

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

LETHAL USE OF FORCE – 066-11

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

Hollywood	07/20/11		
-----------	----------	--	--

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

Officer A	10 years, 3 months
Officer B	12 years, 1 month

Reason For Police Contact

Witnesses observed the Subject and Witness A fighting on the street and flagged down officers. Officers approached the Subject and Witness A, intervened, and a use of lethal force incident occurred.

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

Subject: Male, 19 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 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 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 19, 2012.

Incident Summary

Officers A and B were assigned to work an event. Officers A and B were heading back to the police station when they were flagged down by three individuals in the street, who told them that a fight was going to occur and that the men involved were drunk drivers.

Officers A and B observed a Sport Utility Vehicle (SUV) stopped with one tire on the curb of the street with its headlights on. The officers subsequently observed two males, later identified as the Subject and Witness A, standing on the sidewalk adjacent to the SUV. The Subject and Witness A were within close proximity of each other and appeared to be engaged in a verbal dispute. Both were sweaty, agitated and appeared ready to fight.

The officers approached the aforementioned individuals and vehicle to investigate. Officers A and B did not update on their location ("Code Six") with Communications Division (CD).

Officer A, after noting that the Subject and Witness A were stumbling and had bloodshot eyes, asked the Subject and Witness A why the vehicle was parked the way it was. Officer A then directed them to step up against the wall. The Subject remained on the sidewalk, and Witness A stumbled toward the SUV's open passenger window. Officer A, fearing Witness A may possibly arm himself or destroy some type of evidence, directed Witness A to stand against the wall, and he complied.

At about the same time, the Subject looked in Officer B's direction and stated, "Fuck you." Officer B ordered the Subject to stand against the wall. The Subject failed to comply and took a step or two toward Officer B with his hands raised. Officer B pushed the Subject on the chest. The Subject fell backward and struck a metal drawdown door.

The Subject then charged toward Officer B. Officer A contacted CD via radio and requested a backup unit. Officers C and D contacted CD and advised that they were responding. Officer E also advised CD he was en route to the backup.

Witness B was across the street from where the incident occurred and observed the Subject push Officer B.

Officer B and the Subject were standing face to face when Officer B ordered the Subject to turn around and face the car. The Subject did not comply and brought his hands down, clenched his fists, and punched Officer B in the upper abdomen.

In response to the Subject's actions, Officer B grabbed the Subject by the collar area of his shirt, pulled him towards him and extended his right leg out while rotating his body to the right, causing the Subject to lose his balance and fall onto his back.

As soon as the Subject and Officer B hit the ground, Officer A ordered Witness A to sit on the sidewalk to the rear of the SUV. Witness A complied. Officer A observed Officer B and the Subject rolling and fighting on the ground. The Subject bit Officer B on the front left shoulder. Officer B continued to hold the Subject's right arm down with his left hand.

In response to the Subject's bite, Officer B punched the Subject near his left eye and the Subject momentarily stopped biting him. Officer B ordered the Subject to "Stop it!" The Subject did not respond and Officer B formed the opinion that the Subject was prepared to seriously hurt or kill him.

Officer A approached the Subject and placed body weight on the Subject's right side near his right lower back using his left knee. Officer B applied a twist lock on the Subject's right wrist and arm in an attempt to roll him over on his stomach, but the Subject was too sweaty. The Subject continued to roll his body to his left and simultaneously fling his right arm backward, according to the officers, attempting to "fish hook" Officer A's eyes, grab his gun, and bite Officer B. Meanwhile, Officer A continued to give the Subject commands to stop resisting, put his arms behind his back, and to stop biting. The Subject did not comply. In response to the Subject's aggressive actions, Officers A and B punched the Subject on the face in an attempt to control him, but the punches were not effective.

The officers were thrown to either side of the Subject as he rolled back and forth. Officer A believed the Subject was possibly under the influence of phencyclidine (PCP) due to his strength and that two men were on top of him and he was still able to roll underneath.

