

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

LAW ENFORCEMENT-RELATED INJURY- 030-21

| Division | Date | Duty-On (X) Off () | Uniform-Yes (X) No () |
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|----------|---------|--|--|
| Van Nuys | 6/15/21 | | |
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| Officer(s) Involved in Use of Force | Length of Service |
|--|--------------------------|
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| | |
|------------|--------------------|
| Sergeant A | 21 years, 2 months |
| Officer B | 6 months |
| Officer C | 1 year, 10 months |
| Officer E | 3 years, 4 months |
| Officer F | 1 year, 9 months |
| Officer G | 5 years |
| Officer H | 5 years, 8 months |
| Officer I | 3 years, 2 months |
| Officer L | 12 years, 7 months |
| Officer M | 14 years, 4 months |

Reason for Police Contact

Officers responded to a radio call of a Domestic Violence Restraining Order Violation. Upon the officers' arrival, they located Subject 1 in the street in front of the location and ordered him to surrender. Subject 1 refused to follow officers' commands. After approximately seven minutes of the officers ordering Subject 1 to surrender, they approached Subject 1 to take him into custody; however, he resisted. Officers utilized physical force and a TASER to take him into custody. Subject 1 was transported to the hospital and subsequently admitted.

| Subject | Deceased () | Wounded (X) | Non-Hit () |
|----------------|---------------------|--------------------|--------------------|
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|-----------------------------------|--|--|--|
| Subject 1: Male, 25 years of age. | | | |
| Subject 2: Male, 26 years of age. | | | |

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System

materials of the involved officers; the Use of Force Review Board recommendations, 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 May 24, 2022.

Incident Summary

Subject 1 and Victim A were involved in a cohabitating relationship with two children in common. On May 14, 2021, Subject 1 was named as the suspect on an Intimate Partner Battery Investigative Report. On May 21, 2021, Victim A was granted a temporary restraining order against Subject 1. Based on the restraining order, Subject 1 was required to stay at least 100 yards away from Victim A's residence.

On May 28, 2021, officers were involved in a Non-Categorical Use of Force while taking Subject 1 into custody for violating the restraining order. Subject 1 was arrested and booked for California Penal Code Section 273.6 (a) – Violation of Restraining Order.

Subject 1 was responsible for nine additional calls for police service from May 14, 2021 to the date of this Categorical Use of Force incident. On June 15, 2021, during roll call, Sergeant A briefed officers of the numerous incidents involving Subject 1, including the prior use of force.

On June 15, 2021, at 1948 hours, Victim A called 911 to report that Subject 1 was going in and out of the front gate of her apartment complex in violation of the restraining order. At 1950 hours, Communications Division broadcast the domestic violence restraining order violation and provided all pertinent information.

After hearing the radio call, Sergeant A broadcast that it was an “ongoing” restraining order violation. Sergeant A then broadcast that he/she would respond to the incident.

At 1955:55 hours, Police Officers A and B notified Communications Division they would handle the call.

The following officers also responded to the incident: Police Officers C, D, E, F, G, H and I.

As Officer F and his/her partner were responding to the scene, Officer F requested an Air Unit. An Air Unit staffed by Police Officers J and K responded to the request.

While enroute, Sergeant A broadcast that Subject 1 was known to flee the scene in his vehicle upon officers' arrival. Officer F used his/her police radio to advise the Air Unit regarding Subject 1's vehicle description.

At 2003:15 hours, the Air Unit was overhead the area of the call and broadcast that Subject 1 was outside in front of Victim A's residence and provided his description. Air 10 further broadcast that Subject 1 was with two other males.

Victim A, who was still on the line with Communications Division, advised that the two men with Subject 1 were his brothers (Subjects 2 and 3). Communications Division then relayed the information to the Air Unit and responding officers.

As Officers A and B were responding to the call, they were listening to the broadcast and the updates. They also discussed the role of the passenger officer, tactics, and cover and concealment.

At 2005:20 hours, Officer B broadcast they were Code Six. Officer A stopped their vehicle facing east in front of Victim A's residence. Officer A observed Subject 1 in the street near a vehicle, parked along the north curb. Subject 1 was shirtless and wearing black and dark blue colored shorts. A male, wearing a gray shirt was in the driveway north of Subject 1, and another male, wearing a black shirt, was in the middle of the street. The male in the gray shirt was later identified as Subject 2, and the male in the black shirt was identified as Subject 3, both brothers of Subject 1.

The officers exited their vehicle and took a position of cover behind their respective doors. According to Officer A, Subject 1 was walking towards him/her while screaming and clenching his fists, acting irate, and cursing. Officer A immediately began to give commands, ordering Subject 1 to stop and put his hands up.

At 2005:38, Sergeant A arrived and broadcast that he/she was Code Six. Sergeant A began walking toward Officer A's position and observed Officers E and F arriving. Sergeant A ordered Officer E to "Get the 40 up." Officer E went to retrieve the 40-millimeter Less-Lethal Launcher (LLL) from the rear of his/her vehicle.

According to Sergeant A, Subject 1's brothers (Subjects 2 and 3) appeared to be trying to hold Subject 1 back from the officers. As Sergeant A approached, he/she called out to Subject 2 and Subject 3, "Talk him down or we're going to end up tasing him."

Sergeant A believed that he/she could use Subjects 2 and 3 to de-escalate the situation. Sergeant A stated he/she was trying to have the brothers help calm the situation, while Officer A was trying to talk directly to Subject 1. Sergeant A indicated that his/her tactical plan was to use an arrest team to go hands-on and handcuff Subject 1 with "as minimal force as possible."

While Officer A and Sergeant A were trying to de-escalate the situation, additional units arrived and approached Officers A and B's vehicle. Officer A then warned Subject 1 that a TASER or 40-millimeter LLL may be used if he did not cooperate. Subject 1 responded, "You tased me already," as he pointed to his right abdomen area. Subject 1's statement was in reference to the aforementioned Non-Categorical Use of Force.

The officers that arrived took positions around Officers A and B's vehicle. Officer A was behind the driver's door with Officer I to his/her immediate left and Officer D, who equipped him/herself with the beanbag shotgun, to the left of Officer I. Officer F positioned him/herself behind Officers A and I. Sergeant A assigned Officers F and I to be part of the hands-on arrest team.

Sergeant A directed Officers F and I to redeploy to the south side of the street. Sergeant A's intent was to position officers to prevent Subject 1 from running toward Victim A's residence. When Subject 1 encroached on the officers at the driver's side, Officers F and I moved back to their original position along the driver's side of Officers A and B's vehicle.

Officer B utilized his/her passenger side door as cover with his/her pistol unholstered to the low-ready position. Officer C was to the immediate right of Officer B and had his/her TASER unholstered. Officer E, equipped with a 40-millimeter LLL, approached the passenger side and announced, "You got a 40 behind you." Officer E then positioned him/herself to the right of Officer C. According to Officer E, he/she noticed Officer C equipped with a TASER and Officer B was hands-free. Officer E directed Officer B to unholster his/her pistol.

Officer B unholstered his/her pistol and held it at a low-ready position. Officer B indicated that he/she initially conducted an assessment and was able to see Subject 1's hands. Officer B heard Officer E say, "Hey, get your gun out." According to Officer B he/she looked back to Subject 1 and conducted a "reassessment." Officer B stated that he/she observed in Subject 1's waistband an object with a curved handle that looked like it could have been a revolver or a curved knife. As such, Officer B unholstered his/her weapon.

According to Officer B, he/she did not alert the other officers at scene of his/her observation because he/she believed it could escalate the situation. Officer B indicated that Subject 1 was not reaching for the item, and his/her drawing attention to it could cause Subject 1 to pull the item out or lunge toward officers.

Officer C then transitioned from his/her TASER to his/her pistol and held it at a low-ready position. Officer C explained that his/her view of Subject 1 was temporarily blocked by one of Subject 1's brothers. Officer C believed that because he/she could not see Subject 1, there was a possibility that Subject 1 could be removing a weapon. Officer C unholstered his/her pistol as he/she believed that the tactical situation could escalate to the point where lethal force would be justified.

