

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

**LAW ENFORCEMENT-RELATED INJURY- 052-21**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Olympic	10/1/21		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer B	3 years, 4 months
Officer C	6 years, 6 months
Officer E	3 years, 10 months
Officer F	3 years, 6 months
Officer G	6 year, 9 months
Officer H	4 years, 1 month
Officer I	12 year, 6 months
Officer J	1 years, 1 month
Officer L	21 years, 6 months

**Reason for Police Contact**

Officers responded to a radio call of a male with mental illness. Upon their arrival, the officers were informed that the Subject had committed an Assault with a Deadly Weapon (ADW) against his parents.

As the officers attempted to contact the Subject, he threw a golf club at them. The Subject then barricaded himself inside the residence and later set fire to it. The officers discharged less-lethal munitions at the Subject prior to taking him into custody. The Subject sustained a broken finger from being struck with the munitions, which resulted in his admission to the hospital and this incident being classified as a Law Enforcement-Related Injury (LERI).

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Male, 43 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 (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los 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 (FID) investigation (including all of the transcribed statements of witnesses, pertinent subject criminal

history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on August 23, 2022.

### **Investigative Summary**

According to the Subject's father, Witness A, and the Subject's mother, Witness B, their son, the Subject, lived in a back house of their property.

Additionally, Witness A stated the Subject suffered from an unknown mental illness and had previously told him that he (the Subject) hears voices telling him to break things. Witness A also added that the police had responded to multiple calls for service in the past due to the Subject's actions.

According to Witness B, the Subject had previously been admitted to the hospital and prescribed various medications, some of which were for mental illness. At that time, the Subject initially took the medication, but later he refused and stopped taking it.

At 1917:25 hours, Police Officers A and B, responded a call for service at Witnesses' A and B's residence.

At approximately 1938 hours, Officers A and B arrived at scene and contacted Witnesses A and B. As the officers approached the Subject's parents, the Subject could be heard yelling obscenities from the property. Officer A asked the couple if they spoke English. Witness B stated that she spoke a little, while Witness A did not respond. Officer A told Officer B that they needed a translator before they approach the Subject. Officer B in turn, broadcast a request for a Korean translator.

Shortly after the request was made, Witness A explained that the Subject was his son who lived at the residence. Witness A indicated that the Subject was having "*mental problems*" and was breaking things inside the residence. As Officer A spoke with Witness A, the Subject appeared in the front yard, continued to shout obscenities, and yelled that he was going to get a fire extinguisher.

The Subject wore a white tank top, blue boxer shorts, and had no shoes on. The Subject moved from the yard to the top of the driveway, at which time he told the officers to stay off the property. The Subject also ordered the officers to call a Watch Commander, as he continued to shout obscenities at them. Officer B advised the Subject that if he came any closer to him/her, he/she would place him in handcuffs. The Subject responded by walking back toward the house and "flipping the officers off" with his middle finger. As he walked away, he threatened the officers.

As the Subject walked onto the porch, he made another threat and said he was going to get a fire extinguisher as he went inside the residence.

As the officers waited on the sidewalk for the Korean-speaking officer to arrive, Officer A spoke to Officer B regarding identifying what was happening first before approaching the Subject. Officer A recalled he/she recently responded to a similar radio call, except the subject was inside a residence by herself, so the officers had actually disengaged and left the location.

At 1945:02 hours, Officers C and D arrived at scene. Officer D, who speaks Korean, met with Witnesses A and B to determine what had occurred. As Officer D spoke to the Subject's parents, the Subject again began to yell obscenities out from the house. Simultaneously, there was the sound of glass breaking from within the residence.

Officer D then relayed what he/she learned from the Subject's parents to Officers A and B. While his/her partner was briefing the primary unit, Officer C stood near a block pillar at the edge of the driveway and maintained a visual on the property. Officer D informed Officers A and B of the following. Yesterday the Subject broke several items inside the residence and threatened to kill his parents. Officer D also learned that the Subject suffered from depression and based on the Subject's behavior his parents were scared of him.

As the officers were discussing the incident, the sound of more glass breaking inside the residence could be heard. Officer C informed the other officers that he/she would obtain a beanbag shotgun and left the sidewalk to retrieve it from his/her vehicle. Based on the information he/she discovered and the consistent breaking of glass, Officer D believed the Subject was a danger to others. Officers A and D decided it was appropriate to contact the Mental Evaluation Unit (MEU).

Officer D continued speaking with Witness B and learned that the Subject had thrown numerous items at her that day. During the conversation, Witness B informed Officer D that she had to move to avoid being struck by any of the items thrown at her. Officer D relayed this information to Officers A and B. At this time, the sound of breaking glass could again be heard coming from the residence.

Officer C returned to the location of the officers and Subject's parents with the beanbag shotgun. Again, the sound of broken glass could be heard coming from the residence. Officer C broadcast a request for a supervisor to respond to their location.

Officer A alerted the other officers at scene that the Subject exited his residence. Officer B told the officers that the Subject had armed himself with a golf club. Based on Officer B's information, Officer C took a position near the block pillar with the beanbag shotgun.

The Subject moved to the front yard and threw a golf club in a southeasterly direction toward the officers. The officers moved to avoid being struck, and the golf club bounced

onto the sidewalk. According to Officer C, the Subject threw the golf club in his/her direction. Believing he/she was going to be hit with the golf club, Officer C placed his/her arm over his/her head to protect him/herself. He/she estimated that the club bounced and landed approximately five feet away from him/her. In response, Officer C broadcast a request for backup for an Assault with a Deadly Weapon on a Police Officer (ADW on a PO) Subject.

The following uniformed personnel responded to the location: Officers M through V, Sergeants A and B, and Lieutenant A.

At 1950:48 hours, Officers M and N arrived at the location and met with the officers at scene. Officer D informed the other officers of the Subject's mental illness and his/her intention to place the Subject on a mental evaluation hold for being a danger to others. As Officer D was briefing Officers M and N, the Subject went back inside the residence.

Officer M asked if there was a ballistic shield at scene. According to Officer M, an officer, who he/she believed was Officer C advised him/her that a ballistic shield was needed at scene. Subsequently, Officer M broadcast a request for a shield.

After the arrival of additional units, Officer D assigned the following roles as the contact team: Officer M was communications, Officer C had a less-lethal option, and he/she (Officer D) was the Designated Cover Officer (DCO).

Officer C suggested that the officers also deploy a 40 millimeter Less-Lethal Launcher (40mm LLL) in case they needed to alternate between it and the beanbag shotgun. In response, both Officers B and M went to their respective police vehicles and retrieved 40mm LLLs. Officer N directed the Subject's parents to move farther south of the residence, which they did.

As Officer C held his/her position near the block pillar, he/she informed the officers near his/her vicinity of a previous encounter he/she had with the Subject that resulted in a use of force. As a result of his/her past contact with the Subject, Officer C further disclosed the Subject's criminal history to include a firearms-related conviction.

**Note:** Despite Officer C's statement, a search for potential use of forces involving the Subject did not yield any results.

Officer D added that, according to the Subject's father, there was a shotgun inside the residence. The father further stated the shotgun was secure and believed it to be stored in a location unknown to the Subject.

At 1952 hours, Lieutenant A broadcast he was responding to the incident.

**Note:** Lieutenant A and Sergeant A were in the field together at the time of the backup broadcast. Therefore, both responded to the backup request.

As Lieutenant A and Sergeant A were enroute to the location, they discussed requesting MEU and Metropolitan Division. As there was a possibility their officers were dealing with a barricaded Subject, Special Weapons and Tactics (SWAT) would be required. Lieutenant A notified Communications Division (CD) via his/her police radio that he/she would be the Incident Commander (IC). Lieutenant A further designated Sergeant A as the operations chief and put him/her in charge of all tactical considerations.

