

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

IN-CUSTODY DEATH – 031-18

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Newton	5/6/18		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	12 years
Officer B	13 years 8 months
Officer C	12 years 10 months
Officer E	22 years 4 months
Officer F	10 months
Officer G	1 year 5 months
Officer H	7 years 9 months
Officer I	1 year 3 months
Officer J	7 years
Officer K	12 years 4 months

Reason for Police Contact

Uniformed patrol officers responded to a prowler radio call. Upon arrival, the Subject refused to communicate with officers or follow commands, eventually became aggressive, and armed himself with a metal dust pan and pipe. Officers fired numerous beanbag shotgun rounds at the Subject and discharged two TASERs prior to taking the Subject into custody. After being handcuffed, and while awaiting treatment from the Los Angeles Fire Department (LAFD), the Subject stopped breathing. Lifesaving efforts were attempted by LAFD personnel but were unsuccessful, and the Subject later died at the hospital.

Subject	Deceased (X) Wounded ()	Non-Hit ()
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Subject: Male, 24 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.

The following incident was adjudicated by the BOPC on March 26, 2018.

Incident Summary

An anonymous person called 911 to report a suspicious male. The caller advised that the Subject was walking into residential properties with a brick, just looking around. The caller described the Subject as a 30-year-old male wearing a grey shirt and blue cap. The caller wanted to remain anonymous and not be contacted.

Communications Division (CD) broadcast the call, and Police Officers A and B advised they would handle the call.

Officers A and B arrived at the location and observed the Subject matching the description provided by CD, standing in the roadway. They stopped their police vehicle approximately three car lengths from the Subject. The officers then exited their vehicle and approached on foot. The Subject moved to the side of the street when he noticed the officers approaching.

Both officers noticed that the Subject was carrying a large plastic bottle of water and had a bulge in the Subject's right side sweatshirt pocket that they believed may have been the brick mentioned in the comments of the call.

Officers A and B kept their distance from the Subject because they believed he might be armed with a brick. Officer B attempted to communicate with the Subject by asking him his name and if he needed any help. The Subject replied by stating that he had nothing to talk about.

Officer B instructed the Subject to move out of the street, but he ignored the order. The officers continued their attempts to communicate with the Subject for approximately five minutes before breaking contact and returning to their vehicle. Both officers believed the Subject was possibly under the influence of narcotics, but neither felt they had enough information to determine whether he had committed a crime. With that in mind, neither wanted to physically contact him until they learned more.

As Officers A and B sat in their vehicle, the Subject moved to the middle of the roadway where he began to impede traffic. The Subject stood in the roadway facing the officers with his arms outstretched to his sides and parallel to the ground. Vehicles approached the Subject, but were unable to pass. Officers A and B each exited their vehicle, and Officer A broadcast a request for an additional unit and a supervisor to respond to their

location. Officer B ordered the Subject to get out of the roadway, but the Subject ignored the command.

According to Officer A, the Subject motioned to the officers to come to him as if he wanted to fight. Officer A, who was in a position of cover behind the open driver door of the police vehicle, drew his/her TASER as Officer B took cover behind the open passenger door. Officer A observed the Subject tie his sweatshirt around his neck in a manner that covered the front of his body. He then crossed his arms against his chest. Officer A advised Officer B that he/she recognized that as a tactic utilized to defeat the TASER.

The Subject began to walk quickly toward the officers while clenching his fists. Officer A warned the Subject that if he kept walking towards the officers, Officer A would Tase him. Officer A broadcast a request for a back-up and a beanbag shotgun. Officer A obtained the beanbag shotgun from his/her vehicle and chambered a round. He/she ordered the Subject to stop walking toward the officers or he would be bean-bagged.

At the same time, believing the incident could rise to the level of a situation involving deadly force, Officer B drew his/her pistol. Officer B repeatedly ordered the Subject to relax and stay where he was. The Subject quickly walked to within several feet of the officers' vehicle, telling them repeatedly to shoot him.

Officer B repeatedly ordered the Subject to stop and not to approach. The Subject finally stopped, but did so closer to the front passenger side of the police vehicle than the officers were comfortable with. Officer B continued to use the open door as cover and continued to order the Subject to stay away. Officer A told Officer B to redeploy to the driver's side of the vehicle so they could be together.

Officer B locked and closed his door so he/she could safely move to Officer A's side of the vehicle and eliminate the possibility of the Subject entering the officers' vehicle. After Officer B closed the door, the Subject ran away from the officers, and then stopped in the middle of the roadway when he was approximately four to five car lengths away. The officers did not chase him. At that point, Officer B re-holstered his/her pistol.

The following officers began to arrive at the incident: Sergeants A and B and Police Officers C, D, E, F, G, H, I, J, K, L, M, N, O, P, and Q.

