

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

**LAW ENFORCEMENT RELATED INJURY – 011-21**

<b>Division</b>	<b>Date</b>	<b>Duty-On (x) Off ( )</b>	<b>Uniform-Yes (x) No ( )</b>
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Hollenbeck	3/14/2021		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	10 years, 8 months
Officer B	14 years, 3 months
Officer C	27 years, 6 months
Officer D	16 years, 10 months

**Reason for Police Contact**

Officers responded to a Domestic Violence Restraining Order Violation radio call. While at scene, the officers contacted the Subject and a use of force occurred. During the arrest, the Subject sustained a fracture and laceration to her left pinky finger. The Subject was subsequently admitted to a local hospital for treatment of her injuries.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (x)</b>	<b>Non-Hit ( )</b>
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Female, 49 years of age.			
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**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding his 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 his matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on 2/8/2022.

## **Incident Summary**

On December 29, 2020, the Los Angeles County Superior Court issued a Domestic Violence Restraining Order, identifying the Subject as the restrained person and Witness A as the protected person. The Subject and Witness A are not married but have a child in common. The restraining order had an expiration date of December 29, 2023.

On March 14, 2021, at 0951 hours, the Subject knocked on the front door of Witness A's residence, in violation of the court order.

Witness A called 911 to report that the Subject was violating the court order and was under the influence of alcohol or drugs and a radio call was generated.

Uniformed Police Officer A, passenger, and Officer B, driver, were assigned to handle the radio call. Officers A and B had worked as partners on approximately five to ten occasions during the past few years. According to Officers A and B, at the start of watch, they discussed tactics, contact and cover, their tactical roles for the day, and radio communication.

According to Officer B, he/she did not respond to the call with the vehicle lights and sirens on, because they were a couple of blocks away, and he/she did not want to alert the Subject to their response

At 0954 hours, Officers A and B arrived at the residence. Officer A's Body Worn Video (BWV) captured the Subject standing on the public sidewalk in front of Witness A's residence, approximately ten feet away from Witness A as he/she stood on the covered porch of the residence. Officer A gave the Subject a command to put her backpack down on the ground. The Subject turned and ran west on the south sidewalk away from the officers. According to Officer A, he/she had responded to Witness A's residence on a prior date, and he/she determined that Witness A did not have a valid restraining order at that time. According to the officers, they did not detain the Subject at that time because she was on the public sidewalk and ran away as they arrived. The officers further stated they wanted to verify there was a valid restraining order and determine if a crime had been committed.

Officer A's body worn video captured images of Witness A holding papers in his hand that he presented to Officer A. According to Officer A, the documents Witness A provided had a court case number, with no order details or proof of service.

As Officer A reviewed the paperwork, the Subject walked back toward the officers and appeared to be agitated, stating she wanted to see her daughter. Officer B advised the Subject to take the matter up with the court. Officer A told Officer B that he/she was going to the police vehicle to use the computer to determine if a valid court order was on file. Officer A queried the computer to determine if there was a valid restraining order

on file. As Officer A waited for the computer data query response, the Subject walked away.

Officer A told Officer B that he/she verified the restraining order was valid, and the records indicated that the Subject had been served with the order in court.

Officer A advised Witness A that he/she was going to complete a crime report, attempt to locate the Subject, and arrest her. Officer A verified Witness A's information for the crime report. Officer A said that he/she and Officer B searched the area for the Subject and were unable to locate her.

Later in the day, Witness A reported that the Subject had returned to his/her residence, violating the restraining order, and requested a police response. The call was assigned to Officers A and B.

According to the officers, they had previously discussed a tactical plan to approach and arrest the Subject if they were to respond to Witness A's residence again. According to the officers, they knew that the Subject would be detained and arrested if she was located.

As the officers approached Witness A's residence, Officer B turned off the vehicle lights and siren. According to Officer B, he/she did not want to alert the Subject that they were arriving.

Officer B stopped the police vehicle and Officer A stated, "She's there outside." As the officers exited their vehicle and approached on foot, Officer A removed his/her TASER from the holster attached to his/her belt with his/her right hand and held it in a single hand grip. According to Officer A, he/she was concerned about the bags the Subject was carrying, because he/she did not know if the Subject had weapons concealed inside. According to Officer A, based on her demeanor and the bags she was carrying, the Subject was unsafe to approach. Officer A further stated that his/her intention was to de-escalate the situation

Officer A said, "Turn around and put your hands, on top of your head." The Subject said "No." Officer A warned the Subject that she would be "TAS'd" [sic] as he/she held the TASER pointed in the Subject's direction. The officers walked to the entry of Witness A's porch, as the Subject, who was near the front door, picked up two bags from the floor of the porch. According to Officer A, the incident happened so fast, he/she was unable to give the entire verbal use of force warning. Officer A gave the verbal command, "Stay right there." The Subject stated, "No, no move," as she walked toward the officers.

