

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

CAROTID RESTRAINT CONTROL HOLD AND HEAD STRIKE – 006-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No (X)
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Foothill	1/17/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	8 years, 5 months
Officer B	5 years, 10 months
Officer D	1 year, 4 months

Reason for Police Contact

When officers attempted to detain the Subject, the Subject attempted to flee and a struggle ensued during which an officer used a carotid restraint control hold and a head strike.

Suspect	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 20 years old.

Board of Police Commissioners' Review

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

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

The following incident was adjudicated by the BOPC on December 13, 2016.

Incident Summary

Officers A (driver) and B (passenger) were conducting patrol duties in a police vehicle. Officer A backed the police vehicle into a parking spot in the parking lot of a convenience store. The convenience store was located on the northeast corner of the intersection. The police vehicle was facing the front of the store. The officers stated they stopped at the store to use the restroom. Additionally, both officers, during their time working in the area, said they had received numerous complaints from store employees concerning transients loitering in front of the store, shoplifting and asking customers for money. As the officers exited the police vehicle, they noticed numerous transients standing in front of the store.

Note: The store has a sign affixed to the front of the store, next to the entrance door, which stated that loitering was prohibited.

Officer A recognized one of them as the Subject. The Subject was standing approximately 20 feet to the right (east) of the store door. Officer A told Officer B that he had previously had contacts with the Subject and his parents when the Subject was a juvenile. He knew that the Subject had caused problems in the past.

As the officers approached the store, Officer B entered the front door of the store and spoke with the clerk while Officer A held the door open and spoke with the Subject. According to Officer B, the store clerk, Witness A, told him that the Subject was annoying customers and he wanted him to leave. When Officer B exited the store to relay the clerk's request to Officer A, he observed Officer A already speaking to the Subject.

Note: A video camera in the front of the store captured the initial contact between Officer A and the Subject. The video system did not capture audio.

According to Officer A, he approached the Subject and said, "How you doing?" the Subject replied with an expletive. Officer A then asked the Subject how his parents were and the Subject replied, "Hey, why don't we go around the corner and you take that gun and badge off." Officer A told the Subject it was time for him to leave.

Note: The Subject told investigators that he felt disrespected by Officer A when Officer A asked how his mother was. The Subject admitted he had asked Officer A if he wanted to fight.

According to Witness B, who was standing outside the store, he overheard the officer ask the Subject how his mother was and the Subject replied to him with an expletive. He then heard the Subject tell the officer he was not on probation and could do whatever he wanted. The Subject called the officer an expletive and told him to take off his badge.

According to Officer A, Officer B exited the store and told him that the Subject had been causing the store clerk problems, and the clerk wanted the Subject to leave. Officer A then told the Subject he was causing problems at the store and that he needed to leave. The Subject replied, "No. I'm not [expletive] leaving. I'm not going anywhere." Officer A continued to talk to the Subject, attempting to de-escalate the situation and get him to cooperate.

Note: According to the Subject, "[...] he's just come telling me without anyone notifying me that I can't be at store. 'How are you doing, the Subject? How's your mom?' And then, you know -- you know, 'Turn around. You're under arrest.' Not even can you please leave this store. The guy's asking you not to be here; was never told, was never asked."

According to Officer B, when the Subject asked why Officer A was talking to him, Officer A replied that the Subject was loitering in front of the store, which was a violation. Officer B also noticed that the entire time Officer A was talking with the Subject, the Subject was staring at him with his hands clenched.

According to Officer A, because the Subject was being hostile and refusing to cooperate, he decided to check him for warrants. Officer A told him, "Hey you need to turn around and put your hands behind your back." The Subject replied with an expletive and stated, "I'm not doing it."

Officer B broadcast their status and location. He also advised the Subject that the clerk did not want him in front of the store any longer.

According to Officer B, Officer A then told the Subject, "You're going to turn around. You're going to put your hands behind your back. I'm going to pat you down for weapons, because you keep, you know, reaching towards your waistband, and you have a big heavy jacket on. And we're going to run your name and advise you to leave after that. And then, you know, if everything goes according to plan, you're out of here." The Subject kept staring at the officers with his fists clenched.