Witness C was also in the area when the incident occurred. He ran out to the street to watch the fight. Witness C observed the Subject bite Officer B and Officer A punch the Subject in the face. In response, the Subject stated, "fuck you" several times and spit at Officer A.

Meanwhile, Witnesses D and E were driving in the area when they observed the fight. Witness E parked, exited his vehicle, and ran to assist the officers. Witness E stated he grabbed the Subject's left arm and pulled it out to the side. Meanwhile, Officer A continuously yelled, "Stop resisting. Put your arms behind your back." The Subject did not comply.

The Subject continued to buck, kick, bite and head butt the officers. Officer B maintained control of the Subject's right arm and Officer A controlled his left. Officer B felt he could not reach his handcuffs without losing control of the Subject's right arm and requested Officer A's handcuffs. Officer A provided the handcuffs, and after several attempts both officers rolled the Subject to the left.

With the Subject on his stomach, Officer B controlled the Subject's left arm with one handcuff while Officer A attempted to gain control of the Subject's right arm and wrist to apply the other manacle. However, the Subject yanked his handcuffed left wrist underneath his upper body, drawing Officer B's left arm underneath the Subject's upper body as well. The Subject bit Officer B on his left forearm, causing it to bleed. Officer B released the handcuff and pulled back his injured arm to avoid further injury. Officer B then placed both hands on the back of the Subject's head and pushed his face into the pavement to keep the Subject's mouth away from himself and Officer A. The Subject continued to resist and raised his head multiple times.

Officer A then yelled that the Subject had his hand on Officer A's gun. According to Officer A, the Subject had a complete grip around his holstered service pistol. Officer A believed that if the Subject got a hold of his gun, the Subject would have used it against him and that the Subject's grabbing of the gun escalated the incident such that the use of deadly force was a possibility.

Officer A immediately capped the Subject's right hand with both of his hands in order to keep the gun in the holster, then punched the Subject once or twice in the face. Officer B never saw the Subject's hands on Officer A's gun or Officer A capping the Subject's hands. However, Officer B observed Officer A motion to his hip area and saw Officer A's hands over his right hip area where his gun was holstered.

Witness E indicated that he did not see the Subject attempting to grab Officer A's gun, though he heard someone say something in regards to trying to grab his gun. Witness E further believed that the Subject's arms were behind his back or to the side of him. Witness D stated he could not see the officers' or the subject's hands. Witness C observed the Subject reach up towards Officer A's hip with one arm.

Based on the Subject's attempts to remove Officer A's gun, the injury he inflicted on Officer B's forearm, and his continued struggle, Officer A believed the threat of serious bodily injury or death was imminent. Officer A placed his left forearm to the back of the Subject's head, neck and shoulder area in an effort to stop the Subject from causing further injury to Officer B's forearm, but the Subject continued to bite Officer B's forearm. Officer A placed both his knees and complete body weight on the Subject's right side back area and his right arm. With the Subject face down, Officer A noticed a gap between his chin and chest area. While controlling the Subject's right side, Officer A ordered the Subject, "Let go. Stop fighting."

Officer A knew the Subject was biting Officer B, observed blood coming from his partner's arm, and knew there was no way he could remove his weapon to shoot the Subject. The Subject's forehead was touching the ground and his mouth was on Officer B's forearm. Officer A was not able to do any type of arm choke or utilize another tactic, so he proceeded to make a fist with his left hand and placed it along the small opening under the Subject's throat and C-clamped the Subject's throat with his left hand. Within

seconds, the Subject gasped for air and Officer B was able to remove his arm from the Subject's mouth.

The Subject attempted to bite Officer B a second time, but was unsuccessful because Officer A still had his hand against the Subject's throat. The Subject attempted to bite Officer A's right hand, but was also unsuccessful as Officer A's right hand remained under the Subject's chin and away from his mouth.

After the bite was released, the Subject continued to roll. Once again, Officer B held down the Subject's right arm and wrist as Officer A rolled the Subject over on his stomach, again trapping the Subject's right arm underneath the Subject's upper body. The Subject's entire right arm was underneath his upper body but his right wrist was exposed on the left of his body allowing Officer B to maintain a grip. The Subject was no longer in a position to grab Officer A's pistol.