According to Officer B, the Subject turned to face the officers and started closing the distance in a menacing manner.

Officers A and B told the Subject to “stay right there,” as Officer A held the TASER in his/her right hand. The Subject stated, “No, move, move, I said move,” as she attempted to walk past the officers. Officer B took a firm grip hold of the Subject’s right bicep with his/her left hand and he/she grabbed ahold of the black bag in the Subject’s right hand with his/her right hand. Simultaneously, Officer A took a firm grip hold of the Subject’s right wrist with his/her left hand, as he/she held the TASER in his/her right hand. The Subject turned, facing the officers, and stepped backwards, as she attempted to pull away from their grip. The Subject dropped the black duffle bag she had in her left hand and raised her open left hand above her shoulder. With her fingers bent forward and fingernails pointed toward Officer B, the Subject swung her left hand toward Officer B’s face.

Officer B released his/her grip of the Subject’s bicep with his/her left hand, moved his/her head away from being struck and placed his/her left palm on the Subject’s chest, pushing her away. Officer B then grabbed ahold of the hood on the Subject’s jacket with his/her left hand; as he/she maintained a right-hand grip on the black plastic bag in the Subject’s right hand.

As the Subject attempted to break free of the officers’ grip, she bent forward at the waist and stepped backward. Officer A maintained the grip on the Subject’s right wrist with his/her left hand, extended his/her right hand forward, and pointed the TASER at the Subject’s torso.

The Subject reached toward Officer A and grabbed ahold of his/her right forearm with her left hand. At his time, Officer A discharged the TASER from an approximate distance of one foot.

The TASER probes impacted the Subject’s jacket at the left side of the torso, above the left hip. The probes were positioned approximately one inch apart.

Officer A depressed the TASER trigger and activated the TASER for a five second cycle. The TASER did not appear to cause a neuro-muscular incapacitation (NMI) effect on the Subject, as she continued to struggle with the officers. According to Officer A, the TASER did not work, and the Subject did not respond to it. The Subject continued to move backward, turned to her right, and backed up against the chain link fence in front of Witness A’s apartment. The Subject let go of the black bag in her right hand, pushed off the fence, took a step forward, and turned to her right; as she continued her attempts to break free from the officers’ grip. Officer B took a righthand grip of the Subject’s right elbow. The Subject released her left-handed grip of Officer A’s right wrist, as Officer A took a firm grip hold of the Subject’s right wrist with his/her left hand. The Subject then grabbed a hold of the TASER with her right hand as she pushed Officer A away with her left hand.

Officer A depressed the TASER trigger again and activated the TASER for a four second cycle. According to Officer A, he/she was involved in the struggle to control the Subject, and he/she was unaware that there was a second TASER activation.

The TASER did not cause an effect; as the Subject continued to struggle with the officers. As the TASER activation occurred, the Subject placed both of her hands on top of the TASER and pushed it down and away from her.

Simultaneously, Officer B slid his/her left hand and arm under the Subject's left armpit and grabbed ahold of her right hip with his/her right hand. Officer B pulled the Subject backward and off balance, causing her to release her grasp of the TASER.

The Subject reacted to the movement, grabbing ahold of the chain link fence with her right hand, as she fell backward to the ground in a semi-seated position with her back against Officer B's legs.

Officer B transitioned his/her left hand to a firm grip of the Subject's left elbow and his/her right hand to a firm grip of her right elbow. The Subject then kicked Officer A in the abdomen area with her left leg. Officer A used his/her knees to trap the Subject's legs and his/her bodyweight to push down on the Subject's legs to control her. Officer A simultaneously placed his/her left knee against the Subject's right thigh area, his/her left hand above the Subject's right knee and his/her right hand on the Subject's right shin area, as he/she used body weight to press the Subject down and against the fence. Officer A continued to hold the TASER in his/her right hand, as he/she pressed down on the Subject's right knee with his/her right hand. Officer B knelt down on the ground, placing his/her left knee against the Subject's right shoulder and used body weight to press her against the fence.