At 2007:55 hours, Sergeant A requested an additional unit to respond. Police Officers L and M responded to the request.

Officers L and M arrived approximately one minute later and positioned themselves on the north sidewalk. Officer H joined Officers L and M on the north sidewalk. Officer L unholstered his/her TASER and kept it available as a force option. Officer H briefly

unholstered his/her TASER but secured it after seeing that Officer L already had a TASER deployed.

At 2009:17 hours, Sergeant A took over communications from Officer A. Based on his/her experience, Sergeant A believed that he/she would be able to establish a rapport with Subject 1. Sergeant A repeatedly ordered Subject 1 to allow the officers to handcuff him, so they could investigate the circumstances of the radio call. Subject 1 refused, and instead stated he was going to get a beer. Subject 1 walked to a planter along the north side of the street and took a beer from his backpack cooler. Subject 1 then returned to the street, opened the beer and drank from the can before handing it to Subject 3.

Sergeant A directed Subject 1 to turn around and walk backwards, and further explained that they just wanted to talk to him. Subject 1 walked forward as Sergeant A continued to gain voluntary compliance. Subjects 2 and 3 refused numerous commands to move out of the way. Despite the officers' attempts to direct them out of the situation, Subject 2 stood to the right of Subject 1, while Subject 3 stood to his left. Subject 1 then became more agitated and pointed to Subjects 2 and 3 and yelled, "Shut up, shut up!"

Sergeant A told Subject 1 that the officers did not want to use less-lethal munitions or the TASER and wanted to show him respect. Sergeant A also explained to Subjects 2 and 3 that they were not going to hurt Subject 1 and again ordered them out of the way.

Sergeant A turned to Officers L and M and advised them they would be part of the arrest team.

At 2011:25 hours, it appeared that Subject 1 was cooperating and stated that he was willing to talk. Sergeant A told Subject 1 that he/she was going to have officers move forward and place handcuffs on him, but Subject 1 refused. Sergeant A again reiterated that they were going to walk up and place Subject 1 in handcuffs.

At 2012 hours, Officer L turned to Officer M, and stated that Subject 1 had something in his waistband. Subject 1 overheard the two officers talking about the object and reached into his waistband with his right hand and produced a T-handled sharp object. Subject 1 held the item clenched in his right fist elevated toward Officers L and M as he stated, "You want this boss?" The object was later recovered and determined to be a metal tool commonly used to repair automotive tires.

Subject 1 continued, "This, this? You scared, homie?" Subject 2 reached for the tire punch and appeared to try taking it away from Subject 1. Simultaneously, Officer L raised his/her TASER and activated the red laser on Subject's 1's chest. Subject 1 then threw the tire punch onto the sidewalk north of him. After throwing the tire punch aside, Subject 1 then stood in front of Sergeant A and the officers with his legs shoulder width apart, his arms folded across his chest, and his jaw tense. Subjects 2 and 3 were flanking Subject 1, with Subject 3 extending his arms out at his sides.

Moments later, Officer M stepped forward and used his/her left hand to grab the right sleeve of Subject 2. Officer M attempted to pull Subject 2 away from Subject 1 prior to the officers moving forward to handcuff him. Officer M released his/her grip as Sergeant A continued to order Subjects 2 and 3 to move away.

At 2012:36 hours, almost seven minutes after the initial contact with Subject 1, Sergeant A motioned to his/her right and stated, "Let's go, let's go." The team began to move toward Subject 1 to take him into custody.

The officers advanced toward Subject 1 as Subjects 2 and 3 refused to move away from him. Subjects 2 and 3 continued to interfere and ignored the officers' commands and stood in the way of the approaching officers. Officer C felt that Subjects 2 and 3 were trying to protect Subject 1 from being tased. Officer E described Subjects 2 and 3's actions as if they were acting as a shield between Subject 1 and the officers. Officer E felt they were also trying to convince Subject 1 to give up and go peacefully, but at the same time they were not willing to leave his side.

According to Officer A, Subjects 2 and 3 were preventing the officers from taking the Subject 1 into custody. Officer A explained that as officers were approaching Subject 1, he did not comply with placing his hands behind his back. In the process, Subjects 2 and 3 were still near Subject 1, standing in front of him to prevent Subject 1 from moving towards the officers. As officers approached, Subject 1 took a fighting stance by clenching his fists and raising them towards his chest and widening the stance of his legs. As officers moved in to restrain Subject 1, Officer A noticed that one of the other Subjects was to his/her left and was interacting with other officers.

As Sergeant A and the officers began to approach Subject 1, he pointed at Sergeant A with his right hand and clenched his left hand into a fist. Subject 1 began to yell at the officers to "Back up, back up!" Subject 1 then lowered his right hand and clenched it into a fist. Subject 2 moved behind Subject 1, wrapped his arms around his torso, and attempted to pull him away from the officers. Subject 1 broke free from Subject 2 and lunged at the officers.

The following actions occurred simultaneously or in close succession. As such, the events are documented below to describe each officer's independent action during the use of force.

Sergeant A

Sergeant A was behind Officers E and I as they were trying to control Subject 1's arms. Sergeant A ordered the officers to, "Get him on the ground!" Subject 1 lunged forward while the officers simultaneously forced him to the ground. As Subject 1 was being brought down, Sergeant A placed his/her left hand onto Subject 1's right shoulder and applied a firm grip on his right forearm. Sergeant A used his/her left hand to push at the

back of Subject 1's right shoulder, while pulling Subject 1's forearm away from his torso. After Subject 1 was taken to the ground, Sergeant A ceased his/her application of force.

According to Sergeant A, he/she backed off and never lost his/her command and control. Sergeant A was still directing officers on what to do, but he/she took a step back and continued to monitor the use of force.

Officer A

Officer A was positioned behind the driver's door for cover when Sergeant A gave verbal direction to move toward Subject 1 to take him into custody. As Officer A moved toward Subject 1, Subject 3 stood in between with his arms raised shoulder height, extended toward the officers. Subject 3 then turned and faced Subject 1 with his back to the officers. Other officers were in front of Officer A, and he/she observed Subject 3 "mixed in."

Officer A directed his/her attention to Subject 3. Officer A moved Subject 3 back with the assistance of Officer D. Officer A indicated that he/she moved Subject 3 to the north sidewalk away from the other officers.

Officer A believed that Subject 1 was under the influence of a central nervous system stimulant, such as methamphetamine. Officer A explained his/her belief stating, "Well, his irate behavior, tensing his muscles and rigid body movements he made while he was screaming, clenching his fists, his attitude -- his very aggressive attitude. That suggests to me that he could have been under the influence of methamphetamine or some type of stimulant."

Officer B

Officer B was at his/her passenger door. Officer E, who had deployed the 40-millimeter LLL, positioned him/herself to the right of Officers B and C.

At 2006:41 hours, Officer E stated, "Hey, get your gun out," and Officer B believed he/she was speaking to him/her. When interviewed, Officer B stated, "I didn't see a threat at that time, so then I reassessed the situation and I noticed something in his waistband that looked like it could have been the handle to a revolver, or it could have been a knife." Officer B did not advise the other officers of the object in Subject 1's waistband, believing it may have escalated the situation.

Officer B indicated that he/she decided to move forward when he/she observed the other officers approaching Subject 1. After holstering his/her pistol, Officer B approached and used a two-handed grip on Subject 1's left arm. Officer B stated he/she decided to go in on the left arm and grabbed the right arm below the wrist, at the forearm area and then the inner elbow. Subject 1 and the officers fell to the ground and Officer B's BWV camera became dislodged and landed with the camera lens down. Officer B's BWV camera was later recovered from the ground by Officer M.

While on the ground, Officer B planted his/her left hand on the ground so that he/she could reposition him/herself. Officer B did not want Subject 1 to place his hands underneath himself and possibly produce an object that may hurt an officer or him/herself. Officer B sat up while keeping his/her right hand on Subject 1's forearm. Officer B indicated that he/she maintained his/her grip and assisted positioning Subject 1's left arm behind his back as Officers E, F, G, and I handcuffed Subject 1.