During the struggle to turn the Subject on his stomach, Officer B's left leg was trapped under the Subject's stomach. Officer A assumed top control on the center of the Subject's back, but his face was close to the Subject's, who subsequently head butted Officer A on the forehead.

Concerned for Officer A's safety, and realizing the Subject's actions had escalated to a level of deadly force, Officer B punched the Subject in the face three to four times. The punches landed on the Subject's face between his left eye and cheek. Officer B remained with his left leg trapped under the Subject's stomach while Officer A continued straddling the Subject's lower back. Officer B grabbed the Subject by the hair with both hands and slammed the Subject's face into the concrete three times in an attempt to render him unconscious and prevent the Subject from continuing to fight, bite, and head butt. Officer B believed he might have to shoot the Subject because he also believed that the Subject wanted to kill him and Officer A.

Meanwhile, Officers F and G advised CD that they had arrived at the location. Officer E also arrived and observed Officers A and B struggling to control the Subject. Officer E applied body weight on the Subject's buttocks as he grabbed the Subject's right hand and attempted to handcuff him.

Officer F assisted Officers A and B by using his body weight on the Subject's legs in an attempt to prevent the Subject from kicking the officers. Officer G walked to the right side of the officers and noticed Officers A and E on top of the Subject's back attempting to handcuff him. Officer G heard one of the officers say, "Hey partner, grab his right arm." Officer G noticed a manacle on one arm and the other manacle open. Officer A handed the Subject's arm and the open handcuff to Officer G. The officers gave the Subject continuous commands to stop resisting, but the Subject still refused to comply.

Officers C and D arrived next. Officer D applied body weight using both knees on the Subject's shoulder blades in an effort to keep the Subject on the ground.

Within a short period of time, a significant number of Department supervisors and officers arrived, and the Air Unit advised CD that sufficient units had arrived.

Officer H took a kneeling position in front of the Subject's head, grabbed the Subject's hair and pushed his head to the ground to prevent him from biting Officer B. Officer I placed his body weight near the Subject's buttocks. During the continued struggle, Officers I and J completed the handcuffing procedure. Officer K applied body weight to the Subject's left shoulder. The officers pulled Officer B from underneath the Subject's body. Officer H then released his grip from the Subject's hair.

At the time the help call was broadcast, Officers H and I were leaving Hollywood Station with an arrestee in their vehicle. The officers were approximately two blocks away from the incident and made the decision to respond with the arrestee secured in the back seat of their police vehicle. Every chance he had, Officer H checked his back seat to make sure the arrestee was still in the vehicle.

Officer F advised CD that the Subject was in custody and the incident had been resolved. Officer C contacted CD and requested a Los Angeles City Fire Department (LAFD) Rescue Ambulance (RA) for the Subject, who was conscious and breathing, with a bite wound to the arm.

Officers M and N arrived on scene and advised CD accordingly. An unknown officer asked them to monitor Witness A, which they did until they were relieved.

Officer E contacted CD and requested two additional LAFD Rescue Ambulances, one for Officer A and one for Officer B.

Once the Subject was in custody, the officers collectively formulated a plan to pick the Subject off of the ground and place him inside a vehicle. The Subject continued to kick, causing the officers to place a hobble restraint device around his legs. Officers D, E, I, and L picked up the Subject, carried him to the hood of the police vehicle, and laid him face down with his upper torso across the hood. The Subject continued to kick and strike the officers. In an effort to stop the Subject's actions, Officer D delivered three knees strikes to the Subject's left thigh area. The knee strikes were ineffective, and a second hobble restraint device was placed around the Subject's ankles.

The Subject continued to kick, spit, and bang his head on the hood as they waited for the RA. In response to the kicking, the officers picked up the Subject's legs off the ground. Officer J crossed the Subject's legs at the ankles and placed his body weight against the Subject's to prevent the Subject from kicking. Despite the officer's repeated

commands to “stop resisting” and their attempts to control him, the Subject continued to struggle and did not comply with officers’ commands.