Officer A asked Officer B if he/she had control of the Subject. Officer A then released his/her grip of the Subject's right arm and transitioned the TASER from his/her right hand to his/her left hand. Officer A removed the probe wires from the TASER and holstered it.

The Subject attempted to stand up as Officer B maintained ahold of her left arm. Officer B stood up and pulled the Subject's arms above her head, as Officer A attempted to control the Subject's legs with his/her hands.

Officer A requested a backup and Officers C and D responded.

As the Subject continued to attempt to break free from Officer B's grip, Officer B pulled up on the Subject's arms, and Officer A took a firm grip of the Subject's left ankle with his/her right hand pulling the Subject's legs in the opposite direction, causing the Subject to roll onto her stomach. The Subject immediately moved to her right and onto her knees. Officer A then took a firm grip hold of the Subject's left arm and placed his/her right hand on the Subject's back to control his/he/her movement. Officer B maintained a right-hand grip of the Subject's left wrist and placed his/her left hand on the back of the Subject's shoulders using body weight to control her movement. Officer A maneuvered to the right side of the Subject and transitioned to a two-handed grip of her right arm. Simultaneously, Officer B maneuvered to the left side of the Subject and

took a two-handed grip of her left arm. As Officers A and B stood the Subject up, Officer B released his/her righthand grip of the Subject's left arm, took a firm grip of the back of her jacket, and placed the Subject against the fence. According to the officers, they used body weight and the fence to control the Subject.

Officer A positioned the Subject's right arm behind her back, with her elbow bent at approximately 90 degrees and hand pointed up toward her head. Officer A maintained control of the Subject's wrist as he/she removed the handcuffs from his/her utility belt and placed a cuff on the Subject's right wrist. At the same time, Officer B transitioned back to a two-handed grip of the Subject's left wrist and positioned his/her hand behind her back to assist with cuffing, as he/she continued to use body weight to push the Subject against the fence. Officer A placed a cuff on the Subject's right wrist and then attached the cuff to her left wrist. During the cuffing of the Subject, Officer A's body worn video camera became detached from the chest plate camera mount and it fell to the ground.

The officers maintained a firm grip of the Subject's arms as they began to walk her to their police vehicle. The Subject continued to resist the officers, by planting her feet on the ground and attempting to prevent their movement. Officers A and B had a brief conversation, in Spanish, discussing moving the Subject to the police car; that concluded with an agreement to walk her to the car. Officers A and B used physical force to overcome the Subject's resistance. As they approached the property entry gate the Subject again planted her feet, bent over at the waist, and went down to her knees. Officers A and B lifted the Subject up onto her feet, with a firm grip on her arms. The Subject attempted to pull away from the officers, and Officer B momentarily placed his/her open right hand on the back of the Subject's head, controlling her movement, while he/she maintained a firm grip of the Subject's right arm with his/her left hand. Officers A and B continued to walk the Subject to their police vehicle.

According to Officer B, as they approached the police vehicle, the Subject lunged forward toward the car. Officer B used the vehicle to control the Subject's movement and prevent her from hitting herself on the patrol car.

As Officers A and B placed the Subject in the rear seat of their police vehicle, she placed her foot into the door frame preventing the officers from closing the vehicle door. Officer B retrieved a hobble from the vehicle trunk. According to Officer B, because the Subject was kicking and using her feet to prevent the closing of the vehicle door, he/she made the decision to use the hobble.

Officers C and D arrived at the location and joined Officers A and B. Officer A warned the Subject that if she kicked anything, they would put the hobble on her legs. Officer B told the Subject to cooperate, as he/she placed the seatbelt on the Subject and attempted to close the door. The Subject again placed her feet in the door frame preventing Officer B from closing the door. The Subject then stated that she was having a "heart attack".

As Officer B began to place the hobble on the Subject's legs, she began to kick her feet. Officer B took a firm grip of the Subject's left ankle and placed the hobble on it, while Officer D took ahold of the hobble controlling the Subject's left leg, as Officer B then took a firm grip of the Subject's ankles. As Officers B and D attempted to control the Subject's legs to apply the hobble, she continued to kick. Officer C reached around the open door and took a firm grip of the Subject's right pant leg to assist with applying the hobble. Simultaneously, Officer A took ahold of the Subject's right arm and shoulder and pulled the Subject backward, deeper into the vehicle. Officer B transitioned to a two-handed grip of the Subject's ankles as Officer C adjusted and secured the hobble around her ankles. Once the hobble was secured on the Subject's ankles, Officer B closed the door. As Officer B closed the door, the Subject rolled to her right and onto her stomach.