Once Subject 1 was handcuffed, Officer B used both hands and pushed Subject 1's left hip to roll him to a right lateral recovery position. Officer B then controlled Subject 1's left leg by gripping his ankle with his/her right hand and using his/her left knee against Subject 1's calf to pin it to the ground. Officer B indicated that Subject 1 was kicking his legs and he/she wanted to prevent any injuries.

At 2014:03 hours, Officer B then lifted Subject 1's left leg so Officer C could apply a hobble restraint device (HRD) to his ankles. Officer B then maintained his/her grip of Subject 1's ankles and used his/her right knee to pin Subject 1's feet to the ground. Approximately one minute later, Officer B lifted Subject 1's legs a second time and Officer C applied an additional hobble and secured it around his knees.

Officer C

Officer C and his/her partner, Officer D, arrived to assist Officers A and B. Officer C exited his/her vehicle, unholstered his/her TASER, and walked toward Officer A who was behind the driver's side door of his/her vehicle. Officer C's intention was to provide another less-lethal option, and he/she advised the officers that he/she had a TASER. Officer C then redeployed and took cover behind the passenger side door, to the right of Officer B.

According to Officer C, he/she heard Officer E say, "Hey, get your gun out." In response, Officer C advised the officers near him/her that he/she was going to holster his/her TASER and unholstered his/her pistol. According to Officer C, his/her role as the less-lethal officer was self-initiated.

Officer C explained that he/she realized that Officer E had a less-lethal weapon, which was a 40-millimeter LLL. The officer on his/her left side (Officer B) didn't have anything. Officer C observed that one of the other Subjects had blocked his/her view of Subject 1 and believed that Subject 1 could possibly remove a weapon. Officer C unholstered his/her gun as he/she knew that the tactical situation could escalate to the point where lethal force would be justified. In addition, Officer C did not see any other officers around him/her that were unholstered. Officer C believed that if Subject 1 started running, their distance was not substantial, so having his/her weapon at the low-ready position could possibly prevent him/her from reaching the officers. Once Officer C was again able to see Subject 1's hands, he/she holstered his/her weapon.

After holstering his/her pistol, Officer C reacquired his/her TASER. Officer C then observed Subject 1 remove an object from his waistband and alerted Officers B and E. Subject 1 threw the object on the sidewalk, north of where he (Subject 1) was standing. Officer C indicated the officers then started "closing in" to take him into custody.

The investigation determined that Officer C mistakenly believed that Subject 1 swung his fists at the officers as they neared him.

Officer C held his/her TASER in his/her right hand and approached Subject 1 along with the additional officers. According to Officer C, he/she intended to discharge his/her TASER, but other officers blocked him/her. As the officers were attempting to take Subject 1 into custody, Officer C briefly secured his/her TASER only to unholster it a moment later.

Officer C observed Subject 2 being taken to the ground. Officer C diverted his/her attention from Subject 1 to Subject 2. Officer C holstered his/her TASER and assisted Officers H, L, and M, with taking Subject 2 into custody. Officer C placed his/her hands onto Subject 2's back and applied bodyweight for approximately three seconds. According to Officer C, his/her intention was to gain control of Subject 2 for handcuffing.

The investigation determined that Officer C mistakenly believed that he/she placed one hand on Subject 2 but was unsure which hand. The BWV depicts both of Officer C's hands on Subject 2.

After applying bodyweight, Officer C believed Subject 2 was under control. Officer C then looked to his/her left in the direction of Subject 1. Officer C assessed the situation and believed the officers trying to control of Subject 1 needed his/her help. Officer C stated that Subject 1 was still fighting officers as they were taking him down to the ground. Officer C observed that Subject 1 was kicking his feet and although there were several officers grabbing him, they still didn't have control. Officer C then observed Subject 1 attempting to get up. Officer C knew at that moment that no one had cleared Subject 1's waistband, so there was a possibility that he had a weapon. According to Officer C, Subject 1 was still violently resisting and trying to fight officers.

Officer C stated that Subject 1 was still kicking his feet and observed his hand moving. Knowing that the officers didn't have control of him, Officer C deployed his/her Taser. The Taser made contact on the right bottom area of his buttocks and that's when Subject 1 went stiff and officers were able to handcuff him.

Officer C placed the TASER onto Subject 1's right buttock and discharged it. The probes attached to Subject 1. While the TASER was still activated during its five-second cycle, Officer C moved the TASER to Subject 1's right hamstring and utilized the Three-Points Drive-Stun technique. Simultaneously, Officer C used his/her left hand to pin Subject 1's left calf to the ground and utilized his/her right knee to pin Subject 1's right leg to the ground.

After seeing the TASER was effective, Officer C removed the cartridge and holstered his/her TASER. Officer C then released his/her grip of Subject 1's left calf and used his/her left knee to pin Subject 1's leg in place. Officer C applied a hobble around Subject 1's ankles; however, he continued kicking so Officer C applied a second one around his knees.

Officer D

Officer D equipped him/herself with a beanbag shotgun upon arrival to the scene. Officer D loaded a beanbag round into the chamber as he/she was walking toward the officers. Officer D positioned him/herself behind Officers A, G, and Sergeant A. When the officers moved to arrest Subject 1, Officer D slung his/her beanbag shotgun around his/her right shoulder and followed behind them. Officer D unholstered his/her TASER with his/her left hand and moved toward Subject 3 with Officer A. Officer D pushed Subject 3 and directed him away from the use of force.

Officer E

Officer E and his/her partner, Officer F, responded to the incident with emergency lights and siren (Code Three). While enroute, they discussed tactics and the prior incident involving Subject 1.

When they arrived, Officer E was directed by Sergeant A to deploy a 40-millimeter LLL. In response, Officer E retrieved his/her 40-millimeter LLL from the rear of his/her vehicle, loaded a round into the chamber, and positioned him/herself to the right of Officer C. Officer E announced to Officers B and C that he/she had his/her LLL deployed. Officer E then observed Officer C with a TASER deployed and Officer B's pistol holstered. When interviewed, Officer E stated that he/she observed that Officer B did not have anything deployed, so he/she told Officer B to unholster so that they would have a cover officer should Subject 1 produce a weapon. Officer E did not unholster his/her pistol because he/she wanted the less-lethal option of the 40-millimeter LLL to be available.

At 2006:56 hours, Officer E provided a warning to Subject 1 that he may be struck with his/her 40-millimeter LLL or a beanbag shotgun. Subject 1 mocked Officer E, yelling expletives back at him/her.

While Officer E was positioned along the passenger side of Officers A and B's vehicle, he/she assessed the situation. Officer E described that Subjects 2 and 3 were acting as a shield between the officers and Subject 1. It also appeared that Subjects 2 and 3 were trying to convince Subject 1 to give up peacefully, but at the same time did not want to leave his (Subject 1's) side.

Officer E observed a group of officers from the driver's side of the police vehicle begin to move toward Subject 1. Officer E believed the officers were moving forward to take Subject 1 into custody. Officer E observed a group of officers go hands-on with Subject

1 and that he was physically resisting, thrashing back and forth. According to Officer E, it did not appear that anyone had control over Subject 1's right side, so he/she saw an opportunity to gain control of Subject 1's right arm and assist in taking him into custody.

Officer E moved forward with his/her 40-millimeter slung in front of him/herself and approached Subject 1's right side. Officer E used his/her left hand and applied a firm grip to Subject 1's left wrist. As Subject 1 lunged forward, Officer E lost control of Subject 1's left wrist.

When interviewed, Officer E believed his/her initial contact was with Subject 1's right upper arm. Officer E did not have any independent recollection of grasping the Subject 1's left wrist. Officer E indicated that his/her initial physical contact with Subject 1 was at Subject 1's right upper arm. According to Officer E, he/she grabbed Subject 1's right arm, and within seconds, they went to the ground. While on the ground, Officer E was positioned to the right of Subject 1 with his/her knees on the pavement. Officer E was unsure if he/she utilized one or both hands to grip Subject 1's right arm.

During the use of force, two 40-millimeter munitions fell from the butt-cuff sleeve of Officer E's LLL. At 2013:47 hours, he/she collected one of the loose munitions from the ground after Subject 1 was handcuffed. At 2014:18 hours, Officer E unloaded his/her 40-millimeter LLL. At 2014:53 hours, Officer E collected the second 40-millimeter munition from the ground.

