

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

**LAW ENFORCEMENT RELATED INJURY – 024-17**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
-----------------	-------------	----------------------------	-------------------------------

Hollenbeck	4/5/17		
------------	--------	--	--

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
--	--------------------------

Officer L	29 years, 11 months
Officer O	17 years, 11 months
Officer S	14 years, 10 months
Officer T	18 years, 7 months
Officer Y	6 years, 5 months

**Reason for Police Contact**

Officers responded to a radio call of an Assault with a Deadly Weapon (ADW) "Suspect there now." The responding officers arrived, at which time the Subject entered his residence and refused to exit, resulting in a barricaded Subject situation. Officers from a specialized unit responded to the scene, breached the front door open, and entered the residence. SWAT officers located the Subject inside the residence who began to resist officers. Officers deployed a TASER that led to a medical condition requiring the Subject to be hospitalized, thus resulting in a Law Enforcement Related Injury (LERI).

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
-------------------	---------------------	--------------------	--------------------

Subject: Male, 47 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 recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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

The following incident was adjudicated by the BOPC on March 6, 2018.

### **Incident Summary**

The incident began when a Communications Division (CD) operator received a 911 call from Victim A, who stated that a family member (the Subject) was armed with a knife and bat and trying to kill him.

CD broadcast an emergency call of an Assault with a Deadly Weapon to Hollenbeck Area units. CD provided units with the Subject's description and advised that the Subject was armed with a knife and a bat. CD advised that Victim A was in the rear alley.

Uniformed Police Officers A and B advised CD they were responding with emergency lights and sirens (Code Three) to the location while activating their Body Worn Videos (BWV) and their Digital-In-Car Video System (DICVS). While en route to the call, the officers discussed the nature of the call and tactics. Officer A directed Officer B to deploy the beanbag shotgun. The officers arrived at scene and parked their police vehicle, in the alley. The officers exited their vehicle at which time Officer B retrieved a beanbag shotgun from the trunk and chambered a round.

The officers observed Victim A standing in the alley, near a garage close to his property. Victim A advised the officers that his relative (the Subject) had threatened him with a screwdriver. As this was occurring, Officer B saw the Subject standing on a stairway landing in front of his residence and remained in Officer A's sight as he communicated with him. Officer A immediately met with Officer B and verbalized with the Subject. Officer B asked the Subject to walk down the stairwell to speak with him. The Subject told Officer B that Victim A had threatened him and refused to walk down the stairs to meet with the officers as he began to shout at them from the top of the stairwell.

Officer A spoke with Victim A and obtained information regarding the circumstances of the crime, the Subject's mental condition, narcotics use, and criminal history. Victim A informed Officer A that the Subject had a violent criminal history, was known to use narcotics, and was possibly bipolar. Victim A stated the Subject threatened him with a screwdriver and told him he was going to kill him. Victim A feared the Subject was going to harm him so he decided to leave his residence and call the police. As Victim 1 left his residence, the Subject picked up a baseball bat and told him to leave or he would kill him. Officer A completed an Investigative Report (IR) while Officer B attempted to persuade the Subject to walk down the stairs. The Subject refused to comply and maintained his position on top of the stairway landing.

Uniformed Police Officers C and D arrived at the scene and met with Officers A and B. Officer C met with Officer B as he continued his dialogue with the Subject while attempting to have him walk down the stairs. The Subject refused to comply, entered his residence, and closed the security door. Additional uniformed officers arrived at scene: Officers E, F, G, H, and I.

**Note:** Officers E, F, H, and I did not activate the officers' BWV during the incident. The investigation determined that they did not have any contact with witnesses or any person involved in the incident.

Officer F formulated a tactical plan to assemble an arrest team of officers to make entry into the residence with Victim A's keys, while Officer A created a diversion by calling the Subject to the rear windows of the residence. Officers C and D remained under the stairwell to prevent the Subject's escape. Officer A remained in the alley and attempted to speak with the Subject by utilizing a kitchen window that was adjacent to the alley. The Subject refused to speak with Officer A and closed the kitchen window. Officer A notified the officers on the perimeter of the Subject's actions.