Officers O and P arrived at the scene. Officer O approached the officers restraining the Subject on the police vehicle and noticed the officer to the Subject’s left appeared tired. Officer O relieved the officer and applied body weight to the Subject’s upper body to keep him from moving. Officer P also relieved an unknown officer attempting to control the Subject at the police vehicle.

Sergeant A arrived on scene and upon investigating the preliminary circumstances surrounding the incident and being briefed by Officer A, deemed the incident a categorical use of force and immediately separated Officers A and B.

Due to the Subject’s erratic behavior, Sergeant A directed Sergeant B to utilize a video camera and record the Subject as he struggled with officers at the police vehicle. Sergeant B then directed officers to canvass the area for witnesses.

Meanwhile, Detective A monitored the scene and noted the Subject’s actions, the officers struggling with the Subject and the officer’s injuries. Detective A requested that a Battalion Chief respond with the Rescue Ambulance, given that the Subject was an extremely combative subject.

Fire Department personnel responded to the scene, along with Battalion Chief A. Upon arrival, LAFD personnel observed that the Subject had an altered level of consciousness and was non-verbal. The officers picked up the Subject and placed him on a gurney. At the direction of medical personnel, the officers handcuffed the Subject’s wrist to the arm rails of the gurney and rolled the gurney into the RA. During the patient assessment, Firefighter/Paramedic A said the Subject was “very combative.” The subject was transported to the hospital.

Upon arrival at the hospital, the Subject was taken to the Emergency Room (ER). The officers monitored him from outside his treatment room after handcuffing him to his assigned bed. The hospital security team initially placed their restraints on the Subject but then opted to remove the restraints and medically sedate the Subject. Medical staff entered to observe the Subject, at which time the Subject began kicking and attempting to bite one of the officers. Officers C, D, Q and R applied pressure to the Subject’s arms and legs to prevent him from kicking. Hospital staff again placed restraints on the Subject.

The Subject was treated for an altered mental state and agitation. The Subject also had some soft tissue swelling of his left eye socket and forehead/scalp area. Hospital personnel conducted a urine drug/screening test in which the Subject tested positive for marijuana and also positive for 0.274 grams (g) per deciliter (dL) ethanol (alcohol). The Subject was admitted for observation.

The Subject did not remember anything after leaving the party. He did not remember being struck, hitting or fighting with any police officers, or anything regarding the incident until he woke up in the hospital. Witness A also recalled minimal details – he remembered only seeing the officers arrive and then waking up in the jail cell. The Subject expressed confusion about what had happened, asking officers who interviewed him and if they had the right person.

Fire Department personnel treated Officer B's bite wounds, bandaged his right hand, and transported him to the hospital, where he was also treated for his injuries.

Sergeant C transported Officer A to the hospital in a black and white vehicle. Upon arrival, Officer A was treated for a contusion to his forehead and pain to his right thumb.

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 Officers A, B, C, D, E, F, G, H, I, J, K, L, O, P, Q, and R's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

The BOPC found Officers A, B, C, D, E, F, G, H, I, J, K, L, O, P, Q, and R's use of non-lethal force to be in policy.

C. Lethal Use of Force

The BOPC found Officers A and B's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical consideration:

1. Code Six

In this instance, Officers A and B were directed to a possible drunk driving incident and approached to assess the situation. After initial contact was made, a series of rapidly unfolding events occurred that warranted that the officers take immediate action. The officers were concerned that Witness A was attempting to either arm himself or destroy evidence as he moved toward the SUV, and the Subject quickly displayed resistant behavior that had to be immediately addressed.

Officers must always strive to consistently maintain a tactical advantage during field contacts. With that in mind, although the officers did not broadcast a Code Six, in this situation, diverting their attention in order to broadcast could have hindered their ability to effectively deal with the unfolding tactical situation.