Officer E used his/her right hand to apply a firm grip on Subject 1's right wrist and brought it behind his back. Officer E transitioned control of Subject 1's right wrist to his/her left hand and obtained his/her handcuffs. Officer E then placed the handcuff onto Subject 1's left wrist with the assistance of Officer G. Officer F held the right wrist behind Subject 1's back while Officers E and G interlocked the handcuffs together to complete the handcuffing procedure.

Immediately after Subject 1 was handcuffed, Officer E used his/her left hand to pull Subject 1's left shoulder and roll him to a right lateral recovery position. Officer E indicated that Officers B, C, and I assisted in keeping Subject 1 in the recovery position. Officer E maintained his/her position behind Subject 1, near his (Subject 1's) upper torso.

As the officers kept Subject 1 on his side, he unexpectedly began to strike his head against the pavement three separate times. Officer E described his/her efforts to prevent Subject 1 from self-harm, by verbalizing, "Don't do that. Don't hit your head on the pavement." Officer E then placed his/her hands on Subject 1's shoulder and was able to prop him up. Officer E then slid his/her right leg underneath Subject 1's head, so the right side of his head was propped up against his/her thigh area. Officer E stated this was done to prevent Subject 1 from being able to hit his head on the pavement and prevent injury.

Officer F

Officer F and his/her partner, Officer E, were traveling Code Three to assist Officers A and B. Officer F, as part of his/her duties as the passenger officer, was clearing the intersections for traffic and giving updates to Officer E regarding Subject 1's description. While enroute to the call, Officer F notified Sergeant A, via cell phone, of an incident a week prior involving Subject 1. Officer F stated that Victim A had requested the police for a restraining order violation when Subject 1 arrived at their residence. According to Officer F, Subject 1 was served with the restraining order, Victim A provided proof of service, but the order was not in the Network Communications System (NECS). Officer F requested a backup, but ultimately the officers tactically disengaged when Subject 1 sped away in his vehicle. Officer F also advised Sergeant A that Subject 1 was always on drugs.

The officers arrived and Officer F moved to the passenger side of Officers A and B's vehicle. Officer F took a position to the right of Officer B at the passenger side utilizing the passenger door for cover. Officer F announced, "TASER up!" and unholstered his/her TASER.

Moments later, Officer F observed Officer E with the 40-millimeter LLL, so he/she holstered his/her TASER and moved to the driver's door of the vehicle. Officer F stood behind Officers A, D, and I. Officer F then advised Officer A that he/she has had contact with Subject 1 a week prior to this incident and that he was always aggressive.

As Officer A was verbalizing with Subject 1 and attempting to gain voluntary compliance, Sergeant A advised Officers F and I they would be the arrest team.

Officers F and I were then redirected by Sergeant A to the south side of the street to prevent Subject 1 from running toward Victim A's residence. After they moved, Officer F briefed Officer I of the incident from the previous week.

Moments later, Subject 1 encroached on the officers staged at the driver's door. This prompted Officers F and I to move back to that side. Officer F moved to the back to Sergeant A's position. Seconds later, Sergeant A and the officers began to move forward. Officer F stated that he/she did not feel comfortable with Subject 1 being that close to Sergeant A without him/her being there, so he/she redeployed. Officer F did not recall that there was an order to move forward.

As Officer F was moving forward on the right of Subject 1, Subject 2 briefly grabbed ahold of Subject 1's right arm. Officer F believed Subject 2 was trying to pull Subject 1 back away from them. Officer F used his/her left hand to push Subject 2 away from Subject 1. Officer F then grabbed ahold of Subject 1's right wrist with his/her right hand, and his right rear shoulder with his/her left hand. Officer F was able to get Subject 1's arm behind his back as the officers and Subject 1 went to the ground. According to Officer F, he/she recalls Subject 1's arm flying forward, and he/she lost his/her grip a little bit.

Officer F continued that at that point, and he/she ended up bear-hugging Subject 1 to help assist his upper body coming down to the ground. Once on the ground, Officer F maintained control of Subject 1's right arm and let go of the bear hug. Officer F used both hands and grabbed Subject 1's right arm and placed it behind his back.

Officer F used both hands to apply a firm grip to Subject 1's right wrist before he/she pulled Subject 1's right arm behind his back. Officer F maintained his/her grip with his/her right hand. Officer F then adjusted the placement of his/her left hand and transitioned from Subject 1's right wrist to his/her right hand. This allowed space for the handcuff to be secured on Subject 1's right wrist. Officer E continued to control Subject 1's right arm while the handcuffs were secured to his left wrist.

Immediately after Subject 1 was in custody, Officer F assisted with rolling him to a right lateral recovery position. Officer F pulled Subject 1's left elbow with his/her right hand and used his/her left hand to grip Subject 1's left wrist. Officer F explained that Subject 1 was rolled on his right side because they did not want him sitting up due to the TASER darts in his buttocks.

Officer G

Officer G arrived at scene with his/her partner, Officer H. Officer G positioned him/herself behind Officers A and D and Sergeant A. Officer G's partner moved to the north sidewalk with Officers L and M. According to Officer G, Sergeant A was communicating with Subject 1 and attempting to de-escalate the incident.

According to Officer G, he/she observed Subject 1 reach into his backpack. In response, Officer G unholstered his/her pistol and held it in a low-ready position. Officer G knew that Subject 1 had not been searched. Officer G indicated that he/she re-assessed and decided to holster his/her pistol since there were three other officers in front of him/her.

At 2011:21 hours, Sergeant A pointed toward Officers F, G, and M and told Officers G and M that they were going to be hands on. Officer G did not remember if Sergeant A provided him/her with a specific assignment.

According to Officer G, Sergeant A advised the officers that they were going to approach Subject 1. Officer G stated that as officers were approaching Subject 1, he kept saying that he was not going to be put in handcuffs, balled his fist, and took a fighting stance. Officer G stated that at that point, an officer grabbed Subject 1.

Officer G indicated that he/she did not intend to engage Subject 1, but he/she observed him still resisting and fighting with the officers. Officer G went to Subject 1's left side and used his/her left hand to apply a firm grip to his left arm. Officer G then placed his/her right hand on his left shoulder. Seconds after grabbing Subject 1's arm, Officer G heard Officer I say, "Go forward, go forward."

Subject 1 and the officers went to the ground. While on the ground, Officer G kept his/her grip of Subject 1's left arm and obtained his/her handcuffs with his/her right hand. Officer G then handcuffed the right wrist as Officer F held the right arm in place behind Subject 1's back. Officer G then linked the other set of handcuffs together with the assistance of Officer E.

Officer I

Officer I responded Code Three to Officers A and B's location. Officer I's assignment for his/her shift was a single-person unit. Officer I arrived at the scene and positioned him/herself at the driver's door. Sergeant A designated Officer I to be part of the arrest team. Sergeant A then directed Officer I to reposition to the south side of the street to limit the possibility of Subject 1 running toward Victim A's residence. Officer F accompanied Officer I.

At 2010:55 hours, Subject 1 began to walk toward Sergeant A and Officer A at the driver's door. Officer I redeployed because he/she believed Subject 1 was getting too close to Sergeant A and Officer A. Officer I positioned him/herself between Sergeant A and Officer A and advised them of his/her presence.

At 2012:26 hours, Sergeant A stated to the officers, "Let's go, let's go," and they began to move forward.

Officer I moved forward as Subject 3 refused to move out of the way. Officer I had to maneuver him/herself to the right of Subject 3 to reach Subject 1. Officer I ordered Subject 3 to move out of the way numerous times; however, Subject 3 continued to interfere. Simultaneously, Subject 2 was behind Subject 1, attempting to hold him. Subject 1 was able to break free of Subject 2's grasp and lunged forward toward Officer E.

Officer I's BWV was dislodged and fell to the ground with the camera lens facing upwards.

Officer I stepped toward Subject 1 and attempted to gain control of his left arm. Officer I gripped Subject 1's left wrist with his/her left hand and placed his/her right hand on Subject 1's left shoulder. Officer I mistakenly believed that his/her hand positioning was reversed as it appears on BWV.