Officer A advised Sergeant A that he/she did not believe the Subject had committed a crime, but ensured Sergeant A was aware that the initial radio call indicated the Subject had been armed with a brick. Officer A went on to advise Sergeant A that both officers had observed the bulge in the Subject's pocket and believed it might have been the aforementioned brick. Finally, both officers advised Sergeant A that the Subject had told them to shoot him. Sergeant A directed Officer B to call the original anonymous caller to see if any additional information was available. Officer B did so, but received no answer and was forced to simply leave a voicemail. Sergeant A then instructed

Officer C to ask the Air Unit if they could see whether the Subject had any weapons in his hands. Shortly thereafter, the Air Unit advised he did not.

Sergeants A and B and Officers C, D, and E discussed the situation and determined that at this point, the Subject was at the very least a danger to himself because of his statements to the officers instructing them to shoot him. As such, he was a candidate to be placed on a hold pursuant to Section 5150 of the Welfare and Institutions Code (WIC). Section 5150 WIC authorizes a qualified officer or clinician to involuntarily confine a person suspected to have a mental disorder that makes them a danger to themselves, a danger to others, or gravely disabled.

Sergeant A advised the officers that they were not in a hurry and that they could take their time. Sergeant A coordinated with Officers C and D who formulated a plan to approach the Subject. The plan called for two teams of officers using police vehicles on either side of the street as cover to drive toward the Subject. Sergeant A advised the training officers at the scene to assign their probationers less-lethal equipment. The team on the side of the street consisted of Officer A driving the police vehicle, Officer N with the rifle, Officer H with the beanbag shotgun, Officers E and I as the arrest team, and Officer M with the TASER.

The team on the side of the street consisted of Officer L driving the police vehicle, Officer F with the beanbag shotgun, Officer C as the team leader, and Officers J and K as the arrest team. Officer D remained at the rear of the police vehicle on the side with his/her rifle. Officer B remained between the police vehicles as communications. Sergeants A and B followed the police vehicles.

The police vehicles and officers began to move toward the Subject. As they approached him, officers observed the Subject speaking with an unknown male in front of a residence. That individual was later identified as Witness A. When Witness A observed the police approaching, he entered the residence and closed the door, leaving the Subject alone on the front lawn. None of the officers at the scene were sure whether Witness A knew the Subject. Sergeant A advised the officers and police vehicles to stop close to the residence.

Officer A used the Public Address (PA) system on the police vehicle to repeatedly order the Subject to put his hands up and walk to the street. Officer A did so in both English and Spanish. The Subject ignored the commands and remained on the lawn in front of the residence. Officer A used the PA system to request that the Subject move into the street and comply with his/her orders. Officer A warned the Subject that if he failed to cooperate, the officers would be forced to use less-lethal force.

Sergeant A approached Sergeant B and Officer D and advised them of his plan to place teams on both ends of the residence. Sergeant A directed officers to be ready with their less-lethal and lethal options before moving forward. As the teams moved forward, Sergeant B gave commands in English and Spanish for the Subject to comply, but instead the Subject retreated onto the porch. In an attempt to build a rapport with the

Subject, Sergeant B continued his/her efforts to communicate with the Subject in both English and Spanish. Unfortunately, his/her attempts were unsuccessful, and the Subject moved from the porch to the bottom of the steps.

As the officers took positions of cover behind vehicles parked at the curb in front of the residence, the Subject obtained a large metal dust pan from the porch steps and began to wave it toward the officers in a back and forth slashing motion.

Sergeant A called out for the officers with the beanbag shotguns to get ready. Officer C gave the Subject a warning in English, warning him that he would be bean-bagged if he didn't drop the weapon.

Sergeant A added that the Subject could get seriously injured if he was hit with the beanbag. Sergeant B pled with the Subject to comply, but he refused to drop the dust pan and surrender. Sergeant A asked Officer F if he/she was ready with the beanbag and Officer F indicated that he/she was. Sergeant A yelled out for only the beanbags to be utilized.

Officer F fired one beanbag round toward the Subject from a distance of approximately 44 feet. One second later, Officer H fired one beanbag round toward the Subject from a distance of approximately 45 feet. Both beanbag rounds struck the Subject but did not have the intended effect.

Sergeant A yelled out for the officers to stand by. Officer C gave additional commands for the Subject to drop the weapon and also issued additional warnings. However, both were ignored. The Subject continued to wave the dustpan back and forth. Sergeant A yelled for the officers with the beanbag shotguns to get ready.

