

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

**CAROTID RETRAINT CONTROL HOLD 024-19**

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

Southwest                      6/4/19

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

Officer A                      14 years, 8 months  
Officer B                      7 months

**Reason for Police Contact**

Officers responded to a radio call of a battery suspect. When the officers attempted to handcuff the Subject, he resisted and a struggle ensued. During that struggle, a Carotid Restraint Control Hold (CRCH) was applied.

**Subject(s)                      Deceased ( )                      Wounded (X)                      Non-Hit ( )**

Subject: Male, 26 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 (UOFRB) 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 May 19, 2020.

## **Incident Summary**

The Victim resided at the location with his wife and two adult sons, Witness A, and the Subject. According to the Victim, the Subject had a history of violent behavior and narcotics use.

The Victim's home was a one-bedroom apartment, which had been divided into multiple bedrooms/living spaces. The living room area had a separate door and was utilized as an additional bedroom for the sons.

The Victim was in his bedroom when he heard his son (the Subject) arrive home. According to the Victim, the Subject entered the apartment and slammed the front door behind him. The Victim exited his bedroom and contacted the Subject in the hallway area. According to the Victim, the Subject appeared to be very angry and possibly under the influence of narcotics.

According to the Victim, he asked the Subject, "What's the matter?" at which time the Subject swore at him and punched him once on his left eye. As a result, the Victim felt dizzy and began bleeding from his nose. According to the Victim, following the assault, the Subject went into the living room, laid down, and went to sleep.

As a result of the assault, the Victim had visible swelling, bruising, and redness to his left eye and nose. It was later determined that the Victim had sustained a nasal bone fracture.

A short time after the altercation, the Victim's wife arrived home from work. Upon her arrival, she observed blood on the floor in the hallway. The Victim told her about the assault and requested she contact the police. She called 911 and reported the incident.

Communications Division (CD) broadcast the battery call. Officers A and B advised CD that they would handle the call and responded to the location. Officer A believed the radio call was for an Assault with a Deadly Weapon (ADW).

Officers A and B arrived at scene. As they approached the location, Officer B updated the officers' status to Code Six via their Mobile Data Computer (MDC). Officer A parked their vehicle a few buildings away from the location. Both officers exited the vehicle and walked toward the Victim's wife, who was standing on the sidewalk in front of the location. Officer A activated his/her Body Worn Video (BWV) as he/she approached the Victim's wife. Officer B did not activate his/her BWV upon arrival.

When the officers contacted the Victim's wife, she began speaking to them in Spanish. Neither officer was fluent in Spanish, however, Officer A understood portions of the Victim's wife's statement. According to Officer A, the Victim's wife advised him/her that her husband and another individual got into a fight inside of their apartment. Officer A relayed the information to Officer B. The Victim's wife then directed the officers upstairs to her apartment.

As the Officers walked toward the Victim's residence, Officer A asked if she had keys to the apartment. The Victim's wife advised the officers that the front door was open. The apartment had a wooden inner door and a metal security door on the outside. Officer B stopped short of the doorway, positioning him/herself on one side of the hallway, east of the front door.

At the end of the hallway, just west of the apartment was a doorway that led to a balcony and additional stairwell. The doorway had a transparent metal security door and a green exit sign posted above the door. Officer A walked past the apartment and checked the balcony for potential suspects. There was nobody on the balcony. According to Officer A, he/she ensured the door was unlocked, in the event the officers needed back-up.

Officer A walked back to the apartment and positioned him/herself on the opposite side of the door. He/she opened the metal security door and wooden interior door, which were both unlocked. Without crossing the threshold, Officer A knocked on the wooden door and verbally identified him/herself as a police officer. Officer A's BWV captured the Victim standing in the den, adjacent to the front door. The Victim invited the officers to enter his residence by stating in Spanish, "Pasale." The Victim's wife entered the apartment and introduced the Victim as her husband.

The Victim informed the officers that his son (the Subject) hit him, and directed them to a closed door that led to the living room. Officer A knocked on the door and Witness A answered. Officer A asked Witness A who was fighting, and he directed the officers to the Subject, who was lying on the floor, face down, covered by a blanket.

Officer A approached the Subject and pulled the blanket back, exposing the Subject's back and torso. According to Officer A, the Subject was shirtless, his pants were sagging down, exposing his rear waistband and boxers, his arms were out to his sides, and his hands were visible. Officer A visually inspected the Subject's hands and rear waistband for weapons and none were observed.

When Officer A asked Witness A what transpired, he denied any knowledge of the incident. Witness A provided the officers with the Subject's name and informed them that the Subject spoke English. As captured by his/her BWV, Officer A then stated, "Hey, wake up man, it's the police." There was no response from the Subject.