Officer I released his/her grip of Subject 1's left wrist. Officer I then moved his/her left arm to acquire an under hook on Subject 1's left arm. Sergeant A directed the officers to get Subject 1 to the ground. Officer I indicated that the other officers were trying to pull Subject 1 backward, but he/she felt Subject 1 "tensed up too much." In response, Officer I called out, "Go forward!" Simultaneously, Officer I moved his/her right hand from Subject 1's right shoulder to the back of his head and the base of his neck. Officer I described that he/she ended up falling to the ground and wanted to use the ground as a controlling agent.

After going to the ground, Officer I was on Subject 1's left side. Officer I used both hands to reacquire his/her grip of Subject 1's left arm. Officer I then transitioned to a kneeling position and brought Subject 1's left arm behind his back. Officer I kept control of his left arm until the handcuffs were secured. Immediately after Subject 1 was in custody, Officer I directed that he be rolled to a recovery position.

Officer I briefly stood up before squatting down in front of Subject 1. Officer I then placed his/her right hand at Subject 1's left bicep and assisted with keeping him in the recovery position.

The following actions occurred simultaneously or in close succession; therefore, the events are documented to describe each officer's independent action during the use of force.

Officers H, L, and M's application of force:

At 2008:15 hours, Officers L and M responded to Sergeant A's additional unit request. According to Officer M, at their roll call, they received information regarding Subject 1 and the restraining order violation. During a prior incident, Subject 1 had fled the location in his vehicle, nearly colliding with an officer.

When Officers L and M arrived, they took a position on the sidewalk to the north of Subject 1 and his brothers, who were now moving toward the street. Subject 1 then walked back to the north sidewalk, reached into his cooler for a beer before moving to the street. Officer H joined Officers L and M and positioned him/herself behind them.

As the officers approached the scene, they discussed if Subject 1 was the same individual from the past incident which was discussed in roll call. Officer L then moved ahead of Officer M, unholstered his/her TASER, and ordered the brothers to move out of the way. Officer M also ordered the brothers to move from the street and away from Subject 1.

At 2011:21 hours, Sergeant A pointed to Officer M and stated that he/she was part of the arrest team. Officer L responded that he/she was TASER equipped.

As Sergeant A continued to communicate with Subject 1, Officer L turned to Officer M and stated, "He has something in his waistband." At that moment, Subject 1 turned to face Officers L and M. Subject 1 removed the object from his waistband, held it up at Officers L and M, and stated "Oh you looking for this boss? You want this? You want this!" Subject 1 then threw the object onto the sidewalk. Subject 1 then walked toward the officers while yelling at them, "You scared of me, you scared of me!" Subject 2 held Subject 1 back from approaching any closer.

Officer M then ordered both the brothers to move away from Subject 1; however, they refused. As Subject 2 faced south, Officer M approached him from behind and

attempted to isolate him from Subjects 1 and 3. Officer M pulled on Subject 2's shirt to get him to leave the area. Officer M stated that he/she did not proceed to do anything further other than just to hold Subject 2 by the shirt, thinking that maybe he/she could get some support from an assisting officer to isolate him. According to Officer M, he/she released his/her grip of Subject 2 in the interest of keeping everything calm.

At 2012:30 hours, seconds after Officer M released his/her grasp of Subject 2's shirt, Sergeant A and the other officers began to approach Subject 1. Officer M repositioned him/herself to the east. Officer M maneuvered around the rear of the vehicle and observed Subject 2 hugging Subject 1 from behind as the officers were attempting to take Subject 1 into custody. When interviewed, Officer M stated that his/her belief was that Subject 2 was interfering with the investigation and protecting his Subject 1 from being taken into custody.

Officer M grabbed onto the back of Subject 2's shirt with both hands, then pulled him backward and down to the ground. Subject 2 rolled to his stomach and began to push himself off the ground. Officer M placed his/her left hand on the back of Subject 2's head and neck and pushed down as he/she placed his/her right hand on Subject 2's left wrist. Officer M ordered Subject 2 to place his hands behind his back. Subject 2 resisted by pulling his left arm away from Officer M.

When Subject 2 pulled his left arm away, Officer M removed his/her left hand from the back of Subject 2's head. Officer M regained his/her grip of Subject 2's shirt with his/her right hand. Simultaneously, Officer M attempted to gain control of Subject 2's left arm with his/her left hand. Officer L had taken his/her TASER and placed the tip on Subject 2's upper right back area.

Officer H had moved to the lower left area of Subject 2's body. Officer H placed his/her left knee onto Subject 2's lower back, and his/her right knee on the back of Subject 2's left thigh. Officer H gripped Subject 2's right wrist with both hands and pulled Subject 2's right arm behind his back.

Meanwhile, Officer M placed his/her left hand onto Subject 2's left hand and then placed his/her right hand onto Subject 2's left wrist and moved it to Subject 2's back.

At 2012:55 hours, Officer L activated his/her TASER for one 5-second cycle. Officer L stated that he/she used the Taser and attempted to do a three-points of contact but felt he/she was too close to him. Officer L did not believe that the Taser darts opened up, so he/she then applied a drive stun. At that point Officers H and M were able to get Subject 2's arms out from under him, and Officer H handcuffed him.

Officer L added that Subject 2 was acting aggressive and was violently resisting when he fell to the ground by using his hands to try to push himself back up. Officer L told Subject 2 to stop resisting several times. According to Officer L, at the point when Subject 2 was pushing himself up is when he/she tased him due to the fact that he/she thought Subject 2 was going to get up and fight with officers.

Officer H grabbed his/her handcuffs with his/her right hand. Officer H handcuffed the right wrist and then with the assistance of Officer M, he/she placed the handcuff on the left wrist. According to Officer H, he/she was on Subject 2's back to gain control of him to handcuff him. Officer H stated that he/she placed his/her knees on Subject 2's lower back area and straddled him. Officer H stated that he/she got control of Subject 2's right arm, pulled it back behind him, and then handcuffed him.

Officer H rolled Subject 2 to a seated position and then assisted him to his feet. Officer H walked Subject 2 to the north sidewalk, and Officer L conducted a pat down search.

At 2014:55 hours, Officer A requested two Rescue Ambulances (RAs) for Subjects 1 and 2 due to the TASER deployments.

At 2019:16 hours, Sergeant A asked Officer I if he/she wanted to stand Subject 1 on his feet. Officer I responded that as long as Subject 1 was on his side, he would fine and that they should wait for the LAFD to respond. Subject 1, while on his right side, began to strike his head against the ground on three separate occasions. In response, Officers E and G moved Subject 1's upper body away from the ground.

At 2024:33 hours, Los Angeles Fire Department personnel responded to the scene. Sergeant A advised LAFD of Subject 1's aggressive behavior and the TASER darts were still attached to him.

At 2025:32 hours, Officers B, C, E, and I stood Subject 1 onto his feet. Subject 1 was spitting when he was standing; therefore, Sergeant A requested a spit-sock be placed on Subject 1's head. At 2027:29 hours, Officer G placed a spit-sock over Subject 1's face to contain his saliva.

Firefighter/Paramedics received approval from a hospital medical staff to administer medicine to Subject 1 to sedate him. At 2030:20 hours, Officers E, G, and I restrained Subject 1 as paramedics administered the dose of medicine. A few minutes later, Officers E and I moved Subject 1 to the gurney. Subject 1's wrists were handcuffed to the gurney and he was placed in the rear of the RA. Officer I rode in the RA as Subject 1 was transported to the hospital.

At 2230 hours, Sergeant A responded to the hospital where he/she was advised by medical personnel that Subject 1 would be admitted for observation.

At 2250 hours, supervisory personnel admonished the officers not to discuss the use of force. Due to the limited number of available supervisors, all officers involved were monitored by supervisory personnel at the station.