After discovering the Subject may have access to a shotgun, Officer C suggested that the officers near the residence redeploy farther away from it. Officer C then moved behind the trunk of his/her police vehicle, which was parked in the middle of the street and one property south of the residence. The other officers also moved farther south, away from the residence, and used parked vehicles for cover. Officer C then broadcast discovery of a shotgun in the Subject's residence.

At 1952:26 hours, Officers K and L arrived at the scene and took cover behind a police vehicle. Officer C informed Officer L that the Subject was suffering from a mental illness and earlier he threw a golf club at the officers. Additionally, the Subject may have access to a shotgun.

Based on knowledge that Officer M had already deployed a 40mm LLL, Officer B returned his/her 40mm LLL to inside the passenger compartment of his/her vehicle.

At approximately 1953 hours, Officers E, F, I, J, O, P, Q, and R arrived at scene.

Upon his/her arrival, Officer P retrieved his/her police rifle from the trunk. As Officers I and J arrived, Officer I directed Officer J to deploy a shotgun, and he/she did so.

Officer C repositioned his/her vehicle facing west toward the location to better utilize it as cover. Once the vehicle was repositioned, Officer L unholstered his/her pistol and positioned him/herself behind the open passenger door. Officers I and J joined Officers C and L positioned behind the police vehicle. Officer I directed Officer J to take a position behind the open driver's door with his/her shotgun. Officer I unholstered his/her pistol as he/she stood near the rear of the vehicle.

Officer D retrieved his/her police rifle from the trunk of his/her police vehicle. Officer M repositioned his/her vehicle, which was south of the location, and angled the front of the vehicle toward the residence. He also used the vehicle's spot lamp to illuminate the front of the residence.

Officers E and F exited their vehicle and made their way to another police vehicle. Officer E opened the passenger door, used its spot lamp to also illuminate the front of the residence, and unholstered his/her pistol. Officers E and F then took cover behind the passenger door.

At 1954:03 hours, Air Unit 3 Pilot Police Officer (PPO) W and Tactical Flight Officer (TFO) X, arrived over the radio call location. Officer B relayed to TFO X the Subject's description, his current location, and that the Subject may have a shotgun inside the residence. Officer B also informed TFO X that the Subject had thrown a golf club at them and suffered from a mental illness. Then TFO X began coordinating with the officers on the ground to set up containment around the residence.

Officer P met with Officers A, B, and C and was informed that the Subject had thrown a golf club at the officers and may have access to a shotgun. Upon seeing that Officer D already had a police rifle deployed, Officer P repositioned and took Officer E's position behind the passenger door of a police vehicle. Officer E holstered his/her pistol.

Officer A then requested that Officer D verify if the Subject had committed a crime against his parents. Officer D again met with the Subject's parents and confirmed that he had thrown dishes at them.

At 1959 hours, Officer B telephoned MEU and notified them of the situation. The personnel assigned to MEU advised that there were several requests in queue and Olympic Division personnel would need to handle the incident.

As Officer A waited for Officer D to return with the information from the Subject's parents, Officer Q informed Officer A of his/her prior contact with the Subject. Officer Q described the Subject as being aggressive and a known narcotics user. Officer Q then met with Officer F who volunteered to move a police vehicle to a position facing west toward the residence. After repositioning the vehicle, Officer F used the spot lamps to illuminate the residence.

Officer D then met with Officer A. Officer D gave Officer A keys to the residence, which opened all the doors to the Subject's home. Officer D also reiterated that the Subject had committed an ADW against his parents.

At approximately 1959 hours, Officers G, H, S, and T, along with Sergeant A and Lieutenant A, arrived at scene. Upon his/her arrival, Lieutenant A broadcast that he/she was the IC.

Upon Officers S and T's arrival, Officer S positioned their vehicle to face the residence. Officer T used the vehicle's spot lamp to illuminate the residence and later unholstered his/her pistol.

Officer K went to his/her vehicle, donned his/her helmet, and retrieved Officer L's helmet. Officer K returned to Officer L and gave him/her the helmet. As Officer L donned his/her helmet, Officer K took his/her position near the rear of the vehicle and unholstered his/her pistol. Officer L then returned to his/her position and unholstered his/her pistol again.

As the officers were staged in the street, Sergeant A directed them to don their helmets. All the uniformed personnel at scene donned ballistic helmets on their own or were directed by Sergeant A.

Additionally, Sergeant A walked to each grouping of officers and directed them to have a DCO, less-lethal officer, arrest team, and communications officer.

Lieutenant A met with Officers A and B and confirmed that the Subject had committed a crime. Lieutenant A requested the officers to supply him/her with the Subject's information so he/she could make necessary notifications. He/she was also informed that MEU had been contacted.

At 2005:20 hours, the Subject began breaking windows from inside the residence on the southside. Both Officers N and Q were standing to the rear of a police vehicle with their unholstered pistols. Officer Q informed the officers around him/her that the Subject was moving around in the living room.

As Sergeant A moved about the officers, he/she provided directions and oversaw the officers at scene. Officer L informed Sergeant A of the number of police rifles being deployed in front of the residence. However, there were no police rifles deployed to the rear of the location. Officer L suggested that Officer P be repositioned to the rear of the location with his/her police rifle.

Sergeant A met with Officer P and directed him/her to redeploy with his/her rifle. Sergeant A instructed Officer P to find an elevated position that would provide him/her line of sight to the rear of the residence.

Officers O and P went to the rear of a neighboring residence, followed by Officer B. Officer P attempted to obtain a position which would provide him/her with the line of sight on the residence. However, Officer P was unsuccessful with said attempt and informed Sergeant A of the obstruction to the rear of the Subject's residence. Sergeant A then redirected Officer P to another street to "get eyes" on the location.

Lieutenant A also met with the officers who were deployed on the street and ensured each group had a DCO and less-lethal force option available. He further directed the remaining officers to holster their pistols. In response, Officer K holstered his/her pistol.

Believing a shotgun was needed, Officer K retrieved a shotgun from the locking rack inside a police vehicle. Officer K walked back to the group of officers with the shotgun. Sergeant A directed Officer K to deploy his/her 40mm LLL in case an additional less-lethal option was needed and return the shotgun to his/her vehicle. Officer K did so.

Officer E went to his/her vehicle, retrieved a 40mm LLL, and joined the officers. The group was comprised of Officers J and L as DCOs, with a shotgun and pistol, respectively. Officer C was designated as less-lethal, with a beanbag shotgun, and Officer E had a 40mm LLL. Officers F and I were assigned as the arrest team.

The second grouping of officers was gathered around a police vehicle. The group consisted of Officer A, Officer Q as a DCO with his/her pistol drawn, Officer M as less-lethal with a 40mm LLL, and Officers N and R as the arrest team.

The third grouping of officers was gathered around another police vehicle. The group consisted of Officer S as a DCO with his/her pistol, Officers G and H as the arrest team, and Officer T as the communications officer. At Sergeant A's direction, Officer H obtained a 40mm LLL and returned to his/her position with the team.

As the three contact teams were formed, Officers O and P went back to their vehicle and drove to "get eyes" on the rear of the residence.

Several police vehicles were tactically relocated to provide better cover for the officers.

At the direction of Sergeant A, Officer D obtained information from the Subject's parents on the interior of their residence. This information was used by Officer D to draw a sketch of the residence for potential entry.

At 2011:52 hours, Lieutenant A broadcast a request for additional units for traffic control and a request for a police rifle. A short time later, Officers U and V broadcast they would respond to the rifle request.

As Sergeant A continued to monitor the resources that were deployed, he/she directed Officer N to get a ballistic shield from his/her vehicle in the event the officers needed to approach the Subject. Officer N retrieved a shield from the trunk of Sergeant A's vehicle.

