

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

CATEGORICAL USE OF FORCE – 030-09

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Van Nuys	04/06/2009		

Officer(s) Involved in Use of Force	Length of Service
Sergeant B	19 years, 3 months
Officer D	1 year, 7 months
Officer E	9 years, 9 months
Officer F	1 year, 10 months
Officer M	3 years, 8 months
Officer N	3 years, 8 months
Officer O	4 years, 9 months
Officer Q	5 years, 9 months
Officer S	4 years, 2 months
Officer U	11 years
Officer V	12 years, 11 months

Reason for Police Contact

Los Angeles City Fire Department (LAFD) personnel responded to a call from an unidentified person regarding a suicidal, 415 man who had cut his wrists with a knife. LAFD requested a police officer response, and a foot pursuit transpired, wherein multiple uses of force were used against the subject who did not respond to police commands.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 21 years old.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (LAPD or 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 suspect 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on March 9, 2010.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

Incident Summary

Subject 1 was in his residence when he became involved in an argument with his family. Subject 1, who was wearing only shorts, obtained a knife with a nine-inch blade from his residence and fled, intending to commit suicide.

Subject 1 hid behind parked vehicles and used the knife to cut both of his wrists. An unknown witness saw Subject 1 and telephoned the LAFD to report a man bleeding.

As the LAFD personnel neared the identified location, they observed a male standing in the middle of the street with only his shorts on. The LAFD personnel exited their vehicle, shined their flashlights on Subject 1, and yelled at Subject 1 to stop, which he did. At that point, LAFD personnel observed that Subject 1 appeared to be bleeding from his hands and was also carrying a large knife. LAFD personnel requested a police response.

LAPD Communications Division (CD) issued a broadcast for a back-up unit to respond to the location to attend to a 415 man with a knife, approximately 20 years old. Upon hearing the broadcast, Officers A and B notified CD that they would handle the call. Sergeant A, as well as Officers C and D, advised CD that they would also respond.

Officers E and F arrived at the location. Upon arriving, Officers E and F observed the LAFD personnel shining a flashlight in their direction. Officer E turned and observed a male (Subject 1) bleeding profusely from his arms and other body parts, wearing only shorts, walking toward the officers on the sidewalk, and holding a knife in his left hand.

Officers E and F immediately exited their vehicle and stood behind their respective doors for cover. Officer E unholstered his service pistol, while Officer F deployed a TASER.

Officers instructed Subject 1 to drop his knife. Subject 1 replied, "No. Just shoot me." Officer F advised Subject 1 that if he did not drop the knife, then he was going to be Tased. Officer F repeated his warning to Subject 1, but Subject 1 did not drop the knife. Officer F discharged one TASER cartridge toward Subject 1 from a distance of approximately 15 feet. Officer F believed the darts from the TASER cartridge struck Subject 1 in the upper torso area and appeared to have no effect on Subject 1. Subject 1 then used his knife to cut the TASER wires. Officer F reloaded the TASER with another cartridge and again warned Subject 1 to drop the knife, or he would Tase him again. Subject 1 repeated, "Shoot me. Shoot me." Officer F discharged another TASER cartridge toward Subject 1, which struck Subject 1 in the upper torso. Subject

1's body tensed, and he fell to the ground, still holding the knife. Officer E directed Officer F to initiate a second five-second cycle of the TASER. While on the ground, Subject 1 used the knife to cut the wires and stood up.

Officer E broadcast a "help" request. In response to the help call, Officers G, H, I, and J arrived at the location.

Subject 1 began walking backwards away from officers, turned around, and then ran. Officer E broadcast the officers' location and that they were following a male, wearing no shirt and blue shorts. Officers initiated a foot pursuit. Officer E continued broadcasting their updated location as they pursued Subject 1. As officers pursued Subject 1, Officer E estimated that Subject 1 was approximately 75 yards in front of officers, increasing the distance as the pursuit continued.

Meanwhile, Officers A and B responded to the location when they were flagged down by Officer E. Officer E advised Officers A and B that Subject 1 ran past them. Officer A then observed Subject 1 cross from a sidewalk into the street. Officers A, B, G, and H exited their vehicles and joined the foot pursuit.