The Victim's wife entered the living room and advised Witness A, in Spanish, that the Subject fought with his father (the Victim). She then removed the blanket from the Subject and advised him the police were there. Officer A utilized Witness A as a translator to get additional information from the Victim's wife and the Victim. The Victim's wife told Witness A that she wanted the Subject arrested for assault, and Witness A relayed that information to the officers. Witness A further advised the officers that the Subject attacked the Victim. The officers decided to detain the Subject for a battery and potential assault with a deadly weapon investigation.

As captured on BWV, Officer A advised Officer B they were going to handcuff the Subject. Since the Subject was lying on his stomach, Officer A was unable to see his front waistband. Therefore, Officer A planned to assist the Subject to a standing position, handcuff him, and then check his front waistband for weapons.

According to Officer A's initial interview with FID, his/her plan was to handcuff the Subject on the ground. Officer A stated, "Well, initially when we were trying to put his hands behind his back, our attempt was to handcuff him and sit him up. But he physically actually got up, pulled his arms away from me."

During his/her second interview with FID, Officer A provided a different account of his/her plan to handcuff the Subject, stating, "My intentions were to stand him up and handcuff him just because his front - - front waistband wasn't cleared yet."

According to Officer B, the officers initially planned to handcuff the Subject while he was on the ground. Officer B told FID, "We went to place his arms behind his back and cuff him up. At which point the suspect began to fight back and resist. As he got up, he was - - had a lot of sweat on him, so when he shifted his weight to the right, I lost grip of his left arm as he started going towards my partner." Officer B further stated, "When we were trying to cuff him on the ground, he stood up and he started moving his arms, moving his body weight."

As the officers approached the Subject, Officer A directed Officer B to control the Subject's left arm and said he/she would control the right arm. According to Officer A, he/she stepped over the Subject and positioned him/herself on the right side of the Subject's body. Officer A then told the Subject, "Hey man, you need to listen to us dude. It's the police. Okay?"

As captured by BWV, Officer A grabbed the Subject's right wrist with his/her right hand. Simultaneously, Officer B grabbed the Subject's left wrist with his/her left hand. As the officers attempted to place the Subject's hands behind his back, he tensed up. The Subject abruptly began to stand up, at which time Officer A placed his/her left hand on the Subject's right shoulder and ordered him to relax multiple times.

According to Officer B, the Subject was sweating profusely, causing his skin to be very slippery. The Subject stood up and began pulling and swinging his arms violently, causing Officer B to lose his/her grip on the Subject's left arm. According to Officer B, the Subject was also moving his legs around, in a kicking manner, and nearly kicked his/her (Officer B's) shin.

According to Officer A, as the officers grabbed the Subject's wrists in an attempt to put his hands behind his back, the Subject tightened his upper body and attempted to pull his arms inward, in an attempt to prevent officers from handcuffing him. As captured by BWV, Officer A maintained his/her grip on the Subject's right wrist and grabbed the Subject's right bicep area with his/her left hand. According to Officer A, the Subject turned toward him/her, causing Officer A to lose his/her footing.

According to the Victim, "When he (the Subject) got up, they (Officers A and B) grabbed him, and he wanted to fight...he wouldn't let them grab him by the hands, but they grabbed him by the hands. They wanted to handcuff him, and he wouldn't let himself...and he started kicking and everything."

Officer B grabbed the Subject's waist from behind and attempted to pull him away from Officer A. Officer B's efforts to pull the Subject away from Officer A were unsuccessful. According to Officer A, the Subject pushed him/her backward in a "tackling motion," causing him/her to fall onto the bed that was located along the south wall.

During the struggle, both officers' BWVs were dislodged from their chests. Officer B's BWV fell onto the floor and Officer A's fell on the bed. The camera view on Officer A's BWV was obstructed by a blanket; however, the audio was still functioning.

According to Officer A, he/she landed on his/her back, with the Subject on top of him/her. The Subject was lying face down across Officer A's torso, with his head under Officer A's right arm/armpit. Officer B maintained his/her grasp on the Subject's waist and attempted to pull the Subject off his/her partner. Officer A directed Officer B to request a back-up.

Officer B broadcast a back-up request to CD. As Officer B made the broadcast, Officer A felt the Subject tugging on his/her holstered pistol. According to Officer A, he/she then heard one of the snaps on his/her double-retention holster unsnap. This caused Officer A to form the opinion that the Subject was attempting to disarm him/her.

Officer A feared that the Subject was going to disarm him/her, then shoot him/her and his/her partner and that this was this was a deadly force situation. With regards to his/her decision to apply a CRCH, Officer A stated, "I felt it was the only option I had to defend myself from someone attempting to take my firearm away from me. No other option would be feasible at the time."

According to Officer B, he/she could not see the Subject's hands on his/her partner's gun.

