuffing the Subject could have placed his hands closer to the handgun.

While Officer C held the Subject's left wrist, he/she placed his/her left foot on the ground between the Subject's legs and used his/her bent left leg to stabilize him/herself. According to Officer C, the Subject moved, which caused his/her right leg to press on top of his left foot, and he/she felt a hard object, which he/she believed to be the Subject's handgun. Officer C notified the others of his/her discovery. Officer C used his/her left hand to reach down and grab the handgun through the Subject's pants. Sergeant A acknowledged the location of the gun and directed Officer C to control the Subject's hand, so he/she could retrieve the handgun. Sergeant A gripped the Subject's right lower leg with his/her right hand. While maintaining a wrist lock on the Subject's left wrist, Officer C leaned over the Subject and gripped his right hand with his/her right hand.

At approximately 2338:23 hours, Officers D, E, K, and L arrived at scene followed shortly thereafter by Officers I and J. According to Officers, I, J, K, and L, there were already enough officers at scene dealing with the Subject, and they began to focus on controlling the crowd that had gathered.

Officer E approached the group of officers that were controlling the Subject. Sergeant A directed Officer E to grab the Subject's leg and Officer E gripped the Subject's right ankle with his/her right hand, and his right calf with his/her left hand. Sergeant A then relinquished his/her grip of the Subject's right leg.

While still kneeling on the Subject's left side, Officer B holstered his/her pistol. Sergeant A reached down inside the front of the Subject's pants and pulled out a fabric pocket which was sewn on the inside of the Subject's pants. According to Sergeant A, he/she could feel the handgun inside the pocket but was concerned about touching the gun in case the hammer was cocked, so he/she stretched the pocket out and directed Officer E to cut it away from the Subject's pants. Officer E let go of the Subject's leg and cut the pocket from the pants with his/her pocketknife. As Sergeant A began to stand with the handgun in his/her left hand, he/she used his/her right hand to pick up Officer C's TASER from the ground. Sergeant A then placed Officer C's TASER on the hood of his/her vehicle.

Sergeant A took the handgun, which was still wrapped in the fabric pocket, and gave it to Officer L, directing him/her to secure it. Officer L took the fabric containing the gun and placed it into the trunk of Sergeant A's police vehicle.

Officer F arrived and went to assist the officers with the Subject.

Officer D directed the group of officers to roll the Subject onto his stomach for handcuffing. Officer E put his/her knife away and reacquired a grip on each of the Subject's legs. According to Officer A, he/she wanted to limit the Subject's body movement, so he/she pushed on the Subject's back with his/her left hand and the Subject's head with his/her right hand. Officer B gripped the back of the Subject's left arm with his/her left hand and the Subject's left forearm with his/her right hand. Officer C gripped the Subject's left wrist with his/her left hand and pushed on the Subject's back with his/her right hand. Officer D initially gripped the Subject's right leg with his/her left hand and picked it up but released the Subject's leg to assist Officer C with untangling his/her left leg from the Subject. Officer D then transitioned to gripping the Subject's left lower forearm with his/her left hand and applied a wristlock to the Subject's left wrist with his/her right hand.

The Subject was partially laying on his right side, with his left shoulder slightly elevated and his legs in contact with the ground. From each of their respective positions, the officers began to roll the Subject to his right onto his stomach, placing his left arm behind his back while his right arm remained pinned under

his body. Officer D applied bodyweight to the Subject's thighs and hip area with his/her knees.

Officer D directed the officers to handcuff the left wrist first before attempting to put the Subject's right arm behind his back. According to Officer C, he/she handcuffed the Subject's left wrist. Officer F knelt, used both hands to pull the Subject's right arm from underneath his body, and placed it behind his back. Officer D gripped the Subject's right hand with his/her right hand, and Officer C handcuffed the Subject's right wrist. According to Officer D, the Subject was trying to pull away from him/her as he was being handcuffed. According to Sergeant A, once the Subject was handcuffed, he/she went from being involved in the use of force to asserting command and control of the officers.

Officers G and H arrived, and Officer G retrieved his/her 40 millimeter (mm) less lethal launcher from the vehicle.

After the Subject was handcuffed, Officer F directed the officers to search the Subject's waistband. Officer F's BWV captured Officer C search the Subject's rear waistband, the back of his legs, and his buttocks area.

Officers C and F rolled the Subject into a supine position. Officers B and C then placed the Subject in a seated position, leaning him against each of their legs.

Officer C's BWV camera was knocked to the ground moments after the handgun was recovered from the Subject.

At approximately 2339:33 hours, Officer A can be heard on BWV informing Sergeant A that he/she placed a CRCH on the Subject.

At approximately 2339:52 hours, Sergeant A broadcast, a request for a Rescue Ambulance (RA). Shortly after being placed in a seated position, the Subject slid off the legs of Officers B and C and onto the ground. Officer B and C then placed the Subject in a left lateral recovery position.

At approximately 2341:06 hours, Officer C's BWV captured the Subject stating, that he needed help, as he began to rock back and forth on the ground. Moments later the Subject began asking what was happening. The Subject began lifting his shoulders and head off the ground and spat blood in an upward direction, with some of the bloody spittle landing on Officer D's forehead and uniform shirt. Moments later, the Subject spat blood a second time in an upward direction. Officer B used his/her left hand to hold the Subject's head down on the ground and control him in an attempt to stop him from spitting, while he/she held the Subject's right shoulder with his/her right hand.

The Subject began to flail his legs and draw them in toward his body. Officer F used his/her hands and crossed the Subject's legs, one over the other, as he/she asked for a hobble. Officer A attempted to place a hobble around the Subject's ankles; however,



the Subject kicked his feet partially free of the restraint. Officers A and F used their hands to apply bodyweight to the Subject's flailing legs. The Subject continued to struggle and was able to draw his left leg closer into his body and began yelling. Officer A grabbed the Subject's left leg with his/her left hand and attempted to straighten it out. Officer F then placed his/her right knee on top of the Subject's left foot and applied bodyweight.

Officer F directed the officers to turn the Subject onto his/her stomach. Officer F shifted his/her position and placed his/her right knee on top of the Subject's left knee area. In an effort to roll the Subject onto his/her stomach, Officer F pulled at the Subject's clothing, as Officer B continued to hold the Subject's head down with his/her left hand and also pull at the Subject's clothing with his/her right hand; however, the officers were unsuccessful in rolling him over. Officer B then applied body weight with both of his/her knees onto the left side of the Subject's torso and back area. Officer A applied body weight with his/her right knee to the Subject's lower left leg.

Officer B's BWV captured Officer F quickly elevate his/her right knee up and down, two times, on top of the Subject's lower torso area. The Subject yelled that he was being beaten. According to Officer F, his/her intent was to place the Subject onto his stomach and place his/her knee on his back; however, the Subject pulled away from him/her and kicked his feet, which prevented Officer F from doing so. Officer F attempted to place his/her right knee on the Subject a second time but was only able to place it on the Subject's rib area and apply bodyweight.

According to Officer G, he/she observed the Subject moving around a lot and believed the officers were losing control of the Subject, so he/she went to assist. Sergeant A's DICVS captured Officer G initially approach the Subject and reach toward him/her with his/her right hand with the 40 mm launcher slung on the front of his/her body. Officer G then took a step back and transitioned the 40 mm launcher onto his/her back. Officer F's BWV then captured Officer G applying bodyweight to the Subject's right leg with both his/her hands and knees. As Officer G controlled the Subject, DICVS captured another officer remove the 40 mm launcher from Officer G.

Officer A crossed the Subject's ankles over each other and placed the hobble above the Subject's crossed ankles. Officer H placed both hands on the Subject's ankles and applied a firm grip to prevent him from kicking or pulling away. Officer A then tightened the hobble, wrapped the strap portion around the Subject's ankles, and passed the strap through the loop to make a knot. Officer A then maintained control of the hobble strap.

The Subject was on his left side with his hands handcuffed behind his back. While in that position, Officer G's BWV captured the Subject use both hands to grasp Officer B's right leg and repeatedly yell obscenities. Officer B ordered the Subject to stop and attempted to pull his/her right leg away and remove the Subject's fingers off his/her leg but was unsuccessful. Officer B then attempted to remove the Subject's right hand from

his/her leg by pulling on the Subject's arm with both hands, but he/she was unsuccessful.

According to Officer B, the Subject's fingers were beginning to dig into his/her skin, causing him/her pain. Therefore, Officer B struck the Subject one time with a closed fist on his right abdomen in an attempt to distract him and get the Subject to release his grip, while simultaneously ordering the Subject to let go. The Subject did not comply and maintained his grip. Officer G used both hands to grab the Subject's right arm and along with Officer B and they tried to pull the Subject's right arm away from Officer B's leg, but were unsuccessful. Officer B struck the Subject a second time with a closed right fist on his/her right lower back area. Both strikes by Officer B were delivered with a low level of force.