As officers pursued Subject 1, Sergeant A and Officers C and D notified CD that they were in the area. Sergeant A parked, and Officers C and D, who were following behind Sergeant A's vehicle, continued and, using their vehicle's spotlight, located Subject 1 as he ran toward them. Officer C, the driver, immediately stopped the vehicle, and Officers C and D exited, unholstered their service pistols, and took positions of cover behind their vehicle. Officer C instructed Subject 1 to "Stop," while Officer D ordered Subject 1 to drop his knife. Subject 1 continued running.

Meanwhile, Officers K and L responded, stopped, exited their vehicle, and joined the foot pursuit. Sergeant B and Officers M and N responded to the area. Sergeant B was driving with his overhead emergency lights activated. Sergeant B observed Subject 1 run through lanes of traffic. Additionally, Sergeant B observed that Subject 1 was armed with a "hunting-style" knife. Sergeant B slowed his vehicle and attempted to locate officers who were pursuing Subject 1.

At that time, Sergeant A and Officers C and D followed Subject 1 into an intersection. Meanwhile, Subject 1 slowed his pace to a walk and stopped between lanes of traffic. Officers also slowed to a walk and stopped near the center divider on the street. As Subject 1 and officers slowed their pace, Sergeant B heard Sergeant A broadcast a request for a TASER and decided to place his vehicle between Subject 1 and officers so that officers could use his vehicle as cover. Sergeant B intended to communicate his plan to Sergeant A or Officers C and D but did not because as he began to roll down his driver's side window to communicate his intent, Subject 1 turned toward the officers, holding the knife in his right hand with the blade facing down, and maintaining a fighting stance.

Meanwhile, Sergeant A and Officers C, D, G, and H were stopped near the center divider, approximately 30-40 feet from Subject 1. Officer D, believing that Subject 1 was going to move toward him and that the situation could escalate to the point where deadly force was used, drew his service pistol. Officer C, believing that Subject 1 made a movement toward his direction and was holding the knife in a threatening manner, drew his service pistol. Officers G and H also drew their service pistols. Multiple officers gave Subject 1 commands to drop his knife.

At this time, Sergeant B was close to the group of officers and slowed his speed. Subject 1 spun toward the officers, looked at them, and stomped his foot. Subject 1's whole body leaned forward as he lunged toward the officers. He jerked forward, looking like he was about to start running. Sergeant B formed the opinion that Subject 1 was going to charge the officers.

NOTE: Subject 1 stated he did not take a step toward the officers.

Sergeant A, believing that Subject 1 took a step toward him and that he was facing a deadly force situation, brought his service pistol from a low-ready position up on target and moved his finger to the trigger. Sergeant B observed the officers bring their pistols up from a low-ready position, as though they were trying to decide whether to shoot. At that point, fearing that an officer-involved shooting was about to occur, Sergeant B determined that he needed to use his vehicle to stop Subject 1.

Sergeant B accelerated his vehicle to 20-25 mph. Sergeant B then steered his vehicle toward Subject 1. Sergeant B felt as though he had sufficient lag time to utilize the vehicle to stop Subject 1's actions.

As Sergeant B accelerated his vehicle, Subject 1 turned to his left, faced Sergeant B's oncoming police vehicle and crouched down, still holding the knife. As he was about to be struck by Sergeant B's vehicle, Subject 1 jumped. Subject 1's feet made contact with the top of the police vehicle's license plate frame, while his thighs and hip area made contact with the vehicle's grille, causing Subject 1 to roll onto the hood. Subject 1's upper torso and both arms then struck the front windshield. Subject 1 impacted the windshield, causing it to break. As the impact occurred, Sergeant B could see the knife in Subject 1's right hand, pinched between his arm, body, and the front windshield. As soon as Subject 1 struck the front windshield, Sergeant B applied the brakes strongly, which caused the vehicle's front end to dip, and caused Subject 1 to slide off the hood and land approximately ten feet away from the vehicle. Subject 1 immediately stood up, flipped the knife around in his hand, and waved the knife at Sergeant B's vehicle. Subject 1 then turned and ran toward the sidewalk. Sergeant B, unable to see out of the front windshield of his vehicle, exited and joined the foot pursuit.