According to Witness B, who was standing in front of the store, the officer told the Subject to put his hands up. The Subject appeared to be under the influence of narcotics and replied that he was not going to put his hands up and uttered an expletive. The officer was able to get the Subject to the ground, but the Subject got away and started to run.

Note: The Subject admitted he had used crystal methamphetamine the day before and had not slept for the past four to five days. In order to avoid going to jail, the Subject said he ran, and did not go to the ground until he reached the southeast corner of the store parking lot.

Force Investigation Division (FID) investigators reviewed the store video that depicts the contact between the Subject and the officers. The video did not show the Subject going to the ground while in front of the store.

According to Officer A, he attempted to grab the Subject's elbow and apply a firm grip to his wrist. The Subject assumed a boxing stance, and Officer A stepped back to create distance. Officer A unholstered his TASER with his left hand and pointed it toward the Subject. The Subject then turned and ran south through the store parking lot. Officer A believed the Subject was under the influence of narcotics and a danger to himself and the community, so he ran after him. As he was running, Officer A could hear his partner behind him saying something into the radio.

According to Officer B, when Officer A attempted to grab the Subject's arm, the Subject jerked away and ran south. Officer B was running approximately 25 to 35 feet behind his partner. As he ran, Officer B requested a back-up. According to the Subject, he ran because he did not want to go to jail for sitting in front of the store asking for money.

According to Witness B, the officers tackled the Subject in the middle of the parking lot, but he got away and ran again. When the Subject reached the end of the parking lot, the officers again tackled him and used the TASER to stun him three or four times. The TASER seemed to have no effect on the Subject.

Note: According to Officers A and B, the Subject did not go to the ground until he reached the southeast portion of the store parking lot, and Officer A utilized the TASER in probe mode on him.

Although Officer B claimed the Subject was tased three or four times, Officer A's TASER recorded only one five-second activation at this time.

The store video depicts the Subject, while being chased by the officers, falling to the ground only when he reached the southeast corner of the store parking lot. The video was of poor quality and it was unclear if the Subject fell to the ground as a result of being tased or if he tripped.

According to the Subject, after running approximately 10-15 feet, he was tased and fell to the ground.

According to Officer A, as the Subject reached the south driveway of the parking lot, he stumbled, turned toward Officer A, and again assumed a fighting stance with his fists clenched and raised. Officer A fired the TASER toward the Subject, but it seemed to be ineffective.

The Subject got up, ran to the sidewalk, and then ran east. Officer A ran after him. He was approximately six feet behind the Subject. As he ran, Officer A removed the cartridge from the TASER and discarded it. He then attempted to place the TASER back into the holster. However, because he was running and using his left hand to holster the TASER in a left-side cross-draw style holster, he was unable to holster the TASER because it required two hands to manipulate the holster.

Note: Officer A was using a Department-issued soft nylon TASER holster, which was affixed to the left side of his equipment belt in a cross-draw configuration. When the TASER was holstered properly, the butt of the TASER would be facing forward.

At the corner of the parking lot where the Subject ran, investigators recovered an expended TASER cartridge and TASER wires.

The Subject ran to the end of another store. The Subject turned north into a parking lot with Officer A approximately six feet behind him. As Officer A turned the corner into the parking lot, he saw that the Subject had stopped, and was standing and facing him in an empty parking space. The Subject was in a football tackle-like stance with his center body mass lowered and his fists clenched. As Officer A came to a stop in front of the Subject, the Subject leaned forward and attempted to tackle him. Officer A unintentionally dropped the TASER.

Note: According to Officer A, he never lost sight of the Subject while pursuing him.

The Subject denied fighting with Officer A. Investigators recovered a uniform button from the parking lot where the fight took place. Prior to investigators' arrival, Officer A's police officer badge was found on the ground and returned to him by an unknown officer.

According to Officer A, he attempted to perform a sprawl move, but was only partially successful. As Officer A went to the ground, he put out his right arm to cushion his fall. As his right hand made contact with the ground, his right shoulder suffered a complete dislocation.

Note: The sprawl is a self-defense maneuver, which is taught to recruits while in the Academy. The technique is used when someone is attacking an officer from the front, by wrapping their arms around the officer's torso, waist or legs. The officer is to shoot his legs to the rear, while placing his chest against the suspect's back and driving his hips toward the ground, landing on the suspect's back.

