

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

IN-CUSTODY DEATH – 036-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	7/8/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer E	2 years, 2 months
Officer H	2 years, 2 months
Officer I	2 years, 2 months
Officer J	2 years, 2 months
Detention Officer C	7 years, 4 months

Reason for Police Contact

Officers attempted to remove the Subject from his cell. The Subject resisted officers, and non-lethal use of force was utilized to overcome his resistance. The Subject subsequently went into cardiac arrest and was transported by a Rescue Ambulance (RA) to a nearby hospital where he was pronounced dead.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 42 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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

The following incident was adjudicated by the BOPC on June 2, 2015.

Incident Summary

Uniformed Police Officers A and B received a radio call of a Male with Possible Mental Illness in the carport area of a residence. The Subject was described as a male, 40 years of age, yelling and screaming. The person reporting, (Witness A) advised Communications Division (CD) that he was afraid the Subject would become violent.

Upon arrival, Officers A and B observed the Subject in front of the residence in possession of an open container of beer, violation of 25620(a) of the Business and Professions Code. Officer A cited the Subject for the open container and a subsequent want and warrant check revealed three misdemeanor warrants had been issued for his arrest. The Subject was arrested and transported to the station for booking. Once there, Officer A was advised that the jail was at capacity and that the Subject would need to be transferred to another facility for housing.

Prior to being transferred, the Subject was moved to a holding tank. The Area's Assistant Watch Commander (AWC), Sergeant A, while in the presence of Officer A, completed the Adult Detention Log jail intake screening questionnaire. When asked if he was sick, ill or injured, the Subject replied in the negative. The Subject was then transported to Jail Division (JD) Metropolitan Jail Section (MJS) for temporary housing.

Upon arrival at JD MJS, Officer A decided to have the Subject examined at the dispensary for his history of alcohol use. The Subject was examined by Registered Nurse A. Nurse A noted on the Subject's Medical Record for Person In-Custody form that the Subject was a daily drinker but possessed no signs of tremors and he denied experiencing withdrawals. Furthermore, the Subject advised Nurse A that he was not injured, did not suffer from any medical conditions and that he was not currently taking any prescribed medications.

Nurse A completed the "Medical Instructions for Persons in Custody" section of the Inmate Classification Questionnaire and Record of Medical Screening form noting that the Subject was under the influence of either drugs or alcohol and recommended he be assigned a lower bunk.

Due to the Subject being a daily drinker, JD MJS Dispensary Nurse B prescribed the Subject medicine in the event he experienced alcohol withdrawals. Nurse B, as a precaution, also gave orders for medical personnel to check the Subject's blood pressure at morning sick call and monitor him for signs of alcohol withdrawal every four hours.

Note: Nurse B was conducting her rounds when the Subject was admitted and referred to Nurse A's notes to prescribe treatment.

The Subject was cleared from the dispensary and presented to JD MJS Police Officer C to complete the booking process. Due to the Subject's medical screening, and the need for him to be checked by medical personnel, Officer C assigned him a single occupancy segregated cell where he remained, and was visually inspected approximately every 30-minutes by jail personnel, until July 8, 2014.

On July 8, 2014, Detention Officer (DO) A, while conducting jail inspections, noticed that the Subject had not slept. Furthermore, DO A noted that during his inspections, the Subject was pacing inside his cell and although uninjured was banging on the door with his hands and feet. When DO A attempted to converse with the Subject, he did not acknowledge him. That morning, the Subject, along with other inmates due in court, were notified by jail personnel that they would be transported in the coming hours.

Later that morning, JD MJS Police Officers D and E conducted a jail inspection. The officers observed the Subject inside of his cell naked and in what Officer D described as a daze and realized the Los Angeles Sheriff's Department (LASD) would not transport the Subject in this condition.

Officers D and E notified JD MJS Senior Detention Officer (SDO) B of the Subject's demeanor and continued with their daily duties while SDO B monitored the Subject for any changes. During one of SDO B's subsequent jail inspections, he and JD MJS DO C noted the Subject's cell and blankets were wet and the Subject had his hand inside of the toilet. As a result, a request was made with the release desk to make alternate arrangements for the Subject's transportation to court.