Sergeant C responded and observed numerous officers engaged in a foot pursuit. Sergeant C decided to follow the pursuit in his vehicle and use his vehicle's Public Address (PA) system to issue commands for Subject 1 to drop the knife. Meanwhile, Officers M and N, who were following Sergeant B, stopped their vehicle behind

Sergeant B's vehicle and exited. Officer N heard the TASER request over the radio and immediately upon exiting his vehicle deployed his TASER. Officer N observed Subject 1 still holding the knife and moved in his direction. Subject 1 did not drop the knife when ordered to do so by Officer N, and Officer N discharged a TASER cartridge toward Subject 1, which struck Subject 1 in the chest. Subject 1 used his knife to cut the TASER wires. Subject 1 then turned and ran down the street, moving from the sidewalk to the street and back to the sidewalk. Officers continued to pursue Subject 1 on foot.

Meanwhile, Officers O and P responded to the location. As Officers O and P were exiting their vehicle, Officer O observed Subject 1 run past the trunk of their vehicle, covered in blood and carrying a knife. Meanwhile, having heard requests for a TASER and beanbag shotgun over the radio, Officer O walked to the trunk of his vehicle, removed a beanbag shotgun, and chambered one round. After chambering the round, Officer O joined the foot pursuit. Although he did not communicate to other officers that he had deployed the beanbag shotgun, Officer O heard Sergeant B saying that a beanbag was deployed. As officers involved in the pursuit realized that Officer O was armed with a beanbag shotgun, they slowed down and allowed Officer O to assume an appropriate position.

Subject 1 then stopped running, turned around, and held the knife at face level with the blade pointing up, thereby not responding to officers' orders. Officer O, believing that a proper warning had been issued, fired one Super-Sock round at Subject 1's abdominal area from a distance of approximately 30 feet. The Super-Sock round struck Subject 1 in the right shoulder area but appeared to have no effect. Subject 1 began to run down the street. Officer O chambered a second round, maintained the beanbag shotgun in a low-ready position with the safety off, and ran after Subject 1.

Subject 1 began hopping back and forth, looking around, and holding the knife up. Officers issued more commands for Subject 1 to drop the knife. Subject 1 turned around again, and Officer O fired a second Super-Sock round at Subject 1's stomach from a distance of approximately 30 feet. The second round also appeared to have no effect, and Officer O was unaware if the second Super-Sock round struck Subject 1.

As Subject 1 continued running down the street, Officer O chambered another round, maintained the shotgun in a low-ready position, took his finger off the trigger, and again followed Subject 1. Subject 1 ran to the side of the street. Officer O fired a third Super-Sock round at Subject 1's lower stomach, missing Subject 1. Subject 1 then began running toward the middle part of the street. Officers continued giving Subject 1 orders to "Drop the knife." Officer O fired a fourth Super-Sock round at Subject 1's stomach area but was unable to tell if that round struck Subject 1. After Officer O fired the fourth Super-Sock round, the beanbag shotgun was empty. Officer O loaded two more rounds into the shotgun.

Subject 1 began running down the street, toward citizens and other cars. Believing that Subject 1 could kidnap, stab, or take somebody hostage, Officer O fired a fifth Super-

Sock round at Subject 1's lower back from a distance of approximately 30 feet. Officer O was unaware if the fifth Super-Sock round struck Subject 1. After firing the fifth round at Subject 1, Officer O ran and fired a sixth Super-Sock round at Subject 1. Officer O was unaware if the sixth Super-Sock round struck Subject 1. Officer O ejected the last empty casing, engaged the safety, and slung the shotgun over his shoulder and continued to run after Subject 1.