Officer B then used his/her right hand to work the Subject's right fingers free of his/her leg. However, the Subject continued to use his left hand to maintain his grip on Officer B's leg. Officer B used his/her right hand to push the Subject's right hand backward and then grabbed the Subject's right fingers with his/her left hand, placing the Subject into a finger flex. The Subject continued to yell that he was being beaten throughout the interaction.

While maintaining the finger flex with his/her left hand, and ordering the Subject to let go, Officer B used his/her right hand to remove the Subject's left hand from his/her leg and repositioned his/her knees off of the Subject to kneeling on the ground next to him/her. Officer B then gripped the Subject's right arm with both hands. Officers C, G, and Sergeant A each gripped the Subject's right arm as well. The Subject yelled numerous profanities at the officers and demanded they get off of him.

The Subject was still in a left side recovery position, and Sergeant A directed the officers to move the Subject to a seated position. Officer C's BWV captured Sergeant A kneel down near the Subject's head and grip the Subject's upper right arm with his/her left hand.

Sergeant A told the Subject multiple times to relax, and that officers were going to sit him up. Sergeant A then released his/her grip and stood up. Sergeant A then gripped the Subject's sweatshirt at his right shoulder and continued to tell the Subject to relax and that officers were going to sit him up, to which the Subject retorted, that he would rather die. The Subject then shouted that the officers should kill him multiple times. Officers ultimately left the Subject in the left lateral position and did not sit him up.

Officer B maintained control of the Subject's right arm while Officer C controlled the Subject's right shoulder. Officer A held the strap of the hobble as the Subject continued to thrust his upper torso and hips back and forth while moving his legs.

While officers held the Subject in the left lateral position, Officer C's BWV captured the Subject repeatedly moving his head back and forth toward the pavement. Sergeant A

ordered the Subject to stop banging his head on the ground; however, the Subject stated, that he didn't want to live anymore and continued to move his head.

Officer G's BWV captured Officer B use both his/her hands to grip the Subject's right arm and then use his/her right knee to apply bodyweight to the Subject's right hip area. Officer C was positioned near the Subject's head and placed his/her boot between the Subject's head and the asphalt in an effort to shield him/her from injury. The Subject told Officer C to move his/her foot and repeated that he had to kill himself.

At approximately 2344 hours, a Los Angeles Fire Department (LAFD), Rescue Ambulance (RA) arrived on scene. The firefighters informed the officers that they had been dispatched to the scene for a basic life support (BLS) request, so they requested LAFD paramedics to the scene who would administer a sedative to the Subject.

As the officers continued to hold the Subject down, the Subject stated that he had a child on the way and that he needed to die. Sergeant A continued to tell the Subject to relax and that no one was going to kill him. The Subject made guttural sounds as he yelled for the officers to stomp his head into the ground. While Officer C's boot remained under the Subject's head, he attempted to bite Officer C's boot and Officer C ordered him to stop.

According to Officer F, he/she placed a spit sock over the Subject's head due to the fact the Subject was biting Officer C; however, the Subject began to bite the spit mask, stopping its placement near his mouth and preventing Officer F from pulling it down further. Officer A gave the strap of the hobble to Officer H who maintained control of it.

At approximately 2344 hours, Lieutenant A arrived at scene followed shortly thereafter by Sergeant B. At the direction of Lieutenant A and Sergeant A, Sergeant B began to monitor the actions of the Subject and the officers.

Lieutenant A then met with Sergeant A and Officer A. Lieutenant A learned that Sergeant A was involved in the use of force and was briefed by Officer A about the incident. Sergeant A asked a few clarifying questions and confirmed Officer A had in fact applied a CRCH.

The Subject continued to lay in a left side recovery position while Officer C maintained a grip of the Subject's sweatshirt near his right shoulder. Officer B maintained a grip of the Subject's right arm and removed his/her right knee from the Subject's right hip. Officer G applied bodyweight with his/her knees on the Subject's right hip and leg, while applying bodyweight with his/her right hand to the Subject's lower right leg. Officer H continued to hold the strap of the hobble.

The Subject repeatedly yelled that he could not breathe as LAFD personnel monitored him. LAFD informed the Subject that they were going to administer medicine to him that would help him relax and make him sleepy. The Subject continually pled for the spit sock to be removed.

Officer B summoned Officers I and J to assist in controlling the Subject, so that he/she could speak with Sergeant A. Officer B then met with Sergeant A, who informed him/her that Officer A had applied a carotid restraint hold to the Subject and that eventually the involved officers were going to be separated.

As Officers I and J approached the Subject to assist the other officers, the Subject slipped into a prone position while the hobble was still applied to his legs. Officer G continued to maintain his/her knees on the Subject's legs, applying bodyweight, and used his/her closed right fist to apply bodyweight to the Subject's right arm. Officer C gripped the Subject's right arm with his/her right hand and gripped the Subject's sweatshirt near his right shoulder with his left hand pulling his right shoulder up and back. Officer H maintained control of the Subject's feet.

At approximately 2348:46 hours, LAFD Firefighter/Paramedics arrived at scene.

The Subject repeatedly stated that he did not consent to being administered any medicine. Officers I and J each donned latex gloves. The Subject called out for help multiple times and yelled that he could not breathe. Officer J's BWV captured Officers C and J each grab the Subject's sweatshirt, near his right shoulder and upper right arm, and position the Subject in a left lateral recovery position. Officer I then relieved Officer C and obtained a grip on the Subject's sweatshirt near his right shoulder with his right hand. The Subject was in a prone position for approximately 46 seconds while officers I and J donned their latex gloves.

Officer I told the Subject to relax. The Subject responded by saying that he wanted to die, that he had a child on the way. Officer J's BWV captured a large horizontal tear in the material of the spit sock near the Subject's mouth area. Sergeant A, who had resumed monitoring the Subject along with Sergeant B, directed Officers I and J to place the Subject into a seated position. Officer H continued to hold onto the hobble strap as Officers I and J rolled the Subject to his right and placed him into a seated position.

After being placed into a seated position, the Subject continued to state that he could not breathe, and he wanted the officers to kill him. Officer J's BWV captured LAFD adjust the spit sock on the Subject's head slightly. LAFD paramedics then administered a sedative to the Subject. As LAFD paramedics administered the sedative, Officer I maintained control of the Subject by holding his upper back and the base of his neck area with his/her right hand, while Officer J held the Subject's right upper back with his/her left hand. Both Officers I and J were positioned behind the Subject.

The Subject again yelled profanities, stated he could not breathe, and ordered the officers to kill him. Officer J continued to verbalize with the Subject to relax. The Subject began to twist his torso and draw his feet in toward his body. According to Officer I, the Subject attempted to stand up and pushed his weight backwards. According to Officer J, the Subject moved him/her and Officer I back about half a step.

Officer J's BWV captured Officer D use his/her right foot to step on the Subject's feet at this point to limit his movement.

While maintaining his/her grip on the Subject's upper back and lower neck area, Officer I grasped the Subject's left bicep with his/her left hand. Officer J grasped the Subject's right shoulder with his/her left hand and grasped the Subject's right arm with his/her right hand. As the Subject continued to struggle, Officer G pushed down on the Subject's left shoulder with his/her left hand and grabbed his/her left arm with his/her right hand. The officers then laid the Subject down on the pavement onto his right side.

Officer J held the Subject's left shoulder with his/her left hand. Officer I placed his/her right hand on the Subject's left back area and held the Subject's left arm using a firm grip with his/her left hand. Officer G used his/her right hand to grip the Subject above his left elbow and used his/her left knee to apply body weight onto the Subject's left leg, while Officer H continued to maintain control of the hobble strap. The Subject continued to yell, that he couldn't breathe and called for help. The Subject then began to make guttural sounds. Sergeant A directed Officer G to get off the Subject, which he/she did. Sergeant A also directed the officers to sit the Subject up. However, before officers sat the Subject up, LAFD paramedics administered a second dose of sedative to the Subject.

Officers I and J then placed the Subject back into a seated position. The Subject continued to make guttural sounds. Officer D continued to stand on the top of the Subject's left foot with his/her right foot. Sergeant A directed Officer J to take the spit sock off the Subject's head, which he/she did.

Officer B's BWV captured the officers gathered around the Subject, preparing to move him onto the Fire Department's gurney. The Subject could be heard clearing his throat, and Officer C warned officers that the Subject was going to spit. Officers, D, H, I, J and LAFD personnel picked up the Subject from the ground and placed him on the Fire Department's gurney. As the group moved the Subject, Officer B used his/her right hand to keep the Subject's head in a downward position to keep him from spitting on the officers.

As the firefighters secured the Subject to the gurney, he continued to struggle. The Subject was then sat up on the gurney and Officer J unlocked the handcuff on the Subject's left wrist. According to Officer J, the Subject complied and sat up without resisting. Officer H then used an additional pair of handcuffs to secure the Subject's left hand to the gurney. Officer J in turn handcuffed the Subject's right hand to the gurney. LAFD personnel loaded the Subject into the back of the RA, and he was transported to hospital.