According to Officer A, he/she immediately applied a reverse carotid restraint hold (CRCH) on the Subject. According to Officer A, while lying on his/her back, he/she placed his/her right arm over the back of the Subject's neck. Officer A bent his/her elbow and placed the inner boney portion of his/her right forearm against the left side of the Subject's neck.

Officer A grasped his/her left hand with his/her right hand, palm to palm, and applied tension to his/her palms to lock in the CRCH. Officer A lifted his/her hips off the bed and applied upward pressure to the left side of the Subject's neck for a duration of approximately two to three seconds.

According to Officer A, the CRCH was effective because the Subject immediately went limp and stopped resisting. That caused Officer A to believe that the Subject may have lost consciousness for a brief time. Once the Subject stopped resisting, Officer A released the CRCH.

According to Officer B, he/she observed the Subject's head beneath Officer A's arm, and noted that the Subject was kicking his legs. However, Officer B was unaware that Officer A applied a CRCH.

According to Officer A, he/she did not have time to inform his/her partner that the Subject was attempting to disarm him/her, prior to applying the CRCH. According to Officer A, he/she did not have time to issue a verbal use of force warning before applying the CRCH, because the suspect was pulling on his/her pistol and it wasn't feasible.

According to the Victim, when the Subject initially stood up and began resisting, he observed an officer place his/her right wrist/inner forearm against the left side of the Subject's neck for approximately five seconds. According to the Victim, the officer was standing behind the Subject when he/she did so.

While lying on his/her back, Officer A used both hands to try and push the Subject off him/her and onto the floor. As he/she did so, Officer B used both his/her hands and pulled backward on the Subject's waist, removing the Subject from the bed and onto his left side on the living room floor.

Officer A was uncertain about the placement of his/her hands when he/she pushed the Subject off his/her body. However, he/she believed he/she pushed the Subject's front shoulder area.

According to Officer A, the Subject quickly regained consciousness and continued to fight and resist the officers by moving and swinging his arms violently, with clenched fists. According to Officer A, he/she was unsure if the Subject was attempting to strike him/her or just prevent the officers from taking him into custody. The Subject rose up onto his knees, causing Officer A to believe that the Subject was attempting to stand up. Officer A grabbed the Subject's right leg with his/her left arm, to prevent the Subject from standing.

The officers attempted to place the Subject face down onto his stomach, so they could handcuff him, but he continued to resist by swinging his arms. Officer A ordered the Subject multiple times to lie face down, but he failed to comply with Officer A's commands. Officer A grabbed the Subject's right arm and attempted to place it behind his back. The Subject responded by violently swinging his arms back and forth. Officer A used his/her right knee to strike the Subject's right side/rib area once, and his/her right elbow to deliver two strikes to the Subject's back. Officer A attempted to grab the Subject's right arm to handcuff him, but the Subject continued to resist the officers by "flinging" his arms. Officer A punched the Subject's right side/rib area with his/her right

fist. According to Officer A, after the punch was delivered, the Subject stopped resisting and complied with the officers.

According to Officer A, he/she ordered the Subject multiple times to stop resisting and stop fighting. A review of the BWV determined that Officer A did not give those specific commands. However, Officer A can be heard yelling, "Stop, stop!"

According to the Subject, he did not hear the officers give any commands throughout the entire incident, although he was not specifically asked whether he heard the officers giving any commands throughout the incident. At one point during his/her interview, FID asked the Subject, "So, when the police came, did they say anything to you?" He replied, "No." Later in the interview, FID addressed what occurred after the police woke him up, asking him, "And did they say anything to you?" He again replied, "No." Then, when FID asked the Subject to tell them what happened from his/her perspective, he replied, "I just [...] tried just [expletive] to - - to do what they said and that's it."

According to Officer A, to control the Subject's movements, he/she placed his/her right knee on the Subject's right shoulder area and applied body weight. According to Officer B, the Subject was still laying on his left shoulder. Officer B pinned the Subject's legs down using his/her right leg, while simultaneously attempting to control the Subject's left wrist. According to Officer B, Officer A was verbalizing with the Subject to roll onto his stomach. According to Officer B, he/she used a firm grip to take control of the Subject's left wrist and pin it against the Subject's back. Officer B observed that Officer A had the Subject's right arm pinned, so Officer B removed his/her handcuffs from their pouch and handcuffed the left wrist. Officer A passed the Subject's right wrist to him/her, and Officer B completed the handcuffing process.

Based on the Subject's behavior and fact that he was sweating profusely, Officer A formed the opinion that he was under the influence of a controlled substance; possibly methamphetamine or phencyclidine (PCP), or possibly suffered from mental illness. Based on these observations, combined with the Subject's prior actions, Officer A believed it was unsafe to place the Subject in a sitting or standing position. Therefore, he/she and Officer B held the Subject in a prone position until additional units arrived at scene.