Meanwhile, Officers Q and R parked their vehicle and exited. As they exited, Officer Q deployed a TASER, while Officer R unholstered his service pistol. Officer Q decided to use his TASER while Subject 1 was distracted by other officers who were giving him commands at the time. Officer Q decided not to issue a warning to Subject 1 that he was going to use the TASER to maintain the element of surprise. As Subject 1 walked backwards, Officer Q discharged a TASER cartridge at Subject 1 from a distance of 15-20 feet. Officer Q believed that only one TASER dart made contact with Subject 1. Officer Q discarded the TASER cartridge and secured the TASER in his left rear pants pocket. Officer Q unholstered his service pistol and moved across the street to prevent Subject 1 from fleeing. Subject 1 then continued down the street.

Meanwhile, in response to the previous radio broadcasts, Officers S and T responded to the area. Officers S and T observed Subject 1 running, followed by officers. Officers S and T exited their vehicle. As he exited, Officer S deployed a TASER and ran after Subject 1. Subject 1 slowed his pace to a walk and then turned and faced Officer S. Officer S heard officers screaming, "Tase him. Tase him." As Subject 1 turned to face Officer S, Officer S observed Subject 1 holding a knife between his waist and chest area out away from his body with the blade facing up. Officer S fired a TASER cartridge toward Subject 1 from a distance of approximately 15-20 feet. Subject 1's body locked up and he dropped the knife as he fell to the ground.

After Officer S's TASER completed its five-second cycle, Subject 1 reached out with his right hand to grab the knife, and Officer S initiated another five-second cycle. Sergeant A approached and, due to the large amount of blood on Subject 1, ordered officers to put on rubber gloves before taking Subject 1 into custody. Officer K jumped over Subject 1 while he was still on the ground and kicked the knife away from him. Officers began to roll Subject 1 onto his stomach, and Subject 1 began to struggle against them. Officer N, who was still in possession of his TASER, applied a dart directly to Subject 1's abdomen. Subject 1 was taken into custody without further incident.

Meanwhile, Sergeant D responded as officers were taking Subject 1 into custody. After arriving, Sergeant D was approached by Sergeant B, who said he had no choice but to hit Subject 1.

Meanwhile, Lieutenant A responded and directed Sergeant D to take a Public Safety Statement (PSS) from Sergeant B, who admitted being involved in a categorical use of force. Sergeant D then asked Sergeant B how many times he struck Subject 1, to which Sergeant B responded, "One time with the vehicle." Sergeant D asked if Subject 1 was injured, and Sergeant B responded that he thought so but that Subject 1 kept

running after being struck by the vehicle. Sergeant B also informed Sergeant D that Subject 1 had a knife and was coming toward the officers, which was why he struck him with the police vehicle.

Lieutenant A assumed the role of Incident Commander and directed Sergeant A to establish a Command Post (CP) and Sergeant E, who was at the local police station, to notify Real-Time Analysis and Critical Response (RACR) Division and Force Investigation Division (FID). Lieutenant A then directed on-scene supervisors to secure the scene and to separate and monitor officers, while Sergeant B was separated and transported back to the station to be monitored.

Lieutenant A told FID personnel that the vehicle strike was “inadvertent” and done in an attempt to corral Subject 1. Subject 1’s doctor advised that Subject 1 would be admitted to the hospital for injuries that were self-inflicted and not due to his having been struck with the vehicle. Accordingly, FID determined the incident would be classified as a Non-Categorical Use of Force (NCUOF).

The incident was initially treated by the Area as a CUOF, which involved the separation and monitoring of involved officers. However, when it was determined that the incident was a NCUOF, officers were no longer separated or monitored, and the investigation proceeded as a NCUOF investigation.

The incident was subsequently reclassified as a CUOF and an investigation was initiated by FID.

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/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC’s review of the instant case, the BOPC unanimously made the following findings.

A. Tactics

- The BOPC found Sergeant B’s tactics to warrant Administrative Disapproval.

The BOPC found Sergeant A’s and Officers C, D, E, F, K, L, M, N, O, Q, S, T, U, and V’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- The BOPC found Sergeant A's and Officers C, D, E, K, L, Q, and T's drawing/exhibiting to be in policy.