## **BWV and DICVS Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Sergeant A	No	No	No	Yes	No
Sergeant B	Yes	Yes	Yes	N/A	N/A
Officer A	Yes	Yes	Yes	No	No
Officer B	Yes	Yes	Yes	No	No
Officer C	Yes	Yes	Yes	No	No
Officer D	No	No	No	Yes	Yes
Officer E	Yes	No	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes
Officer G	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes
Officer I	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes

## **Los Angeles Board of Police Commissioners' Findings**

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

### **A. Tactics**

The BOPC found Officer A's tactics to warrant a finding of Administrative Disapproval. The BOPC found Sergeants A and B and Officers B, C, I, J, D, E, F, G, and H's tactics to warrant a Tactical Debrief.

### **B. Drawing and Exhibiting**

The BOPC found Officers B and C's drawing and exhibiting of a firearm to be In Policy.

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

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

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

The BOPC found Officer A's lethal use of force to be In Policy.

### **Basis for Findings**

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. 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 principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life.

Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

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

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

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

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

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

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

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

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

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

**The Department's Evaluation of Deadly Force.** The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)



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.)

## A. Tactics

### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

*(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his/her or his/her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – According to Officer B, this was the first time that Officers A, C, and him/herself had all worked together; however, they had all worked as partners on previous occasions. While working in the RESET unit, roll call training was given on foot pursuit tactics. The officers each agreed they would have the following roles: Officer A would be the cover officer; Officer B was the contact officer, and Officer C was the communications and additional cover officer.

**Assessment** – Officer A observed the Subject, who was initially not identified, who resembled a named suspect from a recent Crime Alert Bulletin and was wanted for ADW. The officers all agreed that the Subject matched the photograph on their MDC of the wanted suspect. Officer A noted that the suspect had utilized bodily force by kicking the victim multiple times while the victim was on the ground; however, there was no weapon used in the crime. Officer B assessed that the Subject was going to run from them because the Subject was looking back in their direction as he walked, so Officer B warned his/her partners that the Subject was going to run. At the termination of the foot pursuit, Officer A observed the Subject reach into his left front pocket, grip the butt of a handgun with his left hand, and attempt to remove it from his pants pocket.

Officer A identified that he/she was in a deadly force situation and quickly assessed his/her options of either shooting the Subject or initiating a CRCH on the Subject. In an effort to preserve the Subject's life, Officer A elected to apply a CRCH on the Subject. Officer A also assessed that the Subject's body was limp, and after applying a CRCH, he/she released the pressure off of the Subject's carotid and

repositioned him/herself. When they reached Officer A's location, Officer C observed Officer B with his/her service pistol out and holstered his/her service pistol, while holding his/her TASER.

Sergeant A assessed that he/she was the first back-up unit to arrive at scene, the Subject's handgun was not secured, and the Subject had not been handcuffed. Sergeant A assessed the location of the handgun and was concerned about touching the handgun in the Subject's pocket in case the hammer was cocked. Sergeant A stretched the Subject's pants pocket out and directed Officer E to cut it, rather than reach inside the Subject's pocket. Sergeant A assessed that the Subject was handcuffed, and Sergeant A went from being involved in the use of force to asserting command and control of the officers.

Sergeant B assessed the Subject was animated and violent and directed the officers to lay the Subject back down onto the ground until the administered sedative had more time to take effect.

**Time** – Officer A took time to utilize his/her MDC to access Central Area's online homepage, which had a link to photographs of suspects who were wanted for crimes committed in Central Area and brought up a photograph of the suspect. Officers A, B, and C confirmed the Subject was similar in appearance to the suspect's photo in the Crime Alert prior to conducting a pedestrian stop on the Subject.

Both LAPD and LAFD personnel monitored the Subject throughout the incident and advised the Subject to relax. LAFD personnel administered sedatives to the Subject twice, and officers waited for the sedatives to take effect prior to the Subject's transport to the hospital to reduce the possibility of having to use additional force.

**Redeployment and/or Containment** – Officer B put the police vehicle into drive and angled the police vehicle in a northwesterly direction towards the sidewalk. Officer B attempted to align the front end of the police vehicle with the Subject's position; however, the Subject began walking east and fled on foot. Officer A began pursuing the Subject on foot, followed by Officers B and C.

As determined by the investigation, Officer A's BWV captured Officer A making physical contact with the Subject at 0637:02 hours. At that point, Officer C's BWV captured Officer B run approximately 190 feet in 15 seconds before Officer B made contact with the Subject. Officer A did not redeploy to seek cover and wait for Officers B and C to arrive at his/her location at the termination of the foot pursuit, prior to making physical contact with the Subject, which resulted in an altercation.

**Other Resources** – Upon broadcasting they were in foot pursuit, officers and supervisors from Central Patrol Division, along with Air Support Division personnel, responded to the area to assist Officers A, B, and C.

Officers A, B, and C communicated among each other and waited for additional resources to arrive to assist in controlling the Subject. Officer C drew his/her TASER as a less-lethal force option and warned the Subject in an attempt to de-escalate the Subject's actions and to convince him to cease his resistance. Officer A utilized the HRD as a resource to control the Subject and minimize injury to the Subject and other officers.

Sergeant A and Lieutenant A requested Sergeant B as an additional resource to monitor the officers and the Subject, so Lieutenant A could be briefed on the incident and clarify information.

After determining that a CUOF had occurred and the Subject was securely transported by LAFD personnel, Lieutenant A directed the request of additional supervisors to the scene to assist in the separation and monitoring of the involved officers.

**Lines of Communication** – As the officers drove past the Subject, Officer A advised Officers B and C that the Subject was the suspect that they had been looking for. Officer B warned his/her partners that the Subject was going to run when the Subject looked back in their direction as he walked eastbound. Officer A broadcast that they were stopping a Subject who was wanted for questioning and stated to the Subject that he/she wanted to talk to him. Officer B broadcast that they were in foot pursuit and the Subject's descriptors. Officer C communicated to Officer B that he/she would take over broadcasting immediately and broadcast the officers' location and direction of travel.

During the foot pursuit, Officer A communicated with the Subject and directed the Subject to Stop. Officer A also warned Officers B and C that the Subject had a gun, as they approached. Officers B and C ordered the Subject to drop the handgun. Officer C updated their foot pursuit broadcast that the Subject had a gun. Officers A, B, and C communicated among each other to limit the Subject's movements until additional resources arrived.

Officer C notified his/her partners of the location of the Subject's handgun. Sergeant A acknowledged the location of the Subject's handgun and directed Officer C to control the Subject's hand, so he/she could retrieve the handgun. Sergeant A directed Officer E to cut away the inside pocket containing the Subject's handgun and directed Officer L to secure the recovered handgun. Sergeant A communicated to the Subject to stop striking his head on the ground and advised the Subject multiple times to relax. After the Subject had the HRD applied and was making guttural sounds, Sergeant A directed the officers to return the Subject to a seated position and to remove the spit sock from the Subject's head.

Throughout the incident, officers and LAFD personnel communicated to the Subject to relax and to stop resisting their efforts in an attempt to gain the Subject's cooperation.

It was noted by the BOPC that Officers E, F, I, and Lieutenant A delayed in advising Communications Division (CD) of their Code Six location upon responding to the foot pursuit. Lieutenant A broadcast he/she was Code Six and declared him/herself as Incident Commander (IC). Lieutenant A coordinated resources at scene by communicating direction to the on-scene supervisors.

Sergeant A coordinated with Sergeant B to monitor the officers and the Subject, so Sergeant A could speak with Lieutenant A and Officer A. Officer A communicated his/her actions to Lieutenant A and Sergeant A, advising them he/she had applied a CRCH, and Sergeant A also communicated his/her involvement to Lieutenant A.

The BOPC recognized that this was a tactically fluid situation and discussed that additional coordination and communication with the officers by Sergeants A and B could have ensured each officer had clearly assigned roles and reduced the number of officers involved in the use of non-lethal force. The BOPC noted the continuous efforts by officers and Sergeant A throughout the incident to communicate with the Subject and attempt to gain his compliance. The BOPC also noted Officer A's decision to utilize a CRCH as a lethal force option with the intent to preserve the Subject's life. The officers did not rush and utilized time to control the Subject. The officers and sergeants were continually attempting to de-escalate a tense situation in the hopes of gaining the Subject's voluntary compliance to submit to a lawful arrest.

- During its review of this incident, the BOPC noted the following tactical considerations:

- 1. Pedestrian Stop Tactics/Tactical Vehicle Deployment – (Substantial Deviation, with Justification – Officer B)**

Officers A, B, and C were working a three-officer unit configuration in a marked black and white police vehicle, travelling west on 5<sup>th</sup> Street. Fifth Street is a three-lane, one-way street allowing for east to west direction of travel. Officer A observed an individual (later identified as the Subject), who resembled a wanted ADW suspect involving bodily force, on the northeast corner of the street. As they passed the Subject, Officer A informed Officers B and C of his/her observation and belief. Officer B stopped the police vehicle for approximately four seconds, then drove in reverse as Officer A retrieved a wanted flyer from the police vehicle's Mobile Data Computer (MDC). The police vehicle traveled in reverse, eastbound on 5<sup>th</sup> Street, for approximately 14 seconds, and passed the Subject in reverse in order to verify if the Subject and the wanted individual in the photograph were the same person. Officers A, B, and C had knowledge that the ADW involved the used bodily force and not a weapon.