Officer F fired his/her second beanbag round toward the Subject from approximately 44 feet. One second later, Officer H fired his/her second and third beanbag rounds toward the Subject from approximately 45 feet. The rounds appeared to strike the Subject in the torso but did not have the intended effect. Officers continued to verbalize with the Subject, but he ignored them. The Subject placed the dust pan under his shirt, between his shirt and his chest. Sergeant A advised officers to standby and reload if necessary.

Meanwhile, Officers I and M responded across the street and met with Witness B, who advised the officers as to the Subject's name and that he used to live in the neighborhood. Witness B also advised that the Subject had been released from jail a couple of days earlier and was a narcotics user. Officer M returned to Sergeants A and B and relayed the information.

Sergeants A and B discussed that the beanbags were not effective, especially since the Subject was now using the dustpan as a shield. They discussed having officers close in on the Subject, using TASERS on him and then taking him into custody using pre-formed arrest teams.

As the discussions were occurring, the Subject walked off the porch and moved into the yard next door. Officers continued to order the Subject to drop the dust pan and to lay down on the ground. Sergeant A then advised the officers to relax and advised he/she was not going to rush the situation. Sergeant A advised Sergeant B there was a pipe on the ground near the Subject. Sergeant A expressed concern to Sergeant B that if the arrest team approached, the Subject would pick up the pipe and use it to force officers to shoot him.

The Subject picked up a bottle of power steering fluid. He poured the power steering fluid on his hands and then rubbed it on his arms, torso, and head. The officers were unsure what type of liquid the Subject had poured on himself, but believed it might have been lighter fluid. As a result, officers obtained a fire extinguisher in case the Subject started a fire.

During the confrontation Sergeant A directed a Rescue Ambulance (RA) to respond and stand by. Sergeant A called the Watch Commander, Lieutenant A, and advised him/her of what had occurred. Sergeant A asked Lieutenant A to request the Mental Evaluation Unit (MEU) respond to the scene. Sergeant A then requested that an officer armed with a 40mm less-lethal weapon also respond to the scene.

The Subject placed a rag that he had previously doused with power steering fluid to his face and began to inhale the fumes.

As Officer D offered the Subject something to drink, the Subject swung the dustpan against the brick porch pillar before placing it back under his shirt. The Subject again removed the dustpan from his shirt and waved it around. At that point, Sergeant A broadcast that he/she was the Incident Commander (IC).

The Subject then placed the dustpan on the ground and poured more power steering fluid on the ground in front of him. He then picked up the 40-inch-long metal pipe from the ground and began to swing it around. Officers ordered the Subject to drop the pipe, but he ignored their commands. In response to the Subject arming himself and his increasingly aggressive demeanor, Officers A, F, and H simultaneously fired beanbag rounds at the Subject. Officer H fired three beanbag rounds from approximately 33 feet. Officer F fired three beanbag rounds from approximately 40 feet. Officer A fired four beanbag rounds from approximately 35 feet. After the final beanbag rounds were fired, the Subject dropped the pipe to the ground. Officer H verbalized that he/she was out of beanbag rounds. Officer H then slung his/her beanbag shotgun and drew his/her pistol.

Officers continued to verbalize with the Subject to surrender, but instead, he bent down to pick up the dust pan from the ground. Officers yelled to him not to pick it up, but he continued to reach for it.

Officer A fired his/her two final beanbag rounds toward the Subject from approximately 35 feet. Officer F fired his/her final beanbag round toward the Subject from approximately 40 feet. This caused the Subject to stop his actions and retreat slightly.

Officer A slung his/her beanbag shotgun and verbalized that he/she was out of beanbag rounds. Officer F also slung his/her beanbag shotgun and drew his/her pistol to the low-ready position with his/her finger along the frame. Seconds later, Officer F holstered his/her pistol and transitioned to his/her TASER.

The Subject climbed back onto the porch of the residence, leaving the pipe and the dust pan on the ground. He moved far enough away from the pipe and dust pan that Sergeants A and B directed officers to retrieve the items to prevent the Subject from rearming himself. Officers A, E, and N moved forward. Officer E retrieved the pipe and dust pan and then all three officers returned to the street. Officer G responded to his/her vehicle, retrieved an additional beanbag shotgun, and gave it to Officer A.

As the Subject stood on the porch, he picked up a welcome mat from the floor and held it in front of him like a shield. He then tore a large black mail box from its post and threw it on the ground. The Subject began to yell profanities at the officers in Spanish. Officer C pled with the Subject to put his hands up, but the Subject ignored the commands. Sergeant A ordered the officers to initiate the arrest plan.

Officer F, now armed with the TASER, moved forward from his position of cover. The Subject began to move down the steps, pointed his finger toward Officer F and stated that he knew his rights. Officer F then fired his/her TASER from an approximate distance of 15 feet. The TASER had no effect on the Subject. Simultaneously, Officer A moved forward toward the Subject and fired one beanbag round from approximately 28 feet.