SDO D assigned to the release desk, requested via CD, a patrol unit to respond to JD MJS to transport the Subject to court. Uniformed Police Officers F and G were assigned the call.

Just after noon, Officers F and G arrived at JD MJS and responded to the release desk. Simultaneously, Officer E was conducting his jail inspections and observed that the Subject's cell had urine on the floor and that the Subject was moving around the cell as if he was ice-skating. Officer E notified SDO B, who then notified JD MJS AWC Sergeant A.

Sergeant A and SDO B, along with DO C responded to the cell and met with Officer E. Upon being briefed, Sergeant A observed the Subject's cell to be a mess in what he described as possible food or feces having been thrown all over the cell. Shortly thereafter, Officers F and G arrived at the lower tier of where the Subject was being housed and were advised by Sergeant A that the Subject was possibly mentally unstable and that he had been playing in the toilet and throwing feces.

Officers F and G ascended the stairway to the second tier, where they observed MJS officers trying to communicate with the Subject. In addition, SDO B was attempting to convince the Subject to dress in a pair of JD medical scrubs, but he was noncompliant.

Officers F and G determined that the Subject was unsafe to transport in a black and white police vehicle and descended the stairwell back to the lower tier. Officer F telephonically contacted the Mental Evaluation Unit (MEU) for advice and was advised that MEU does not conduct evaluations on people who are housed in a Department jail facility.

The Subject continued to ignore requests to get dressed and SDO B, in an attempt to handcuff the Subject, ordered him to back up to the cell door and place his hands at the tray slot. The Subject failed to comply and Sergeant A, believing an extraction may become necessary, requested additional personnel utilizing the JD radio frequency, which is not recorded.

Jail Division MJS Police Officers H, I and J responded. Sergeant A briefed the officers on the Subject's behavior and advised that he was considering an extraction. Sergeant A instructed Officer J to retrieve a helmet and a shield from the supervisor's office.

Sergeant A also requested a video camera, in order to film the extraction as required by JD protocol, and JD MJS DO D responded to the W/C's office in order to retrieve it. While waiting for the officers to arrive with the equipment, SDO B continued to verbalize with the Subject in attempt to have him place his hands at the tray slot in order to be handcuffed.

According to Officer J, upon his return to the cell area, he observed that the Subject was naked, covered in unknown biological fluids and noted that he continued to ignore SDO B's commands. Officer J donned gloves and as he monitored the Subject's demeanor, he observed the Subject approach the cell door and bend over, placing his buttocks area at the tray slot. Fearing the Subject was going to defecate and possibly attempt to soil him or one of his fellow officers with bodily fluids, Officer J placed his shield in front of the cell door, covering the slot.

Officer J began to verbalize with the Subject and requested his cooperation. The Subject moved to the sink area on the east wall of his cell, and with his back to the officers, placed his hands on the sink. The Subject continued to remain in this position and Sergeant A believed that Officer J had gained a rapport with the Subject. Sergeant A advised that although the Subject was not complying with all the commands that were being given to him, he was cooperating with some of them. Sergeant A opted against an extraction.

Sergeant A directed Officer J to put down the shield as he and SDO B assigned the officers their tactical responsibilities. Officer J was to be the first into the cell and was to cross over to the Subject's left side and take control of his left arm. Officer I would trail behind Officer J and would be responsible for controlling his right arm. Lastly, DO C,

who would be trailing behind them, would be responsible for handcuffing the Subject. Officers E and H were to provide support only if necessary.

Officer D, who was manning the control room, remotely opened the cell door from the tower. Officer J entered the cell and took control of the Subject's left arm by holding it at the wrist area and just above the elbow. As Officer I took control of Subject's right arm, he felt the Subject immediately tense up and attempt to pull away. Believing the Subject was going to try and spin, Officer I applied downward pressure on the Subject's right shoulder and guided him to the floor. The officers struggled to keep their balance, due to fluids present on the floor. Officer I observed the Subject, who was now on his knees, suddenly go down to his stomach.