At approximately 2015 hours, CD reserved a channel to the incident. Lieutenant A responded by directing all the officers on the incident to switch to that frequency via his/her radio.

At 2017:58 hours, Officer L notified the officers that the front door of the residence was opening. Loud banging and glass breaking could be heard, as the Subject yelled profanities at the officers and demanded they turn their spot lamps off. Officer L also warned the officers that the Subject was armed with a golf club.

Officer M ordered the Subject to exit the residence. Officer M then ordered the Subject to drop what he was holding and come out with his hands up.

Officer T utilized his/her vehicle's Public Address (PA) speaker to order the Subject to drop what he was holding and put his hands up. The Subject responded by saying, "I'll put my hands up when I fall!" Officer T ordered the Subject to drop what he was holding several times; however, the Subject refused to comply. The Subject repeatedly yelled at the officers to turn their spot lamps off. Officer T reassured the Subject that the officers were there to help him. During these verbal exchanges with the Subject, banging noises and the breaking of glass could be heard in the background.



The Subject then threw the golf club he was holding in an easterly direction and went back inside the residence. According to Officer E, the Subject had stepped off the porch and aggressively swung and threw the golf club toward the officers. The golf club did not hit the officers due to it getting lodged in the branches of a large tree in the front yard of the property.

At approximately 2020 hours, Lieutenant A notified Metropolitan Division personnel that he/she had a barricaded ADW Subject at his/her location and required SWAT's response.

Officer A directed Officer T to give the Subject a less-lethal warning. Officer T utilized the PA to warn the Subject that he needed to drop what was in his hands or less-lethal munitions would be used and he may be injured.

Officers U and V arrived at the location and met with Lieutenant A. According to Officer V, Lieutenant A directed him/her to deploy his/her police rifle and serve as a DCO at the front of the location. Officer V retrieved his/her rifle, loaded it, and went to the front of the location.

Upon returning, Officers O and P met with Sergeant A. Sergeant A reassigned Officers O and P to evacuate the apartment building south of the Subject's residence. The officers contacted various residents in the apartment building, offering them the choice to vacate the building or shelter in place. As a result, some residents elected to leave the location.

At 2026:45 hours, both Officers L and Q reported to the other officers that the Subject's front door was opening again. Officer Q recalled the Subject came out to the porch numerous times and yelled obscenities. According to Officer Q, there were several times when the Subject exited his residence, and he/she observed the Subject was armed with either a golf club or crowbar.

Officer T again used the PA to order the Subject to drop the object and put his hands up. He/she also warned the Subject that if less-lethal munitions were used against him, he might be injured.

Officer V met with Sergeant A, who directed him/her to relieve Officer Q of his/her DCO role. As Officer V positioned himself at the rear of the vehicle, Officer Q moved out of the way and holstered his/her pistol. Sergeant A then directed Officers Q and R to assist with containment on the street.

Lieutenant A notified Air Unit 3 that his/her officers would be evacuating the surrounding properties and requested Sergeant A to coordinate the evacuations.

As the officers continued to monitor the Subject's actions inside the residence, Officer A updated Officer T and told him/her that he/she could see some movement inside the residence and that the Subject was holding something in his hands. Officer V informed

the officers he/she believed the Subject was still holding a golf club. Officer T again utilized the PA to order the Subject to put the golf club down and exit the residence with his hands up.

After Officer T made multiple attempts to call the Subject out of his residence, Officer K approached Sergeant A and suggested the Subject may be responsive to a male's voice and volunteered to take over the PA. When Officer K left his/her position to speak with Sergeant A, Officer P took Officer K position behind the passenger door.

Sergeant A informed Officer T that Officer D would take over communications with the Subject. Sergeant A subsequently directed Officer D to utilize the PA and call the Subject out of the residence. Officer D handed his/her police rifle to Officer K and sat in a police vehicle. Officer D then used the PA to order the Subject to exit the residence with his hands up. Officer D also warned the Subject that if he did not comply, less-lethal munitions could be used against him and cause serious bodily injury. Officer D also gave the warning in Korean.

At 2036:37 hours, at Lieutenant A's direction, Officer Y requested that a (rescue ambulance (RA) stand by in the area.

Meanwhile, TFO X continued to assess the deployment of the officers around the location and determined that an officer needed to find an elevated position. According to Officer Q, he/she and Officer R gained access to a second-story apartment unit which gave them a view of the Subject's residence and front yard.

Officer D again used the PA to call the Subject out of the residence in both English and Korean; however, there was no response. In order to get a better angle on the residence, Officer M, who still had the 40mm LLL, repositioned himself behind Officers A and B's driver-side door. Officer A directed Officer N to position herself next to Officer M and provide him/her cover with his/her pistol since he/she was armed with a less-lethal weapon. Officer N moved beside him/her partner and unholstered his/her pistol.

An officer was situated on the street, when he/she broadcast that he/she had contacted a resident. The resident would allow the officers access to his upstairs apartment unit. The resident was directed to meet with the officers. Sergeant A acknowledged the broadcast and directed Officer P to meet the resident upon his/her arrival.

Officers O and P went to the second story of the apartment complex and met with the resident. They positioned themselves at the north-facing bedroom window, overlooking the Subject's residence. Officers Q and R exited and gained access to another Unit, which provided them a view of the residence and a partial view of the rear yard. Officer Q then broadcast his/her position to the other officers.

Sergeant A directed a group of officers to determine if the front pedestrian gate leading into the property was unlocked. Officer I lead the group with a shield, as Officer L had his/her pistol drawn and Officer E maintained possession of his/her 40mm LLL. The

officers repositioned themselves to the north and approached the location in a southerly direction on the west sidewalk. As the group approached the gate, Officer I unholstered his/her pistol.

Officer L holstered his/her pistol, checked the gate, and found it to be locked. The officers then backed away from the residence. Officer L informed Sergeant A that the gate was locked. Sergeant A broadcast a request for entry tools and Lieutenant A acknowledged the request.

At approximately 2053 hours, Lieutenant A notified the officers at scene via the tactical frequency that SWAT was involved in another incident, and they were second on the list for SWAT. Lieutenant A directed the officers to maintain their positions and continue their attempts to gain the Subject's voluntary compliance. Sergeant A directed Officer D to utilize the PA to call the Subject out of the residence. Officer D did so in English and Korean, but there was no response.

As Officer S began to tire from his/her position as DCO, he/she asked Officer T to replace him/her at the driver's door of their police vehicle.

At approximately 2057 hours, Air Unit 18 took over the duties for Air Unit 3 and began to orbit the residence.

At the direction of Lieutenant A, Officers Y and Z brought entry tools to the officers in front of the residence. Sergeant A informed the officers that the tools were available in case entry into the residence was necessary.

At 2105 hours, an officer and a nurse responded from MEU to the Command Post (CP).

As the incident continued, Sergeant A requested an update regarding the Subject's actions. Officer V updated Sergeant A of the Subject's position in the residence, as the officer observed the Subject lying on the floor. The Subject began to yell and shout profanities from inside the residence. Officer K, who had taken over communications for Officer D, used the PA and again ordered the Subject to exit the residence with his hands up. Additionally, Officer K provided another less-lethal warning. After Sergeant A observed the Subject inside his residence armed with another golf club, he/she alerted the officers of the potential safety issue.

Officers Q and R continued to monitor the rear and south side of the residence. From a south-facing window at their position, they observed the Subject ignite a fire inside the kitchen. According to Officer Q, the Subject took a small box and filled it with papers, magazines, and envelopes and set it on fire. Officer Q stated that the Subject then began to fan the flames in a probable attempt to increase the size of the fire. Subsequently, Officer Q broadcast his/her observations to the other officers.

At 2112:39 hours, Lieutenant A broadcast a request for the fire department to respond to the scene.