The Subject turned and ran on the porch toward the railing. As the Subject ran on the porch, Officer A fired an additional beanbag round at the Subject from an approximate distance of 11 feet. Simultaneously, Officer G fired the TASER at the Subject from an approximate distance of nine feet. The TASER darts did connect to the Subject, but he continued and jumped over the railing to the ground.

The Subject fell to the ground and rolled onto his back. Based on his/her BWV, Officer I was the first to reach the Subject. When he/she did, the Subject attempted to kick Officer I. The Subject then turned over onto his stomach and attempted to get up off the ground. According to Officer I, he/she wrapped his/her arms around the Subject's legs and used his/her body weight to keep the Subject from getting up.

According to Officer G, as he/she ran toward the Subject, he/she observed the Subject turning his head from side to side and spitting blood. As he reached the Subject, Officer G dropped his/her TASER near the Subject's left side and placed the palm of his/her hand on the back of the Subject's neck to prevent him from spitting and headbutting officers.

Officer G stated he/she dropped his TASER because he/she did not have time to holster his/her TASER before he/she had to go "hands on."

Officer E took hold of the Subject's left arm with a firm grip. The Subject began to pull his left arm under his body, but Officer E placed the Subject's left arm between his/her legs. This immobilized the Subject's arm until officers were ready to handcuff him.

Simultaneously, Officer O placed his/her right knee on the Subject's right shoulder and grasped his right arm with both hands. Officer J took ahold of the Subject's right wrist and elbow and gave his/her handcuffs to Officer H, who handcuffed the right wrist. Officer H then removed his/her own handcuffs and told Officer E to release the Subject's left arm so that he/she could use the second set of handcuffs to cuff the Subject's left wrist. Officers B, I, and L pulled the Subject's left arm behind his back and assisted Officer H with cuffing the left wrist. Once the Subject's hands were handcuffed together, Officer J moved to the Subject's legs and placed his shins across the Subject's calves while holding his ankles so that Officer F could apply the Hobble Restraint Device (HRD) to the Subject's ankles.

During the arrest incident, Officers D and L noticed Witnesses A and C using cell phones to record through the window of their residence. Taking this into consideration, Officer D opined that the occupants of the house were somehow related to the Subject and worried the officers would be in danger if they remained near the house. Officer D observed that the Subject was continuing to struggle with the officers and feared they would be unable to stand him up and walk him to the front of the house where they would be safer.

Sergeant A requested that the RA/paramedics approach the scene and instructed Officer C to go and meet them.

Sergeant B directed officers to perform a three-man-carry by grabbing the Subject by the shoulders and feet and moving him away from the side of the residence. Officers B, G, and I carried the Subject by the shoulders and arms, and Officers F and J carried him by the legs. They moved the Subject to the lawn near the sidewalk in front of the residence. As they did so, the Subject was yelling at the officers.

The officers placed the Subject on the ground on his right side, but he continued to struggle and attempt to break free from their grasp. The Subject continued to pull away from officers and attempt to roll onto his chest. Officer H repeatedly advised the officers to keep the Subject on his side.

Officers I and O controlled the Subject's shoulder, and Officer F held the hobble, which was wrapped around the Subject's legs. The Subject continued to struggle and kept trying to get away from the officers. Sergeant B instructed Officer F to apply a second hobble to the Subject's knees, which Officer F did. After the second hobble was applied, the Subject laid on his back but continued to struggle. Officer B repeatedly told the Subject to relax.

An LAFD Engine can be observed on BWV driving towards the location. The Engine was followed by the RA.

Officer D relayed to Sergeant A that he/she had seen Witnesses A and C recording the Subject's arrest with their cell phones. Officer D also told Sergeant A about his/her belief that the witnesses were possibly related to the Subject. He/she went on to advise the supervisor that as a result of this belief, he/she thought the area in front of the location was unsafe and believed the house needed to be cleared.

Sergeant A agreed. Believing it now unsafe to approach, Sergeant B motioned to the fire department personnel to stop. Officer D then assembled a search team consisting of him/herself, as well as Officers A, L, N, and O. Sergeant A advised Sergeant B he/she would be handling the house search and instructed Sergeant B to deal with the Subject.

Officer H advised the officers to keep the Subject on his/her side. The officers kept the Subject on his/her right side. Officer B held the Subject's left shoulder, Officer I held his left mid-section, Officer G held his hips, and Officers F and J held the hobbles wrapped around his legs. Even so, the Subject continued to struggle and attempt to turn away from the officers and to roll onto his stomach.

Officer I repeatedly told the Subject to remain on his side so he could breathe, and the Subject was then offered water.