Officer B stated that he/she made sure that there were no vehicles or pedestrians behind him/her as he/she backed the vehicle. Officer B stopped the police vehicle in the number two lane of traffic. The Subject began to walk east as

Officer B conducted a right turn, diagonal to the sidewalk, in an attempt to deploy on the Subject. Officer A exited the police vehicle and initiated verbal contact with the Subject as Officers B and C were exiting the police vehicle. The Subject fled from the officers on foot.

In considering the circumstances with regard to this incident, the BOPC noted the officers had already passed the Subject when Officer A alerted Officers B and C regarding his/her observations. The traffic flow on the street was one-way and restricted the options of travel for Officer B. Officer B drove slowly as he/she navigated the police vehicle while in reverse as the officers attempted to verify if the Subject matched the photograph in the Crime Alert. The verification of the match was critical to establish the legality of the detention for the officers. The BOPC would have preferred that Officer B had parked the police vehicle at the corner and the officers coordinated their approach on foot to verify the Subject's identity. The Subject began walking eastbound and the passenger side of the police vehicle was exposed and parallel to the Subject, prior to Officer B being able to place the police vehicle diagonally to the sidewalk to conduct a pedestrian stop on the Subject. This movement by the Subject further complicated Officer B's attempt to park the police vehicle in relation to the Subject. The BOPC discussed that despite Officer B's attempts to park, the placement of the police vehicle was ineffective. The officers did not have knowledge that the Subject was armed, but the vehicle placement placed the officers in a potentially vulnerable position. The BOPC did note that Officer A immediately exited the police vehicle, followed by Officers B and C, and attempted to initiate contact with the Subject to conduct the pedestrian stop; however, the Subject fled from the officers on foot.

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

**2. Foot Pursuit Concepts (Separation) – (Substantial Deviation, without Justification – Officer A)**

Officers B (driver), A (front passenger), and C (left rear passenger) were working a three-officer unit configuration in a marked black and white police vehicle, travelling west on 5<sup>th</sup> Street. Officer C was assigned communications while Officer B was assigned as cover officer in the officers' prior planning as a three-officer unit. Officer B stated it was the first time that all three officers worked together; however, they had all worked as partners on previous occasions and roll call training was given on foot pursuit tactics. As officers attempted to conduct a pedestrian stop on the Subject, who they believed matched the photograph of an ADW suspect involving bodily force, Officer A broadcast their stop and location. In response, the Subject fled on foot, resulting in a foot pursuit.

According to Officer A, he/she ran offset of the Subject, closer to the sidewalk as the Subject ran in the middle of the street. Due to the Subject being wanted for an ADW involving bodily force and no weapon being involved, Officer A's goal of the foot pursuit was to apprehend the Subject. Officer A could hear Officers B and C broadcasting the foot pursuit and believed Officers B and C were behind him/her.

As determined by the FID investigator, Officer A's BWV captured Officer A making physical contact with the Subject at 0637:02 hours. At that point, Officer C's BWV captured Officer B run approximately 190 feet in 15 seconds before Officer B made contact with the Subject.

As the driver officer, Officer B placed the car in park, removed the keys from the ignition, and he/she and Officer C also gave chase on foot, with Officer B in front of Officer C. Officer B did not close the police vehicle door and engage the locks, prior to becoming involved in a foot pursuit as a three-officer unit. After the termination of the foot pursuit, Officer B directed responding units to secure his/her police vehicle at 5<sup>th</sup> Street and Wall Street. Officers B and C were both unaware that the Subject was armed during the foot pursuit and had knowledge that the ADW involved bodily force; therefore, both officers indicated their intention was to apprehend the Subject.

Officers B and C initially broadcast the foot pursuit simultaneously. Officer C became aware of the simultaneous broadcasts and corrected the issue by communicating with Officer B that he/she would broadcast. Officer C then broadcast the Subject's location and direction of travel. Officer C also broadcast that the Subject was armed with a gun. When the foot pursuit had terminated, they were attempting to detain the Subject; however, Officer C did not include the location for responding units or the Air Unit. As they neared 521 South San Pedro Street, Officer A ordered the Subject to stop. The Subject looked back at Officer A, tripped, and fell forward onto the ground.

In this case, the BOPC noted the officers' coordination and communication throughout the foot pursuit and adherence to Department training and policy. When Officers C recognized that both he/she and Officer B were broadcasting simultaneously, he/she corrected the issue by communicating to Officer B that he/she would broadcast to allow Officer B to remain with Officer A in the foot pursuit. Officer C effectively broadcast their updated location and direction of travel as the foot pursuit continued. Officer C broadcast to responding officers that the Subject was armed with a handgun, although, the BOPC would have preferred Officer C had included an updated location as well. In addition, the BOPC would have preferred that as a three-officer unit, Officer B had taken a moment to secure their police vehicle prior to joining the foot pursuit. While this incident unfolded quickly, the unsecured police vehicle could have resulted in equipment being taken by a passerby. The BOPC discussed that while coordination can become complicated when officers work a three-officer unit,

Officers A, B, and C specified their roles, which was notable as this was these officers' first time working together as a three-officer unit as opposed to a two-officer unit.

In deciding to pursue the Subject in apprehension mode, the BOPC discussed all three officers' knowledge of the Subject having committed an ADW utilizing bodily force and that no weapon had been involved in that previous incident. Furthermore, the Subject's actions did not suggest to officers that he was armed with a handgun until after the Subject fell down to the ground and Officer A had made physical contact with the Subject. Upon observing the Subject attempting to remove a handgun from a sewn pocket inside his pants, Officer A immediately alerted Officers B and C.

The BOPC considered the facts and circumstances surrounding the foot pursuit. Officers B and C momentarily lost sight of Officer A. When Officers B and C turned the corner, Officer A was a considerable distance away and already involved in an altercation with the Subject. In this case, as the lead officer in a foot pursuit and in the concept of working as a team, it was Officer A's responsibility to have slowed his/her pace, waited for his/her partners, and sought cover, until his/her partners were close enough to render him/her immediate aid.

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

### **3. Code Six**

Officers E, F, I, and Lieutenant A delayed in advising Communications Division (CD) of their Code Six location upon responding to the foot pursuit. The investigation revealed that Officer F broadcast his/her unit was Code Six over the radio approximately seven minutes after arriving at scene. Officer E broadcast his/her unit was Code Six over the radio approximately 18 minutes after arriving at scene. Officer I broadcast that his/her unit was Code Six over the radio approximately 19 minutes after arriving at scene. Lieutenant A broadcast that he/she was Code Six and declared him/herself as Incident Commander (IC) after being at scene approximately 12 minutes.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

In this case, the BOPC considered the Department's Code Six policy and noted several resources were enroute to the location due to the broadcast of a foot pursuit by the primary unit. The broadcast of the primary unit had initiated the response of multiple additional resources. The BOPC also considered that

Officers E and F were initially involved in the non-lethal use of force, followed by Officer I. Once the Subject was secured and the scene was contained, Officers E, F, I, and Lieutenant A broadcast their Code Six location to CD as soon as it was practicable and without further delay. The delay in their Code Six broadcast did not jeopardize the safety of any persons, as the primary unit had already broadcast the Code Six location and additional resources arrived at the correct location.

Based on the totality of the circumstances, the BOPC determined, that in this situation, Officers E, F, I, and Lieutenant A's actions were not a deviation from approved Department tactical training.

**4. Hobble Restraint Device Protocols – (Substantial Deviation, with Justification – Sergeants A and B, Officers A, B, C, G, H, I, and J)**

Due to the Subject's behavior and resistance to officers, an HRD was applied to the Subject's ankles by Officer A, who secured the HRD in place by tying a knot, where it remained throughout the entirety of the incident. The Subject continued to resist officers' efforts to control him and was placed on his left side in a recovery position, with his hands handcuffed behind his back. While officers held the Subject in the left lateral position, the Subject repeatedly moved his head back and forth toward the pavement. Sergeant A ordered the Subject to stop striking his head on the ground; however, the Subject stated that he no longer wanted to live and continued to move his head. Officer C placed his/her boot between the Subject's head and the asphalt in an effort to shield the Subject from injury. The Subject told Officer C to move his/her foot and repeated, that he had to kill himself. While Officer C's boot remained under the Subject's head, the Subject attempted to bite Officer C's boot, and Officer C ordered the Subject to stop. Officer F placed a spit sock over the Subject's head due to the Subject attempting to bite Officer C and had spit blood at officers previously; however, the Subject began to bite the spit mask, preventing Officer F from pulling it down further. Officer A gave the strap of the HRD to Officer H who maintained control of it.