C. Non-Lethal Use of Force

- The BOPC found Officers D, E, L, M, N, T, U, and V's non-lethal use of force to be in policy.

D. Less-lethal Use of Force

- The BOPC found Officers F, N, O, Q, and S's less-lethal use of force to be in policy.

E. Lethal Use of Force

- The BOPC found Sergeant B's lethal use of force to warrant Administrative Disapproval.

Basis for Findings

A. Tactics

- In adjudicating this incident, the BOPC considered that:
 1. Officer F deployed two TASER cartridges, and the probes appeared to make contact with Subject 1's skin. In both instances, Subject 1 utilized his knife to cut the TASER wires to interrupt the electrical current and ran. Officer E advised CD that they were in foot pursuit. Subject 1 proceeded to run; however, as Officer E did not observe a posted street sign, he did not update their direction of travel nor did he articulate that the TASER was utilized with negative results. The omission of this information created a circumstance wherein responding personnel were not fully aware of the evolving tactical situation.
 2. As Subject 1 was armed with a knife, Sergeant A along with Officers C and D maintained their positions with their service pistols drawn. Sergeant B continued driving toward the officers and stated his reason for doing so was so that he could allow the officers to use his vehicle as cover. Sergeant B failed to communicate his intentions to the officers in the roadway. When Sergeant B's vehicle was approximately 10 feet west of the officers, he observed Subject 1 "lunge" at the officers while armed with a large knife. According to Sergeant B, in fear for the lives of his fellow officers and believing that his best option was to utilize his vehicle as a weapon, Sergeant B intentionally ran into Subject 1 with his vehicle.

According to Sergeant A and Officer C, just prior to Subject 1 being struck by Sergeant B's vehicle, they were preparing to utilize lethal force. Thus, it was

unreasonable for Sergeant B to believe that based on his six years of training and experience as a firearms instructor, he could determine that the officers were going to hesitate in actually using lethal force. By using his vehicle in this manner, Sergeant B unnecessarily exposed himself to potential gunfire from other officers.

Sergeant B should have communicated his intended actions to officers and should have avoided driving into the potential line of fire of fellow officers. In addition, Sergeant B should not anticipate whether the officers will perceive the same threat and fire their service weapons.

3. As Subject 1 continued to flee while armed with the knife, Sergeant A joined in the foot pursuit and attempted to manage the situation by requesting additional personnel and less-lethal force tools. Sergeant A further defined his role at the scene by advising Sergeant B that he was assuming the role as the Incident Commander.

This incident unfolded rapidly, and there was a considerable amount of pedestrian and vehicular traffic to contend with; however, with the amount of personnel at scene, there was concern over the level of command and control demonstrated by Sergeant A. It was understandable that Sergeant A had to keep up with the foot pursuit in order to maintain a visual to appropriately manage it; however, as a supervisor, Sergeant A should have been able to maintain a global perspective of the entire incident.

4. Although Department policy states that *“Officers should not shoot the Beanbag Projectile Shotgun at a fleeing subject,”* Subject 1 was armed with a knife, therefore making it unsafe for the officers to approach within contact range. Additionally, Subject 1 had demonstrated that he posed a threat to himself by cutting his own wrists and potentially posed a threat to the community based on this incident occurring at night on a major thoroughfare where there was a significant amount of pedestrian and vehicular traffic traversing the area.

Given the totality of the above mentioned circumstances, the firing of the Beanbag Projectile Shotgun at the fleeing subject was reasonable.

5. After firing super-sock rounds one through five, Officer O assessed the situation, observed Subject 1 running, and continued to follow him without placing the Beanbag Projectile Shotgun's safety on. The beanbag projectile shotgun should be handled in the same manner as other lethal shotguns and the same safety measures should be adhered to when manipulating this weapon. Running with a Beanbag Projectile Shotgun with the safety off increases the risk of an unintentional discharge.
6. There were several instances where a number of the involved personnel were engaged in the foot pursuit with their service pistols drawn. As Subject 1 fell to the ground and the knife landed in close proximity to his right hand, Officer K jumped

over Subject 1's legs and kicked the knife away while maintaining his service pistol in his right hand. Although it is reasonable for Officer K to want to move the knife out of Subject 1's reach, moving over a subject with his weapon drawn increased the risk of Subject 1 attempting to grab the weapon and the potential for an unintentional discharge.