Officer L knocked on the front door of the residence. Witnesses A and C exited the home along with other residents. The officers then performed a protective sweep of the home. It was then determined that Witnesses A and C knew the Subject from his childhood, but had not seen him for several years.

The Subject, who had blood in his mouth, spat into Officer G's eye. As a result, Officer I rolled the Subject more forward and held his head downward to prevent further spitting, but the officers ensured the Subject remained on his side.

LAFD personnel broadcast on the radio that they were present at the location and that the officers could bring the Subject to them if it was still unsafe in front of the residence. Sergeant A replied that the residence was not clear and that as soon as it was, they could bring the RA to the location.

Officer H relieved Officer I and began holding the Subject's shoulders. The Subject was slightly bent at the waist and continuously attempted to roll to his stomach. Officers G and H kept the Subject on his right side and ensured he stayed on the grass.

The Subject can be observed struggling and spitting. On BWV footage, Officer H can be observed with his/her left knee positioned on the Subject's lower back.

The Subject rolled completely face-down. Officer H's hands were observed on the Subject's back. Officer B continued to plead with the Subject to relax.

Officers completed their search of the house and advised that the incident had been resolved (Code Four). Sergeant A then advised LAFD to bring the RA in. Officer H removed his/her knee from the Subject's lower back. At the same time, Officer I had finished refilling the Subject's water bottle and brought it to him.

Officer G released his/her hold on the Subject and responded to his/her vehicle to obtain a spit mask. Officer E took his/her place and controlled the Subject's hips.

An LAFD Battalion Chief arrived at the location where the officers were still maintaining control of the Subject.

The Subject could be observed making his last movement. The LAFD Battalion Chief could be heard asking how the Subject's breathing was. The LAFD Battalion Chief then advised the officers to put the Subject on his side. Officer H then rolled the Subject on his side, observed he no longer appeared to be conscious, and yelled out to the paramedics.

Additional firefighters arrived. Officer B removed the Subject's handcuffs, and Officer J removed the hobbles from the Subject's legs. Los Angeles Fire Department personnel identified that the Subject was not breathing and provided emergency medical treatment. The Subject was transported to the hospital, where he was pronounced dead.

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found Officers A, B, C, E, F, I, J, and K's tactics to warrant a Tactical Debrief, and Sergeants A and B, along with Officers G and H's tactics to warrant Administrative Disapproval

B. Drawing and Exhibiting

The BOPC found Officer A, B, C, F, G, H, J, and K's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officers B, C, E, G, H, I, J, and K's non-lethal force to be In Policy.

D. Less-Lethal Use of Force

The BOPC found Officers A, F, G, and H's less-lethal force to be In Policy.

Basis for Findings

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

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

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

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

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or

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

- During its review of the incident, the BOPC considered the following:

1. Tactical Communication

Sergeant A did not designate how many, or which, specific officers were to discharge their beanbag shotguns during the tactical plan to take the Subject into custody.

Additionally, the investigation revealed that a total of eight officers drew and/or exhibited their firearms during the course of the incident.

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

In this case, Sergeant A formulated a tactical plan to utilize beanbag shotguns to take the Subject into custody. However, he/she did not designate how many or which officers would utilize their beanbag shotguns at specific times, while executing the plan. This led to multiple officers discharging their beanbag

shotguns simultaneously. Although, each officer articulated their reasons for discharging the beanbag shotguns at the Subject, the BOPC would have preferred that Sergeant A identify one officer at a time to discharge the less-lethal options.

The BOPC would have also preferred that Sergeant A had taken a more active role in limiting the number of officers who provided lethal cover to include only those assigned as a Designated Cover Officer (DCO). Limiting the number of officers who are providing lethal cover would likely lessen the number of officers who discharge their firearms, as well as the number of rounds fired, in the event that this incident escalated and resulted in an officer-involved shooting.

Based on the totality of the circumstances, the BOPC determined, that while identified as an area for improvement, Sergeant A's actions were not a substantial deviation from approved Department tactical training.

2. Reverence for Human Life (Positive)

Sergeants A and B, along with Officers A, B, C, E, F, G, H, I, J, and K demonstrated care and concern for the Subject's life during the incident. Additionally, they utilized planning and teamwork to take the Subject, who was armed with weapons that could cause serious bodily injury or death, into custody without using lethal force.

In this case, the personnel believed that the Subject wanted the officers to use lethal force against him based on his statement requesting that the officers shoot him. The officers utilized multiple de-escalation techniques including time, requesting the response of MEU and a RA, and attempting to build a rapport with the Subject throughout the incident.

After the Subject was in-custody, Sergeant B and the officers attempted to place the Subject in a safe position and ensured that he was on the grass instead of the concrete sidewalk so that he would not injure his head. Additionally, due to the high temperatures and in an attempt to calm the Subject down, Sergeant B directed Officer I to obtain water for the Subject.