BWV and DICVS Policy Compliance

| NAME | TIMELY BWV ACTIVATION | FULL 2-MINUTE BUFFER | BWV RECORDING OF ENTIRE INCIDENT | TIMELY DICVS ACTIVATION | DICVS RECORDING OF ENTIRE INCIDENT |
|------------|-----------------------|----------------------|----------------------------------|-------------------------|------------------------------------|
| Sergeant A | Yes | Yes | Yes | Yes | Yes |
| Officer A | No | Yes | Yes | Yes | No |
| Officer B | No | Yes | Yes | Yes | No |
| Officer C | No | Yes | Yes | Yes | Yes |
| Officer D | No | Yes | Yes | Yes | Yes |
| Officer E | Yes | Yes | Yes | Yes | No |
| Officer F | Yes | Yes | Yes | Yes | No |
| Officer G | Yes | No | Yes | Yes | Yes |
| Officer H | Yes | Yes | Yes | Yes | Yes |
| Officer I | Yes | Yes | Yes | Yes | Yes |
| Officer L | No | Yes | No | Yes | Yes |
| Officer M | No | Yes | No | Yes | Yes |

Body Worn Video Issues

Officer C activated his/her BWV approximately one minute 22 seconds into his/her Code Three response to the scene. Due to the two-minute buffering function, the entirety of his/her response was captured on video.

Officer D activated his/her BWV approximately 51 seconds into his/her Code Three response to the scene. Due to the two-minute buffering function, the entirety of his/her response was captured on video.

Officer G's BWV had a 23 second buffer. According to Officer G, he/she believed that he/she accidentally grabbed the wrong BWV that day. Officer G recalled conducting a test video while enroute to the call and this was when he/she realized that he/she didn't possess his/her own camera. As such, Officer G then paired the BWV while on his/her way to the call and believed that this may have reset the two-minute buffer.

Officer L activated his/her BWV one minute and 12 seconds after arriving at scene.

Officer M activated his/her BWV one minute and 13 seconds after arriving at scene.

DICVS Issues

Los Angeles Police Department, Force Investigation Division (FID), Video Technological Unit reviewed the issues related to DICVS for this case. Coban Technologies, (Digital In-Car Video vendor) and FID both reviewed data logs from Officers A and B's DICVS data recorder. These findings were documented.

Officers A and B started the DICVS at 1949 hours. At 1956 they entered “equipment test mode.” At 1957:58 hours, they exited equipment test mode. At 1958:02 hours, they re-entered “equipment test mode.” The system then remained in “equipment test mode” until 2305:32 when the system shut down due to low battery voltage.

The “equipment test mode” is an option within the DICVS menu. It performs some limited testing functions. The Coban technician checked and verified that when the system is in “equipment test mode” it does not start a recording when the lightbar is activated.

At 2002:48 hours, Officers E and F’s DICVS started an emergency recording. No users were logged into the system when the lightbar was activated which resulted in the emergency activation. The video created was logged as 1111 for the user ID, consistent with an emergency activation. The system continued to record until approximately 2008:04 hours, when it stopped recording and shut down due to low battery voltage.

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, D, E, F, G, H, I, L, M, and Sergeant A’s tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers B, C and G’s drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officers B, C, E, F, G, H, I, M and Sergeant A’s non-lethal use of force to be In Policy.

D. Less-Lethal Use of Force

The BOPC found Officers C and L’s less-lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It also recognized that members of law enforcement 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 this 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 this 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 Subject 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 subject;
- Whether the subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject 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 subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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, subjects 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 subject.

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 subject 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*

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

Planning – During roll call, Sergeant A debriefed a prior incident involving Subject 1. Sergeant A discussed various tactical plans if officers encountered Subject 1, including the possibility that officers may have to use force to arrest him. Responding officers, including Officers A and B, had discussed tactics and roles, such as contact and cover. Officers also discussed the details of this call as they respond. Having responded to a previous call where Subject 1 fled in his vehicle, Officer F broadcast a description of his vehicle. Officer F called Sergeant A to advise him/her of his/her recent experience with Subject 1.

Assessment – Arriving at the scene, Officer A immediately assessed the situation. Based on Subject 1's irate behavior, muscle rigidity, and aggressive attitude, Officer A believed Subject 1 was under the influence of a central nervous system stimulant, such as methamphetamine. Arriving at the scene, Sergeant A assessed the situation, including Subject 1's demeanor, and immediately designated roles.

As they triangulated on Subject 1's position, officers assessed the need for the appropriate number of lethal and less-lethal options. Observing that Officer E already had a 40mm LLL deployed, Officer F holstered his/her TASER. Observing that Officer L already had a TASER deployed, Officer H holstered his/her TASER.

Time – For approximately seven minutes, Officer A and Sergeant A verbalized with Subject 1 and his brothers. During this time, Sergeant A and the officers maintained their distance, allowing Subject 1 to surrender. However, Subject 1 and his brothers refused to cooperate with the officers.

Redeployment and/or Containment – Sergeant A observed Subject 1 walking back and forth in the street. Sergeant A directed two officers to redeploy to prevent an avenue of escape. To triangulate on Subject 1, keep him visible, contain his movement, and prevent him from accessing the protected location, officers redeployed to the north and south sides of the street. To be an additional resource if Subject 1 attacked or resisted arrest, officers subsequently redeployed to Sergeant A.

Other Resources – Responding to the scene, Sergeant A requested an Air Unit. Arriving at the scene, Sergeant A ensured that less-lethal was deployed, an arrest team was designated, and additional units were responding. While ultimately unsuccessful, Sergeant A attempted to elicit Subjects 2 and 3's help in calming Subject 1 and obtaining his surrender. Following his arrest, Subject 1 remained aggressive. Medicine was administered by LAFD, calming Subject 1 and mitigating the potential for additional force.

Lines of Communication – Responding to the scene, Sergeant A broadcast his/her knowledge of Subject 1's past behaviors and actions. Sergeant A advised the Air Unit that Subject 1 generally had a vehicle near and that he was known to flee from the police. Arriving at the scene, the Air Unit broadcast that Subject 1 was walking back and forth in the middle of the street, appeared agitated, and had removed his shirt. The Air Unit also broadcast that Subject 1 was with two males. Based on information from Victim A, CD broadcast that the two males were Subject 1's brothers, Subjects 2 and 3.

Contacting Subject 1, Officer A ordered him to place his hands in the air; he refused. As he/she continued talking to Subject 1, Officer A warned that a TASER or other less-lethal device may be used on Subject 1 if he did not cooperate. Officer F advised Officer A that he/she had contact with Subject 1 a week before this incident and that Subject 1 was irrational and aggressive. Officer A advised Sergeant A and the other officers that he/she had verified the Restraining Order was valid.

Officer A and Sergeant A attempted to verbalize with Subjects 1, 2, and 3. When Officer A was unable to gain Subject 1's compliance, Sergeant A assumed the role of communications officer. Due to his/her experience with gang members, he/she believed he/she could build rapport with Subject 1. Sergeant A spent several minutes talking to Subject 1. Sergeant A advised Subject 1 that the officers did not want to use force on him. Sergeant A also advised Subjects 2 and 3 that officers were not going to hurt Subject 1 and to move out of the way. While it briefly appeared Sergeant A would obtain his cooperation, Subject 1 refused to surrender. Reaching an impasse, Sergeant A directed the arrest team to move in.

Officer L told Officer M that Subject 1 had something in his waistband. Seeing Subject 1 remove the tire rasp from his waistband, Officer C advised Officers B and E of his/her observations. Officer E ensured that Sergeant A had an arrest team in

place and verified they had a Restraining Order violation. Sergeant A pointed toward Officers F, G, and M, and told them that they would be “hands on.”

The BOPC noted the officers’ efforts to defuse the situation. Despite Subjects 1, 2 and 3’s lack of cooperation, all personnel exercised great patience and employed all aspects of de-escalation.

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

1. Tactical Planning/Communication

Noticing an item in Subject 1’s waistband, Officer B opined it may have been a knife or a handgun. Believing that it would have prompted Subject 1 to draw the item, further escalating the situation, Officer B did not advise the other officers of his/her observation.

Arriving at the scene, Sergeant A developed a tactical plan. Sergeant A assessed the situation, assigned less-lethal roles, and designated an arrest team. Reaching an impasse with Subject 1, Sergeant A directed his/her officers to move in to arrest Subject 1; however, not all officers heard this command. Other officers were unsure about which specific role they were tasked. Additionally, Sergeant A assumed the role of communications officer, talking to Subject 1 while simultaneously providing command and control. According to Sergeant A, he/she had worked in gang enforcement units as both an officer and a supervisor and had successfully built rapport with gang members.