Officer A requested an ambulance to respond to the location for a TASER injury. Officer A then retrieved his/her body worn video camera from the ground where it had fallen during the incident. Officer A reattached the camera to the chest plate mount on his/her uniform and continued to record the incident.

Officer C observed that the Subject was laying on her stomach on the back seat and directed Officer B's attention to the Subject. Officers B and C walked to the passenger side of the vehicle. Officer C opened the rear door of the vehicle and asked the Subject to roll onto her side. The Subject complied and rolled onto her right side.

A Los Angeles County Fire Department (LAFD) Rescue Ambulance (RA) arrived at the location. Officer A told the paramedics that the Subject had been struck by the TASER. Officer A said that he/she did not believe the TASER probes made contact, because the Subject did not react to the TASER. Officer A further advised the paramedic that the Subject had a cut on her hand and that he/she believed the Subject was under the influence of narcotics.

As the paramedic assessed the Subject's condition, she was uncooperative and demanded that the hobble be taken off. Officer C talked to the Subject to gain her cooperation, assisted her to her feet, and out of the vehicle. Officers B and C guided the Subject to the gurney provided by LAFD. The Officers secured the Subject to the gurney and handcuffed her wrists to the hand rails. Officer B loosened the hobble and repositioned it from the ankle to the calf area.

The Subject was transported to a local hospital to have the TASER probes removed by the medical staff.

Officer D rode in the ambulance with the Subject, as Officer C drove their police vehicle and followed the RA to the hospital. The Subject did not make any statements during the drive to the hospital.

## **BWV and DICVS Policy Compliance**

<b>NAME</b>	<b>TIMELY BWV ACTIVATION</b>	<b>FULL 2-MINUTE BUFFER</b>	<b>BWV RECORDING OF ENTIRE INCIDENT</b>	<b>TIMELY DICVS ACTIVATION</b>	<b>DICVS RECORDING OF ENTIRE INCIDENT</b>
Officer A	Yes	Yes	No	No	No
Officer B	Yes	Yes	Yes	No	No
Officer C	Yes	Yes	Yes	N/A	N/A
Officer D	Yes	Yes	Yes	N/A	N/A

## **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, and D's tactics to warrant a Tactical Debrief.

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

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

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

The BOPC found Officer A's less-lethal use of force to be In Policy.

## **Basis for Findings**

In making its decision in his 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. The Los Angeles Police Department also recognizes 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 principle 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, feasible, and reasonable to do so. As stated below, when warranted, Department



personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

**Use of De-Escalation Techniques:** It is the policy of his Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

**Verbal Warnings:** Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

**Proportionality:** Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

**Fair and Unbiased Policing:** Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender

expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

**Use of Force – Non-Deadly:** It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

**Factors Used to Determine Objective Reasonableness:** Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

**Rendering Aid:** After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

**Requirement to Report Potential Excessive Force:** An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

**Requirement to Intercede When Excessive Force is Observed:** An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

## Definitions

**Deadly Force:** Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

**Feasible:** Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Imminent:** Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

**Necessary:** In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

**Objectively Reasonable:** The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, "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 test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

**Serious Bodily Injury:** Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

**Totality of the Circumstances:** All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

**Vulnerable Population:** Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

## **A. Tactics**

### *Tactical De-Escalation Techniques*

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*  
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/he/her or he/her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – During the past few years, Officers A and B had worked as partners on approximately five to ten occasions. According to Officers A and B, at the start of their watch, they discussed tactics, contact and cover, their roles for the day, and radio communications. Before responding to the second radio call, Officer A and B discussed a tactical plan to approach and arrest the Subject if she returned to Witness A's residence.

**Assessment** – According to Officers A and B, during the first call, they wanted to verify there was a valid restraining order on file and determine if a crime had been committed before detaining the Subject. According to Officer A, he/she had responded to Witness A's residence on a prior date during which he/she had determined that Witness A did not have a valid restraining order against the Subject. As the officers exited their police vehicle during the second call and approached the porch, Officer A unholstered his/her TASER and held it in his/her right hand. According to Officer A, he/she was concerned that a weapon may have been concealed inside the Subject's bags.