While the officers waited for additional units to arrive, they utilized body weight to restrict the Subject's movements. Officer B maintained body weight to the Subject's legs, with his/her right leg on the Subject's hamstrings and held the Subject's left elbow down, using his/her left hand.

Officer A used his/her left hand to apply a firm grip on the Subject's wrists and placed his/her right knee on the Subject's right shoulder area a second time and applied body weight.

According to Witness A, he was in the living room at the time of the incident. Witness A said the officers asked the Subject to stand up, but the Subject did not comply with their

commands. He then observed the officers wrestling with the Subject. According to Witness A, he did not observe the Subject attempt to remove any items from the officers' utility belts.

Sergeant A advised CD that he/she was responding to the back-up request.

Officer A's BWV captured him/her attempt to broadcast the back-up request. He/she received no response from CD. Officer A then directed either the Victim's wife or Witness A to go downstairs and direct the responding officers to their location. Officer A's BWV captured him/her attempt to again broadcast the back-up request, but again, he/she received no response from CD.

Following Officer B's initial back-up request, CD attempted to raise them multiple times with negative results.

An Air Unit arrived over the location. The Air Unit communicated with Officer A. As captured by his/her BWV, Officer A advised the Air Unit that his/her location was approximately two buildings away from where his/her police vehicle was parked. He/she also informed the Air Unit that the officers had a suspect in custody and were holding him down.

Sergeant B arrived at scene. Upon his/her arrival, he/she advised CD of his status and location (that he was Code Six on the back-up request.)

Shortly thereafter, additional officers arrived at scene. The front door of the apartment building was locked and the officers were initially unable to gain access. According to Sergeant B, he/she directed the officers to the rear of the location to look for an alternate entrance. Sergeant B remained in front of the location.

Meanwhile, the Air Unit advised Officer A that units were at scene and trying to make entry into the building. The Air Unit requested that CD contact the Person Reporting (PR) and have someone open the front door for the responding officers.

Sergeants A and C arrived at scene and met with Sergeant B. Within seconds, the Victim's wife opened the front door of the apartment building. All three sergeants entered the building and were the first officers at scene.

Upon entering the apartment, Sergeant C's BWV captured Officers A and B restraining the Subject on the living room floor. Officer A advised the sergeants that the incident had been resolved (Code Four) and assisted the Subject to a standing position. Sergeant B issued a Code Four broadcast.

Officer A relinquished custody of the Subject to Officer C. Officers C and D walked the Subject downstairs to the sidewalk, in front of the location.

Officer A informed Sergeant A that he/she was involved in a use of force. Initially,

Sergeant A believed only a Non-Categorical use of force occurred and began to investigate it as such. Using his/her cellular phone, he/she took photographs of the scene as well as of Officers A and B. Officer A subsequently advised Sergeant A of the CRCH.

A Rescue Ambulance (RA) was requested for the Subject. The RA arrived at scene and rendered aid to the Subject. According to fire personnel, the Subject was examined and released back to the care of the officers.

According to his/her Watch Commander's log, Sergeant A notified the Watch Commander, of the use of force. According to Sergeant A, he/she advised the Watch Commander that the use of force involved a "choke hold."

Officers C and D transported the Subject to the police station.

The Watch Commander notified FID of the incident. Because of the CRCH, the FID Lieutenant advised the Watch Commander that the Subject must be examined by a physician at a contract hospital or jail dispensary. The FID Lieutenant then notified the Department Operations Center (DOC) of the Categorical Use of Force.

The Subject was transported to 77th Street Jail Dispensary for an additional medical evaluation.

### **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 Administrative Disapproval. The BOPC found Officer B's tactics to warrant a Tactical Debrief.

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

The BOPC found Officers A and B's non-lethal use of force to be In Policy.

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

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

## **Basis for Findings**

- In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department’s guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

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

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the suspect’s actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance,

officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

## A. Tactics

- **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.

**Planning** – Officers A and B had been regular partners for three weeks. The officers discussed tactics daily throughout their shift and also while en route to radio calls. In conjunction with discussions, the officers also conducted self-directed training. The officers had a permanently assigned *contact and cover* responsibility due to Officer B's limited experience. On the day of the incident, Officer B was assigned as the cover officer, while Officer A was the contact officer. Officer A placed him/herself and Officer B at a tactical disadvantage by not requesting a Spanish language translator once it was clear that his/her very limited capabilities did not suffice. A Spanish translator was critical to assisting him/her in determining the specific information related to the radio call, as well as any additional background information available to aid in planning the officers' response. After locating the Subject, Officer A provided direction to Officer B concerning how to detain the Subject even though officers were at a tactical disadvantage by not having full awareness or information on persons at the location. Officer A's overall planning lacked depth and proactive engagement in the call to which they were assigned. As a result, Officer A and his/her partner were at a disadvantage to effectively handle the situation.