The Subject's upper torso was now positioned partially outside of the jail cell. Officer I advised Officer J to remove the Subject completely from the cell in order to have more room to control him. Officers I and J, while holding the Subject's arms, pulled him onto the gangway just outside his cell. The Subject was placed face down with his left flank on the floor and his right side elevated against the railing of the gangway stairwell, which was purposely utilized to control the Subject's movements.

DO C attempted to gain control of the Subject's legs by applying downward pressure with his hands. Officer E saw the Subject kicking his legs while trying to hook his right arm around the stairway railing. Officer E attempted to control the Subject's right arm, but could not grip it due to the bodily fluids that covered the Subject. As a result, the Subject was able to hook his right arm around the railing.

Officer J believed the Subject was trying to use the railing as a means to stand up, and in order to prevent him from doing so, extended the Subject's left arm outward and placed his right knee on Subject's left shoulder. Simultaneously, Officer E placed his left knee on the Subject's left hamstring area. The Subject began to urinate on the floor as Officer E took hold of the Subject's right arm. Officer E, with the assistance of Officer I, then placed the Subject's right arm behind his back.

Officer H took control of the Subject's right arm from Officers E and I and handcuffed him. Officer I then directed his attention to Officer J. The Subject continued to resist Officer J and Officer I observed Officer J losing his grip on the Subject's left arm due to the biological fluids present. Officer I took control of the Subject's left arm and with the assistance of Officer J, placed the Subject's left arm behind his back. Officer H completed the handcuffing procedure utilizing a second set of handcuffs.

Note: SDO B estimated the duration of the incident, from the opening of the cell door to the handcuffing of the Subject, to be one minute.

The Subject began to spit and Officer J, unsure if the Subject had any communicable diseases, requested permission to utilize a spit sock. Sergeant A approved the request and Officer J placed the spit sock on the Subject.

As Officer J attempted to transition the Subject into a seated position, he again began to urinate. Officer J had the Subject remain face down in a prone position and when the Subject stopped urinating, DO C attempted to dress him in a pair of medical scrubs. The Subject began to kick his legs and Officer E, fearing the Subject would kick him or DO C, placed his foot on the Subject's ankles and applied downward pressure.

DO C was successful in placing the medical scrubs onto the Subject and as he pulled them up, the Subject again began to urinate. Once finished, the Subject was transitioned into a seated position. DO C then brought over a wheelchair to transport the Subject. The Subject was lifted onto the wheelchair and taken to the dispensary for medical treatment.

Note: Sergeant A did not observe any injuries on the Subject; however JD protocol required inmates involved in a Use of Force (UOF) to be examined by dispensary personnel.

The Subject was taken to the dispensary and was examined by Doctor A and Nurses C and D. The medical personnel were advised that the Subject was involved in a UOF where a takedown, bodyweight and twist locks were utilized. Doctor A evaluated the Subject and noted on the Medical Record for Person In-Custody that the Subject was hyperventilating, sweating, would not answer questions, and was breathing fast. Doctor A also noted that the Subject was covered in urine and that there were no obvious injuries. According to Nurse C, the Subject was attired in scrub pants and a spit sock, and she also observed no injuries.

As the Subject was being examined, Sergeant B responded to the dispensary and determined the incident fit the criteria of a Non-Categorical UOF and assigned Sergeant C investigative responsibility. SDO B returned to his previous duties, while Sergeants A and B decided to have the Subject transported to a nearby hospital for a mental evaluation and opted to have him cited back to court for his warrants. Sergeant A notified the dispensary personnel of the decision.

With no visible signs of injury, the Subject was released from the dispensary with an approval for transport. The Subject, while still seated in the wheelchair, was moved to a holding cell located in the receiving portion of JD MJS, adjacent to the dispensary. The Subject remained in the holding cell with the cell door open as the paperwork necessary to release him from police custody was completed.