According to Officer B, he was running approximately 25 to 35 feet behind Officer A. When he rounded the corner of a local bakery, he observed Officer A and the Subject on the ground.

According to the Subject, Officer A lifted him off his feet and slammed him to the ground. Once on the ground, he was tased numerous times until he was placed in handcuffs. Once he was handcuffed, he kept telling the officers to stop, but continued being tased.

Note: Officer A believed he activated his TASER twice during the incident and his partner used it once. According to Officer A's TASER printout, his

TASER was triggered four separate times. Officer B's TASER printout showed he triggered his TASER five times during this incident. Both officers were aware that the other had utilized a TASER during the fight.

According to Officer A, he was in an extreme amount of pain and completely unable to use his right arm or hand. Officer B grabbed the lower portion of the Subject and told the Subject that he was going to tase him. Officer A was concerned that he was unable to use his right arm and therefore unable to protect his firearm. He told Officer B to tase the Subject. Officer A heard the TASER deploy.

Note: Witness B never heard any of the officers' statements, but observed the Subject being tased numerous times. Officer B was unaware that Officer A was injured.

Officer A was aware that Officer B was utilizing a TASER, because he could hear it being deployed. Officer B was aware Officer A had utilized a TASER because he observed him deploy it.

According to Officer B, he approached the Subject, who was on the ground, yelling and forcefully moving his body back and forth. Officer B attempted to gain control of the Subject's left arm in order to handcuff him. The Subject kept his arm rigid and Officer B was unable to gain control of it. The Subject rolled onto his back. Officer B unholstered his TASER and warned the Subject if he continued to fight, he was going to get tased and it was going to be painful. Officer B lifted the bottom of the Subject's jacket and attempted to tase him in the stomach area. Before he was able to do so, the Subject knocked the TASER away from his body, grabbed ahold of the TASER, and attempted to pry it from Officer B's hand. Officer B told him to let go of the TASER and said, "partner, he's going for my, he's getting my TASER." As they struggled for control of the TASER, the Subject was able to rip the dart cartridge from the TASER. Officer B told the Subject, "It's not worth it. Just quit it. You know, you're making this a bigger deal than it has to be." The Subject continued to fight. Officer B was able to regain control of the TASER.

According to Officer A, he heard his partner yell, "Don't. Stop grabbing the TASER." Officer A triggered the help button on his police radio and broadcast his location. Officer A informed Officer B that his shoulder was out of its socket.

Note: Officer B indicated he did not know Officer A was injured until after the arrival of supervisors.

According to Officer B, the Subject rolled onto his stomach and Officer B administered a drive stun to the Subject on his lower right back area. The tasing seemed to have no effect and Officer B attempted another drive stun in the same area. The Subject was able to push the TASER away from his body and it triggered a cycle. Officer B moved it back and applied a drive stun to the Subject's stomach area. Officer B reassessed and attempted to bring the Subject's arm behind his back, but was unsuccessful due to the Subject's resistance.

Note: The Subject stated that as he was being tased, he was saying he was not resisting and to please stop.

According to Officer B, they rolled the Subject from his stomach to his back and he applied a drive stun to the Subject's lower outer back. Officer B then addressed a group of transients that had gathered and told them that when they see police arriving, to direct them to his location.

The Radio Telephone Operator (RTO) requested a status update. Officer B advised her they were attempting to take the suspect into custody, but were unsuccessful. The RTO generated a help call.

According to Witness B, the Subject was attempting to punch the officers and the officers tased him two or three times until the Subject told them to stop. Witness B did not want his girlfriend to become upset and left the location, prior to the reported neck restraint or the head strike.

According to Officer A, he was worried that the Subject would overcome his partner, take the TASER away from him, and tase him. Because Officer A was unable to protect his pistol, he was afraid the Subject might take it from him. Officer A used his left hand to apply a C-clamp to the Subject's throat with the hope of rendering him unconscious or, at the least, reduce his ability to fight.