**Assessment** – Officers A and B were faced with a partial set of facts and an obvious language barrier upon arrival to the call location. The officers made contact with the caller, and briefly assessed the circumstances of the call, as neither of the officers was proficient in Spanish. The officers missed the critical opportunity to further assess the call when they made contact with a cooperative Victim, due to their inability to communicate in Spanish. The Victim’s injuries were fresh and significant. It was evident he had been involved in a violent confrontation, later determined to be with his son, the Subject. There was no interview of the Victim at that point. Once again, at least in part due to the language barrier, key information could have been obtained but was not. A second opportunity for gathering significant information was lost. Upon contact with the Subject, officers properly assessed the need for a backup when they were met with his violent resistance. However, had officers properly assessed the call, an additional unit would have most likely already been on scene, which may have prevented and/or quickly assisted in overcoming any resistance.

Following the use of force upon the Subject, the officers assessed the Subject’s condition, and believed he was possibly under the influence of narcotics and needed medical attention.

Officers A and B also believed that after the Subject was handcuffed, moving him may further incite additional resistance; thus, they maintained control of him in one location until additional officers arrived. The officers used the lowest level of force that they determined to be necessary and continuously assessed their actions in an attempt to safely control the Subject.

Personnel from the LAFD assessed the Subject’s condition after their arrival and provided timely, but limited medical treatment, due to the subsequent incomplete communication to LAFD personnel regarding the extent of the use of force.

**Time** – Officers A and B were not faced with circumstances which warranted an immediate police response inside of the apartment as the generated call was Code Two and involved a “Battery Suspect There Now.” Officers contacted the PR who appeared calm and composed, but only spoke Spanish. Officers did not take the time to request additional resources in an effort to fully bridge the language barrier and rushed into the building. When officers contacted other involved parties who also only spoke Spanish, the officers continued to move forward in handling the call. Officers did not heed the visible indications of a violent struggle between the Victim and the Subject. Furthermore, the officers did not take time to pause and re-evaluate the nature of the call and conflict. When the officers were told where the Subject was, officers did not request an additional unit. The officers quickly made contact and proceeded to make entry into the Subject’s bedroom and allowed the Subject’s mother, the Victim’s wife, to assist in removing the blanket uncovering the Subject, while in immediate proximity of the Subject, who had already committed a violent assault against the Victim. Officers did not use time to their advantage to

handle the call, which would have afforded greater control in the response and engagement with the Subject.

**Other Resources** – Officer B utilized his/her handheld radio to broadcast a request for a backup when the Subject was on top of Officer A. This broadcast brought additional officers to the location that could assist in maintaining control of the Subject. It would have been preferable for a broadcast of additional officers or a supervisor to have been conducted earlier. The Victim had visible injuries and neither officer had sufficient language skills to interview the persons who were at the location of the incident before immersing themselves into the scenario. Officers A and B's observations of the Subject's behavior indicated to them that the Subject may have been under the influence of narcotics. In order to provide medical resources, an RA was requested to respond.

**Lines of Communication** – Officers A and B struggled to open lines of communication with those involved in the incident. The officers missed the best opportunity to open those lines of communication by not requesting a Spanish speaking officer who would have been able to obtain more detailed information regarding the incident and the Subject's mental health issues. It was the officers' responsibility to make such a basic communication related request. Their decision instead, to move forward in handling the call without the knowledge or situational awareness needed for the safety of all created a series of concerning consequences.

In addition, Officer A severely limited the ability of Officer B to assist him/her by not communicating to Officer B his/her belief that the Subject was attempting to or had attempted to gain control of his/her service pistol. Officer A's closest back up was his/her partner who he/she stated was two to three feet away in the room. spite the proximity of his/her partner, Officer A communicated nothing regarding what he/she believed was an exigent life-threatening circumstance.

Based on the above-noted issues, the BOPC determined there was a failure by Officer A to appropriately employ de-escalation techniques.

Officer A did not inform the on scene supervision, in a timely manner, that a CRCH was utilized or that the CRCH had rendered the Subject unconscious. This failure to accurately communicate his/her actions in a timely manner delayed the Department required medical treatment and the level of care that the Subject would have received from paramedics. In fact, although Officer A advised a supervisor later that the Subject was rendered unconscious, this information was not relayed to LAFD personnel.

According to the FID investigation, the Subject was examined by a doctor at the 77<sup>th</sup> Street Regional Jail Dispensary, three hours after Officer A applied the CRCH which had rendered him unconscious. The doctor cleared the Subject for booking upon completion of his examination.

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

### **1. Additional Unit Request**

Officers A and B arrived on scene and were met by the Victim's wife who only spoke Spanish. Neither officer was able to fully communicate with or understand her. Officers were only able to translate minimal portions of information and were missing vital elements concerning the facts of this case and officer safety aspects. As a result of their minimal understanding of Spanish, the officers were not aware that the Subject was related to the Victim, and that the Subject was a resident in the apartment. A critical piece of information that was missing was that the Subject suffered from a history of problems related to mental health challenges. The officers were also not aware that another family member, Witness A, was also present in the apartment.