**Time** – During the first radio call, the Subject fled before officers could verify that a valid restraining order was on file. When officers arrived at the second radio call, the Subject was on Witness A's porch, near his/her front door. When Officers A and B attempted to detain the Subject, she told them, "no," and to move as she attempted to walk past the officers. According to Officer A, the incident happened "so fast," that he/she was unable to give the Subject the entire use of force warning. The Subject's actions reduced Officers A and B's ability to use time as a de-escalation technique.

**Redeployment and/or Containment** – Officers A and B attempted to detain the Subject while she was standing on Witness A's porch. The Subject's actions of attempting to walk past the officers reduced their ability to use redeployment/containment as a de-escalation technique.

**Other Resources** – To de-escalate the situation and gain the Subject's compliance, amongst other reasons, Officer A unholstered his/her TASER. During the use of force, Officer A requested backup units. After the Subject was detained, Officers A and B requested a supervisor and LAFD.

**Lines of Communication** – During the first radio call, the Subject appeared to be agitated, stating that she wanted to see her daughter. In response, Officer B advised the Subject that she needed to address the matter in court. Arriving at the second radio call, Officer A stated, "She's there outside," directing his/her partner's attention to the Subject. Approaching the front porch, Officer A ordered the Subject to turn around and put her hand on her head. The Subject replied, "No!" As he/she pointed the TASER in her direction, Officer A warned the Subject that she would be tased. According to Officer A, due to the dynamic nature of the incident, he/she was unable to give the entire use of force warning. Officer A then ordered the Subject to, "Stay right there." During the use of force, Officers A and B communicated with each other and ordered the Subject to stop resisting. Before holstering his/her TASER, Officer A asked Officer B if he/she had control of the Subject. After she was handcuffed, Officers A and B

discussed moving the Subject to their police vehicle before doing so. After she rolled to her stomach, Officer C told the Subject to roll to her side.

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

- 1. Tactical Vehicle Deployment** – During the second radio call, Officers A and B parked their police vehicle in the street in front of Witness A's apartment. While Officers A and B had formulated a plan to arrest the Subject, inappropriate positioning can leave officers vulnerable to attack. Parking a few houses away and approaching the location on foot affords officers a tactical advantage.
- 2. Contact with Suspect while holding a TASER** - As the Subject attempted to walk past the officers, Officer A placed a firm grip on the Subject's right wrist with his/her left hand as he/she held his/her TASER in his/her right hand. Officer A was still holding the Subject with his/her left hand when he/she activated his/her TASER. Following the first activation, the Subject was able to grab the TASER and push it away during the second activation.
- 3. Hobble Restraint Device Protocols** – Due to the Subject's ongoing resistance, a HRD was applied to his/her ankles. As Officers A and B closed rear passenger doors, the Subject rolled to her stomach. Observing the Subject lying on her stomach, Officer C asked the Subject to roll onto her side. According to FID investigators, approximately one minute and ten seconds elapsed between the time Officers A and B closed the police vehicle's rear doors and Officer C telling the Subject to roll to her side. Investigators were unable to determine if the Subject was in the prone position for the entire one minute and ten seconds.
- 4. Searches of Arrestees** – Following the Subject's arrest, she was placed in the back of Officers A and B's police vehicle. After Officer D arrived, Officer B advised him/her that they would search the Subject at the station. Due to the Subject's ongoing resistance, a HRD was applied to her ankles. The Subject's waistband area was not searched after the HRD was applied, nor was she searched before being placed in the ambulance.
- 5. Non-Medical Face Coverings** – Officers A and B were not wearing non-medical face coverings at the scene as directed by the Chief of Police on May 20, 2020. To minimize concerns related to health and safety stemming from COVID-19, the BOPC directed this to be a topic of discussion during the Tactical Debrief. Any additional Department personnel at the scene not wearing non-medical face coverings were to be addressed at the divisional level.
- 6. Medical Treatment/Rendering Aid**

At approximately 1657 hours, Officer A broadcast a request for an ambulance due to the TASER deployment. At 1702 hours, an LAFD RA arrived at scene.

Officer A told the paramedic that while a TASER had been used on the Subject, he/she did not believe the probes contacted her skin. Officer A also advised the paramedic that the Subject had suffered a cut on her hand and he/she believed she was under the influence of narcotics. The Subject was given a sedative and transported to a local hospital.