Although many of the involved personnel holstered their service pistols as the foot pursuit progressed, there are inherent dangers associated with running with their service pistols drawn.

7. Officer D assisted with taking Subject 1 into custody by placing his right foot on Subject 1's left foot. Officer D observed Subject 1 attempting to kick Officer N and did not believe he had time to put on his rubber gloves prior to attempting to restrain Subject 1.

In conclusion, it was reasonable that Officer D, concerned with the transfer of bloodborne pathogens, utilized his foot to control Subject 1. However, the officers are to be reminded that stepping on subjects is discouraged as it places officers off balance and may be negatively perceived by the public.

8. From the initiation of the foot pursuit to the time Subject 1 was taken into custody, Subject 1's movements were erratic and unpredictable. Aware that Subject 1 was armed, the officers had to balance the need to maintain a reasonable distance with the need to monitor Subject 1's actions. In doing so, no single officer remained in an optimal position to issue verbal commands to Subject 1. Because of this, a circumstance was created wherein several officers simultaneously issued verbal commands. Although multiple officers are generally discouraged from giving commands as it may create confusion in the mind of the subject, in this situation it was unavoidable.

Although justified in this instance, the topic of issuing simultaneous commands to subjects and when it is and is not appropriate will be addressed during the Tactical Debrief.

Sergeant B was responsible for the tactical decisions that warranted the most concern. The BOPC was concerned that Sergeant B devised and executed a tactical plan without communicating his intentions to his fellow officers. This action was further compounded when Sergeant B intervened on the officers' behalf, resulting in actions that placed his safety in jeopardy. Sergeant B's actions were not consistent with the tactical concepts and created a circumstance wherein the sergeant was exposed to a heightened risk of harm not justified by the tactical scenario.

Therefore, the BOPC determined that Sergeant B's tactical decisions and actions *"unjustifiably and substantially deviated from approved Department tactical training."* The BOPC found his tactics required a finding of Administrative Disapproval.

Regarding the tactics of the additional personnel who responded to the scene although there were identified areas for improvement, the tactical considerations neither individually nor collectively *“unjustifiably and substantially deviated from approved Department tactical training.”*

Therefore, the BOPC determined that a Tactical Debrief was the appropriate mechanism for Sergeant A, along with Officers C, D, E, F, K, L, M, N, O, Q, S, T, U, and V to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better handle a similar incident in the future.

B. Drawing/Exhibiting

Sergeant A, along with Officers C, D, E, K, L, Q, and T, responded to the location and were aware of the fact that they may encounter a male armed with a knife. When the officers were confronted by an individual covered in blood and armed with a knife, they drew their service pistols with the belief that the incident could rise to a lethal force situation.

In conclusion, the BOPC found Sergeant A and Officers C, D, E, K, L, Q, and T's Drawing/Exhibiting to be reasonable and within Department guidelines and, accordingly, to be in policy.

C. Non-Lethal Use of Force

In this instance, Officers D, E, L, M, N, T, U, and V were confronted with an aggressive and combative subject who resisted the officers' attempts to handcuff him. The officers moved Subject 1 into a prone position, during which time Subject 1 placed his left hand underneath his body. The application of a direct stun TASER application enabled Officers E and V to remove Subject 1's left arm from underneath his body and force it behind his back where Officer T assisted them by applying a firm grip to Subject 1's left wrist. Simultaneously, Officers D, L, M, and U took control of Subject 1's right arm and forced it to a position where Subject 1 was handcuffed. As the officers were attempting to handcuff Subject 1, Officer N placed both hands on Subject 1's legs, while Officer D utilized his left foot to hold down Subject 1's left foot.

The BOPC evaluated the circumstances relevant to Officers D, E, L, M, N, T, U, and V's Non-Lethal Use of Force and determined that the force was objectively reasonable to overcome the suspect's aggressive actions.