Although officers are given discretion regarding the appropriate time to broadcast a request for an additional unit, it would have been tactically advantageous, based on the officers limited Spanish speaking ability, to request an additional Spanish speaking unit to obtain vital information from the Victim's wife.

In this case, the officers had the time and opportunity to wait for an additional unit to respond and time to contact, even telephonically, other resources, such as the Mental Evaluation Unit (MEU), prior to entering the apartment or initiating contact with the Subject. Each of these actions would have been advantageous.

It would have been prudent to request an additional unit based on the domestic nature of the radio call, along with the clear and declared (by Officer A him/herself on BWV) language barrier present prior to entering the apartment.

Based on the totality of the circumstances, the BOPC determined that while identified as an area for needed improvement due to missed critical opportunities, poor judgement, and substandard communication with persons at the radio call, in this instance, the officers' actions minimally met the standard for the Department's tactical training.

### **2. Situational Awareness (Substantial Deviation – Officer A)**

Officer A had an insufficient amount of awareness of the situation into which he/she was entering, impacting his/her overall control. Beginning from the initial contact with the Victim's wife, Officer A was complacent, failing to develop information needed to clarify details for a thorough investigation. Officer A settled for basic facts and rushed into a situation where he/she was not proficient in the language. Officer A did not attempt to request additional resources, in the form of a Spanish speaking officer, in an attempt to complete a preliminary

investigation of the incident. Officer A was also partnered with an employee still reliant on his/her guidance, due to having minimal field experience.

The BOPC noted that Officer A appeared to have pre-judged the incident, making a statement regarding "mutual combat" which indicated a mindset that this incident may result in an offer to all involved parties for a Private Person's Arrest. Officer A lacked sufficient resources to make a proper determination of the nature and type of incident that he/she was investigating. This radio call for service involved family violence and posed a potential danger of family members engaging themselves into the incident as the officers conducted their investigation.

It is imperative that officers, during rapidly unfolding tactical situations, maintain situational awareness allowing them to multi-task in order to successfully resolve the incident without increasing the risk of harm to themselves or their partners. In this case, Officer A followed the Victim's wife into an apartment with minimal information and missing facts. Once inside the apartment, Officer A encountered two witnesses and/or possible suspects. Officer A clearly observed that the Victim was injured, but did not interview or question the Victim to further the investigation. Officer A had only been able to obtain minimal details and did not know who the suspect was amongst the numerous persons at the location. Officer A subsequently left the Victim to move about freely even though he appeared to have been engaged in a physical altercation. Officer A then entered a room where he/she observed two additional males, Witness A, who was standing, and the Subject, who was lying covered and face down on the ground. Officer A again had no facts, nor did he/she positively know if Witness A was involved in the battery. Furthermore, Officer A allowed Witness A to remain in the room to move about freely as he/she dealt with the Subject.

A review of BWV showed Witness A to be only minimally interactive or interested in assisting the officers with the investigation, a potential issue and officer safety risk. Officer A also allowed the Victim's wife to enter the room and approach the Subject, removing a blanket that was covering him.

The BOPC noted the complacency of Officer A throughout the radio call which was concerning and led to an under estimation of the situation. The BOPC opined that based on the displayed assumptions of Officer A, he/she minimized the potential risk of the radio call and the associated danger. Officer A proceeded with the radio call with a void of information. Officer A allowed the Victim's wife to actively engage herself in the incident to the point where she could have been injured. Officer A also developed little, if any, background on the fresh and substantial injuries to the Victim which were later determined to have been sustained as a result of the violent assault from the Subject. The vital language assistance, which a Spanish speaking officer on scene could have provided, is clear. Clear Spanish communication would have provided critical

information that would have prevented the officers from placing themselves in a tactical disadvantage.

Additionally, Officer A was unaware that his/her hand-held radio was not on the proper base frequency. Officer A had limited control of the situation and placed him/herself and Officer B at a tactical disadvantage.

Based on the totality of the circumstances, the BOPC determined that Officer A's lack of situational awareness substantially and unjustifiably deviated from approved Department tactical training.

### **3. Tactical Communication and Planning (Substantial Deviation – Officer A)**

On multiple occasions throughout the incident, Officer A did not effectively communicate his/her perception of the Subject's deadly actions with Officer B, supervisors, or with responding units.