Repeated requests to have the Subject exit failed. It was determined the officers were not making progress and were at an impasse. The officers held their positions, reassessed, and determined they would handle the incident as a barricaded Subject, based on the information they received that the Subject was armed with a screwdriver and was refusing to exit the residence.

Uniformed Sergeant A arrived at scene. Sergeant A assumed the role as the Incident Commander (IC) and met with Officer A, who informed Sergeant A of the circumstances and advised him an IR had been completed. Officer A also informed Sergeant A that the Subject entered his residence armed with a screwdriver and refused to exit his residence. Sergeant A directed Officer A to contact Metropolitan Division (Metro) and advise them the Subject was wanted for ADW and had barricaded himself inside his residence.

Officer A contacted Metro and spoke with Special Weapons and Tactics (SWAT) Lieutenant A. Lieutenant A advised Officer A the situation met the criteria for a barricaded suspect situation and informed Officer A that SWAT assets would respond to the incident. Officer A informed Sergeant A that SWAT officers were responding.

**Note:** A DICVS microphone from a police vehicle captured a Public Address (PA) announcement for the Subject to exit his residence. The Subject did not comply.

SWAT Lieutenant A, Metropolitan Division Captain A, and SWAT Sergeant B, arrived at the scene along with multiple SWAT team members. Lieutenant A met with Sergeant A and obtained background information regarding the incident. SWAT team officers met with Officers A and B and were briefed by Officer A.

SWAT uniformed Police Officer J was the designated team leader for this operation and assumed tactical command and control over SWAT tactical operations. Officer J directed SWAT officers to take containment positions and relieve patrol officers of their containment positions.

The following uniformed SWAT officers involved in the tactical operation were as follows: Sergeant C and Police Officers K, L, M, N, O, P, Q, R, S, and T.

SWAT uniformed Police Officer U, V, W, and Behavioral Sciences Psychologist A were assigned to the Crisis Negotiation Team (CNT).

**Note:** Officers assigned to CNT were dressed in plainclothes. All other responding SWAT officers were equipped with tactical uniforms, gas masks, helmets, and ballistic vests with visible police markings.

Patrol Commanding Officer, Captain B, arrived at the scene and advised he was the Incident Commander. Also present were Los Angeles Fire Department (LAFD), Tactical Emergency Medical Support (TEMS) Fire Firefighter/Paramedics (FF/PM) A and B, both of who were part of a contingent of trained FF/PMs who deploy with SWAT assets during tactical operations to render immediate medical aid to injured citizens and police personnel.

Officer J directed Officers R and S to cover the side of the residence. Officer S was designated as the lethal force officer while Officer R was designated as the less lethal cover officer, armed with a 40-millimeter (mm) projectile launcher. Officers M and Q took containment positions along the corner of the residence, while Officer L drove the armored vehicle to one corner of the residence and positioned it in the alley along with Officer X.

Officers K and T took one side of the residence, near the entrance to the residence. Officer K was equipped with a 40mm projectile launcher while Officer T was equipped with a beanbag shotgun.

Lieutenant A attempted to obtain the Subject's cellular phone number to speak with him. Victim A advised CNT officers the Subject was mentally ill and that he did not know the cellular phone number.

Officer V was designated as the primary CNT negotiator and attempted to communicate with the Subject. Officer V utilized a loud speaker and attempted to create dialogue with the Subject for over an hour. The Subject was observed inside the residence as CNT negotiators attempted to speak with him but was unresponsive to their repeated requests for him to surrender.

Sergeant C was the assigned supervisor for the entry team and assumed command and control over the tactical procedures.

**Note:** Sergeant C stated that as the tactics supervisor, it was his responsibility to maintain command and control of the incident. He developed a tactical plan which evolved throughout the incident based on the Subject's actions.

As CNT efforts were ineffective, Sergeant C implemented a plan to transition to tactical intervention. Sergeant C utilized a bullhorn and attempted to communicate with the Subject, issue verbal warnings, and advise the Subject that additional measures would be taken if he did not surrender. Over the course of four hours, the Subject was continuously given multiple orders to surrender.