In the BOPC's consideration of the decision to not broadcast a Code Six location, they balanced that decision against the objective risks and commensurate dangers present to the officers. In addition, they acknowledged that a backup request was made as soon as practical. In the BOPC's assessment, they determined that, in this specific case, the decision not to broadcast a Code Six location was consistent with tactical guidelines in that there are circumstances wherein the tactical situation warrants such a delay. Although the policy was not strictly adhered to, tactical training allows for a deviation when the seriousness of the tactical scenario takes precedence.

In conclusion, although the decision to not broadcast a Code Six location substantially deviated from approved Department tactical training, it was justified in this case and consistent with the BOPC's expectation that officers maintain a tactical advantage. However, the BOPC will direct that this topic be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:
 - Punches to Boney Areas

Officers are reminded of the inherent dangers of striking boney areas with a closed fist. The officers could benefit from a review of the recommended impact

areas and a reminder that striking a hard bone area may cause self-injury. The BOPC directed that these topics be discussed during the Tactical Debrief.

- **Unmonitored Subject**

Officers responded with a subject secured in their vehicle and left him unattended to assist in the altercation. Although the BOPC acknowledged the seriousness of the incident, officers should be reminded of the importance of properly monitoring a subject who is in-custody. The BOPC directed that this topic be discussed during the Tactical Debrief.

- 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. Each tactical incident inherently results in considerations for improvement. In this instance, although there were identified areas for improvement, the tactical considerations neither individually nor collectively unjustifiably or substantially deviated from approved Department tactical training.

The BOPC determined that a Tactical Debrief is the appropriate mechanism for the significantly involved personnel 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.

In conclusion, the BOPC found Officers A, B, C, D, E, F, G, H, I, J, K, L, O, P, Q, and R's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

- **Officer A** – Bodyweight, Punches (four times to the face) and Arm/Shoulder Lock.
- **Officer B** – Physical Force, Push, Takedown, Bodyweight, Firm Grip, Punches (five times to the face) and Twist Lock.
- **Officer D** – Bodyweight, Physical Force and Knee strikes (three times to left thigh).
- **Officer E** – Bodyweight, Firm Grip.
- **Officer F** – Bodyweight.
- **Officer G** – Firm Grip.
- **Officer H** – Physical Force.

- **Officer I** – Bodyweight, Firm Grip.
- **Officer J** – Bodyweight left arm, Physical Force.
- **Officer K** – Bodyweight.
- **Officer L** – Bodyweight, Firm Grip, Physical Force.

In this instance, after the Subject punched Officer B in the abdomen, Officer B grabbed the Subject by the collar area of his shirt with both hands and pulled him closer to his body. Simultaneously, Officer B extended his right leg out while rotating his body in a clockwise direction, causing the Subject to lose his balance and fall onto his back. Officer B's momentum subsequently carried him on top of the Subject giving him top control. Officer B came to rest with his legs on the ground straddling the Subject around the upper torso and shoulder area. However, the momentum of the fall also brought Officer B's left shoulder in close proximity of the Subject's face, resulting in the Subject being able to bite Officer B's left shoulder.

In response to the Subject's bite, Officer B punched the Subject near his left eye, causing him to momentarily stop biting the officer. At this time, Officer B was able to assume an advantageous position over the Subject. Officer B continued to pin the Subject's right arm with his legs while he held down his left chest area using his right hand. There was a brief lull when Officer B ordered the Subject to "Stop it!" The Subject refused to comply and the violent physical altercation continued. Officer B formed the opinion that the Subject's violent actions were being raised to a level that involved serious bodily injury or death.

During the struggle, the Subject punched Officer B on the upper lip and continued to "gouge" and "fishhook" his eyes. With the Subject now on his stomach, Officer A approached the Subject on his right side. Officer A placed body weight on the Subject's right side near his right lower back using his left knee. Officer A then attempted to hold down the Subject's right arm by holding his triceps area with his left hand. At this point, Officer B applied a twist lock on the Subject's right wrist and arm and attempted to roll him to a prone position. The Subject resisted the officers and attempted to cause serious injury to them. Officers A and B punched the Subject on the face in an attempt to control him with negative results.