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

In this case, during the struggle to take the Subject into custody, Officer A did not communicate with Officer B his/her belief that the Subject was attempting to or had attempted to gain control of his/her service pistol; he/she only advised Officer B to request a backup. Even immediately after the application of the CRCH, Officer A did not advise Officer B that he/she believed the Subject had attempted to take his/her service pistol during the struggle. Additionally, Officer A did not inform the on-scene supervisors in a timely manner that a CRCH was utilized or that the CRCH rendered the Subject unconscious, which delayed the provision of Department-required medical treatment.

The information regarding the Subject's attempt to take Officer A's service pistol was only known to Officer A, who did not communicate it to any other personnel in a timely manner. The lack of information about the Subject's level of violence put Officer B and the responding officers at a distinct tactical disadvantage. Officer A was aware of important information related to a life-endangering circumstance, and did not communicate it in a timely manner to any other personnel. The BOPC noted that Officer B involved him/herself in the application of force during the officers' attempts to control the Subject. Officer B demonstrated a willingness to be engaged in the incident, but would have benefitted tremendously from information, direction, and coordination from Officer A.

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.

- The BOPC also considered the following:

**Handcuffing Procedures** – The investigation revealed that Officers A and B, prior to their attempt to handcuff the Subject, even though his hands were visible on the mattress, wanted to have the Subject stand to clear his front waistband. Officers gave the Subject directions to wake up. The Subject provided no response to the officers' directions, stood up, and began struggling with the officers. Officers were already in a position of advantage with the Subject lying on the ground and are trained to utilize a position of advantage to safely handcuff a person. Although the Subject appeared to have been non-confrontational at that time while lying on the ground, the incident rapidly escalated into a physical confrontation once the Subject stood up. The officers were reminded that the primary purpose of handcuffing an arrestee is to maintain control and minimize the possibility of escalating the situation. The BOPC would have preferred that the officers had handcuffed the Subject while he was already in a prone position on the floor, utilizing the Three Points of Contact handcuffing technique.

- 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 are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas 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.

In conducting an objective assessment of this case, the BOPC determined, that the tactics utilized by Officer A substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

The BOPC found Officer A's tactics to warrant Administrative Disapproval. The BOPC found Officer B's tactics to warrant a Tactical Debrief.

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

- **Officer A** – (Firm Grip, Physical Force, Knee Strike, Elbow Strikes, Punch, and Body weight)

According to Officer A, he/she utilized a firm grip and physical force on the Subject's right arm and attempted to put his hands behind his back. The Subject resisted the

officers' attempt to take him into custody by swinging his arm and pulling away. The Subject turned toward Officer A, and in a tackle motion, took Officer A down onto a bed. The Subject was on top of Officer A and according to Officer A, the Subject attempted to take his/her service pistol, resulting in the application of what Officer A termed a "reverse CRCH." The application of the CRCH stopped the Subject's initial resistance. Officer A utilized physical force to push the Subject off of him/her and onto the floor. As officers moved the Subject to the floor, according to Officer A, the effects of the reverse CRCH quickly wore off as the Subject regained his awareness. The Subject rose to his knees in an attempt to stand up. Officer A utilized a firm grip with his/her left hand on the Subject's right leg. Officer A used physical force and body weight to keep the Subject on the floor. The Subject was on his left side, swinging his arms. To stop the Subject's actions and overcome his resistance, Officer A utilized his/her right knee to strike the Subject in his right rib area. The Subject continued to fight the officers. Officer A struck the Subject with his/her right elbow two times in his back and punched him one time in his right rib area with his/her right hand. Officer A utilized a firm grip on the Subject's right wrist, while he/she simultaneously applied body weight with his/her right knee to the Subject's upper back near his shoulder to prevent him from flinging legs.

- **Officer B – (Firm Grip, Physical Force, and Body weight)**

According to Officer B, he/she attempted to handcuff the Subject who was laying on the floor. The Subject stood up and pulled his left arm away from Officer B's firm grip. The Subject then charged at Officer A. The Subject took Officer A down onto a bed. The Subject kicked and used his body weight in an attempt to get on top of Officer A. To protect Officer A, Officer B wrapped both of his/her arms around the Subject's waist from behind and utilized physical force to pull him/her off his/her partner. The Subject slid onto the floor. Officer B then utilized body weight with his/her right leg on both of the Subject's hamstrings and his/her left arm on the Subject's left elbow to place him in a prone position and take him into custody. Officer B maintained this final position for approximately two minutes until additional resources arrived.

The BOPC reviewed each application of non-lethal force utilized by Officers A and B. The Subject had escalated the incident when he was stood up by the officers by attempting to physically resist them. The Subject charged Officer A, tackling and knocking him/her onto the bed. Throughout the incident, the Subject continued to physically resist the officers.

The BOPC also discussed the officers' decision to maintain body weight on the Subject while he was in the prone position and handcuffed. The BOPC determined that due to the level of violence and continued resistance, along with the amount of time body weight was applied on the Subject after he was handcuffed, the actions were reasonable.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome the Subject's resistance while taking him into custody.