Note: Officer A stated he had been taught the C-clamp technique while serving in the military. A C-clamp is a technique where the individual applies his hand to the person's throat with his thumb on one side of the neck and his fingers on the other side of the neck. The idea is to squeeze the neck, stopping the flow of blood through the carotid arteries to the brain, rendering the person unconscious.

The Subject stated that when he was being handcuffed, an officer had his knee on the back of his shoulder, never on his neck. Additionally, he did not say that he was grabbed around the neck nor struck in the face with a TASER.

Officer A said the C-clamp was momentarily effective and he was able to free his right leg, which had been trapped beneath the Subject when they went to the ground. Officer A then repositioned himself and used his right knee to apply pressure to the Subject's head and neck area in an effort to apply pressure to his carotid artery. The Subject continued to resist and displayed extreme strength, causing Officer A to believe the Subject was under the influence of an unknown type of narcotic.

Note: Because the Subject was moving from side to side and front to back during the fight, neither officer was able to recall the exact position of the Subject, or themselves, during the fight. According to Officer A, after

he applied pressure to the Subject's neck area, the Subject was able to push his knee away, and Officer A was not able to keep him down.

Officer A picked up his TASER, which was next to the Subject's head, with his left hand and attempted to drive stun the Subject on his shoulder. The Subject attempted to grab the TASER. To stop the Subject from gaining control of the TASER Officer A utilized the TASER in a chopping motion and struck the Subject three times in the face. The Subject continued to fight and try to get away. Officer A stated he was unable to use his right arm. Officer A threw the TASER to the ground to facilitate rolling the Subject onto his stomach with his left hand. Officer A then used his body weight to hold the Subject down. Officer A told the Subject the fight was over and to stop resisting.

Note: According to Officer B, who was positioned toward the Subject's head, Officer A punched the Subject in the face and then used his hand to control the Subject's head. Officer B did not observe Officer A applying a C-clamp to the Subject. He stated that Officer A punched the Subject in the head, but did not see him holding anything in his hand.

According to Officer B, he holstered his TASER and noticed another TASER on the ground to the north of the Subject within his arm's reach. In an attempt to prevent the Subject from gaining control of the TASER, and to stop the fight, Officer B grabbed the TASER, while still applying body weight with his knee to the Subject's left shoulder area, and applied a drive stun to the Subject on an unknown location. Officer B placed the TASER in safety mode, and put it in his right rear pocket. The TASER did not have any noticeable effect on the Subject.

Officers C and D was the first unit to respond to the help call and arrive at the scene. According to Officer C, he observed the Subject lying on his stomach/side yelling unknown things and Officer B attempting to control his arms. Officer C observed that Officer B had applied a handcuff to the Subject's left wrist and was struggling to complete the handcuffing process. Officer C ran and positioned himself near the Subject's legs in case he needed to control them. Additionally, he was watching the crowd to ensure no one attempted to "lynch" the Subject. Officer B was able to handcuff the Subject's right wrist. Officer C then broadcast that the suspect was in custody. Officer C recalled Officer A saying that he was in pain and he thought his shoulder was dislocated.

According to Officer D, upon arriving at the scene, he approached the officers and observed the Subject lying on his stomach, resisting the officers and yelling for them to get off the Subject so he could assist with the handcuffing process. Officer A's right arm was dangling and his knee was on the right shoulder blade area of the Subject, applying body weight. Officer D placed his left knee on the Subject's left shoulder blade and applied his body weight. Officer D grabbed the Subject's right shirtsleeve to allow Officer B to complete the handcuffing process.

As additional units arrived, Officer C told Officers A and B to get off the Subject, who had stopped struggling, and that he and his partner would control the Subject. Officers

C and D stood the Subject up, brought him to the front of their car, and conducted a search of him. The Subject was then placed in the back seat of their police vehicle. Officer B requested a Rescue Ambulance (RA) for the Subject and Officer A.

Sergeant A arrived. Sergeant A had Officers A and B tell him what happened and then separated them. Sergeant A stated that Officer A told him about applying the C-clamp at which point he stopped his narrative and did not question him further because he knew it was going to be a FID callout. Sergeant A was unaware that a head strike with an impact device had occurred.