The Subject sustained a minor laceration and a fracture to her left pinky finger. The Subject was admitted to the hospital due to alcohol intoxication and for further monitoring for possible infection of her finger injury.

- The BOPC also considered the following:

**Hobble Restraint Device** – Officers A and B did not have an HRD on their person during the incident. As this issue was addressed at the divisional level through an Informal Meeting and a Supervisory Action Item (SAI), with Operations Central Bureau (OCB) and Office of Operations (OO) concurrence, the BOPC deemed that no further action was necessary.

These topics were to be discussed at 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, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of his case, the BOPC determined that Officers A, B, C, and D's tactics were not a substantial deviation from approved Department tactical training.

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

Thus, the BOPC found Officers A, B, C, and D's tactics to warrant a Tactical Debrief.

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

- **Officer A** – (3) Firm Grips, (3) Physical Force, (2) Bodyweight, (1) Wristlock
- **Officer B** – (9) Firm Grips, (4) Physical Force, (4) Bodyweight, (1) Wristlock
- **Officer C** – (1) Firm Grip
- **Officer D** – (1) Firm Grip

As the Subject attempted to walk past the officers, Officer B placed a **Firm Grip** on the Subject's right bicep with his/her left hand and grabbed hold of the Subject's plastic bag with his/her right hand. Simultaneously, Officer A placed a **Firm Grip** on the Subject's right wrist with his/her left hand, as he/she held his/her TASER in his/her right hand. The Subject turned toward the officers as she stepped back, attempting to pull away from their grips. The Subject dropped her backpack, raising her open left hand above her shoulder. With her fingers bent forward and fingernails pointed toward Officer B, the Subject swung her left hand toward his/her face. Officer B released his/her grip on the Subject's bicep, moved his/her head, and placed his/her left palm on the Subject's chest, pushing her away (**Physical Force**). Officer B then grabbed the hood on the Subject's jacket with his/her left hand (**Firm Grip**) as he/she maintained a right-hand grip on her black plastic bag.

As the Subject attempted to break free of the officers' firm grips, she bent forward at the waist and stepped back. As Officer A maintained his/her grip on the Subject's right wrist with his/her left hand, he/she extended his/her right hand forward, pointing his/her TASER at the Subject's torso. The Subject reached toward Officer A, grabbing hold of his/her right forearm with her left hand. Officer A deployed his/her TASER in Probe Mode at the Subject. According to Officer A, the Subject did not respond to the TASER. According to the FID investigation, the Subject continued to move back, turned to her right, and backed up against the chain-link fence in front of Witness A's apartment. The Subject let go of the plastic bag, pushed off the fence, took a step forward, and turned to her right as she continued her attempts to break free from the officers' grips.

Officer B took a right-hand **Firm Grip** of the Subject's right elbow. As Officer A held the Subject's right wrist with his/her left hand, she released her grip of Officer A's right wrist. The Subject then grabbed the TASER with her right hand as she pushed Officer A away. Officer A's TASER was inadvertently activated a second time. According to the FID investigation, the TASER did not cause neuro-muscular incapacitation (NMI). As the TASER activation occurred, the Subject placed both of her hands on the TASER, pushing it down and away from her. Simultaneously, Officer B slid his/her left arm under the Subject's left armpit as he/she held her right hip with his/her right hand. Officer B pulled the Subject back, causing her to lose balance, and releasing her grip on the TASER (**Physical Force**).

In response, the Subject grabbed hold of the chain-link fence with her right hand as she fell backward to the ground in a semi-seated position with her back against Officer B's legs. Officer B transitioned his/her left hand to a **Firm Grip** on the Subject's left elbow and his/her right hand to a **Firm Grip** on her right elbow. The Subject then kicked Officer A in the abdomen with her left leg. Officer A trapped the Subject's legs with his/her knees, applying **Bodyweight** to control her. Simultaneously, Officer A placed his/her left knee against the Subject's right thigh, his/her left hand above the Subject's right knee, and his/her right hand on the Subject's right shin, as he/she applied **Bodyweight** to press her down and against the fence. Officer B knelt on the ground, placing his/her left knee against the



Subject's right shoulder, and using **Bodyweight** to press her against the fence. Officer A ordered the Subject to, "stop fighting," and "stop resisting." The Subject responded, "You guys are going to die right now." The Subject attempted to stand up as Officer B maintained a hold of her left arm. Officer B stood up and pulled the Subject's arms above her head (**Physical Force**) as Officer A attempted to control her legs with his/her hands.