The BOPC found Officers D, E, L, M, N, T, U, and V's non-lethal use of force to be in policy.

D. Less-Lethal Use Of Force

Officer F was faced with a subject armed with a knife and covered in blood. When Officer F ordered Subject 1 to drop the knife, he ignored the officer's commands and demanded to be shot. The TASER probes made contact with Subject 1's upper torso area; however, Subject 1 appeared unaffected as he utilized his knife to cut the TASER wires. Officer F deployed a second TASER cartridge.

Officer N observed Sergeant B strike Subject 1 with his police vehicle. After being struck, Subject 1 ran onto the curb. Officer N tased Subject 1 after giving him a direct order to drop his knife. At the termination of the foot pursuit, as the officers struggled to handcuff Subject 1, Sergeant A directed a direct stun with the TASER. In response, Officer N applied a direct stun to Subject 1's abdominal area in order to stop Subject 1's actions.

Officer Q also tased Subject 1 when he held his knife up above his head and was not complying at all with officers' orders. Officer Q believed it was unsafe to approach based on the fact that Subject 1 was armed with a knife and that the conventional tactics would be ineffective.

At the termination of the foot pursuit, Subject 1 slowed his gait to a walk and turned toward Officer S. Officer S fired one TASER round at Subject 1, as he was holding the knife between waist and chest level, away from his body.

In this instance, the armed subject was fleeing from the officers and actively attempting to prevent them from establishing physical control, thus aggressively resisting arrest prior to each less-lethal application of force. The subject's behavior and possession of an edged weapon created a circumstance wherein conventional tactics would have been ineffective because it was unsafe to approach within contact range of the subject.

The BOPC found Officers F, N, Q, and S's less-lethal force to be in policy.

When the officers noted that Officer O had deployed the Beanbag Projectile Shotgun, they slowed their pace and allowed him to take a point position. As the foot pursuit progressed, Subject 1 abruptly stopped and began to walk in a circular pattern. The officers ordered Subject 1 to drop the knife; and when he failed to comply with the officers' commands, Officer O fired one super-sock round at Subject 1, striking him on the right shoulder. Subject 1 appeared unaffected as he ran, while still holding the knife. Officer O trailed behind Subject 1, maintaining a distance of approximately 30 feet. When Subject 1 turned and exposed his front torso to Officer O, he fired a second super-sock round at Subject 1. Once again, Subject 1 appeared unaffected and ran. Officer O fired super-sock rounds three and four when presented with the same circumstances, assessing after firing each super-sock round.

After firing his fourth super-sock round, Officer O removed the two remaining super-sock rounds from his ammunition holder and loaded them into his weapon. As Subject 1 continued to run while still in control of the knife, Officer O fired his last two super-sock rounds at Subject 1, assessing between rounds. It was noted that Officer O fired the fifth and sixth super-sock rounds at Subject 1's back as he fled. Although the back is not a preferred target for the Beanbag Projectile Shotgun, it was reasonable for Officer O to target the back in an attempt to prevent Subject 1 from gaining access to nearby citizens. The BOPC determined that Officer O's decision to utilize the beanbag shotgun in this situation was reasonable and that the subject's actions in the incident provided sufficient justification for Officer O to fire the six super-sock rounds at the subject.

The BOPC found Officer O's less-lethal use of force to be in policy.

E. Lethal Use Of Force

Sergeant B drove his police vehicle and intentionally collided with Subject 1. Although there is little doubt that Sergeant B feared for the safety of his fellow officers, the BOPC was critical of his decision to utilize lethal force in this situation. The actions of Subject 1 had not yet risen to the level where he posed an *immediate threat of serious bodily injury or death* as the officers were still approximately 40 feet away from him and he was not actively charging toward them.

The BOPC determined that Sergeant B's perception that Subject 1 presented an *immediate threat of death or serious bodily injury* was not reasonable under these circumstances and his action of utilizing his police vehicle to intentionally strike Subject 1 was also unreasonable.

The BOPC found Sergeant B's use of lethal force to be out of policy, warranting Administrative Disapproval.