Sergeant C advised Lieutenant A that the Subject was not responding to repeated requests for him to exit the residence and that CNT efforts would cease. The plan was to move forward with tactical intervention that would influence the Subject to exit.

According to Sergeant C, prior to any further tactical action, beanbag shotgun projectiles were deployed through the front windows to get the Subject's attention and persuade him to exit. According to Officer P, he deployed one beanbag round through a window on the side of the residence. Officer P aimed at a general area away from the Subject and did not direct the beanbag round at him. The intent of the beanbag deployment was to distract the Subject and convince him to surrender. The deployment of beanbag projectiles through the windows did not persuade him to exit.

Sergeant C then developed a plan to introduce gas and chemical agents into the residence. According to Captain B, Lieutenant A briefed him of the tactical plan to introduce gas into the residence and force the Subject out. Captain B approved the use of gas and chemical agents to maximize the safety of the officers involved in the tactical operation. Captain B authorized SWAT officers to move forward with their tactical response. All aspects of the tactical plan were discussed and approved prior to being implemented, including the use of gas and less-lethal munitions.

The first volley of gas was introduced into the residence approximately four-hours after this incident began. The Subject was observed walking around inside of the residence but was unresponsive. Sergeant C continued to utilize the bullhorn while ordering the Subject to exit and was met with negative results.

When the Subject did not exit, three additional volleys of gas were introduced into the residence. Assessments were made between each volley of gas. This tactic did not affect the Subject.

**Note:** According to Sergeant C the plan to use chemical irritants was to allow the chemical agents to circulate and force the Subject out of the residence without using force.

It has been Sergeant C and Officer T's experience that Subjects with mental disabilities are not typically affected by gas or other chemical agents.

Lieutenant A advised SWAT officers that robotic equipment would be used to clear the residence. Officer Y delivered a recon robot to Officer R, who was standing on the side of the residence. Officer Y then joined the arrest team.

According to Officer R, he introduced a recon remote-controlled robot, equipped with a camera, through the window located on one side of the residence. Officer O advised the team the Subject could not be seen.

Sergeant C and Officer J discussed a plan to breach the front door and enter the residence. The entry/arrest team consisted of Officer N as the point officer, Officer T with a less-lethal device, a TASER; Officer Y with a 40mm less-lethal projectile launcher; Officer S with a pinning pole and TASER, Officer R with a pinning pole, Officers O and K with breaching tools, Officer P as a secondary point lethal force officer; Officer J as the team leader, and Sergeant C as the tactical supervisor.

**Note:** According to Officer T, he was equipped with a TASER but obtained a secondary TASER from Officer S because he experienced faulty TASER units in the past and wanted to use his TASER as a back-up.

Sergeant C provided continuous updates to the Command Post (CP) during this incident, keeping the IC apprised of the Subject's actions and the team's tactics prior to entering the residence. The entry/arrest team moved up the stairwell and used a set of keys provided to them at the CP to unlock the security door. They were unable to unlock the interior door with the keys and had to breach it. Captain B gave SWAT approval to use tactical measures to take the Subject into custody. Officer R breached the front door and the team entered the residence.

The entry/arrest team entered the residence and cleared the living room, kitchen, and bedroom. The team heard movement in the restroom and noticed water flowing from underneath the door. According to Sergeant C, he issued a command for the Subject to exit. The Subject did not exit the restroom.

While the entry/arrest team held their position in the residence, Officer L noticed a window on the side of the residence had not been broken and no gas had been introduced via that window. Gas was introduced into the residence via the bathroom window. The Subject began to bang on the walls of the restroom and appeared agitated.

Officer L then introduced an OC stinger grenade via the bathroom window. Officers on the entry/arrest team then heard the Subject begin to yell and scream. A few moments later, officers observed the Subject throw remnants of the stinger grenade out of the window and remained in the restroom.

The entry/arrest team was aware there was a wall that separated the kitchen and restroom. Officers R and S responded to the kitchen at which time Officer R rammed a “spike” into the kitchen wall and into the restroom. Officer S then introduced hot gas into the restroom. The Subject immediately began to yell and scream while banging on the wall, but still refused to exit the restroom.