At the direction of Lieutenant A and Sergeant A, Sergeant B began to monitor the actions of the Subject and the officers. The Subject continued to lay in a left side recovery position while Officer C maintained a grip of the Subject's sweatshirt near his right shoulder. Officer B maintained a grip of the Subject's right arm and removed his/her right knee from the Subject's right hip. Officer G applied bodyweight with his/her knees on the Subject's right hip and leg, while applying bodyweight Officer H continued to hold the strap of the HRD.

LAFD Firefighters asked the Subject if the Subject had used narcotics and the Subject denied using any. The Subject then stated that he couldn't breathe and was going to die. The Subject began to repeatedly yell that he could not breathe as LAFD personnel monitored him. LAFD personnel informed the Subject that



they were going to administer medicine to him that would help him relax and make him sleepy. The Subject continually pled for the spit sock to be removed.

Officer B summoned Officers I and J to assist in controlling the Subject, so that Officer B could go speak with Sergeant A. As Officers I and J approached the Subject to assist the other officers, Officer J's BWV captured the Subject in a prone position while the HRD was still applied to his legs. Officer G continued to maintain his/her knees on the Subject's legs, applying bodyweight and used his/her closed right fist to apply bodyweight to the Subject's right arm. Officer C gripped the Subject's right arm with his/her right hand and gripped the Subject's sweatshirt near his right shoulder with his/her left hand. Officer H maintained control of the Subject's feet.

The investigation determined that the Subject had the HRD applied for a total of approximately 11 minutes and 26 seconds. The Subject was observed on Officer J's BWV lying in a prone position, with the HRD applied to his legs for approximately 46 seconds before being placed into a left lateral position.

However, the BOPC noted that in Officer C's BWV, Officer C was lifting the Subject from a prone position by his right shoulder, relieving the pressure off of the Subject's chest area.

The Subject repeatedly stated that he did not consent to being administered any medicine. The Subject called out for help multiple times and yelled that he could not breathe. Officers C and J each grabbed the Subject's sweatshirt, near his right shoulder and upper right arm, and positioned the Subject in a left lateral recovery position. Officer I then relieved Officer C and obtained a grip on the Subject's sweatshirt near his right shoulder with his/her right hand.

Sergeant A, who had resumed monitoring the Subject along with Sergeant B, directed Officers I and J to place the Subject into a seated position. Officer H continued to hold onto the HRD strap as Officers I and J rolled the Subject to his right and placed him into a seated position where the Subject was administered a sedative, and both Officer I and LAFD personnel attempted to adjust the Subject's spit sock; however, the Subject kept biting the spit sock, continued to state he could not breathe, and resisted the Officers I and J, causing them to take a step back. The Subject was laid onto his right side where LAFD personnel administered a second sedative. The Subject was returned to a seated position where the spit sock was removed, and the Subject was lifted onto an awaiting gurney for transport to the hospital.

In this case, the BOPC considered that both officers and LAFD personnel were monitoring the Subject while the Subject had the HRD applied and attempted to de-escalate by advising the Subject to relax. The Subject was able to yell while in the prone position. Sergeant A articulated his/her awareness of the importance of monitoring the Subject in the spit sock after the Subject made

remarks about being suicidal and began to eat the spit sock, which could cause choking. The officers and supervisors demonstrated an awareness of the Subject's position by directing and placing the Subject on his left side. In addition, as officers attempted to place the Subject in a seated position, the Subject's continued resistance made it problematic for the officers. The BOPC also noted that Officer C prevented the Subject from being fully prone by lifting the Subject's shoulder off the ground. The BOPC also noted that even when placed in a seated position or on the left side, the Subject continued to complain that he could not breathe. The Subject continuously moved and made attempts to resist the officers' control.

Based on the totality of the circumstances, the BOPC determined that Sergeants A and B, Officers A, B, C, G, H, I, and J's actions were a substantial deviation, with justification, from approved Department tactical training.

- The BOPC also considered the following:
  - **Situational Awareness (Service Pistol Muzzle Against Surface)** – The investigation revealed Officer B placed the muzzle of his/her service pistol against the Subject's left torso. Officer B was reminded that should the need have come that he/she would have had to utilize deadly force, the pressing of a service pistol against a surface may move the slide of a semi-automatic handgun out of battery, rendering it unable to fire. The pressing against a surface can also interfere with the cycling of the slide and may only allow the discharging of a single round before experiencing a malfunction.
  - **Situational Awareness (TASER)** – The investigation revealed Officer C pressed his/her TASER against the Subject's abdomen. Officer C was reminded that pressing a TASER against a surface may interfere with the clearing of the blast doors of the TASER cartridge. TASERs should be activated at least two inches away from its intended target.
  - **Initiating Physical Contact While Holding a Service Pistol** – The investigation revealed that Officer B utilized his/her left hand to grip the Subject's left wrist and controlled the Subject's left arm while Officer B held his/her service pistol in his/her right hand. Although in this case the Subject was being controlled by an additional officer, Officer B was reminded of the safety issues and tactical disadvantages which come with the holding of his/her service pistol in one hand and initiating physical contact with the other hand. Doing so allows for the possibility of an unintended discharge or disarmament by a suspect.
  - **Basic Firearm Safety Rules** – The investigation revealed Officer B momentarily covered his/her left arm and his/her partner, Officer C, as Officer B repositioned the muzzle of his/her service pistol on the Subject's torso. Officer B was reminded to adhere to the Basic Firearm Safety Rules and to always be cognizant of his/her muzzle direction.

- **Holding of Service Pistol in One Hand and Additional Force Option in the Other** – The investigation revealed that Officer C held his/her service pistol in his/her right hand and his/her TASER in his/her left hand while running towards Officer A. Officer C was reminded of the safety issues and tactical disadvantages which come with the holding of his/her service pistol in one hand and an additional force option in the other hand. Doing so allows for the possibility of an unintended discharge or disarmament by a suspect.
- **Initiating Physical Contact While Holding a TASER** – The investigation revealed that Officer C grabbed the fabric of the Subject's sweatshirt with his/her right hand to expose the Subject's waistband area, while holding the TASER in his/her left hand. Officer B was reminded of the safety issues and tactical disadvantages which come with the holding of his/her TASER in one hand and initiating contact with the other hand. Doing so allows for the possibility of an unintended discharge or disarmament by a Subject.
- **Maintaining Control of Equipment (TASER)** – The investigation revealed that Officer C placed his/her TASER on the ground between his/her left leg and the Subject's left leg in order to grab hold of the Subject's left arm. Officer C was reminded of the importance of securing his/her equipment so it can be readily available as a less-lethal force option and to prevent the equipment from becoming a hazard or utilized as a weapon by others.
- **Utilizing Tool on Unsecured Suspect** – Sergeant A directed Officer E to cut the Subject's pants pocket utilizing his/her knife while the Subject was not handcuffed. Sergeant A was reminded of the importance of not introducing an item that could be utilized against Department personnel and may inflict injury to not only Department personnel, but also injury to an unhandcuffed and not completely secured Subject.
- **Maintaining Control of Suspects** – Officers B and C placed the Subject in a seated position, leaning the Subject against each of their legs. After the Subject was placed in a seated position, the Subject slid off the legs of Officers B and C and onto the ground. Officer B and C then placed the Subject in a left lateral recovery position. Although in this case the Subject continued to move, Officers B and C were reminded of the importance of safeguarding individuals who are in their care and custody to reduce the incidence of injury.
- **Medical Treatment** – Sergeant A did not advise the RA unit that a CRCH was utilized on the Subject. Although in this case the personnel from LAFD cared for the Subject, Sergeant A was reminded to advise medical personnel of any injury or possible injury a Subject may be suffering from to ensure an individual receives appropriate medical treatment.

- **Spit Sock Protocols (Positioning)** – Officer F placed a spit sock over the Subject’s head. The Subject was spitting blood and attempting to bite Officer C. As Officer F placed the spit sock over the Subject’s head, the Subject began to bite the spit sock, stopping its placement near his/her mouth and preventing Officer F from pulling it down further. Although in this case the Subject resisted the officer’s effort to place the spit sock in the proper position, Officer F was reminded of the importance of the proper application of the spit sock to minimize the risk to officers and the Subject. Improper placement of the spit sock could allow the Subject to continue to spit on the officers.
- **Stepping on Limbs** – The investigation identified that Officer D utilized his/her right foot to step on the Subject’s feet to limit the Subject’s movements. Officer D was reminded that stepping on a Subject’s limb can cause an officer to become off balance and may reflect unfavorably in the public’s perception when doing so.

## **Command and Control**

- Sergeant A responded to the foot pursuit broadcast. Sergeant A became involved in the non-lethal portion of the UOF and directed portions of the non-lethal UOF. According to Sergeant A, he/she did not immediately assume command and control because he/she was the first back-up unit to arrive at scene, the handgun was not secured, and the Subject had not been handcuffed. As additional resources arrived, Sergeant A directed Officer E to cut the Subject’s pants pocket that contained the handgun. Sergeant A recovered and returned Officer C’s TASER to him/her after the Subject was handcuffed and placed into a seated position. Sergeant A gave the Subject’s handgun, which was still wrapped in the fabric pocket, to Officer L and directed him/her to secure it. According to Sergeant A, once the Subject was handcuffed, Sergeant A transitioned from being involved in the use of force to asserting command and control of the officers. Officer A informed Sergeant A that he/she had applied a CRCH on the Subject. Sergeant A stated his/her intent was to finish dealing with the ongoing incident and requested an RA for the Subject because the Subject was bleeding from the mouth and a CRCH had been applied on the Subject. Sergeant A directed Officer F to remove him/herself from the Subject. Sergeant A re-inserted him/herself into the use of force by gripping the Subject’s right arm. Sergeant A attempted to de-escalate by communicating with the Subject by advising him to relax and directed officers to place the Subject into a seated position after the Subject had the HRD applied.