As the Subject continued to attempt to resist, Officer B pulled up on her arms as Officer A took hold of the Subject's left ankle with his/her right hand, pulling her legs in the opposite direction (**Physical Force**), causing the Subject to roll onto her stomach. The Subject immediately moved to her right, onto her knees. Officer A then placed a **Firm Grip** on the Subject's left arm with his/her left hand and placed his/her right hand on the Subject's back to control her movement. Officer B maintained a firm grip on the Subject's left wrist with his/her right hand while placing his/her left hand on the back of the Subject's shoulders, using **Bodyweight** to control her movement.

Officer A moved to the Subject's right side, placing a two-handed **Firm Grip** on her right arm. Simultaneously, Officer B moved to the Subject's left side, placing a two-handed **Firm Grip** on her left arm. As Officers A and B stood the Subject up, Officer B released his/her right-handed grip on the Subject's left arm, applying a **Firm Grip** of the back of her jacket as Officer B placed her against the fence. According to Officers A and B, they used **Bodyweight** and the fence to control the Subject's movements as Officer A ordered her to, "stop resisting." Officer A transitioned the Subject's right arm behind her back with her elbow bent at approximately 90 degrees and her hand pointed up toward her head (**Wristlock**). Officer A maintained control of the Subject's arm as he/she handcuffed her right wrist. Simultaneously, Officer B transitioned back to a two-handed grip on the Subject's left wrist, positioning her left arm behind her back as he/she used body weight and the fence to control the Subject's movements (**Wristlock**). Officer A then handcuffed the Subject's left wrist.

As they began to walk her to their police vehicle, Officers A and B maintained firm grips on the Subject's arms. The Subject continued to resist by planting her feet to prevent her movement. Agreeing to move the Subject to their police vehicle, Officers A and B pulled the Subject (**Physical Force**) to overcome her resistance. To stop her movement, the Subject again planted her feet, bent at the waist, and knelt as they approached the front gate. In response, Officers A and B lifted the Subject to her feet. As the Subject attempted to pull away from the officers, Officer B momentarily placed his/her open right hand on the back of her head, controlling her movement (**Physical Force**), while Officer B maintained a firm grip of the Subject's right arm with his/her left hand. Officers A and B continued to walk the Subject to their police vehicle. According to Officer B, as they approached their police vehicle, the Subject lunged forward. Officer B used the police vehicle's left rear quarter panel as a barrier to control the Subject's movement and prevent her from hitting the car (**Bodyweight**).

According to the FID investigation, because the Subject was kicking and using her feet to prevent the closing of the vehicle's left rear door, Officer B decided to apply an HRD. As Officer B began to place the HRD on the Subject's ankles, she began to kick her feet. To overcome her resistance, Officer B placed a **Firm Grip** on the Subject's left ankle as he/she applied the HRD. To assist Officer B, Officer D took hold of the HRD, controlling the Subject's left leg as Officer B placed a **Firm Grip** on the Subject's right ankle. The Subject continued to kick as Officers B and D attempted to control her legs. To assist with hobbling the Subject, Officer C placed a **Firm Grip** on the Subject's right pant leg. Simultaneously, Officer A took hold of the Subject's right arm and shoulder, pulling her (**Physical Force**) deeper into the police vehicle. Officer B transitioned to a two-handed **Firm Grip** on the Subject's ankles as Officer C adjusted and secured the HRD. Once the HRD was secured on the Subject's ankles, Officer B closed the door.

The BOPC assessed Officers A, B, C, and D's use of non-lethal force. The BOPC noted that Officers A and B responded to two radio calls for restraining order violations involving the Subject. The BOPC also noted that the comments of both calls indicated the Subject was under the influence. During the first call, Officers A and B verified that Witness A had a valid restraining order on file against the Subject. Following the first call, Officers A and B determined they would arrest the Subject for the violation if she was located. Despite avoiding apprehension during the first call, the Subject chose to return, demonstrating her disregard for authority. Arriving at the scene during the second call, Officers A and B attempted to gain the Subject's voluntary compliance, ordering her to turn around and place her hands on her head. Despite the presence of a TASER, the Subject refused to comply. When the Subject attempted to walk past officers, firm grips were used to prevent her escape. As the Subject continued to resist, Officers A and B used additional firm grips, physical force, and body weight to overcome her resistance and affect her arrest. The BOPC noted that as force was being applied, the officers were measured in their response, worked as a team, and communicated with each other as well as the Subject. The BOPC also noted that despite the Subject striking Officer A and attempting to strike Officer B, they did not respond in kind.