The Los Angeles Fire Department (LAFD) received the alarm to respond. They arrived at the scene and treated Officer A for an injury to his shoulder and the Subject for abrasions to his face. A Rescue Ambulance (RA) transported the Subject to a hospital. A different RA transported Officer A to a hospital.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC made the following findings.

A. Tactics

The BOPC found Officer D's tactics to warrant a Tactical Debrief. The BOPC found Officers A and B's tactics to warrant Administrative Disapproval.

B. Non-Lethal Use of Force

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

C. Less-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be in policy.

Basis for Findings

A. Tactics

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

1. Foot Pursuit Broadcast (Substantial Deviation – Officer B)

Officers A and B did not broadcast that they were in foot pursuit of the Subject.

Although the roles of the primary and secondary officers in a foot pursuit are not absolute and at any given time an officer's predetermined role may change from primary officer to secondary officer, the concept of effective communication via a radio broadcast cannot be compromised. Additionally, as a general concept, the BOPC expects the primary officer in a foot pursuit to focus on the suspect rather than coordinating resources. The BOPC expects the secondary officer in a foot pursuit to assume the responsibility for such broadcasts.

In this case, Officer B broadcast a back-up request when the officers ran after the Subject but did not advise CD when they went in foot pursuit or provide their direction of travel. The BOPC noted Officer A broadcast the officers' updated location by utilizing his handheld radio with his left hand, after dislocating his shoulder.

According to Officer A, they had previously discussed tactics and agreed that Officer A would be the contact officer and Officer B would be the cover officer. In addition, the officers discussed the specific roles of the contact and cover officer during a foot pursuit.

Based on the totality of the circumstances, the BOPC determined that Officer B's failure to advise CD that they were in foot pursuit unnecessarily placed both officers at a significant tactical advantage, and substantially and unjustifiably deviated from approved Department tactical training.

2. Tactical Communication (Substantial Deviation – Officers A and B)

Officers A and B did not effectively communicate with each other during the incident.

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

ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officers A and B worked independent of one another and did not work as a team as they struggled to take the Subject into custody on the ground. Officer B was unaware that Officer A had sustained a completely debilitating injury that left his right arm immobilized and unable to protect his service pistol. Additionally, Officer A failed to notify his partner that he did not have possession of his TASER on two instances.

The BOPC determined that Officers A and B's actions in this specific circumstance was a substantial deviation without justification from approved Department tactical training.

3. Use of a Taser as an Impact Device

Fearing that the Subject was attempting to disarm him, and if successful could use the TASER against him, Officer A held the TASER and delivered three strikes, in a down chopping motion, to the Subject's face (see Less-Lethal Use of Force).

In this case, Officer A was holding the TASER in his left hand and his right arm was completely immobilized.

Although, the probe end of a TASER is generally not used as an impact device, in this case, Officer A's options were limited and did not substantially deviate from approved Department tactical training.

4. Running with a TASER Drawn

The investigation revealed that Officer A ran after the Subject while maintaining control of his TASER in his left hand. Officer A is reminded that running with a TASER in one's hand can limit tactical options and increases the chance of an accidental activation.

5. Maintaining Control of Equipment

The investigation revealed that Officer A lost control of his TASER while attempting to control the Subject. The officers were reminded of the importance of making every attempt to maintain control of their equipment, as it increases the likelihood of tactical success during incidents such as this.

- 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 this case, the BOPC found that the tactics utilized by Officers A and B substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval. Additionally, the BOPC found that Officer D's tactics were consistent with approved Department tactical training.

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

In conclusion, the BOPC found Officer D's tactics to warrant a Tactical Debrief. The BOPC found Officers A and B's tactics to warrant an Administrative Disapproval.

B. Non-Lethal Use of Force

- **Officer A** – Physical Force and Bodyweight
- **Officer B** – Physical Force and Bodyweight
- **Officer D** – Physical Force and Bodyweight

Officer A

According to Officer A, as he turned the corner into the parking lot, the Subject turned around and attempted to tackle him. In effort to defend himself, Officer A attempted to perform a sprawl move on the Subject. As they fell to the ground, the Subject landed on top of his right leg. With his right leg trapped under the Subject's back and his right arm immobilized, he attempted to use his left hand to control the Subject.