The fight continued on the pavement with the officers and the Subject constantly attempting to gain the advantage. The Subject was eventually moved onto his back as he continued to buck, kick, bite and head butt the officers. Officer B gained control of the Subject's right arm and Officer A controlled his left. Officer B felt he could not reach his handcuffs without losing control of the Subject's right arm and requested Officer A retrieve his handcuffs. Officer A retrieved the handcuffs and after several attempts both officers rolled the Subject to his left side. The Subject

was now positioned on his stomach when Officer B handcuffed the Subject's left arm with one manacle and Officer A attempted to apply the other manacle. Officer A was unable to apply the manacle to the Subject's unsecured right arm when the Subject pulled his handcuffed left wrist underneath his upper body. This action pinned Officer B's left arm underneath the Subject's upper body which caused him to be immobilized. The Subject then bit Officer B's left arm, which caused great bodily injury.

Officer E arrived and observed Officers B and A struggling to control the Subject. The Subject was on his stomach climbing up on his knees and lunging forward while Officer A was on the Subject's back. Officer E utilized bodyweight and placed his upper torso on the Subject's buttock as he simultaneously grabbed the Subject's right hand and attempted to handcuff him.

Officer F assisted the officers and utilized his bodyweight on the Subject's legs near the calf area in an attempt to prevent the Subject from kicking the officers. Officer G walked to the right side of the officers and noticed Officers A and E on top of the Subject's back area while they attempted to handcuff him. Officer G heard one of the officers say, "Hey partner, grab his right arm." Officer G noticed a manacle on the Subject's left wrist and the other manacle unsecured. Officer A gained control of the Subject's arm and subsequently relinquished control to Officer G.

Officer D applied bodyweight, using both knees on the Subject's shoulder blades, in an effort to keep the Subject on the ground. Officer H grabbed the Subject's hair and utilized the ground as a blocking agent to control the Subject's head. He applied pressure to his head holding it towards the ground which prevented him from having the ability to head butt or bite the arresting officers. Although resources continued to arrive, the officers were unable to handcuff the Subject due to his continued resistance. Officer I transitioned to a position to the left of the Subject and placed his body weight near the Subject's buttocks. The struggle continued until eventually Officers I and J completed the handcuffing procedure. Officer K approached the Subject from the left and assisted officers by applying body weight to the Subject's left shoulder area. The officers maneuvered and pulled Officer B from underneath the Subject's body. Officer H subsequently released his grip from the Subject's hair. The officers continued to verbalize with the Subject and communicate amongst themselves. This tactic enabled them take the Subject into custody without further injury to the Subject or arresting officers.

After the handcuffs were applied, the Subject continued to aggressively kick and spit blood at the officers. Officer E was handed a hobble restraint device (HRD) which he placed around the Subject's ankles and a spit hood was placed over the Subject's head. Officers D, E, I and L picked up the Subject and assumed a position to the Subject's left, right, upper torso and legs, respectively. Officer D assumed the leadership role and directed the officers to carry the Subject and place him against

the hood of an unidentified police vehicle. The Subject's upper torso was laid across the hood yet he continued to kick the detaining officers. In an effort to stop the Subject's actions and prevent further injury to the detaining officers, Officer D delivered three knee strikes to the Subject's left thigh area. The knee strikes were ineffective at which time Officer D applied a second HRD around the Subject's ankles to prevent him from further kicking the officers.

Officer J observed that the Subject continued to utilize his lower legs in an attempt to kick the officers, gained control of his legs, crossed them at the ankles and utilized bodyweight to prevent the Subject from kicking the officers.

The request for LAFD was subsequently made but their response was delayed. Consequently, the officers continued to restrain the Subject while he resisted their efforts. Officer O approached the officers restraining the Subject against the police vehicle and noticed the officers appeared exhausted. Officer O relieved an unidentified officer and applied body weight to the left side of the Subject's upper body in an effort to keep him from moving. Officer P also relieved an unidentified officer and began control the Subject's right side against the police vehicle.