3. Warrantless Search (Substantial Deviation – Sergeants A and B)

Sergeant A directed the officers to conduct a warrantless search of the residence. Additionally, Sergeant B was briefed on the plan and concurred.

In this case, Sergeants A and B believed that the individual, who had been seen on the porch with the Subject at the beginning of the incident, was possibly connected to the original radio call of a prowler complaint.

The BOPC was critical that Sergeants A and B lacked a specific factual basis for believing the people inside the residence posed a danger to the officers. Additionally, the scope of the warrantless search extended beyond the rooms adjoining the area of the arrest in between the houses.

The BOPC determined that Sergeants A and B's decision to conduct a warrantless search of the residence was a substantial deviation, without justification, from approved Department tactical training.

4. Positioning of Restrained Individuals (Substantial Deviation – Sergeant B along with Officers G and H)

After the HRD was applied to the Subject's ankles, Sergeant B and officers attempted to maintain the Subject on his right side, but ultimately allowed the Subject to roll over into the prone position.

In this case, the BOPC acknowledged the efforts officers took to keep the Subject on his side for approximately 10 minutes; however, the BOPC was critical of Officers G and H for not immediately returning the Subject to his side after he rolled onto his stomach, thereby allowing the Subject to stay in the prone position for approximately three minutes.

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

Additionally, in this case, there was discussion about Sergeant B's lack of command and control after the HRD was placed on the Subject's legs. The BOPC acknowledged that this incident involved multiple activities related to the Subject. Officers, under the direction of supervisors, demonstrated a reverence for human life by minimizing the risk of injury to the Subject by conducting a controlled team takedown on him. After the takedown, officers continued care and custody of the Subject by attempting to keep him on his side for approximately ten minutes, keeping his head off the concrete and offering water to the Subject. Although it was Officers G and H's responsibility to ensure proper HRD protocols were followed, the BOPC determined that it was also the supervisor's responsibility to ensure that those protocols were followed. Therefore, Sergeant B's lack of oversight was a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 1. **Code-Six** – The investigation revealed that Officers A and B did not go Code-Six upon their arrival at the radio call. According to Officer B, he/she believed he/she pushed the “at scene” button on the Mobile Digital Computer (MDC) upon

arrival. Officers are to be reminded of the importance of updating their status so that other units will know their location if they need assistance.

2. **Non-Conflicting Simultaneous Commands** – The investigation revealed that multiple officers gave simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.
3. **Utilization of Cover** – The investigation revealed that multiple officers stood in the roadway and sidewalk without utilizing cover during the incident. Officers were to be reminded that when confronting a Subject armed with a weapon other than a firearm, they should place a barrier between themselves and the Subject if possible.
4. **Maintaining Control of Equipment (TASER)** – The investigation revealed that Officer G dropped his/her TASER on the ground prior to taking the Subject into custody. Officer G was reminded of the importance of maintaining control of his/her equipment prior to transitioning to other force options.
5. **Designated Cover Officers (DCOs)** – The investigation revealed that no specific DCOs were assigned and that multiple officers drew their service pistols and rifles during the incident. A sound tactical plan, including the assignment of specific DCOs, should be implemented to ensure a successful resolution while keeping in mind officer safety concerns.

B. Drawing and Exhibiting

- According to Officer A, he/she drew his/her service pistol to provide lethal cover for Officer E as he/she retrieved the dustpan and pipe.

According to Officer B, the Subject began walking towards them and stated, “Shoot me. Shoot me.” Officer B opened his/her passenger side door and assumed a position of cover behind his/her ballistic door panel. Believing that the Subject posed a danger because he/she did not know what the Subject had on his person, Officer B drew his/her service pistol.

Additionally, Officer B drew his/her service pistol a second time because he/she observed the Subject armed with a shovel as Officer B and additional officers approached the Subject’s location.

A review of Officer C’s BWV revealed that he/she drew his/her service pistol as he/she redeployed to cover when initially approaching the Subject’s location.

The investigation did not establish an articulation by Officer C regarding his/her drawing and exhibiting of his/her service pistol. Officer C drew his/her

service pistol while moving with other officers who were organized into two teams to approach the Subject's location. Various officers were assigned as lethal or less-lethal cover officers.

According to Officer F, he/she believed the beanbag rounds had little effect as the Subject was very violent and continued holding the metal pipe. Fearing that deadly force was imminent, Officer F slung his/her beanbag shotgun and drew his/her service pistol.

According to Officer G, he/she drew his/her service pistol as the officers initially approached the Subject's location because the Subject was a "hot prowler" suspect who could possibly have a weapon that could cause serious bodily injury or death.