As Officer Q continued to observe the Subject from the adjacent second-story apartment unit, he/she broadcast that the Subject was continuing to light additional paper on fire. In response, Lieutenant A broadcast that he/she was going to have the Los Angeles Fire Department (LAFD) stage nearby.

Sergeant A directed the group of officers to approach the front pedestrian gate and open it. Sergeant A obtained the house key to the residence that Officer A had and gave it to Officer I.

Officer J lead the group with a shield, Officer I had a Halligan prying tool, Officer E had a 40mm LLL, Officer C had a ram, and Officer F was the DCO.

The officers repositioned themselves north of the residence and approached the location in a southerly direction on the sidewalk.

Lieutenant A broadcast on the tactical frequency and asked if anyone was in position to discharge a 40mm LLL at the Subject to prevent him/her from going back inside the residence. Sergeant A responded and told Lieutenant A that they were too far away, but that he/she was sending a team to open the front pedestrian gate and he/she would assess afterward. In response, Lieutenant A broadcast that if the Subject exited the residence again with a golf club, he/she wanted two officers with 40mm LLLs, an arrest team of four officers, and one DCO. This was to prevent the Subject from reentering the residence and, when the opportunity presented itself, take him into custody.

The arrest team then approached the gate. As they moved, Officers F and J unholstered their pistols. Sergeant A also directed Officer H, who was equipped with a 40mm LLL, to join the group of officers, and he/she did so.

Officers F and J positioned themselves near pillars on either side of the pedestrian gate. Officer E announced that he/she could see the Subject inside the residence with his back toward the officers. Officer I positioned himself behind Officer J and used the key to unlock the gate. The officers then opened the gate which moved outward toward the sidewalk and removed a large woven screen and other items that were stacked near the entrance.

Both Officers F and J holstered their pistols. According to Officer J, he/she initially had his/her pistol out while in front of the closed gate until he/she heard someone direct him/her to holster up. Officer J looked to his/her right and observed two officers with their pistols out. Believing that there were enough pistols out, he/she holstered his/her pistol. Although Officer F was originally designated as a DCO, he/she indicated that he/she holstered his/her pistol when he/she lost sight of the Subject.

Officer H informed Officer E that he/she would discharge his/her 40mm LLL first, then he/she [Officer H] would be ready to fire a second 40mm LLL round. Sergeant A directed the team to contact the Subject if he/she exited the residence. Sergeant A

further directed Officers E and H to position themselves near the gate with their 40mm LLLs. He also directed Officer J to unholster his/her pistol to act as a DCO. Officer I also unholstered his/her pistol. Officer B retrieved a fire extinguisher and joined the group of officers at the gate.

As the officers were positioned near the gate, Sergeant A directed Officer K to resume using the PA to give commands to the Subject. Officer K ordered the Subject to exit the residence with his/her hands up and follow the officers' directions. Officer K pleaded with the Subject to not set the house on fire and assured him that they were there to help. There was no response from the Subject.

While positioned at the gate, Officer E asked for confirmation that the tactical plan was to utilize less-lethal force if the Subject exited the residence. Officer C confirmed that it was. At this time, there were sounds emanating from the Subject's location. The officers described the sounds as a "zapping" or "electrical" sound and believed that the Subject may have armed himself with a taser.

**Note:** According to Officer E, Sergeant A gave him/her approval to discharge the 40mm LLL to prevent the Subject from reentering the residence.

Lieutenant A notified Sergeant A via radio that he/she was sending Sergeant B to begin evacuating the surrounding residences in the event the fire spread. The fire inside the Subject's residence began to grow, and smoke was visibly rising from the structure.

Officer K continued to use the PA, attempting to gain voluntary compliance from the Subject. Officer K added that if the Subject refused to cooperate, less-lethal force may be used, which could cause great bodily injury.

Lieutenant A was joined by an LAFD Battalion Chief at the CP and formed a unified command. Lieutenant A knew from prior training with the fire department that LAFD personnel would not approach the residence because the Subject was possibly armed with a weapon. The area was considered a "hot zone" and LAFD personnel would only approach after the Subject was taken into custody.

Officer E was still positioned near the gate when he/she observed the Subject exit the residence holding an object in his right hand. Officer E described the item as being a dark box-like object and indicated it made a zapping sound. Officers E and F ordered the Subject to drop the item. During the incident, Sergeant A broadcast that he/she observed the Subject was armed with a taser. From the CP, Lieutenant A reiterated the plan to utilize less-lethal force option to take him into custody.

Officer E took a kneeling position in the pedestrian gate entrance to obtain an unobstructed line of sight between him/her and the front door due to tree branches.

Moments later, the Subject exited the residence and walked onto the porch. Officer E declared, "40 ready! 40 stand by!" According to Officer E, he/she targeted the Subject's stomach and navel area and fired one round from his/her 40mm LLL, hoping to incapacitate him. The Subject was struck by the round; however, he turned and reentered the residence.

Officer E then stepped back behind Officer C and reloaded his/her 40mm LLL. Officer H then took Officer E's position. Officer I directed Officer E to stand to the left of the entrance behind Officer J, which he/she did. Sergeant A told the officers that the next time a 40mm munition is discharged, the officers need to advance on the Subject. Sergeant A was concerned with the spread of the fire and the danger it presented to the Subject.

Officer F called out to the Subject and ordered him to step out of the residence with nothing in his hands. Additionally, Officer K continued to use the PA to order the Subject to surrender. Officer K warned the Subject that his residence was becoming fully engulfed by the fire and pleaded for him to exit.

Officer H took a kneeling position near the gate. Approximately 90 seconds after Officer E fired the first 40mm LLL, the Subject exited the front door of the residence and stood on the front porch. The Subject had a towel in his left hand and an unknown object in his right hand. The Subject wiped his face with the towel as he stood on the porch. Officer H ordered the Subject to drop what he was holding. The Subject refused.

The Subject turned his back to the officers and began to walk toward the front door. Sergeant A immediately directed Officer H to discharge the 40mm LLL at the Subject. Officer H targeted the Subject's navel area and fired one round, which struck the Subject.

Officer H immediately reloaded his/her launcher.

Sergeant A immediately ordered the officers to discharge the 40mm LLL at the Subject again. As the Subject turned to his right in the direction of the house, Officer E targeted the Subject's center mass with his/her 40mm LLL and fired another round.

The round struck the Subject before he reentered the residence. Officer E immediately reloaded his/her 40mm LLL.

After Officer E's second 40mm LLL, Sergeant A reminded the officers that the next time the Subject exited the residence, they needed to be prepared to move up. Officers E and H believed they were running low on 40mm LLL munitions. Consequently, Officer C called for an additional less-lethal weapon. Officer M approached with a 40mm LLL and gave it to Officer C.

Officer E, having only one remaining 40mm LLL round, stepped back and allowed Officer C to take his/her position. Officer C knelt to the left of Officer H. Sergeant A

repeated the plan to advance on the Subject with a ballistic shield following the next time he exited the residence after being struck by a 40mm LLL round.

Moments later, the Subject partially opened the security screen door and stood in the doorway. He yelled, "You broke my hand!" Officer E alerted the other officers that the Subject was bleeding.

Officer E advised the officers they should put gloves on, as he/she donned latex gloves himself.

Officer K once again used the PA to order the Subject to exit the residence.

The Subject stepped out of the residence and onto the porch. Sergeant A ordered the officers to move toward the Subject. As the officers entered the front yard, they ordered the Subject to get on the ground. However, the Subject did not comply and turned toward his residence. Officer J, with the shield, lead the team of officers comprised of Officers B, C, E, F, H, and I, with Sergeant A. The arrest team approached the Subject with the intention of taking him into custody.