Sergeant A met with Lieutenant A and informed him/her that he/she was involved in the use of force. While Sergeant B took over monitoring the actions of the Subject and the officers, Officer A briefed both Sergeant A and Lieutenant A about the incident. Sergeant A asked a few clarifying questions and confirmed that Officer A had in fact applied a CRCH. Sergeant A met with Officers A, B, and C and advised them that they were going to be separated after the Subject was transported by RA. Sergeant A also advised those officers not to converse. Sergeant A resumed

monitoring the Subject and continued to provide direction until the Subject was transported. Sergeant A opened the trunk of his/her police vehicle, picked up the clear plastic property bag containing the handgun, and ensured the handgun had been properly rendered safe. Sergeant A stated that he/she did not physically handle the handgun and that Sergeant C was present at the time; however, Sergeant A was aware that the incident had been deemed a CUOF at the time he/she inspected the Subject's handgun.

The BOPC considered that Sergeant A was one of the first units to arrive, and upon being notified about the outstanding weapon, was not remiss in prioritizing and addressing the outstanding handgun. It was prudent of Sergeant A to immediately assist Officers A, B, and C until the weapon was removed, and additional resources had arrived. Once the additional resources arrived and it was determined that this incident was a CUOF, the BOPC would have preferred that Sergeant A had relinquished his/her physical involvement and made additional efforts to manage the officers involved in the non-lethal use of force with the Subject. By doing so, Sergeant A could have taken on more of a role of managing personnel at scene with respect to identifying the involved officers which would have assisted with the monitoring and separation of personnel. The BOPC noted Sergeant A's assessment and request for the RA; however, the BOPC would have preferred that Sergeant A had advised the RA that a CRCH had been applied. The BOPC also noted that Sergeant A, while knowing the incident was a CUOF, visually inspected the condition of the Subject's handgun after it was secured in the trunk of his/her police vehicle. Conversely, Sergeant A's experience in the Skid Row area, and active leadership during the incident was apparent in his/her awareness of the Subject's behavior requiring two doses of sedatives, and his/her monitoring of the officers and the Subject after the Subject's attempt to chew the spit sock as the Subject made suicidal remarks, and his/her directions to officers physically engaged with the Subject.

While there were areas of improvement, the actions of Sergeant A were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

Sergeant B monitored the actions of the Subject and the officers when Lieutenant A met with Sergeant A and Officer A. Sergeant B recalled the Subject twisting or kicking while in a seated position and directed officers to lay the Subject back down onto the ground until the Subject calmed down and the sedative had taken effect. Sergeant B followed Officers in the RA who transported the Subject to the hospital until relieved by investigators.

Although Sergeant B provided supervisory oversight to the officers, the BOPC would have preferred that Sergeant B take a more active role in assisting Sergeant A with command and control responsibilities and in the monitoring of the Subject.

The actions of Sergeant B were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors during a critical incident.

Lieutenant A arrived at scene and declared himself as IC. Lieutenant A learned that Sergeant A was involved in the use of force and was briefed by Officer A about the incident involving a CRCH. Lieutenant A identified the officers at scene who were involved in the use of force with the Subject and coordinated uninvolved officers to accompany the Subject to the hospital, along with Sergeant B. According to Lieutenant A, due to a lack of available supervisors, he/she gathered some of the identified involved officers, along with Sergeant A, and admonished them as a group not to discuss the incident. Lieutenant A gave Officer A a modified Public Safety Statement (PSS). Lieutenant A then directed a request for additional supervisors from outside patrol divisions to assist with the monitoring duties.

Although there were some minor concerns identified with respect to the separation and monitoring of officers at scene, the BOPC noted Lieutenant A's response and overall active management of personnel, resources, and directions at the scene.

The actions of Lieutenant A were overall consistent with Department supervisory training and the BOPC's expectations of field supervisors 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.

Therefore, the BOPC found Officer A's tactics to warrant a finding of Administrative Disapproval. The BOPC found Sergeants A and B and Officers B, C, I, J, D, E, F, G, and H's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- **Officer B**

According to Officer B, as he/she was running towards Officer A and the Subject, he/she heard Officer A yell multiple times that the Subject had a handgun. Officer B believed that the Subject was armed, and that the Subject could potentially injure or kill Officers A and C, or him/herself. Officer B, believing that the situation may escalate to the point where he/she may have to shoot to save the lives of Officers A

and C or him/herself, drew his/her service pistol. After drawing his/her service pistol, Officer B placed his/her service pistol in close contact against the Subject's torso.

- **Officer C**

According to Officer C, as he/she approached Officer A and the Subject, he/she observed the Subject actively resisting and fighting with Officer A. Officer C heard Officer A state that the Subject had a gun. While Officer C did not observe the Subject's handgun, he/she believed Officer A was in danger based on his/her statement about the Subject being in possession of a handgun. Officer C drew his/her service pistol for approximately two seconds and held it in one hand while trying to holster his/her police radio. Officer C then utilized both of his/her hands to hold his/her service pistol. Officer C holstered his/her service pistol because he/she observed Officer B with his/her service pistol drawn and did not want to cover Officer B with his/her service pistol. After holstering his/her service pistol, Officer C drew his/her TASER to provide a less-lethal force option in order to de-escalate the situation if possible.

The BOPC conducted a detailed evaluation of the reasonableness of Officers B and C's drawing and exhibiting of their service pistols. The BOPC considered that Officer B and C heard Officer A warn them that the Subject was armed with a handgun. Upon observing Officer B with his/her service pistol drawn, Officer C demonstrated restraint by holstering his/her service pistol and assuming the role of less-lethal (TASER), noting the importance of deploying a less-lethal option. Officer B was conscious of Officer C's position and placed his/her service pistol in a downward angle, in close contact to the Subject.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officers B and C, 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 Officers B and C's drawing and exhibiting of a firearm to be In Policy.

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

- **Officer A – (3) Firm Grip, (2) Physical Force, and (2) Bodyweight**

According to the FID investigation, as captured through surveillance video, Officer A grabbed the Subject's left shoulder with his/her left hand and the Subject's upper right arm with his/her right hand (Firm Grips 1-2).

According to Officer A, as he/she observed the Subject attempting to remove a handgun with his left hand from his left pants pocket area, Officer A utilized his/her

left leg to trap the Subject's arm (Physical Force 1) to prevent the Subject from removing the handgun.

According to Officer A, the Subject continued to pick up and push off officers. Officer A placed his/her left hand on the Subject's shoulder and his/her right hand on the Subject's head as he/she was "basing out" to control the Subject's movement and counter the Subject's resistance (Bodyweight 1). Upon hearing, "Code Four, he's in custody," being broadcast, Officer A removed him/herself from the Subject and took a few steps back to catch his/her breath.

According to Officer A, the Subject continued to resist and kick at officers, when Sergeant A directed officers to apply an HRD to the Subject. Officer A took control of the Subject's legs by grabbing the Subject's legs, crossing his feet, where he/she held the Subject's legs in place as Officers A and F maneuvered the HRD around the Subject's ankles (Firm Grip 3, Physical Force 2, and Bodyweight 2). Once the HRD was applied to the Subject's ankles, Officer A passed the strap through the loop making a knot, then held and maintained control of the HRD.

The BOPC noted Officer A's restraint in his/her application of non-lethal force throughout the encounter with the Subject.

- **Officer B** – (13) Firm Grip, (2) Fist Strikes/Punches, (2) Bodyweight, (1) Physical Force, (1) Finger Flex

According to Officer B, as he/she held his/her service pistol in his/her right hand, Officer B reached down and grabbed the Subject's arm to keep the Subject from reaching for his/her handgun (Firm Grip 1). According to the investigation Officer B utilized four additional firm grips as he/she adjusted his/her grip to maintain control of the Subject's right arm as the Subject was handcuffed and taken into custody (Firm Grip 2-5).

According to Officer B, the Subject regained consciousness and began kicking his/her legs and moving back and forth while spitting into the air. Officer B grabbed the Subject's shoulder and utilized his/her hand to hold the Subject's head down in order to control the Subject's head movements (Firm Grip 6 and Bodyweight 1). The Subject was then rolled onto his stomach where Officer B applied bodyweight to limit the Subject's movements and prevent the Subject from hurting any of the officers or even hurting him/herself (Bodyweight 2).