**Note:** The last volley of gas was introduced into the restroom. The spike was the last non-physical tactic utilized prior to the team breaching the restroom door.

Captain B remained in constant communication with Lieutenant A at the CP. He heard the plans being implemented over the SWAT frequency and gave the approval to deploy gas when he was advised of the plan.

While positioned in the alley, Officer X utilized a remote camera affixed to a pole and positioned it to view the restroom. Together, Officers L, M, and V viewed a video monitor and noticed the Subject lying in a prone position with his feet near the restroom door, with his left hand underneath his body and his right hand along the side of his body. Officer L advised the team of his observations.

Sergeant C and Officer J formulated a tactical plan to breach the bathroom door to place them at a position of advantage. The plan was conveyed to the CP and approved by the IC. According to Sergeant C, he directed the entry/arrest team to breach the bathroom door as Officers N and P held the point positions as cover officers with their rifles at a low ready position with the safeties on. Officers K and O breached the bathroom door with a sledgehammer and a “Halligan bar” at which time the arrest team entered the bathroom while Sergeant C remained outside of the bathroom.

The entry/arrest team observed the Subject lying on the floor motionless. According to Officers T and Y, they observed injuries on the Subject’s hands, arms, and legs. Additionally, they observed broken glass and blood in the bathroom. The Subject’s legs were close to the door with his left hand underneath his body. The Subject was given commands to put his hands behind his back but remained unresponsive. Officer N directed Officer Y to grab the Subject’s ankle and to drag him out of the bathroom. According to Officer N, he exited the bathroom due to the small area of confinement. Officer Y gave the Subject commands to relax.

Officer Y handed his 40mm grenade launcher to a team member, moved up, and placed his hands on the Subject’s ankles. Officer Y began to drag the Subject out of the restroom into a more open area to handcuff the Subject. Officer Y told the Subject to relax and to place his hands behind his back. The Subject initially began to comply.

Officer Y bent down to attempt to handcuff the Subject when he suddenly pulled his right arm away from the officers and began to flail his arms and kick his legs. Due to the Subject’s aggressive actions, Officer T raised the TASER and discharged the TASER darts at the Subject’s mid-torso back area from

approximately three feet. The Subject continued to scream while flailing and kicking out of control. Officer T noticed the TASER activation was ineffective and activated the TASER a second time, which was also ineffective.

The Subject pulled away and kicked Officer Y off of him, so Officer Y no longer had control of the Subject's right hand. The Subject continued to kick and push himself back into the bathroom. According to Officer Y, he, along with Officers O and T, then entered the restroom and followed him. Officer T stated he was about to apply body weight on the Subject's back when the Subject turned toward his right and continued to flail and kick.

Officer Y climbed into the bathtub to get around the Subject and then used his body weight to place himself a on top of the Subject. Officers O, T, and Y were struggling to gain compliance from the Subject as he was constantly flailing and kicking. Officer O attempted to use his body weight to control the Subject's legs. During the struggle, the Subject dislodged the gas masks from Officers O and Y as he continued to flail and kick. This altercation occurred in a very confined space. Sergeant C remained outside of the bathroom and provided oversight of the use of force. According to Sergeant C, during the use of force, he remained outside of the bathroom near the threshold and controlled the use of force.

Officer T believed the Subject dislodged one of the TASER darts based on the Subject flailing and kicking. Officer T deployed the TASER a third time and once again it did not have an effect on the Subject. Officer T believed his TASER was no longer effective.

According to Officer T, he crouched down, placed the TASER on the ground, and removed his additional TASER. According to Officer T, he placed the TASER on the ground in a position where the Subject could not see it. According to Officer Y, Officer T placed the TASER down past the Subject's head and above his left shoulder while his left arm was trapped underneath him. The Subject was positioned near the back wall with his face down.

Officer Y picked up the TASER from the ground and placed it on the Subject's lower back using a drive stun technique. According to Officer Y, he used the drive stun technique to create distance between the dart and the TASER to cause a neuromuscular incapacitation. Officer Y believed the further the span, the more effective the TASER would be. Officer T positioned himself on the Subject's right torso area and discharged the TASER darts at the Subject's torso area from a distance of approximately three feet. Officer T activated the TASER approximately three times as the Subject continued fighting.