In terms of Officer B’s decision not to advise officers of his/her observation, the BOPC noted that June 15, 2021, was Officer B’s second shift as a probationary police officer. Given his/her lack of field experience, the Board understood why he/she was concerned that communicating his/her observation may have escalated the situation. However, based on his/her belief that Subject 1 may have had a weapon, the Board would have preferred that he/she had discreetly communicated his/her observations. Despite this fact, the Board noted that throughout the incident, Officer B was communicating with his/her training officer, his/her partner officers, and CD. Given his/her tenure, the Board opined that Officer B’s actions were reasonable.

In terms of Sergeant A’s tactical planning and communication, the BOPC noted that he/she immediately took control of the scene, developing tactical plans and assigning roles. However, the Board would have preferred that Sergeant A had designated separate arrest teams for each of the three officers and had ensured that everyone knew when to move in to arrest Subject 1. In terms of Sergeant A’s decision to assume the role of communications officer, the Board would have preferred that he/she had remained focused primarily on command and control. In the alternative, the Board would have preferred that he/she had requested an

additional supervisor or designated a senior officer to assume operations while he/she attempted to communicate with Subject 1. Based on his/her experience as a gang investigator, the Board understood why Sergeant A believed he/she could de-escalate the situation, apprehending Subject 1 without the use of force.

Based on the totality of the circumstances the BOPC determined that the tactics employed by Sergeant A and Officer B were not a substantial deviation from approved Department tactical training.

- The BOPC also considered the following:
 - **Loading Beanbag Shotgun While Seated in Police Vehicle** – Responding to the call, Officer E loaded the beanbag shotgun while seated in the passenger seat of his/her police vehicle. Generally, officers should wait until they are out of the police vehicle before loading the beanbag shotgun.
 - **Initiating Physical Contact with a Slung Weapon** – Officer E initiated physical contact with Subject 1 while the 40mm LLL was slung in front of him/her. Consequently, two sponge rounds fell from the LLL's ammunition holder. During a use of force, officers should avoid making physical contact with a Subject, with a slung weapon. Alternatively, Officer E could have stood back and allowed another officer to make physical contact with Subject 1.
 - **Initiating Physical Contact While Holding a TASER** – Officer D initiated physical contact with Subject 3 with his/her right hand while holding a TASER in his/her left hand. Generally, officers should avoid making physical contact with a Subject while holding a TASER. Alternatively, Officer D could have holstered his/her TASER or allowed another officer to contact Subject 3.

These topics were to be discussed during the Tactical Debrief.

Command and Control

During roll call, Sergeant A debriefed a prior incident involving Subject 1. Sergeant A discussed various tactical plans in the event that officers encountered Subject 1, including the possibility that officers may have to use force to arrest him. Hearing the broadcast for this incident, Sergeant A advised CD he/she was responding; Sergeant A broadcast relevant information to the other responding units. Sergeant A requested an Air Unit and declared him/herself as the IC. Upon arriving at the scene, he/she immediately took control of the incident, assigning less-lethal roles and designating an arrest team. Sergeant A requested additional units and oversaw officers' efforts to communicate with Subjects 1, 2, and 3. Believing that Officer A was unable to establish rapport with Subject 1, Sergeant A assumed the role of communications officer. Sergeant A spent several minutes talking to Subject 1. While it briefly appeared that Sergeant A would obtain Subject 1's cooperation, he ultimately refused to surrender. Reaching an impasse, Sergeant A directed the

arrest team to move in. Sergeant A directed the officers to perform a team takedown and ensured that minimal force was used to apprehend both Subjects 1 and 2. In addition to the issues discussed in Debriefing Point No. 1, the BOPC would have preferred that Sergeant A had allowed the arrest team to move forward ahead of him/her. This would have allowed Sergeant A to focus primarily on command and control and may have avoided his/her involvement in the non-lethal use of force.

Sergeant B responded to investigate the non-categorical use of force. After Sergeant B was advised that FID had reclassified the incident as a Law Enforcement Related Injury (LERI), he/she promptly admonished the involved officers not to discuss the incident and monitored them until FID investigators arrived. The Department of Communications (DOC) was promptly notified after FID determined that they would assume investigative responsibility for this incident.

The BOPC determined that the overall actions of Sergeants A and B were consistent with Department training of supervisors during a critical incident.

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A, C, D, E, F, G, H, I, L, and M did not deviate from approved Department tactical training. The Board also determined that the actions of Sergeant A and Officer B did not substantially deviate from approved Department tactical training.

Each tactical incident merits a comprehensive debriefing. In this 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.

Therefore, the BOPC found Officers A, B, C, D, E, F, G, H, I, L, M, and Sergeant A's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

- **Officer B**

Hearing someone say, "Get your gun out," Officer B assessed the situation. Noticing an item in Subject 1's waistband, he/she opined it may have been a knife or a handgun. Believing that the situation could escalate to one involving deadly force, Officer B unholstered his/her service pistol.

- **Officer C**

Like Officer B, Officer C also heard an officer say, "Hey, get your gun out." Assessing, Officer C did not see anyone with a lethal option. Unable to see Subject 1, his/her view blocked by Subjects 2 and 3, Officer B opined that he/she could

produce a weapon undetected, escalating the situation to deadly force. In response, Officer C unholstered his/her service pistol.

- **Officer G**

Observing Subject 1 reach into the cooler, Officer G unholstered his/her service pistol. Officer G had not seen a lethal-cover officer and knew the cooler, which he/she described as a backpack, had not been searched. Officer G then re-assessed his/her role as the cover officer and holstered his/her pistol, as three officers were standing between him/her and Subject 1.

The BOPC evaluated Officers B, C, and G's drawing and exhibiting of their service pistols. The BOPC noted that Subject 1 was agitated, had a history of violence, and was possibly under the influence of methamphetamine. Subjects 2 and 3 were actively shielding Subject 1, obstructing the officers' view and refusing their commands.

During this time, Subject 1 removed a deadly weapon from his waistband, brandished it while taunting officers, then discarded it. Subject 1 also had an unsearched cooler nearby, which he reached into, causing at least one officer concern that Subject 1 was arming himself. The BOPC noted that the officers continually assessed, holstering their service pistols when prudent.

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

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

C. Non-Lethal Use of Force

Subject 1

Sergeant A – Physical Force and Bodyweight.

Officer B – Firm Grip, Takedown, Physical Force and Bodyweight.

Officer C – Firm Grip, Physical Force, and Bodyweight.

Officer E – Firm Grip and Physical Force.

Officer F – Firm Grip, Takedown, and Physical Force.

Officer G – Firm Grip, Physical Force, and Bodyweight.

Officer I – Firm Grip, Takedown, and Physical Force.

Subject 2

Officer C – Bodyweight.

Officer F – Physical Force.
Officer H – Firm Grip and Bodyweight.
Officer M – Takedown and Physical Force.

The following accounts are from the involved officers' perspective of the non-lethal force that was applied concurrently:

- **Sergeant A**

According to Sergeant A, Subject 1 resisted the officers' attempts to take him into custody. Subject 1 fought with such force that he was able to move six or seven officers who were attempting to overcome his resistance. Sergeant A placed him/herself in front of Subject 1 and directed the officers to conduct a team takedown. Sergeant A placed both of his/her hands on Subject 1 to slow his momentum as he fell forward (**Physical Force**). Sergeant A then briefly helped with efforts to control Subject 1 on the ground (**Bodyweight**).