The BOPC noted that after she was handcuffed, the Subject continued to resist, requiring Officers A and B to use additional firm grips, physical force, and bodyweight to place her into the police vehicle. Officers C and D also used firm grips to help overcome the Subject's resistance. The BOPC also noted that LAFD had to administer a sedative to the Subject before transporting her to the hospital. The BOPC further noted that per the FID investigation, alcohol intoxication was a contributing factor in the Subject's admittance to the hospital.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B, C, and D, in the same situation, would reasonably believe the application of non-lethal force was proportional and objectively reasonable.

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

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

- **Officer A -- (TASER)**

**First Activation** – TASER X26, one five-second activation in probe mode, from approximately one foot.

The Subject was standing on Witness A's porch near the front door when Officers A and B arrived at scene during the second call. The Subject possessed a backpack and a black plastic trash bag. As the officers exited their police vehicle and approached the porch, Officer A unholstered his/her TASER and held it in his/her right hand. According to Officer A, he/she was concerned that a weapon may have been concealed inside the Subject's bags. Officer A also unholstered his/her TASER to de-escalate the situation and gain the Subject's compliance. Officer A ordered the Subject to turn around and put her hands on top of her head. The Subject replied, "No, I'm going!" As he/she pointed the TASER in her direction, Officer A warned the Subject that she would be tased. According to Officer A, due to the dynamic nature of the incident, he/she was unable to give the entire use of force warning. Officer A then ordered the Subject to, "Stay right there." The Subject responded, "No, move, move, move!" as she walked toward the officers. To detain the Subject, Officer B grabbed the Subject by her right bicep. The Subject tensed and started pulling away. The Subject dropped her backpack, turned to face Officer B, and raised her left hand to strike his/her face. In response, Officer A deployed his/her TASER in probe mode. According to Officer A, he/she was two to three feet from the Subject when he/she deployed the TASER. According to the FID investigation, Officer A was approximately one foot from the Subject when he/she deployed the TASER.

**Second Activation** – TASER X26, one four-second activation in probe mode.

According to Officer A, he/she was unaware that a second TASER activation had occurred. He/she advised that the activation was unintentional.

The BOPC assessed Officer A's use of less-lethal force. As previously stated, the BOPC noted that Officers A and B responded to two radio calls for restraining order violations involving the Subject. The BOPC also noted that the comments of both calls indicated the Subject was under the influence. During the first call, Officers A and B verified that Witness A had a valid restraining order on file against the Subject. Following the first call, Officers A and B determined they would arrest the Subject for the violation if she was located. Despite avoiding apprehension during the first call, the Subject chose to return, demonstrating her disregard for authority to the BOPC. Arriving at the scene during the second call, Officers A attempted to gain the Subject's voluntary compliance, exhibiting his/her TASER and ordering the Subject to turn around and place her hands on her head. Despite the presence of a TASER, and a partial use of force (UOF) warning, the Subject refused to comply, attempting to walk past officers.

When Officer B attempted to detain the Subject using a firm grip, she attempted to strike Officer B's face with her hand. In response, Officer A activated his/her TASER.

The BOPC took into consideration that the Subject escalated the incident when she attempted to walk past the officers. The Subject further escalated the incident when she attempted to strike Officer B's face. Based on her actions, the BOPC opined that the Subject was violently resisting during Officer A's first TASER activation.

Regarding the second TASER activation, the BOPC noted that according to Officer A, he/she was unaware that it had occurred. The BOPC also noted that when the second activation occurred, the Subject was still violently resisting and had grabbed Officer A's TASER. While the FID investigation was unable to determine exactly how the second activation occurred, the BOPC opined that based on the Subject's level of resistance, the use of less-lethal force was proportional and objectively reasonable.

Regarding Officer A's partial use of force warning, while the BOPC would have preferred that he/she had given a complete warning, they noted the dynamic nature of the incident, as dictated by the Subject's actions. Regarding Officer A's decision to engage the Subject while holding the TASER, while the BOPC would have preferred that Officer A had holstered his/her TASER before engaging the Subject, the BOPC noted that his/her actions were not against policy, as the TASER can be placed directly against a suspect when activated in various modes.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the use of less-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officer A's less-lethal use of force to be In Policy.