**Note:** A check of the TASER's internal data storage device revealed Officer Y activated the TASER three more times for a duration of five seconds, 10 seconds, and eight seconds in length for each activation, respectively.



Officer T removed the TASER cartridge and used a drive stun technique on the Subject's upper back while applying body weight on his upper back. According to Officer T, the TASER was not always contacting the Subject because he was kicking and flailing, while Officers O and Y were simultaneously attempting to control the Subject and turn him over.

**Note:** Officer T activated the second TASER approximately six times.

The Subject was affected by the TASERs allowing the officers to successfully handcuff him. Officer S entered the restroom and placed his body weight on the Subject's legs to stop him from flailing.

Sergeant C immediately called specialized personnel to render aid to the Subject who appeared to have symptoms of excited delirium. During the standoff, Firefighter B contacted a local hospital and spoke with a Mobile Intensive Care Nurse (MICN) for guidance and approval to administer drugs to the Subject.

According to Firefighter/Paramedic B, the goal of medicating was to calm the patient down for his safety because of toxins building up in the body. Stopping the fighting alone reduces the amount of adrenaline surge. It was unknown if the Subject was under the influence of drugs, prescription medication, or what his psychiatric history was and was very difficult to ascertain what the causative agent was for his excited delirium. Officers R and T escorted the Subject as he walked on his own, down the stairwell to an awaiting ambulance.

The Subject was placed inside a LAFD Rescue Ambulance (RA). Firefighter/Paramedics A and B transferred medical treatment responsibility to Firefighter/Paramedics C and D. The Subject was transported to a nearby hospital for his altered state and injuries. Police Officer Z rode in the back of the RA with LAFD Captain A.

**Note:** Officer Z activated his BWV while the Subject was being transported to the hospital for treatment. The Subject was treated for his injuries and admitted. The Subject did not make any statements during the trip.

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

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to

ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

#### **A. Tactics**

The BOPC found Lieutenant A, and Sergeant C, along with Officers J, L, N, O, P, S, T and Y to warrant a Tactical Debrief

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

The BOPC found Officers N and P's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Officers O, S, T, and Y's non-lethal use of force to be in policy.

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

The BOPC found Officers L, T and Y's less-lethal use of force to be in policy.

### **Basis for Findings**

#### **Detention**

- Officers responded to a radio call of an "Assault with a Deadly Weapon suspect there now" at a specific address. Upon the officers' arrival, they identified the Subject and confirmed that he had threatened to kill the PR with a screwdriver and a bat. The Subject refused to surrender and went back inside the residence, resulting in a barricaded suspect situation. The officer's actions were appropriate and within Department policies and procedures.

#### **A. Tactics**

##### **Tactical De-Escalation**

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

During this incident, the officers assessed the situation and developed a plan that included verbal communications by officers, and a Crisis Negotiation Team with a Department psychologist with several attempts to resolve the issue without the use of force. After many attempts to de-escalate the situation, chemical agents, along with various less-lethal tools and non-lethal force were used to effect the Subject's

arrest. As a result of their efforts, the officers were able to contain the suspect and maintain control of the situation without the need to use a higher level of force.

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

### **1. Maintaining Control of Equipment**

The investigation revealed that Officer T believed his first TASER was not effective, so he placed the TASER down on the floor away from the Subject and transitioned to his secondary TASER. Officer T was reminded of the importance of maintaining control of his equipment prior to transitioning to other force options.

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

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

In conclusion, the BOPC found Lieutenant A, Sergeant C, along with Officers J, L, N, O, P, S, T, and Y's tactics to warrant a Tactical Debrief.

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

- After the Subject was determined to be an armed barricaded suspect, SWAT personnel responded to the scene. As SWAT Officers N and P assumed their positions as designated cover officers for the entry team, they drew and exhibited their respective weapon systems.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers N and P, while faced with similar circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Officers N, and P's drawing and exhibiting of a firearm to be in policy.