Officer C, equipped with a 40mm LLL, observed the Subject moving toward the front door. In response, Officer C targeted the Subject's navel area and fired one round. The Subject stopped walking and bent partially over at the waist.

The Subject stood on the porch with his hands near his sides, as the officers ascended the steps toward him. Sergeant A ordered the officers to take the Subject into custody. Officer J moved to the right side of the Subject, as he/she holstered his/her pistol and put the shield on the ground. Officers E and J each grabbed the Subject's right arm with both their hands. Officer J repositioned him/herself behind the Subject to make room for Officer E.

Simultaneously, Officer F moved to the Subject's left side and used his/her left hand to apply a firm grip to the Subject's left wrist and his/her right hand to apply a firm grip to the Subject's left bicep. Officer I positioned himself behind the Subject. The Subject walked forward on the porch a few steps and then sat down as he pulled his hands into his torso. Blood could be seen on the back of the Subject's left hand. Officer F ordered the Subject to stop resisting and place his hands behind his back. The Subject refused to cooperate and demanded the officers give him water.

The Subject kept his hands and arms drawn into his body as the officers attempted to control his arms. Officer I leaned over the Subject and placed a handcuff near his right wrist, and Officer F secured it around the Subject's wrist. The officers continued to struggle with the Subject, as they attempted to move his hands from the front of his torso and place them behind his back. Officer C passed his/her 40mm LLL to Sergeant A before he/she walked onto the porch and positioned him/herself to the Subject's left, between Officers F and I.

**Note:** As Officer C unslung his/her 40mm LLL, his/her body-worn video (BWV) camera was dislodged and fell to the ground.

Because the Subject had difficulty putting his hands behind his back, the officers communicated with each other, deciding to roll the Subject to his left. As the Subject was rolled to his left, Officers C and I placed the Subject's left arm behind his back. Officer E placed the Subject's right arm behind his back, while Officer F pushed on the back of the Subject's head with his/her hands, forcing him downward. The Subject was in a partially seated position, with his torso bent over his left leg and his chest near the ground. Officer B pushed the Subject's right arm toward the other handcuff, as Officer C assisted by pulling the Subject's right arm toward the handcuff. Officer C then secured the handcuff around the Subject's right wrist. The Subject complained about his hand as the officers handcuffed him.

Officer C maintained control of the Subject's left arm, and Officer B maintained control of the Subject's right arm. The officers then stood the Subject up, walked him down the stairs, and began to walk him toward the front gate.

At 2134:23 hours, Sergeant A broadcast the Subject was taken into custody. Sergeant A also broadcast the Fire Department could enter to extinguish the structure's fire.

As Officers B and C neared the gate, the Subject jerked his body to the left and lunged forward, causing Officer B to be pulled off balance. Officer C hooked his/her right arm underneath the Subject's left arm.

The Subject rotated his body and went down to the ground in a seated position. Officer C regained control of the Subject's left arm, as Officer B regained control of the Subject's right arm, and Officer G grabbed the Subject's ankles with his/her hands. Together, the officers lifted the Subject off the ground and carried him through the gate.

Officers B, C, and G carried the Subject out to the west sidewalk. As they did so, Officer B lost his/her footing and fell onto the sidewalk. This caused the Subject to fall a short distance onto the sidewalk in a seated position. Officer L took Officer B's position and used both hands to lift the Subject by his tank top. Sergeant A directed the officers to apply a hobble restraint device (HRD) on the Subject. Officer J acknowledged Sergeant A's direction.

Officers C, G, and L picked the Subject back up and continued to carry him north on the sidewalk. As they did so, the Subject demanded water and continued to complain about his finger. As the officers neared the corner, the Subject's tank top ripped and he went to the ground on his right side. Officers C and L then moved the Subject to a seated position.

**Note:** At 2135 hours, an RA was requested to respond to the area. Los Angeles Fire Department personnel, including an RA, were already staged at scene.



Officer J looped the HRD around the Subject's lower legs. As the HRD was being placed, the Subject rolled onto his right side. Officers I and L each used their left knee to apply bodyweight to the Subject's back and left side to keep him in place, while Officer J continued to secure the HRD. As the Subject was being kept in place, he yelled, "I can't breathe!" Officer J was then assisted by Officer G, and the HRD was secured around the Subject's ankles.

As the Subject laid on his side, he turned his head to the left and spat on Officer L. In response, Officer L momentarily used his/her right fist to apply pressure to the left side of the Subject's face, which prevented the Subject from turning his head toward Officer L. Simultaneously, Officer L shifted his/her left knee from the Subject's middle back to his left shoulder. Officer I warned the Subject if he spat again, he would be tased.

Officer L immediately obtained a spit sock that he/she had in his/her pant pocket and handed it to Officer B, so he/she could open it. Simultaneously, the Subject rolled himself to his right into a prone position. Officer L repositioned his/her left knee and applied bodyweight to the Subject's upper back, and Officer I used his/her right knee to apply bodyweight to the Subject's lower back.

After opening the spit sock, Officer B handed it to Officer L, who then placed it over the Subject's head. Officer L then placed the Subject into a seated position and placed his/her left knee against the Subject's back to prevent him from moving. Simultaneously, Officer L placed his/her right hand on the Subject's left shoulder, while he/she looped his/her left arm under the Subject's left arm and clasped his/her right wrist creating a shoulder lock.

As the Subject sat with the spit sock over his head, he repeatedly shouted that he could not breathe. He also continued to flail his body back and forth. Officer L released the shoulder lock on the Subject's left shoulder. He/she then obtained his/her side-handle baton and passed it under the Subject's left arm and applied a baton-assisted joint lock to the Subject's left shoulder. As Officer L controlled the Subject with his/her baton, Officer J maintained control of the HRD, and Officer G held the Subject's right arm.

**Note:** The spit sock is made of a breathable mesh material designed to mitigate spit, while minimally impacting a person's breathing ability.

From the time the Subject was brought out to the sidewalk until he was loaded into the RA, he was captured on numerous BWV recordings repeatedly stating that he could not breathe. Most of these statements were made while the Subject was either lying or sitting on the sidewalk, and LAFD was on-scene. The Subject also made the statement twice while lying on a gurney in the company of LAFD personnel, as they rolled the gurney to the RA. He was handcuffed to the gurney at the time, and there were no officers within arm's reach of the Subject.

The investigation revealed that the Subject had a medical condition affecting his ability to breathe and was using an inhaler-type medication to control and/or

relieve it. The advised medical personnel in the ED that as a result of his medical condition he had been having trouble breathing while at-scene.

Due to an injury to his finger, the Subject was admitted for treatment at the hospital.

**Body-Worn Video (BWV) and Digital In-Car Video (DICV) Policy Compliance**

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer B	Yes	Yes	Yes	N/A	N/A
Officer C	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	Yes	Yes
Officer F	Yes	Yes	Yes	Yes	Yes
Officer G	Yes	Yes	Yes	Yes	Yes
Officer H	Yes	Yes	Yes	Yes	Yes
Officer I	No	No	No	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes
Officer L	Yes	Yes	Yes	Yes	Yes
Sergeant A	Yes	Yes	Yes	Yes	Yes
Lieutenant A	Yes	Yes	Yes	Yes	Yes

**Board of Police Commissioners’ Findings**

The BOPC reviews each Categorical Use of Force (CUOF) 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 the tactics of Officers B, C, E, F, G, H, I, J, and L, as well as the tactics of Sergeant A and Lieutenant A, to warrant a finding of Tactical Debrief.

**B. Drawing/Exhibiting**

The BOPC found Officers E, F, G, H, I, J, and L’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, I, J, and L’s non-lethal use of force to be In Policy.