According to Officer B, while lying in the supine position, the Subject grabbed Officer B's right leg with both of his hands and yelled obscenities. Officer B ordered the Subject to let go of his leg, however, the Subject disregarded the commands and continued to dig his fingernails into Officer B's leg, causing pain to Officer B. Officer B utilized both of his/her hands and attempted to pry the Subject's hands off of his/her leg (Firm Grip 7-8). Unable to remove the Subject's hands from his/her leg and out of fear of the Subject breaking Officer B's skin and possibly causing an



infection, Officer B struck the Subject with his/her right hand on the Subject's torso as distraction strikes to get the Subject to release his/her grip (Fist Strikes/Punches 1-2). The Subject maintained his grip on Officer B's right leg wherein Officer B utilized firm grip as he/she attempted to again pry the Subject's grip off of his/her leg (Firm Grip 9-10).

According to the FID investigation, Officer B utilized his/her left hand to obtain a finger flex to the Subject's right hand as Officer B obtained a firm grip to remove the Subject's left hand from his/her grip (Firm Grip 11 and Finger Flex 1). Once free, Officer B repositioned his/her legs and acquired a two-handed grip to the Subject's right arm where Officer B maintained position of the Subject until relieved by additional personnel (Firm Grip 12-13).

The BOPC discussed Officer B's continued assessment and de-escalation by applying a firm grip to the Subject's hand to prevent the Subject from reaching for his/her handgun when the officers did not know where it was and the good communication between him/herself and the other officers, along with advising Sergeant A. The BOPC noted the Subject digging into Officer B's leg after the Subject was handcuffed, causing Officer B pain and Officer B striking the Subject using minimal force to avoid further injury. The BOPC also discussed Officer B's attempts at de-escalation by holding onto the Subject to prevent the Subject from injuring him/herself as the Subject made suicidal statements.

- **Officer C – (7) Firm Grip, (1) Physical Force, and (1) Wristlock**

According to Officer C, as he/she reached the Subject, he/she grabbed one of his arms and held it as the officers searched for the Subject's handgun (Firm Grip 1-2). According to the FID investigation, Sergeant A directed Officer C to control the Subject's left arm wherein Officer C utilized a firm grip and a wrist lock to gain control of the Subject and upon locating the Subject's handgun utilized an additional firm grip to the Subject's right hand to keep him from accessing the handgun (Firm Grip 3-4 and Wristlock 1).

Officer C became tangled up with the Subject and gripped the Subject's left wrist with his/her left hand and pushed on the Subject's back with his/her right hand to become separated from the Subject (Firm Grip 5 and Physical Force 1). The additional personnel provided Officer C with the Subject's left and right wrists where he/she handcuffed them respectively. Officer C also assisted Officer B in gripping the Subject's hands in order to remove his grip from Officer B's foot to assist him/her in overcoming the Subject's resistance (Firm Grip 6) and as the Subject continued to resist officers' commands, Officer C used a final grip to control the Subject as LAFD personnel arrived at the scene and held this position until being relieved (Firm Grip 7).

The BOPC discussed Officer C's attempt to care for the Subject by placing his/her boot under the Subject's head to prevent the Subject from self-inflicted injury as

he/she attempted to strike his/her head on the ground. The BOPC also noted Officer C's articulation of what he/she felt was a possible handgun and his/her efforts to not allow the Subject any accessibility to it.

- **Sergeant A** – (5) Firm grip and (1) Bodyweight

According to Sergeant A, upon his/her arrival as the first responding unit to the scene, he/she was informed the Subject was armed with a gun and that the gun was underneath the Subject. Sergeant A observed the Subject was not yet handcuffed and grabbed the Subject's left wrist before utilizing both of his/her hands and immediately took control of the Subject's arm (Firm Grip 1–3). According to the investigation, Sergeant A pinned the Subject's right wrist to the ground with his/her left hand and placed his/her left knee on the Subject's right thigh and applied bodyweight and upon being informed by Officer C of the location of the Subject's handgun, Sergeant A moved his/her right hand to establish a grip of the Subject's right leg (Bodyweight and Firm Grip 4). Once Sergeant A removed the handgun from the Subject's person, Sergeant A stood up and assumed command and control of the situation until he/she applied a firm grip to assist Officer B remove his/her leg from the Subject's grip (Firm Grip 5).

The BOPC noted Sergeant A's identification of the priorities by taking action, noting the location of the Subject's handgun, and taking swift action to remove the handgun. Although not a trained tactic and the Subject's arms were secured, but not handcuffed, the unusual tactic was effective as opposed to the reaching into the Subject's pocket which could have resulted in different consequences.

- **Officer F** – (4) Firm Grip, (4) Bodyweight, and (3) Physical Force

According to Officer F, as he/she arrived at scene, he/she provided officers with direction. As officers attempted to roll the Subject over to his/her stomach, Officer F observed that the Subject's right arm remained underneath his/her body. Officer F reached down with both of his/her hands, applied firm grips with each hand, and utilized physical force to pull the Subject's arm from underneath his/her body and behind his/her back (Firm Grip 1-2 and Physical Force 1). After the Subject was handcuffed, Officer F directed officers to search the Subject as he/she assisted in rolling the Subject to his/her side.

According to Officer F, as the officers were waiting for the Rescue Ambulance to arrive, the Subject began kick his feet. According to the investigation, Officer F utilized his/her hands and crossed the Subject's legs over each other and waited for an HRD to be applied to the Subject's legs (Firm Grip 3-4 and Physical Force 2). Officer F utilized bodyweight to hold onto the Subject's legs and hold them to the ground as the Subject continued to resist (Bodyweight 1). Officer F added bodyweight with his/her knee to the Subject's calves and knee area and then to the Subject's left knee as the Subject continued to struggle (Bodyweight 2) and assisted

in attempting to unsuccessfully roll the Subject over to his/her side with the assistance of Officer B (Physical Force 3).

According to Officer F, as the Subject continued to struggle, Officer F attempted to place his/her knee on the Subject's midsection; however, the Subject continued to move, requiring Officer F to again apply his/her knee to the Subject's rib cage area where he/she utilized bodyweight to control the Subject until the HRD was successfully applied (Bodyweight 3-4). Officer F had his/her hand balled in a fist, clutching the Subject's clothing inside of his/her fist. Officer F was then tapped on the shoulder by Sergeant A and advised to remove him/herself from the Subject to which Officer F complied. As Officer F was using his/her weight to control the Subject, he/she was directed by Sergeant A to remove him/herself from the Subject. Officer F utilized bodyweight to stabilize him/herself as he/she removed his/her bodyweight from the Subject (Bodyweight 4). Officer F later applied a spit sock to the Subject to keep him/her from spitting on officers.

- **Officer H – (2) Firm Grip**

According to Officer H, he/she arrived on scene and began to assist in crowd control until he/she observed the Subject begin to yell and stated that he/she wanted to die. Officer H responded to assist officers as the Subject became very aggressive and was aggressively resisting officers at scene. In response to the Subject's actions, Officer H applied firm grips with both of his/her hands to the Subject's ankles to maintain control of the Subject and limit his aggressive actions (Firm Grips 1-2). According to the investigation, once Officer H removed his/her bodyweight, he/she was given and maintained control of HRD as the Subject lay on the ground. Officer H then assisted in lifting the Subject off the ground and onto an awaiting gurney where he/she utilized handcuffs to secure the Subject's left hand to the gurney.

- **Officer D – (3) Firm Grip, (3) Bodyweight, and (1) Wrist Lock**

Officer D grabbed the Subject's right leg with his/her left hand and picked it up before releasing it to assist Officer C untangle him/herself from the Subject (Firm Grip 1). Officer D then gripped the Subject's left forearm with his/her left hand and applied a wrist lock to the Subject's left wrist with his/her right hand (Firm Grip 2 and Wrist Lock 1).

According to Officer D, he/she applied his/her bodyweight as officers were rolling the Subject over to his stomach and then grabbed the Subject's wrist with a firm grip in order for Officer C to apply handcuffs (Bodyweight 1 and Firm Grip 3).

According to Officer D, he/she placed his/her foot on top of the Subject's feet on two separate occasions to act as a controlling agent as the Subject was on the ground to keep the Subject from kicking officers and due to the Subject's erratic behavior (Bodyweight 2-3).

- **Officer E – (2) Firm Grip**

According to Officer E, as he/she arrived on scene he/she took the initiative and grabbed the Subject's ankle and calf area (Firm Grips 1-2). She released his/her grip when Sergeant A asked if anyone had a knife, and he/she removed a pocketknife from his/her pocket. Officer E unfolded the blade from the knife as Sergeant A pulled the Subject's handgun away from his body as it was wrapped in the pocket. Officer E then utilized his/her knife to cut the Subject's pocket, which removed the handgun from the Subject.

The BOPC noted Officer E's quick response and in order to avoid the unintentional discharge of a weapon, the BOPC opined that Officer E did what was necessary. In an ideal situation, it would have been preferred that the Subject was handcuffed first; however, in this particular case, removing the Subject's handgun was the safest priority and was efficient and effective. The BOPC noted that Officer E faced the blade of his/her pocketknife away from others which would have minimized the possibility of injury.