Officer J monitored the Subject as Officers E, H, and I, along with DO C met with Sergeant A to debrief the Non-Categorical UOF incident. Following the debriefing, Officers E and H and DO C responded back to their respective assignments. Simultaneously, JD MJS Sergeant D, who was near the dispensary, observed Officer J monitoring the Subject while in the presence of Officers F and G. Officer J advised Sergeant D that he was covered in urine and requested to change his uniform. Sergeant D approved Officer J's request and prior to him leaving, instructed Officers F and G to monitor the Subject

Since the Subject was still in JD custody, Officer F requested JD personnel to monitor him. Officer I assumed the responsibility and observed that the Subject was attempting to get out of the wheelchair. Officer I placed both of his hands on the Subject's shoulders and applied downward pressure, in an attempt to keep him seated, while instructing the Subject to relax. The Subject began screaming and continued to try and push himself out of the wheelchair.

Jail Division MJS DO E observed Officer I trying to control the Subject and with both hands DO E grasped the Subject around his left bicep. Both officers held the Subject against the back seat of the wheelchair in an effort to prevent him from slipping onto the floor. The Subject continued to resist the officers and tried to push himself out of the wheelchair and onto the floor. To prevent the Subject from doing so, Officer I attached an additional set of handcuffs, from the handcuffs on the Subject's wrists to the left arm of the wheelchair.

The Subject managed to slide down out of the wheelchair and onto the floor. The Subject continued to scream and began to kick the wall inside the cell, attempting to push himself out of the cell. To control the Subject, Officer I held onto the wheelchair as the Subject pushed his body against it.

The Subject then began striking the right side of his head against the cell wall. Officer I, in an effort to prevent the Subject from injuring himself, placed his hand alongside the right side of the Subject's head. The Subject continued to thrash his head, and Officer I and DO E pulled back on the straps of the spit sock in order to lift the Subject's chin and stop him from continuing his actions.

Note: The straps do not cross the neck area. The straps are placed under each armpit, so pulling on them would place pressure at the armpits and the chin area only.

The Subject stopped his aggressive behavior and remained on the floor. As Sergeant C arrived, he observed the Subject seated on the floor in a non-combative state, and realized additional personnel would be needed to lift the Subject onto a gurney once the RA was requested. Sergeant C requested additional personnel to respond to the holding cell and then resumed his investigation into the non-categorical use of force.

Jail Division MJS Police Officers H and K responded and observed the Subject seated on the floor in front of the wheelchair. Officers I, K, and DO E lifted the Subject from the floor and sat him back into the wheelchair. As the Subject was moved to the wheelchair, Officer H placed one hand at the base of the Subject's head in order to provide support and prevent any injury if the Subject's head were to tilt backwards as he was lifted.

Once the Subject was seated back in the wheelchair, JD MJS DO's D, F and G, along with Officer C, arrived on scene. Detention Officer F observed that the Subject's pants

had fallen down, and he covered the Subject with a shirt. Officer F also noticed the Subject was breathing heavily and observed that the spit sock had become wet. Officer F adjusted the spit sock by pulling it away from the Subject's face, believing it would provide him more air.

Note: Investigators examined a spit net, similar to the one used on the Subject, and observed that the front was designed with a thin polyester material which allowed for air to pass through.

The Subject, who had momentarily calmed down, suddenly began to appear agitated and move around in his wheelchair as if to try to slide off again. Officer C held the Subject's left elbow while he requested him to calm down. Detention Officer G assisted Officer C by holding the Subject under his right armpit as he again began to slide his body down in the wheelchair.

DO's D and G and Officer C lifted the Subject back into a seated position on the wheelchair approximately three additional times, as the Subject continued to attempt to slide his body down in the chair. When Sergeant C returned to the holding cell, he observed that the Subject's breathing had become rapid. Sergeant C contacted CD and requested a RA.

Doctor A exited the dispensary and upon observing the Subject in the holding cell, decided he would reassess him. Doctor A noted the Subject was breathing, that his extremities had not turned blue, and that he had mobility in his legs.

Los Angeles Fire Department (LAFD) personnel arrived in the sally port. Firefighter B entered the facility and was briefed on the Subject's medical condition and his combative activity. Both Firefighters A and B returned to their RA, in the sally port, to obtain restraining devices and safety goggles.

Nurse C suggested to the officers that the Subject should be moved to the sally port where the RAs were staged. To prevent any further attempts by the Subject to slide his body off the wheelchair, Officer D leaned the chair back, thus preventing the Subject's feet from having contact with the ground. Officer H held onto the left side of the wheelchair as Officer D held onto the right, and they wheeled the Subject to the awaiting RAs.