Therefore, the BOPC found Officers A and B's non-lethal use of force to be objectively reasonable and In Policy.

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

- **Officer A – (Carotid Restraint Control Hold)**

After officers initially tried to stand the Subject up from the floor before handcuffing him, the Subject became violently resistant and freed himself from Officer B's firm grip. The Subject turned his attention toward Officer A and tackled him/her, driving the officer on to his/her back on to a nearby bed with the Subject on top of him/her.

According to Officer A, the Subject was on top of him/her facing him/her. Officer A was on his/her back halfway sitting up on the bed, and the Subject's head and upper body were on the right side of his/her torso, under his/her armpit, on his/her service pistol side. Officer A then felt pulling on his/her service pistol and heard the snap of his/her holster open. Officer A believed that the Subject was attempting to disarm him/her in order to shoot him/her or his/her partner, Officer B. To stop the Subject's deadly actions, Officer A placed his/her arm around the back the Subject's neck and placed his/her left palm to his/her right palm and applied pressure to the Subject's carotid artery. Officer A in conjunction with the CRCH, lifted his/her hips off the bed to create additional pressure in what Officer A described as a "reverse carotid control hold." Officer A maintained the CRCH for approximately two to three seconds until the Subject stopped resisting and his body relaxed.

The UOFRB noted that there was no clear video evidence, witness statements, or physical evidence which portrayed the circumstances immediately leading up to, during, and after the CRCH. The UOFRB noted that Officer B did not observe the Subject reaching for Officer A's service pistol, nor did he/she hear Officer A's holster unsnap. Officer B stated that he/she observed the Subject's "hands moving in kind of that general direction," when asked by FID investigators if he/she had observed the Subject's hands around Officer A's waist. Officer B further stated that he/she could not observe the Subject's hands, but they "looked like they were around his/her belt or around his/her waist or punching him/her (Officer A)."

The UOFRB was extremely concerned about Officer A's actions during the time he/she applied the CRCH. Officer A did not alert Officer B of what Officer A believed was the Subject's attempt to remove his/her service pistol. Officer A did not immediately advise the responding supervisors that the Subject had attempted to disarm him/her or that he/she had applied a reverse CRCH to the Subject. According to Officer A, the Subject had attempted to remove Officer A's service

pistol from his/her holster with the apparent intent to shoot him/her and Officer B. Officer A was concerned that the Subject was taking his/her service pistol to use it against him/her or his/her partner. This critical information, related to a life endangering circumstance, was not relayed to Officer B or to the responding personnel in a timely manner.

Officer A also was unable to clearly articulate his/her actions, requiring multiple interviews with FID investigators. The UOFRB noted that during these interviews, Officer A stated that he/she had been training regularly for the last two years, and occasionally over the last three to five years in the martial art of Jiu Jitsu. According to Officer A, he/she had received the certification level of "blue belt" in Jiu Jitsu. Despite his/her additional training, Officer A had difficulty articulating the CRCH technique that he/she had applied to the Subject, along with the locations of the carotid arteries. It was not until the Subject reviewed the Department training bulletin concerning the CRCH that he/she was able to fully describe his/her actions and application of the reverse CRCH which he/she applied. Additionally, Officer A utilized a form of the CRCH technique that is not taught in approved Department training. The UOFRB reviewed all available evidence, statements, and the FID investigation and determined that the circumstances of the incident were unclear and did not appear to rise to the level where lethal force was necessary or justified.

Officer A did not coordinate with his/her partner, Officer B, during the use of force with the Subject. Officer B was immediately engaged in the use of force and was available to utilize other force options if Officer A had advised to do so. By Officer A not advising Officer B of the perceived attempt of the Subject to disarm him/her, Officer A did not use a valuable resource that was immediately available. Officer A had the opportunity to communicate with Officer B, who was available to work in a coordinated manner to apply alternative force options. The UOFRB considered that Officer A's application of the CRCH, a form of lethal force, was not a last resort.

It was noted that Officer A failed to notify his/her partner of what he/she believed was the Subject's attempt to disarm him/her. By not coordinating with his/her partner, Officer A did not utilize an additional resource that was immediately available.

The BOPC noted that the preponderance of evidence did not support the assertion by Officer A that the incident escalated to the point that the Use of Lethal Force would be justified. Officer A's training in Jiu Jitsu afforded him/her additional physical force options and techniques which he/she did not utilize. Additionally, Officer A failed to utilize an additional resource, his/her partner, who was immediately available. Instead he/she applied a CRCH on the subject. Officer A's lack of verbalization during and after the incident was inconsistent with the actions of an officer who had been involved in a life-endangering physical altercation.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would not reasonably believe that the

Subject's actions presented an imminent threat of death or serious bodily injury and that the lethal use of force by Officer A was unreasonable.

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