According to Officer H, after he/she discharged all his/her beanbag rounds, he/she slung his/her beanbag shotgun, and drew his/her service pistol. The Subject continued to pose a threat of serious bodily injury or death due to the Subject's swinging of a shovel, pouring of a possibly flammable substance and possibly being armed with a weapon.

According to Officer J, he/she drew his/her service pistol as he/she redeployed to cover behind a car. The Subject was armed with a shovel which could cause great bodily injury or death.

According to Officer K, he/she drew his/her service pistol the first time when he/she approached the parked vehicles to take cover in front of the Subject's location.

Additionally, Officer K momentarily drew his/her service pistol a second time to provide lethal cover because Officer J, who had been providing lethal cover, had to holster his/her service pistol to remove his/her gloves.

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

Therefore, the BOPC found Officers A, B, C F G, H, J, and K's drawing and exhibiting of a firearm to be In Policy.

Additionally, the investigation revealed that Officers D and N initially exhibited their Patrol Rifles due to their deployment distance to contain the Subject. Although the initial deployment was reasonable, the BOPC was critical of the continued deployment of the Patrol Rifle after approaching the Subject and would have preferred a weapon system be deployed that was more appropriate for the tactical situation.

C. Non-Lethal Use of Force

- **Officer B – Firm Grips and Physical Force**

According to Officer B, he/she approached the Subject and observed him actively and physically resisting officers. Officer B observed the Subject's left arm under an officer's leg so he/she grabbed the Subject's fingers with his left hand. Officer B then used both of his/her hands to control the Subject's left arm, while additional officers handcuffed the Subject.

- **Officer C – Firm Grip**

Officer C observed officers struggling with the Subject, who was kicking and fighting on the ground. Officer C used his/her hands to grab the Subject's ankles to prevent him from kicking. Officer C maintained his/her firm grips until an officer applied the HRD to the Subject's legs.

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

According to Officer E, he/she approached the Subject and utilized a firm grip on the Subject's left arm. When the Subject pulled his arm underneath him, Officer E braced him/herself with his foot and used physical force to pull the Subject's arm behind his back so that additional officers could handcuff him.

- **Officer G – Physical Force and Bodyweight**

According to Officer G, he/she approached the Subject and observed that he was fighting, clenching his fists and spitting. Officer G placed his/her hands on the base of the Subject's neck, by his shoulders, to control his head and prevent him from spitting.

Additionally, after the Subject was carried to the front of the residence, Officer G used his/her bodyweight to hold the Subject down and keep him on his side, in a safe position.

- **Officer H – Bodyweight and Physical Force**

According to Officer H, after the Subject was carried to the front of the residence, the Subject was fighting, trying to break free from officers, and then spit in Officer G's eye. Officer H utilized bodyweight and physical force in an effort to keep the Subject on the Subject's side because the Subject kept trying to lay on his stomach.

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

According to Officer I, the Subject jumped off the porch and fell on his back. The Subject then turned on his stomach and attempted to get up. Officer I utilized

his/her hands to apply bodyweight to the Subject's lower back to push the Subject to the ground and then wrapped his/her arms around the Subject's legs. As additional officers attempted to handcuff the Subject, Officer I observed the Subject actively resisting. Officer I utilized a firm grip on the Subject left arm to assist pulling the Subject's arm behind his back for handcuffing.

Additionally, after the Subject was carried to the front of the residence, Officer I attempted to hold the Subject on his side. However, the Subject was kicking, spitting, and would not lay still.

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

According to Officer J, he/she approached the Subject and wrapped his/her right arm around the Subject's right elbow and used his/her left arm to control the Subject's wrists so that additional officers could handcuff the Subject. After the Subject was handcuffed, Officer J transitioned to the Subject's legs and utilized his/her shins to apply bodyweight to the Subject's calves so that a HRD could be applied.

- **Officer K – Bodyweight, Firm Grip, and Physical Force**

According to Officer K, he/she approached the Subject and placed his/her right knee on the Subject's right shoulder. Officer K then grabbed the Subject's left hand, pulled it behind his back, and assisted another officer with handcuffing the Subject.

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

Therefore, the BOPC found Officers B, C, E, G, H, I, J, and K's non-lethal use of force to be objectively reasonable and In Policy.

D. Less-Lethal Use of Force

- **Officer A – (Beanbag Shotgun, eight beanbag sock rounds)**

First Sequence – Six beanbag sock rounds, in a southeasterly direction, from an approximate distance of 35 feet.

According to Officer A, he/she observed the Subject grab a metal pipe and face officers. In order to avoid any injury to the other officers, Officer A discharged four rounds from the beanbag shotgun, from an approximate distance of 35 feet, at the Subject, causing him to drop the pipe.