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

The BOPC found Officers C, E, and H'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 suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;

- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

**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/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 and Assessment** – This was Officers A and B's first shift as partners. Before responding to this incident, Officers A and B discussed tactics, specifically their weapon systems and roles. They also established that Officer A would speak to the reporting party. After experiencing a language barrier, Officers A and B requested a Korean-speaking officer. Based on the nature of the call, Officers A and B assessed the need to continue engaging with the Subject; Officer A had a similar radio call in the past which resulted in tactical disengagement. Once it was determined that the Subject had committed a crime, officers requested additional units and established containment of the residence.

While traveling to the location, Sergeant A and Lieutenant A discussed the possibility of contacting the Mental Evaluation Unit (MEU) and Metropolitan Division Special Weapons and Tactics (SWAT). Sergeant A established three teams, each with a DCO, less-lethal force option, and arrest sub-team. These teams allowed Sergeant A to have options to apprehend the Subject. Sergeant A also directed Officer D to create a diagram of the residence if entry became necessary. Lieutenant A developed a tactical plan for officers to prevent the Subject from reentering the residence and escalating the incident. Lieutenant A communicated his/her plan to all personnel via his/her police radio.

As the incident progressed, officers assessed the original radio call and Subject's behavior. Officers considered the details of the incident and their investigation. To better assess the Subject's actions, Officers O, P, Q, and R positioned themselves in adjacent buildings which afforded them an elevated view of Witness A and B's residence.

**Time** – The officers and supervisors at this incident used time to de-escalate the incident and to obtain the Subject's surrender. During the Use of Force Review Board (UOFRB), Force Investigation Division (FID) investigators estimated that officers had attempted to negotiate with the Subject for approximately one hour and eighteen minutes before he set fire to his parent's home. During that time, numerous attempts were made to call the Subject out of the house; however, he refused to surrender.

**Redeployment and/or Containment** – Officers maintained distance from the Subject as containment of the location was established. Officers were positioned in adjacent structures and police vehicles were positioned in front of the residence for containment and cover. Lighting provided by the vehicles illuminated the residence and Sergeant A ensured that the residence was contained on all sides. Containment was maintained until the Subject set the fire, prompting officers to modify their plan to apprehend him and extinguish the fire before it spread to neighboring residences.

**Other Resources** – As the investigation developed, Officer D learned that the Subject had threatened to kill his parents; both Witnesses A and B were scared of the Subject. The Subject also suffered from depression, which prompted Officers A and D to determine that contacting the Mental Evaluation Unit (MEU) was appropriate for this incident. The MEU was contacted and responded to the scene. The LAFD RA was requested to stand by near the location in the event they were needed. The SWAT team was also notified of this incident; however, due to a hostage situation in another division, this incident was resolved before they could respond.

**Lines of Communication** – Officer D responded to the location to speak with the Subject's parents in Korean. This allowed for a more accurate assessment and clearer communication with the parents. Lieutenant A declared himself the Incident Commander (IC) which established command and control of the Incident. Numerous officers contacted the Subject to elicit his surrender; however, he refused. Officers D, K, and T also used a PA system to contact the Subject; Officers D spoke to the Subject in both English and Korean. Before using force, officers provided the Subject with use of force warnings in both Korean and English. It should be noted that the Subject spoke both languages.

- During its review of this incident, the BOPC considered the following:



**Initiating Physical Contact with a Suspect with Slung Weapon** – Officer E had his/her 40mm LLL slung in front of him/her when he/she made physical contact with the Subject.

**Simultaneous Non-Conflicting Commands** – While attempting to obtain the Subject's surrender, Officers F, H, K, and V gave simultaneous, non-conflicting commands to the Subject.

**Profanity** – Frustrated that officers were giving simultaneous non-conflicting commands while attempting to obtain the Subject's surrender, Officer F used profanity.

**Situational Awareness-Location** – After the Subject threw a golf club at officers, Officer B attempted to coordinate a direction of approach for the responding officers. During the broadcast, Officer B erroneously broadcast the wrong street.

**Non-Medical Face Coverings** – During portions of the incident, Department Personnel were not wearing a non-medical face covering at the scene, as directed by the Chief in May 2020.

These topics were to be discussed during the Tactical Debrief.

## **Command and Control**

- Sergeant A and Lieutenant A responded to this incident in the same vehicle. While responding, they discussed contacting MEU and SWAT. As they arrived at the scene, Lieutenant A declared himself as the IC via Olympic base frequency and designated Sergeant A as the operations chief, putting him/her in charge of all tactical considerations. In establishing the command post (CP), Lieutenant A requested the deployment of patrol rifles at the scene and adequate units for the establishment of containment and attempts to de-escalate the incident. Communicating with the IC, Sergeant A directed officers at the scene to don their ballistic helmets and ensured that each grouping of officers had a DCO, less-lethal officer, arrest team, and communications officer.

At 2020 hours, Lieutenant A notified Metropolitan Division that SWAT was needed for a barricaded ADW Subject. Lieutenant A coordinated with LAFD and had them stage. Waiting for SWAT's response to the scene, officers involved in the incident were directed by Lieutenant A to maintain their positions and continue their attempts to gain the Subject's voluntary compliance.

As the incident unfolded, Lieutenant A evaluated the Subject's actions of entering and exiting his residence, arming himself with golf clubs and other weapons, and refusing to comply with officers' commands. He also evaluated the possibility of the Subject arming himself with a shotgun. Lieutenant A also took note that the fire the Subject set was continuing to grow in size and magnitude, which now threatened the

neighboring structures. Due to the Subject's actions, LAFD could not safely enter the scene to extinguish the fire nor protect the neighboring structures.

Based on his/her assessment, Lieutenant A directed Sergeant A to oversee less-lethal deployment to prevent the Subject from reentering the residence if he emerged, and to apprehend him. As the fire inside the Subject's residence began to grow, and smoke was visibly rising from the structure, Lieutenant A communicated with Sergeant A via police radio that he/she was sending Sergeant B to begin evacuating the surrounding residences in the event the fire spread. Communicating with Lieutenant A, Sergeant B evacuated the surrounding structures.

After the discharge of the third less-lethal round, Sergeant A repeated the plan to advance on the Subject with a ballistic shield the next time he exited the residence. Once the Subject was apprehended, Sergeant A broadcast that it was safe for LAFD to enter.

The overall actions of Lieutenant A, Sergeant A, Sergeant B, and Detective A were consistent with Department supervisory training.

Based on the above analysis, the BOPC found the tactics of Officers B, C, E, F, G, H, I, J, and L, as well as the tactics of Sergeant A and Lieutenant A, to warrant a finding of Tactical Debrief.

## **B. Drawing and Exhibiting**

### **Officer K**

According to Officer K, he/she unholstered his/her service pistol because his/her team was assigned to check the pedestrian gate in front of the house. According to Officer E, he/she was aware that there was a shotgun inside the residence, and he/she didn't know if the Subject was going to come out with it.

### **Officer H**

Arriving at the scene, Officer H met with Officer F who advised him/her that the Subject was barricaded inside the house and may have a shotgun. According to Officer H, the comments of the radio call also indicated the Subject had access to a firearm or shotgun. Officer H unholstered his/her service pistol in case the Subject came out of the house and began to shoot.

### **Officer I**

According to Officer I, he/she does not recall unholstering his/her service pistol at any point during the incident. However, per the FID investigation, BWV footage depicts Officer I with his/her service pistol unholstered twice during the incident.

### First Occurrence

At approximately 20:51:30 hours, Officer J BWV depicts Officer I approaching the front gate with a shield, with his/her service pistol unholstered.

### Second Occurrence

At approximately 21:20:00 hours, Sergeant A's BWV footage depicts Officer I standing on the sidewalk in front of the Subject's house, with his/her service pistol unholstered.