Once in the sally port, LAFD personnel began their initial assessment. Firefighter/Paramedic C began to debrief with dispensary personnel when he observed the Subject shifting left to right and back and forth in the wheelchair. Firefighter/Paramedic C also observed that the Subject exhibited nystagmus, which is involuntary eye movement (which had not been noted by dispensary staff), and appeared agitated. Firefighter/Paramedic C opined that the Subject may be suffering from Agitated Delirium. As Firefighter/Paramedic D began to connect the Subject to a cardiac monitor, Firefighter/Paramedic C advised him that he was going to contact base station to obtain approval to administer medicine, used to treat Agitated Delirium.

As Firefighter/Paramedic D retrieved the medicine kit from the RA, Firefighter/Paramedic C advised him that the Subject was experiencing low blood pressure and a low heart rate. Firefighter Paramedic D returned the kit as Firefighter/Paramedic C attempted to attach electrodes to the Subject's body. Suddenly, the Subject went into cardiac arrest and Officers H and I, along with DO G, removed the handcuffs as Nurse C, with the assistance of a JD officer, removed the spit sock. The Subject was then placed onto a gurney.

Los Angeles Fire Department personnel performed Cardiopulmonary Resuscitation on the Subject as he was loaded into the RA. Sergeants B and D believed the Subject's current medical condition could fit the criteria of a Categorical UOF investigation and immediately separated the officers and established a crime scene. The Subject was transported to the hospital, where he failed to respond to medical treatment and 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). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC, made the following findings:

A. Tactics

The BOPC found JD MSJ Sergeant A, Officers E, H, I and J, along with SDO B and DO C's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

The BOPC found Officers E, H, I and J, as well as DO C's use of non-lethal force to be in policy.

Basis for Findings

A. Tactics

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

1. Cell Extraction

JD MSJ Floor Supervisor, Sergeant A, was briefed by the officers of the Subject's bizarre actions. Based on the detention officers' previous observations and Sergeant A's observation, he believed an extraction may be necessary.

Officers H, I, and J, responded. Sergeant A briefed Officers E, H, I, and J along with SDO B and DO C on the Subject's behavior and advised them of a possible extraction. Sergeant A instructed Officer J to retrieve a helmet and a shield from the supervisors' office. Sergeant A also requested a video camera, in order to film the extraction as required by JD protocol. While waiting for the officers to arrive with the equipment, SDO B continued to persuade the Subject to place his hands in the tray slot for handcuffing.

Officer J observed the Subject approach the cell door and bend over, placing his buttocks area on the tray slot. Fearing the Subject was going to defecate and possibly attempt to soil him or one of his fellow officers with bodily fluids, Officer J placed his shield in front of the cell door, covering the slot. Officer J began to verbalize with the Subject. The Subject moved to the sink area on the east wall of his cell and with his back to the officers, placed his hands on the sink. The Subject continued to remain in this position. Sergeant A believed that Officer J had developed a rapport with the Subject. Sergeant A advised the officers that although the Subject was not following their specific direction, he appeared to make an attempt to cooperate with them. Based on his belief that the Subject was making an effort to cooperate with Sergeant A, he decided against an extraction and directed Officer J to put down the shield.

Note: Currently, the Department does not have policy on when an extraction is required. The Department has left that decision up to the supervisor's discretion. However, there is Department policy within the Jail Manual on Videotaping Procedures that includes Cell Extraction.

In reviewing this incident, the BOPC took into account the following factors. The Subject's mental state, as he exhibited bizarre, irrational, and aggressive behavior toward the JD personnel, coupled the possibility that he was suffering from hallucinations. There were a number of attempts made with different personnel to acquire the Subject's cooperation with their orders in order to handcuff him. Additionally, although there were continued attempts to gain compliance through verbalization, Sergeant A prepared his personnel for a possible cell extraction, as he continued to monitor the Subject's condition. Furthermore, Sergeant A took the time necessary to ready his personnel. With that said, as the Subject appeared to be responsive to the officers' commands, Sergeant A, at his discretion, appropriately deescalated the situation and decided against the cell extraction.