- **Hospital**
- **Officer C** – Firm Grip, Physical Force, Bodyweight.
- **Officer Q** – Bodyweight, Firm Grip.
- **Officer R** – Bodyweight, Firm Grip.
- **Officer D** –Bodyweight.

The Subject was transported to the hospital while handcuffed to an LAFD gurney. The Subject arrived at the emergency room and the hospital medical staff instructed the officers to remove the handcuffs. As directed, the officers removed the handcuffs from the Subject. The medical staff returned to see the Subject; he woke, kicked and attempted to bite one of the officers. Officers C, D, Q and R approached the Subject and restrained his arms and legs with bodyweight and the use of firm grips in an attempt to prevent him from kicking. The Subject was again restrained to the hospital bed. The hospital medical staff administered a sedative that caused the Subject to become semi-conscious and compliant. Sometime later, the Subject again sat up and attempted to harm the officers, which again caused the officers to utilize bodyweight and firm grips to overcome the resistance. The hospital staff realized that as a result of the Subject's aggressive demeanor, the need to physically restrain him was essential. The Subject was placed in hospital restraints, by hospital personnel, and the officers were effectively relieved.

As a result of the Subject's actions, Officers A, B, C, D, E, F, G, H, I, K, L, O, P, Q and R applied a variety of non-lethal force options to take him into custody and safeguard the medical personnel at the hospital.

The BOPC determined that officers with similar training and experience as Officers A, B, C, D, E, F, G, H, I, J, K, L, O, P, Q, and R would reasonably believe that the use of non-lethal force would be appropriate based on the Subject's actions.

In conclusion, the BOPC found Officers A, B, C, D, E, F, G, H, I, J, K, L, O, P, Q, and R's use of non-lethal force to be objectively reasonable and in policy.

C. Lethal Use of Force

- **Officer A** – C-clamp.
- **Officer B** – Physical Force.

In this instance, Officer A observed the Subject biting Officer B's left forearm and noted blood running down Officer B's arm. Based on the Subject's attempts to inflict serious bodily injury on Officer B and his continued struggle, Officer A believed he may have to use deadly force. However, due to the close proximity and the Subject's continuous rolling during the struggle, Officer A decided the use of his service pistol was not feasible.

Officer A placed his left hand around the Subject's throat in a C-clamp position in an attempt to make the Subject remove his teeth from Officer B's forearm.

After the Subject opened his mouth and released his bite on Officer B's arm, both officers worked in tandem to position the Subject into a handcuffing position. Officer B's left leg inadvertently became trapped under the Subject's body while the Subject continued to flail his arms. The Subject then grabbed the grips of Officer A's holstered service pistol in an attempt to remove it. Officer A utilized a weapon retention maneuver when he placed both of his hands over his holstered service pistol while he prevented it from being removed. Officer A informed Officer B that the Subject was grabbing his service pistol. The officers were nearing exhaustion and feared that Officer A could be knocked unconscious by the Subject's continued use of head strikes, Officer B grabbed the Subject's head and forced his head repeatedly into the pavement.

Although the Subject was unable to remove Officer A's service pistol, it was evident that the Subject intended to severely injure or possibly kill both of the officers had they been unable to gain control of the Subject. Coupled with the fact that both officers had already sustained injuries and were nearing complete and utter exhaustion, the BOPC determined officers with similar training and experiences

would reasonably believe that the Subject's actions presented an immediate threat of serious bodily injury or death.

Additionally, consideration was given to whether the use of their service pistols would be a viable option; however, this option was deemed impractical because of their close proximity to each other and entanglement with the Subject. Therefore, Officer A elected to use a C-clamp to prevent the Subject from breathing and force him to release his bite on Officer B's arm while Officer B elected to slam the Subject's face into the pavement to render him unconscious.

The BOPC determined that an officer with similar training and experience would reasonably perceive that the Subject posed an immediate threat of serious bodily injury or death. Therefore, the decision to use lethal force was objectively reasonable and consistent with Department policy.

In conclusion, the BOPC found Officers A and B's use of lethal force to be objectively reasonable and in policy.