### **Officer J**

#### First and Second Occurrences (Shotgun)

According to Officer J, he/she and his/her partner were on a traffic stop when he/she heard a backup broadcast for an ADW suspect. Officers I and J left the traffic stop and responded to the backup request. When Officers I and J arrived at the scene, Officer J deployed the shotgun. Believing the tactical situation could escalate to the point where deadly force could be justified, Officer J chambered a round. According to Officer J, when he/she had the shotgun deployed, Sergeant A directed him/her to secure the shotgun and retrieve the 40 mm LLL. Officer J was then much later directed to return the 40mm LLL and redeploy the shotgun.

### **Officer F**

Officer F unholstered his/her pistol because he/she was the DCO for the team that approached to open the front gate. According to Officer F, he/she also unholstered his/her firearm because the Subject had assaulted his parents and officers with a deadly weapon, and had thrown things, including glass. Based on his/her assessment, he/she believed the situation could escalate to the use of deadly force.

### **Officer L**

Officer L was part of the team that approached the front gate to check if it was unlocked. According to Officer L, he/she unholstered his/her service pistol due to the Subject's actions, failure to comply, and access to a shotgun. Officer L believed the situation could rise to the level where deadly force could be justified. After Officer L returned to the police vehicle for cover, he/she was unsure if he/she unholstered his/her pistol a second time.

### **Officer G**

According to Officer G, he/she unholstered his/her service pistol several times during the tactical incident. Officer G unholstered his/her pistol due to the comments of the radio call, the Subject potentially having a shotgun, and because he threw golf clubs

at the officers. Although Officer G recalled drawing and exhibiting approximately three to five times, per the BWV footage, Officer G drew and exhibited his/her service pistol one time.

The UOFRB assessed Officers E, F, G, H, I, J, and L's drawing/exhibiting of firearms. The UOFRB noted Officers E, F, G, H, I, J, and L believed the Subject had committed an ADW towards his parents and officers; additionally, they believed the Subject was possibly armed with a shotgun.

Although Officer I did not recall drawing his/her service pistol, the UOFRB opined that he/she was aware that the Subject was possibly armed with a shotgun and posed a potential threat. The UOFRB also noted that Officer F drew his/her service pistol as he/she was functioning as the assigned DCO, consistent with Department-approved tactical training. The UOFRB noted that Officer J drew and exhibited his/her shotgun soon after arriving at the scene and then much later after he/she was told to exchange a 40mm LLL for the shotgun. Officer J was aware that the Subject was possibly armed with a shotgun, and he/she believed the tactical situation could escalate to the point where deadly force would be justified.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers E, F, G, H, I, J, and L 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 E, F, G, H, I, J, and L's drawing/exhibiting to be In Policy.

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

**Officer B** - Firm Grips, Bodyweight, and Physical Force

**Officer C** - Firm Grips and Physical Force

**Officer E** - Firm Grips and Physical Force

**Officer F** - Firm Grips and Physical Force

**Officer G** - Firm Grips, Physical Force, and Bodyweight

**Officer I** - Physical Force and Bodyweight

**Officer J** - Firm Grips, and Bodyweight

**Officer L** - Firm Grips, Physical Force, Bodyweight, Shoulder Lock, and Baton-Assisted Joint Lock

After the Subject was impacted by the last 40mm LLL round, Sergeant A ordered the officers to take him into custody. The Subject stood on the porch with his hands near his sides as the officers ascended the steps toward him. Reaching the Subject, Officer J applied a firm grip on the Subject's right arm with his/her right hand. Using his/her hands, Officer E applied firm grips to the Subject's right shoulder and wrist. Simultaneously, Officer F used his/her hands to apply firm grips on the Subject's left wrist and left bicep. Officer I positioned himself behind the Subject. The Subject took a few steps forward and then sat down as he pulled his hands into his body.

Officer F ordered the Subject to stop resisting and to place his hands behind his back. The Subject refused to cooperate and demanded the officers give him water.

Officers attempted to control the Subject's arms; however, the Subject kept his hands and arms drawn. Using his/her right hand, Officer F applied a firm grip on the Subject's left wrist and secured a handcuff to it with his/her left hand. Officer F then applied a firm grip on the Subject's left wrist with his/her left hand and applied physical force to bring the Subject's left arm behind his back. Officer C passed his/her 40mm LLL to Sergeant A, walked onto the porch, and positioned him/herself between Officers F and I. Using both hands, Officer C applied a firm grip on the Subject's left arm.

As the Subject continued to resist putting his hands behind his back, the officers rolled the Subject to his left side. As the officers maintained control of the Subject's left and right arm, Officer I used his/her right hand to apply physical force to the Subject's upper back, in a forward direction, while Officer F placed his/her hands on the back of the Subject's head and applied physical force to push him down. This caused the Subject to turn to his left side. As the Subject rolled to his left, Officer I grabbed the handcuffs and applied physical force to move the Subject's left arm behind his back. Using his/her hands, Officer C applied physical force, helping to move the Subject's left arm behind his back.

Using his/her left hand, Officer E applied a firm grip on the Subject's right wrist. Using his/her hands, Officer E applied physical force to the Subject's right arm, bringing it behind his back. The Subject remained in a partially seated position, with his torso bent over his left leg and his chest near the ground. Using his/her right hand, Officer B applied a firm grip on the Subject's left foot. Officer B then applied bodyweight to the Subject's left foot with his/her right hand. Officer B then transitioned his/her hands to the Subject's right wrist, applying firm grips. While maintaining his/her grip on the Subject's right wrist, Officer B applied physical force to keep his right hand behind his back. Officer C then secured the handcuff around the Subject's right wrist.

As the use of force occurred, the fire continued to grow. To move the Subject to safety, Officer C applied a firm grip on the Subject's left arm while Officer B applied a firm grip on the Subject's right arm. The Subject was lifted to his feet and walked the Subject down the stairs and toward the front gate of the residence.

As Officers B and C neared the front gate, the Subject began to resist by jerking his body to the left and lunging forward causing Officer B to be pulled off balance. The Subject rotated his body and went down to the ground in a seated position. Officer C regained control of the Subject's left arm while Officer B regained control of the Subject's right arm. Officer G applied a firm grip on the Subject's left and right ankles with his/her hands. Together, the officers lifted the Subject off the ground and carried him through the gate.

Officers B, C, and G carried the Subject out to the west sidewalk. As they did so, Officer B lost his/her footing and fell onto the sidewalk. This/her caused the Subject to fall a short distance onto the sidewalk, in a seated position. Officer L took Officer B's position and used both hands to lift the Subject by his/her tank top. Sergeant A directed the officers to apply a Hobble Restraint Device (HRD) on the Subject.

Officers C, G, and L picked the Subject up and continued to carry him north on the sidewalk. As they did so, the Subject demanded water and continued to complain about his finger. As the officers neared the corner, the Subject's tank top ripped and he went to the ground on his right side. Officers C and L then moved him into a seated position. To place the Subject into a seated position, Officer L applied firm grips to the Subject's right shoulder and left arm. Officer I replaced Officer C's position behind the Subject. Officer J began to place the HRD around the Subject's lower legs; however, the Subject resisted Officer J's attempt to hobble his ankles and rolled to his right side. To overcome the Subject's resistance, Officer I applied bodyweight to the Subject's back and left arm, using his/her right knee and his/her left hand, respectively. Using both hands, Officer G applied bodyweight to the Subject's right and left ankle, allowing Officer J to secure the HRD around his ankles.

As the Subject lay on his side, he turned his head to the left and spat on Officer L. In response, Officer L used his/her right hand to apply bodyweight to the left side of the Subject's face, redirecting his mouth and preventing him from spitting toward Officer L again. While the Subject remained face down on the sidewalk, Officer L placed his/her left knee on the Subject's upper back and applied bodyweight.