Officers should continuously assess the tactical situation before and during their encounter with a Subject, in particular one believed to possibly be under the influence of an intoxicant and/or suffering from a mental illness, possibly resulting in harm to him or others, as the JD personnel did in this instance.

Therefore, the BOPC determined the JD personnel's actions, including Sergeant A, did not deviate from approved Department tactical training. However, in an effort to enhance future tactical performance, this topic will be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

1. Cell Extraction Protocol

The BOPC discussed the criteria for when a cell extraction should be conducted. A review of current Department protocol and procedures, including the current Jail Operations Manual (JOM), revealed that this criterion is not clearly codified. It would be tactically prudent, during similar incidents such as this, to have Department approved criteria delineated for when Cell Extraction should be conducted within Department Jail Facilities. Therefore, the Director, Office of Special Operations, has been directed to review and assess this procedure, and amend if necessary, procedures and protocol, including JOM documentation, for when it is appropriate to conduct a Cell Extraction.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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

In conclusion, the BOPC found JD MSJ Sergeant A, Officers E, H, I and J, along with SDO B and DO C's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

- Officer E – Firm Grip, Bodyweight, Joint Lock, Physical Force
- Officer H – Firm Grip, Physical Force
- Officer I – Firm Grip, Physical Force, Joint Lock takedown
- Officer J – Firm Grip, Physical Force, Bodyweight
- Detention Officer C – Physical Force, Firm Grip, Bodyweight

After Sergeant A along with the other JD personnel devised a tactical plan and were ready to enter the cell, Officer D standing by in the control room remotely opened the Subject's cell door. Officer J entered the cell, followed by Officer I. Officer J took control of the Subject's left arm, holding the wrist and area above the elbow, as Officer I took control of the Subject's right arm. Officer I felt the Subject tense up and attempt to pull away, and Officer I believed the Subject was going to spin on him. Officer I responded by applying downward pressure on the Subject's right shoulder and guided him to the floor to his knees. Officers I and J struggled to maintain their balance, due to the bodily fluids present on the floor. Officer I observed the Subject unexpectedly go down to his stomach.

The Subject's upper torso was partially outside the cell, causing the officers limited space to safely maneuver. Officer I advised Officer J to completely move the Subject out of the cell. Officers I and J, still maintaining control of the Subject's arms, pulled the Subject out of the cell and onto the gangway. The Subject, face down on the floor was positioned with his right side partially against the railing of the gangway stairwell, as his left side was positioned on the floor.

The JD personnel initiated a swarm technique on the Subject in an attempt to handcuff him. The Subject began kicking his legs and attempted to wrap his right arm around the railing. Detention Officer C applied downward pressure with his hands to the Subject's legs, as Officer E attempted to gain control of the Subject's right arm. However, Officer E could not secure control of Subject's right arm, due to the bodily fluids that covered his body. As a result, the Subject was able to hook his right arm around the railing. Officer J believed the Subject intended to use the railing as a means to stand up and responded by extending the Subject's left arm outward and placing his right knee on the Subject's left shoulder. Simultaneously, Officer E placed his left knee on the Subject's left hamstring area.

The Subject began to urinate on the floor, as Officer E took hold of the Subject's right arm. Officer E, with the assistance of Officer I, positioned his right arm behind his back. Officer H took control of the Subject's right arm from Officers E and I and placed the handcuff on his wrist. The Subject continued to resist, causing Officer J to lose control of his left arm. Officer I observed Officer J losing his grip and took control of Subject's left arm. Officers I and J worked together to pull the Subject's left arm behind his back. Officer H handcuffed the left wrist by utilizing a second handcuff then completed the handcuffing procedure by connecting the two handcuffs.

After a thorough review of the incident, the BOPC determined that supervisors, officers and detention officers with similar training and experience as Sergeant A, and Officers E, H, I, J, along with DO C would reasonably believe the applications of non-lethal force would be reasonable to overcome the Subject's resistance in order to handcuff him. In conclusion, the BOPC found Officers E, H, I, J, along with DO C's non-lethal use of force to be objectively reasonable and in policy.