The Subject then looked around, apparently trying to arm himself. Based on the Subject's previous actions, Officer A believed the Subject was going to continue to be combative. Officer A then discharged two rounds from the beanbag shotgun, from an approximate distance of 35 feet, at the Subject to stop his actions.

Second Sequence – Two beanbag sock rounds, in a southeasterly direction, from an approximate decreasing distance of 28 to 11 feet.

According to Officer A, as the arrest team moved toward the Subject, the tactical plan was to utilize the beanbag shotgun and then the TASER to get the Subject to comply. Officer A observed the Subject looking for an object to use as a weapon. Officer A then discharged one round from the beanbag shotgun, from an approximate distance of 28 feet, at the Subject as the arrest team approached.

The Subject then ran on the porch and was jumping over the railing towards Officer A's direction. Officer A was aware there was a lethal cover officer, who was equipped with a Patrol Rifle, on one end of the residence. Officer A believed the lethal cover officer would be vulnerable to the Subject's violent behavior. Officer A then discharged one round from the beanbag shotgun, from an approximate distance of 11 feet, at the Subject, causing him to turn away from officers.

- **Officer F** – (Beanbag shotgun, six beanbag sock rounds, one TASER activation, in probe mode)

Beanbag Shotgun

First Sequence – Two beanbag sock rounds, in an easterly direction, from an approximate distance of 44 feet.

According to Officer F, the Subject picked up a metal dustpan and waved it in an aggressive and violent manner. Officer F then heard Sergeant B direct him/her to discharge the beanbag shotgun. Believing the Subject was very violent and unsafe to approach, Officer F discharged one round from the beanbag shotgun, from an approximate distance 44 feet, at the Subject's stomach area.

The Subject continued swinging the metal dustpan around. Officer F then discharged one round from the beanbag shotgun, from an approximate distance of 44 feet, at the Subject's stomach area to stop his actions.

Second Sequence – Four beanbag sock rounds, in a northeasterly direction, from an approximate distance of 40 feet.

According to Officer F, he/she heard an officer yell, "He picked up a metal pipe." Officer F observed the Subject holding a two to three-foot metal pipe. Officer F believed that the situation would result in the use of deadly force if the Subject charged at officers with the metal pipe in his hand.

Officer F discharged four rounds from the beanbag shotgun, from an approximate distance of 40 feet, at the Subject's stomach area to eliminate the possibility of officers having to utilize lethal force.

TASER

According to Officer F, he/she observed the Subject on the porch, breaking a metal mailbox pole in half. As the arrest team approached, the Subject moved off the porch onto the steps and was still violent. Officer F then discharged his/her TASER in probe mode, from an approximate distance of seven to ten feet at the Subject's stomach area. Officer F was unsure if the TASER struck the Subject, but observed that it was ineffective as the Subject ran and jumped off the porch.

- **Officer G** – (One TASER activation, in probe mode, from an approximate distance of nine feet)

According to Officer G, as he/she approached the Subject with the arrest team, he/she observed the Subject moving on the porch. Officer G discharged his/her TASER in probe mode, from an approximate distance of nine feet, at the Subject's naval area to prevent the Subject from charging at Officer G or the other officers in the area.

- **Officer H** – (Beanbag shotgun, six beanbag sock rounds)

First Sequence – Three beanbag sock rounds, in a southeasterly direction, from an approximate distance of 45 feet.

According to Officer H, the Subject was standing on the porch of the residence acting erratically and swinging his arms. The Subject then picked up a shovel and swung it around. Officer H discharged one round from the beanbag shotgun, from an approximate distance of 45 feet, at the Subject to stop his actions. The Subject continued swinging the shovel in the direction of the officers. In order to avoid an OIS, Officer H discharged two additional rounds from the beanbag shotgun, from an approximate distance of 45 feet, at the Subject to stop his actions.

Second Sequence – Three beanbag sock rounds, in a northeasterly direction, from an approximate distance of 33 feet.

According to Officer H, the Subject escalated the situation by picking up a long pipe that was laying on the ground in between the two houses. Officer H, along with other officers, gave the Subject commands to, "Drop the pipe." The Subject failed to comply and swung the pipe towards the officers. Believing that the Subject was going to charge at Officer H and the other officers with the pipe, Officer H discharged three rounds from the beanbag shotgun, from an approximate distance of 33 feet, at the Subject to stop his actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, F, G, and H, while faced with similar circumstances, would believe that the same applications of less-lethal force would be reasonable to protect themselves and other officers and to effect the Subject's arrest.

Therefore, the BOPC found Officers A, F, G, and H's less-lethal use of force to be objectively reasonable and In Policy.