Officer L immediately obtained a spit sock and handed it to Officer B. After opening the spit sock, Officer B handed it back to Officer L, who then placed it over the Subject's head. With the HRD securely fastened around the Subject's ankles, Officer L applied firm grips on the Subject's back and left arm. To place the Subject back in a seated position, Officer L lifted him slightly off the ground and turned him to his left. To prevent the Subject from moving, Officer L then used his/her right knee to apply bodyweight against the Subject's back. Simultaneously, Officer L used his/her left arm and right hand to apply a shoulder lock. Officer J applied bodyweight to the Subject's left knee with his/her right hand.

As the Subject sat on the ground, he began to flail back and forth while pushing his body toward Officer L. To overcome the Subject's resistance, Officer L released the shoulder lock and applied a baton-assisted joint lock on the Subject's left shoulder. As Officer L controlled the Subject's upper body, Officer J maintained control of the HRD and used his/her right knee to apply bodyweight to the Subject's left knee, while Officer G applied a firm grip to the Subject's right arm with both his/her hands.

The UOFRB evaluated Officers B, C, E, F, G, I, J, and L's use of non-lethal force. In conducting their evaluation, the UOFRB considered the Subject's actions throughout the incident. The UOFRB noted that despite the use of less-lethal munitions and

repeatedly being told to “stop resisting,” the Subject ignored the officers’ commands and physically resisted the arrest. The UOFRB also noted that the fire continued to grow as the officer attempted to handcuff him. As a result, officers used a series of firm grips, bodyweight, and physical force to overcome his resistance.

The UOFRB noted that after handcuffing the Subject, the evacuation team moved him from the burning residence to a location of safety north of the residence. During this movement, the Subject continued to resist and spat on Officer L, prompting officers to keep him on his side while they applied a HRD and a spit sock.

The UOFRB noted that during this incident, officers were measured in their use of force, worked as a team, and communicated with each other as well as with the Subject. The UOFRB also noted that due to the Subject’s behavior, LAFD administered a sedative before transporting him.

As it pertains to the baton-assisted joint lock, the UOFRB noted it was used after the Subject had spat on Officer L; the Subject was continuing to flail his body back and forth. Officer L advised the Subject not to spit again and to cooperate with officers and LAFD personnel. The UOFRB noted that although the technique was no longer taught by the Department, it was not prohibited. The UOFRB further noted that the technique was similar to the arm-shoulder lock; however, it also allowed Officer L to create distance, keeping the Subject at arm’s length while controlling his upper body.

In terms of Officer C and I’s application of bodyweight during the application of the HRD and spit sock, the UOFRB noted that while the Subject was prone, the time he spent on his stomach was brief and he was rolled upright as soon as the HRD and spit sock were applied. The UOFRB also noted that per the BWV footage, the Subject stated he could not breathe; however, the UOFRB also noted that the Subject then stated, “my lungs” which the UOFRB opined could be attributed to smoke inhalation; the Subject was on his side when he made these statements.

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, I, J, and L, while faced with similar circumstances, would believe that the same application of non-lethal force would be objectively reasonable, necessary, and proportional. Therefore, the BOPC found Officers B, C, E, F, G, I, J, and L’s non-lethal use of force to be In Policy.

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

**Officer E** – First 40mm LLL eXact iMPact Sponge Round - from about 28 feet.

Officer E was still positioned near the gate when he/she observed the Subject exit the residence holding an object in his right hand. Officer E described the item as a dark box-like object and indicated it made a zapping sound. Officers E and F ordered the Subject to drop the item. From the CP, Lieutenant A reiterated the plan to use less-lethal force to apprehend the Subject. Moments later, the Subject exited

the residence and walked onto the porch. Officer E declared, "40 ready! 40 stand by!" According to Officer E, he/she targeted the Subject's stomach and navel area and fired one round from his/her 40mm LLL. The Subject was struck by the round; however, he/she turned and reentered the residence. Officer E then stepped back behind Officer C and reloaded his/her 40mm LLL.

**Officer H** – One 40mm LLL eXact iMPact Sponge Round - from about 28 feet.

Officer H then took Officer E's position. Officer I directed Officer E to stand to the left of the entrance behind Officer J, which he/she did. Sergeant A told the officers that the next time a 40mm LLL round is discharged, the officers need to advance on the Subject. Approximately 90 seconds after Officer E fired the first 40mm LLL round, the Subject exited the front door of the residence and stood on the front porch. The Subject had a towel in his left hand and an unknown object in his right hand. The Subject wiped his face with the towel as he stood on the porch. Officer H ordered the Subject to drop what he was holding. The Subject yelled, "Burn [expletive deleted]," turned his back to the officers, and began to walk toward the front door. Sergeant A immediately directed Officer H to discharge the 40mm LLL at the Subject. Officer H noted that the Subject may have had access to a shotgun, was possibly armed with a TASER, and the fire was increasing. Officer H targeted the Subject's navel area and fired one round, striking the Subject. Officer H immediately reloaded his/her launcher.

**Officer E** - Second 40mm LLL eXact iMPact Sponge Round – from about 28 feet.

After Officer H discharged his/her 40mm LLL round, Sergeant A ordered the officers to discharge a 40mm LLL round at the Subject again. As the Subject turned to his right in the direction of the house, Officer E targeted his center mass with the 40mm LLL and fired another round. The round struck the Subject before he reentered the residence. Officer E immediately reloaded his/her 40mm LLL. After Officer E's second 40mm LLL round, Sergeant A reminded the officers that the next time the Subject exited the residence, they needed to be prepared to move up.

**Officer C** – One 40mm LLL eXact iMPact Sponge Round - from about 12 feet.

Having only one remaining 40mm LLL round, Officer E stepped back and allowed Officer C to take his/her position. Officer C knelt to the left of Officer H. Sergeant A repeated the plan to advance on the Subject with a ballistic shield following the next time he exited the residence after being struck by a 40mm LLL round. Moments later, the Subject partially opened the security screen door, stood in the doorway, and yelled, "You broke my hand!" Officer K once again used the PA to order the Subject to exit the residence. The Subject stepped out of the residence and onto the porch. Sergeant A ordered the officers to move toward the Subject. As the officers entered the front yard, they ordered the Subject to get on the ground. However, the Subject did not comply and turned toward his residence. Officer J, with the shield, led the team of officers, comprised of Officers B, C, E, F, and H, with Sergeant A.



The arrest team approached the Subject intending to take him into custody. Officer C, equipped with a 40mm LLL, observed the Subject moving toward the front door. In response, Officer C targeted the Subject's navel area and fired one round. The Subject stopped walking and bent partially over at the waist.

The BOPC noted that the UOFRB evaluated all four 40mm LLL eXact Impact Sponge Rounds deployed during this incident. The UOFRB noted use of force warnings were given to the Subject in both English and Korean before the 40mm LLL rounds were discharged. The UOFRB also noted that Officers C, E, and H were aware of the tactical plan to use less-lethal force options to prevent the Subject from reentering the residence, effect his arrest, and allow LAFD to extinguish the fire. In considering the articulation of each officer during their deployment of each round, the UOFRB opined that the impact rounds were deployed in a controlled manner, with assessments conducted before, during, and after each discharge. The UOFRB noted that the Subject continued to present a threat of reentering the residence, possibly to arm himself with the shotgun or objects to throw at officers. The UOFRB noted that the fire was growing, threatening to spread to neighboring structures. Additionally, by reentering the structure, the Subject risked being overcome by smoke and/or burned. Because the Subject presented an immediate threat of violence and physical harm, LAFD was unable to extinguish the fire or prevent it from spreading to adjacent structures until he was apprehended.

As it pertains to the officers' background, the UOFRB noted that no one was behind the Subject or inside the structure when the rounds were discharged. Additionally, the officers' background was the home's east wall.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers C, E, and H 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, E, and H's less-lethal use of force to be In Policy.