- **Officer B**

According to Officer B, the arrest team approached Subject 1 to take him into custody. Officer B grabbed Subject 1's left wrist with his/her right hand and his left inner elbow with his/her left hand (**Firm Grip**). Officer B immediately fell to the ground with Subject 1 (**Take Down**). Officer B kept his/her right hand on Subject 1's left wrist and held it behind his back until he was handcuffed. Subject 1 began to kick the officers. Officers B attempted to control his legs and prevent him from injuring anyone. Officer B lifted Subject 1's legs while Officer C applied a HRD (**Physical Force**). Officer B then placed Subject 1's legs back on the ground and crossed his ankles (**Firm Grip**). Subject 1 continued to kick and resist the officers. Officer B lifted Subject 1's legs again while Officer C applied a second HRD (**Physical Force**). Subject 1 continued to straighten his legs and attempted to roll onto his stomach. Officer B then placed his/her right knee on Subject 1's calf area, his/her right hand on his crossed ankles, and his/her left hand on his hip to keep him in the recumbent position (**Body Weight**). Officers subsequently stood Subject 1. According to Officer B, he/she and the other officers placed Subject 1 against a parked vehicle. Officer B then placed his/her forearm onto his back and applied pressure to ensure that he did not fall backward (**Body Weight**). Officer B was relieved by another officer so that the RA could gain access to Subject 1.

- **Officer C**

According to Officer C, as he/she approached with the arrest team, he/she holstered his/her TASER and placed one hand on Subject 2's back for a few seconds as the other officers took him to the ground (**Bodyweight**). Officer C recalled that he/she placed one of his/her hands on Subject 2's back to prevent him from getting up to try to bring him to the ground. Per the FID investigation, Officer C used both of his/her hands to apply bodyweight to Subject 2's back.

Once the officers appeared to have control of Subject 2, Officer C turned his/her attention to Subject 1; Subject 1 was violently resisting. After he was handcuffed, Subject 1 continued to kick his legs. In response, Officer C applied a HRD to Subject 1's legs (**Firm Grip**). When Subject 1 continued to kick, he/she applied a second HRD to his legs (**Firm Grip**). After the HRD's were applied, Subject 1 continued moving, attempting to roll to his back. In response, Officer C used his/her hands to hold him on his side (**Bodyweight**). When Officer B was having trouble limiting Subject 1's range of motion, Officer C placed his/her knee on Subject 1's calf (**Body Weight**). After officers stood Subject 1, Officer C held Subject 1's arm while pressing him against a parked vehicle (**Physical Force and Bodyweight**).

- **Officer E**

According to Officer E, as Subject 1 was brought to the ground, he/she contacted Subject 1's right arm. Officer E grabbed Subject 1's right wrist with his/her right hand and brought it behind his back (**Physical Force**). After Subject 1 was placed on his side, Officer E held his arms to prevent him from rolling prone (**Firm Grip**). Subject 1 then began to hit his head against the pavement. In response, Officer E slid his/her leg underneath Subject 1's head to prevent injury (**Physical Force**). Officers then lifted Subject 1 and leaned him against a parked vehicle (**Physical Force**).

- **Officer F**

Officer F believed Subject 2 was trying to pull Subject 1 away from the officers. With his/her left hand, Officer F pushed Subject 2 away from Subject 1 (**Physical Force**).

According to Officer F, he/she pulled Subject 1 forward away from Subject 2 (**Physical Force**). Officer F placed both arms around Subject 1's waist from behind and helped take him to the ground (**Takedown**). Officer F then grabbed Subject 1's right arm and put it behind his back (**Firm Grip**). Officer F then rolled Subject 1 onto his right side because he/she did not want Subject 1 to sit on the TASER darts attached to his buttocks (**Physical Force**).

- **Officer G**

According to Officer G, he/she grabbed Subject 1's left arm and shoulder (**Firm Grip**). Officer G then helped the other officers take Subject 1 to the ground (**Takedown**). Officer G pulled Subject 1's left arm behind his back and another officer handcuffed his wrist (**Physical Force**). After Subject 1 was handcuffed, Officer G helped officers place him on his side. Officer G held Subject 1 on his side for several minutes (**Firm Grip**). Officer G helped lift Subject 1 by placing his/her right hand under Subject 1's armpit and walking him to a nearby vehicle that officers utilized as a controlling agent (**Physical Force and Bodyweight**). When Subject 1

began to spit, Officer G applied a spit sock. Subject 1 remained standing until LAFD assumed care.

- **Officer H**

According to Officer H, he/she straddled Subject 2 and had to pry his right hand from underneath him (**Physical Force and Bodyweight**). Officer H pulled Subject 2's hand behind his back and handcuffed him (**Physical Force**).

- **Officer I**

According to Officer I, Subject 1's fists were clenched. Officer I took control of Subject 1's left arm, placing his/her right hand on Subject 1's wrist and his/her left hand on Subject 1's bicep (**Firm Grip**). Officer I directed officers to push Subject 1 forward. Officer I repositioned his/her right hand on the lower portion of the back of Subject 1's neck and pushed him to the ground (**Takedown**). Officer I then grabbed Subject 1's left arm and brought it behind his back for handcuffing (**Physical Force**). Officer I then directed officers to roll Subject 1 to his side. Officer I helped stand Subject 1 and hold him against a parked vehicle (**Firm Grip**).

- **Officer M**

According to Officer M, he/she pulled Subject 2 to the ground (**Takedown**). Subject 2 landed facedown and attempted to stand back up. Officer M grabbed Subject 2's left hand and brought it behind his back (**Physical Force**).

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officers B, C, E, F, G, H, I, M, and Sergeant A, in the same situation, would reasonably believe that the use of non-lethal force was proportional and objectively reasonable.

The BOPC found Officers B, C, E, F, G, H, I, M and Sergeant A's non-lethal use of force to be In Policy.

D. Less-Lethal Use of Force

- **Officer C** – TASER, probe mode, (1) five-second activation.

According to Officer C, Subject 1 was swinging his fist and kicking officers as they attempted to take him into custody. Believing the officers needed his/her help overcoming Subject 1's resistance, Officer C unholstered his/her TASER. Believing that Subject 1 was attempting to stand up and that he may be armed with additional weapons, he/she placed the TASER on Subject 1's right buttocks area and pulled the trigger. With the TASER still activated, and the darts attached, Officer C moved the TASER to Subject 1's lower buttocks, using a drive-stun technique in

continuance of the initial five-second activation. The TASER was effective, causing Subject 1 to stop his violent actions long enough for officers to handcuff him.

- **Officer L** – TASER, drive stun mode, (1) five-second activation.

According to Officer L, Subject 2 was taken to the ground. Officers G and M were unable to gain control of him. Officer L believed that Subject 2 posed a significant violent danger to the officers. To overcome his violent resistance, Officer L discharged his/her TASER. Officer L attempted to do so in probe mode, however, the TASER was too close, which resulted in a drive stun contact. The TASER was effective, and the other officers were able to take Subject 2 into custody.

The Board evaluated Officers C and L's use of less-lethal force. In conducting their evaluation, the Board considered Subject 1 and Subject 2's actions throughout this incident. The Board noted that Subject 1 had been the source of repeated calls for service involving domestic disturbances. During one prior incident, officers had to use force to affect Subject 1's arrest, during another, he had fled from officers in his vehicle.

During the present incident, Subject 1 was ostensibly under the influence of narcotics, was behaving erratically, and was combative. Despite repeated commands, Subject 1 refused to cooperate, consuming a beer in front of officers, further impairing himself. When officers detected an object in his waistband, Subject 1 produced a tire rasp, taunting officers before discarding it. When an impasse was reached, and officers approached Subject 1 to arrest him, Subject 2 attempted to pull him away from the officers. During the non-lethal use of force, Subject 1 violently resisted, swinging his arms and kicking at officers. Subject 2 also violently resisted, attempting to push himself off the ground and crawl forward despite two officers' efforts to control him. While several officers were attempting to control Subject 1 when he was tased, the Board noted that it was Officer C's use of the TASER that allowed officers to finally control him. Similarly, it was Officer L's use of the TASER that allowed officers to control Subject 2. It was clear that Subjects 1 and 2 were not willing to submit to arrest without a fight. The Board opined that had either Subject's 1 or 2 managed to break free, they would have assaulted the officers. The Board also opined that the officers used only the force needed to overcome Subject's 1 and 2's resistance and affect their arrest.

The Board determined that an officer with similar training and experience as Officers C and L, in the same situation, would reasonably believe that the use of less-lethal force was proportional and objectively reasonable.

Therefore, the BOPC found Officers C and L's less-lethal use of force to be In Policy.