- **Officer G – (4) Firm Grip, (3) Bodyweight, and (1) Physical Force**

According to Officer G, as he/she arrived, he/she removed the 40mm LLL from his/her police vehicle and as he/she observed an appropriate amount of officers engaged with the Subject, he/she decided to assist in crowd control. As Officer G continued to monitor the officers with the Subject, he/she believed officers were losing a little bit of control of the Subject so he/she approached and assisted by applying bodyweight to the Subject's legs (Bodyweight 1).

According to Officer G, he/she observed the Subject grabbed another officer's boot. The officer was unable to free themselves from the Subject's grip, so Officer G utilized firm grips with both of his/her hands to remove the officer's leg from the Subject's grip (Firm Grips 1-2).

According to Officer G, as the Subject continued to struggle and move around, Officer G applied bodyweight with his/her knees and right hand to the Subject's right leg (Bodyweight 2).

According to the investigation, as the Subject continued to struggle, Officer G pushed down on the Subject's left shoulder with his/her left hand and grabbed the Subject's left arm with his/her right hand, then assisted other officers to lay the Subject down on the pavement (Physical Force 1 and Firm Grip 3). Officer G then used his/her right hand to grip the Subject above his left elbow and used his/her left knee to apply bodyweight onto the Subject's left leg (Firm Grip 4 and Bodyweight 3). The Subject continued to yell that he couldn't breathe and at the direction of Sergeant A, Officer G removed him/herself from the Subject.

**Officer J- (2) Firm Grip and (1) Physical Force**

According to Officer J, he/she and Officer I were requested by Officer B to assist in controlling the Subject as he was on the ground. Officer J donned latex gloves and held onto the Subject as he lay in the recovery position. At the direction of Sergeant A, Officers I and J rolled the Subject, into a seated position and stood behind the Subject as LAFD administered the Subject a sedative. The Subject became agitated and kicked out his legs either in an attempt to stand or to push the officers backwards. Officer J utilized a firm grip and directed pressure downward to the Subject's shoulder and back to place the Subject on his right side on the ground (Firm Grip 2 and Physical Force 1). Upon the Subject's continued statements of not being able to breathe, Officers I and J again sat the Subject into the seated position. Officer J then removed the spit sock from the Subject's head and assisted additional officers to pick the Subject up from off the ground and place him on an awaiting gurney. Officer J then unlocked the handcuffs applied to the Subject and applied the handcuff attached to the Subject's right wrist to the right side of the gurney.

- **Officer I - (2) Firm Grip and (1) Physical Force**

According to Officer I, he/she and Officer J were conducting crowd control when Officer B requested that he/she and Officer J take his/her place in holding the Subject. Officer I applied latex gloves to his/her hands and held onto the Subject's shoulder and back as he was cooperating at that moment and not moving. Upon being directed, Officers I and J sat the Subject into the seated position where LAFD administered a sedative shot to the Subject. The Subject became agitated and began to attempt to stand up and throw all his weight backwards towards Officers I and J. Officer I utilized a firm grip to move the Subject to the ground in an effort to stop the Subject's movements. (Firm Grip 1-2 and Physical Force 1). When the Subject calmed down, Officers I and J rolled the Subject to the seated position and assisted additional officers to pick the Subject up from off the ground and place him on an awaiting gurney.

The BOPC noted that this incident escalated on Officers A, B, and C when the Subject ran from them which resulted in the foot pursuit. When the Subject fell down to the ground, Officer A, quickly followed by Officers B and C, utilized force in an attempt to detain the Subject. The Subject continued to resist throughout the incident. The Subject's resistance included an attempt to arm himself with a handgun and other forms of physical resistance, including grabbing an officer and also attempting to bite an officer. The BOPC reviewed all of the applications of non-lethal force. The BOPC considered that all the officers at scene considered various options to reduce the Subject's ability to self-inflict injury as he made suicidal statements. The involved officers attempted to de-escalate the Subject throughout the incident utilizing communication and made notable attempts to prevent the Subject from harming himself or injuring the officers by re-positioning the Subject as he resisted and also by controlling the Subject's movements. The Subject was given two doses of sedative by LAFD personnel.

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

Therefore, the BOPC found Sergeant A's and Officers A, B, C, D, E, F, G, H, I, and J's use of non-lethal to be In Policy.

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

- **Officer A – (CRCH)**

According to Officer A, as he/she was chasing the Subject in apprehension mode, he/she believed the Subject was wanted for an assault with a deadly weapon involving physical force. Officer A heard Officers B and C following him/her and broadcasting the foot pursuit to Communications Division. As Officer A pursued the Subject east on Wall Street, he/she observed the Subject grab his/her baggy pants while running from the officers. Officer A believed the Subject's action was an attempt to keep his/her pants from falling down. The Subject made a right turn to run south on San Pedro Street and Officer A shouted for the Subject to stop. The Subject turned his head to look back in Officer A's direction, then tripped and fell forward onto the ground, rolled to his right, landing in a seated position with his back towards Officer A. Officer A chose not to draw his/her service pistol or produce a less-lethal force option due to the Subject's wanted offense not involving a weapon, and although the Subject had fled officers to avoid capture, the Subject had yet to actively resist or fight officers.

According to Officer A, he/she was a high school wrestler, had Mixed Martial Arts (MMA) experience, and was military trained. Officer A approached the Subject with the intention of placing the Subject in a "full body mount," which Officer A described as getting on top of the Subject, and using legs and bodyweight to keep the Subject's hands on the ground in an effort to gain control of the Subject from behind. Officer A stated that he/she observed the Subject with his right side and arm on the ground and the Subject's left side and arm facing upward into the air. As Officer A approached the Subject to initiate contact, Officer A placed his/her right and left hands onto the Subject's upper back. Officer A observed the Subject reach his left hand towards his left pants pocket and observed the muzzle of the handgun trying to come out of his pants. Upon observing the Subject in possession of a handgun, Officer A's plan changed as he/she decided to apply a CRCH on the Subject in order to render the Subject unconscious in order to get him to release the gun and take the Subject into custody without any further incident.

According to Officer A, the Subject obviously knew the officers were police officers, as he was actively trying to remove the handgun from his pocket. As Officers B and C approached the Subject, Officer A shouted, that the Subject had a gun, to inform

them of the threat. Believing the Subject was trying to kill him/her, Officer A placed his/her chest to the Subject's back and utilized his/her left leg to trap the Subject's left arm to his/her body. Officer A then made the determination to apply a CRCH to the Subject. Officer A encircled the Subject's neck with his/her right arm by placing his/her right bicep on the Subject's right carotid, his/her right forearm on the Subject's left carotid and aligning his/her elbow with the Subject's chin. Officer A then grasped his/her left bicep with his/her right hand and placed his/her left hand on the back of the Subject's head. Officer A took a deep breath to expand his/her chest to apply more pressure onto the Subject's back while he/she pushed the Subject's head forward with his/her left hand. Officer A then moved his/her right and left elbows toward each other to apply pressure to the Subject's carotid arteries. Officer A believed he/she applied this CRCH application for approximately 10 to 15 seconds, until he/she felt the Subject go limp.

According to Officer A, he/she began to release some pressure from the CRCH application and allowed the blood flow back to the Subject. When Officer A asked whether the Subject was unconscious, Officer B tapped Officer A on the arm and told him/her to let the Subject go. Officer A released the pressure from the Subject's neck and slid his/her left leg off of the Subject as he/she believed the Subject's handgun was in custody. Officer A's intent was to render the Subject unconscious in order to get the Subject to release the gun, so the officers could take the Subject into custody without further incident.

When asked by detectives what he/she believed may have occurred if he/she had not applied the CRCH at the time he/she did, Officer A stated that he/she believed either the Subject would have shot him/her or Officer A would have had to shoot the Subject.

The BOPC conducted a thorough review and analysis of the reasonableness and the necessity of Officer A's use of deadly force. In this case, as Officer A made contact with the Subject, the Subject actively attempted to retrieve his handgun. The BOPC discussed the consideration Officer A gave to the preservation of the Subject's life during a split-second and rapidly escalating incident. Officer A articulated that while defending against an imminent threat of death or serious bodily injury, he/she had a conscious desire to control the Subject through the use of a CRCH in order to refrain from utilizing his/her service pistol. The BOPC opined that Officer A's decision to refrain from utilizing his/her service pistol and making the decision to apply a CRCH in all likelihood saved the Subject's life. The BOPC also noted that Officer A assumed some risk to him/herself in not making the decision to shoot the Subject. The BOPC thoroughly reviewed Officer A's actions during the application of the CRCH. The BOPC opined that the position of Officer A's right hip may have allowed him/her to still draw his/her service pistol in the event the application of the CRCH was not effective. The BOPC discussed that Officer A released pressure from the Subject's carotid as he/she described the Subject's body go limp, demonstrating his/her restraint and desire to preserve the Subject's life.

Officer A communicated with Officers B and C as Officer A transitioned to alternate techniques to control the Subject.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer A, would reasonably believe 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 A's lethal use of force to be In Policy.