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

- **Officer Q** – (Bodyweight and twist lock)

According to Officer Q, he used bodyweight and a twist lock to control the Subject's legs.

- **Officer R – (Bodyweight)**

According to Officer R, the TASER appeared to be ineffective, and the Subject continued to resist. Officer R then applied bodyweight on the Subject's upper back in an attempt to control him and gain compliance.

- **Officer V – (Bodyweight and physical force)**

According to Officer V, he used bodyweight to control the Subject's legs from kicking and physical force to overcome his resistance as he pulled on the Subject's right arm for handcuffing. According to Officer V, he utilized physical force to pry the Subject's left arm from underneath his body to overcome his resistance and complete the handcuffing. According to Officer V, the Subject continued to fight after being handcuffed. Officer V then utilized bodyweight on the Subject's mid back, to keep him from getting up.

- **Officer Y – (Bodyweight, firm grip and physical force)**

According to Officer Y, he used a firm grip and physical force to pull the Subject out of the bathroom. According to Officer Y, the Subject continued to resist and pushed himself further back into the bathroom, so he utilized bodyweight in an attempt to control him.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers Q, R, and V, while faced with similar circumstances, would believe the application of these non-lethal uses of force to stop the Subject's actions were objectively reasonable.

Therefore, the BOPC found Officers Q, R, V, and Y's non-lethal use of force was objectively reasonable and in policy.

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

- **Officer L – (Sting-Ball Grenade)**

According to Officer L, the Subject refused to surrender after the officers introduced numerous volleys of gas into the residence, so he was assigned to deploy the Sting-Ball Grenade in an attempt to get the Subject to surrender. Officer L deployed the Sting-Ball Grenade into the residence.

- **Officer T – (TASER, one seven-second activation, four five-second activations, one nine-second activation, and one two-second activation in probe mode, and three five-second activations in drive stun mode)**

#### First Activation (Primary TASER)

According to Officer T, as he was attempting to put bodyweight on the Subject's back to control him, the Subject turned and started flailing and kicking. Officer T then discharged the TASER at the Subject's back to stop his actions.

#### Second Activation (Primary TASER)

According to Officer T, his first TASER activation was ineffective, and the Subject continued flailing and kicking. Officer T then applied a second activation in probe mode to stop the Subject's actions.

#### Third Activation (Primary TASER)

According to Officer T, his second TASER activation was ineffective. The Subject continued flailing and kicking. Officer T then applied a third activation in probe mode to control the Subject's actions.

#### Fourth Activation (Primary TASER)

The investigation revealed that Officer T activated the TASER a fourth time in probe mode for a duration of nine seconds. Officer T believed that he activated the first TASER three times.

#### First, Second and Third Activations (Secondary TASER)

According to Officer T, he believed the first TASER was ineffective, so he placed the first TASER down and deployed the second TASER three additional times to Subject's torso in probe mode to stop his actions.

#### Fourth, Fifth and Sixth Activation (Secondary TASER)

According to Officer T, upon discharging the second TASER and activating it three times, the Subject continued to fight. Officer T removed the cartridge and deployed the TASER on the Subject's upper back in drive stun mode to stop his resistance.

- **Officer Y** – (TASER, X26P, one five-second activation, one ten-second activation, and one eight-second activation in three-point drive stun mode)

#### First Activation (Primary TASER)

According to Officer Y, as he was attempting to secure the Subject's hands behind his back for handcuffing, the Subject began flailing his arms and kicking at the officers. Officer Y picked up the TASER set down by Officer T, and applied it in a three-point drive stun mode to the Subject's lower back to stop his resistance.

### Second and Third Activation (Primary TASER)

According to Officer Y, the Subject was refusing to release his arm from underneath his body for handcuffing and refused any effort to be taken into custody. Officer Y activated the TASER three more times to stop his resistance. The investigation determined that Officer Y only activated the TASER a second and third time.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers L, T, and Y, while faced with similar circumstances, would believe the application of these less-lethal uses of force to stop the Subject's actions were objectively reasonable.

Therefore, the BOPC found Officers L, T, and Y's less-lethal use of force to be objectively reasonable and in policy.