Officer B

According to Officer B, he observed Officer A and the Subject on the ground and applied bodyweight onto one of the Subject's shoulders and attempted to force the Subject's arm behind his back. He and Officer A ultimately rolled the Subject into a prone position and Officer B placed his left knee on the Subject's left shoulder area in an attempt to control him.

Officer D

According to Officer D, he observed Officers A and B struggling with the Subject and applied bodyweight to the Subject's left shoulder in an attempt to control him. He was then able to assist Officer B with handcuffing the Subject.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B and D, while faced with similar circumstances, would believe that the application of non-lethal force by these

officers would be reasonable to overcome the Subject's resistance, prevent his escape and effect an arrest.

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

C. Less-Lethal Use of Force

- **Officer A** (TASER, one activation in probe mode)

According to Officer A, as he was chasing the Subject, the Subject "stumbled and fell to the ground then turned around like he was going to fight me." Officer A was running with his TASER in his left hand and deployed the TASER at the Subject in probe mode, aiming for his stomach area.

Note: Officer A's TASER Information Report reflects a total of four activations, but Officer A only recalled activating his TASER one time during the incident. According to Officer B, he may have activated Officer A's TASER when he picked it up off the ground, before placing it in his rear pocket.

- **Officer A** (Head Strike with a TASER)

Note: The type of TASER used in this incident is constructed of hard plastic with a total weight of 7.2 ounces. As a result, the BOPC considered the manner in which the TASER was used by Officer A to strike the Subject in the head. The BOPC determined that the manner in which the TASER device was used would likely not result in serious bodily injury or death; therefore, this intentional head strike was evaluated as an application of a less-lethal use of force. The BOPC also noted that the injuries sustained by the Subject as a result of the head strikes did not result in serious bodily injury.

According to Officer A, the Subject attempted to grab his TASER as he attempted to deliver a drive stun to the Subject's shoulder area. Fearing that the Subject was attempting to disarm him, and if successful could use the TASER against him, Officer A delivered three strikes in a down chopping motion, to the Subject's face with his TASER.

- **Officer B** (TASER, three activations in drive stun mode)

First TASER activation

According to Officer B, he retrieved his TASER and advised the Subject to quit resisting or he would be tased and it was going to hurt. The Subject grabbed Officer B's TASER and attempted to take it away. The Subject pulled off the cartridge from Officer B's TASER and discarded it on the ground. Officer B was able to regain full

control of his TASER and delivered two drive stun activations to the Subject's abdomen area.

Second TASER activation

Officer B recalled, "It didn't have any effect, I went back for...another tasing, but that time he knocked the TASER away, and it triggered the cycle to go again for another full cycle...it ceased, so he got another TASER application to the belly for a five-second cycle."

Third TASER activation

According to Officer B, the Subject continued to resist the officers' efforts to take him into custody, so he initiated a third drive stun activation to the Subject's lower back in an attempt to subdue him and stop his resistance.

Note: Officer B's TASER Information Report reflects a total of five activations, but Officer B only recalled four activations from his TASER during the incident.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that the application of less-lethal force to stop the Subject's aggressive actions was objectively reasonable.

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

D. Lethal Use of Force

- **Officer A** (C-clamp)

According to Officer A, he heard Officer B warning the Subject that he was going to be tased, followed by Officer B yelling, "Stop grabbing the TASER." Fearing that the Subject may obtain control of Officer B's TASER and then use it to gain control of his service pistol, he applied a C-clamp to the Subject's throat in an attempt to render him unconscious.

- **Officer A** (Knee to the Carotid Artery)

As the Subject continued to resist, Officer A was able to reposition himself on top of the Subject. According to Officer A, he then placed his right knee against the side of the Subject's neck and tried to render him unconscious.

The BOPC assessed the incident in its entirety and focused on the following factors: Officer A's significant injury to his right shoulder; Officer A's concern about not being able to protect his firearm, which was on his right side; the Subject's continued

aggressive resistance and his action of grabbing at Officer B's TASER. The BOPC determined that Officer A's belief that the incident had escalated to the point where deadly force would be justified was objectively reasonable.

In conclusion, the BOPC found Officer A's lethal use of force to be in policy.