

**ABRIDGED SUMMARY OF CATEGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS  
CAROTID RESTRAINT CONTROL HOLD – F055-23**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ()</b>	<b>Uniform-Yes (X) No()</b>
North Hollywood	10/4/23		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	27 years, 2 months
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**Reason for Police Contact**

Officers responded to a radio call of an Ambulance Attempt Suicide at a residence. Los Angeles Fire Department (LAFD) paramedics were at scene and took custody of the Subject placing him on a gurney. The officers arrived at the location and assisted the paramedics. The Subject became upset with the paramedics and spat on an officer resulting in a Categorical Use of Force.

<b>Subject</b>	<b>Deceased ()</b>	<b>Wounded ()</b>	<b>Non-Hit ()</b>
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Male, 28 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 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 (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 (Chief); 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 September 10, 2024.

## **Incident Summary**

On October 4, 2023, Los Angeles Fire Department (LAFD) Captain A contacted Los Angeles Police Department Communications Division (CD) requesting police response for a male with mental illness threatening to commit suicide. LAFD Captain A informed CD the call was generated by the subject's father. LAFD Captain A informed CD that Fire Department personnel were at scene because the Subject was intoxicated and texting photos of a rope tied in a noose to his friends.

CD broadcast and assigned the radio call to Officers A (driver) and B (passenger) who were in a marked black and white police vehicle. Officer B acknowledged the radio call and proceeded to the location.

Upon their arrival, the officers observed LAFD Engine No. 86 was parked in the street with the emergency lights activated. Officer B informed CD they were at the location. As the officers moved their police vehicle closer to the fire truck, three firefighters were standing in the driveway of a house, attempting to restrain the Subject. The officers approached the Subject who was being held against a front porch pillar by LAFD Firefighters/Paramedics (FF/PMs) A and B.

Officer A approached and handcuffed the Subject without incident. Officer B communicated with the Subject asking him to sit down on the steps of the house. Officer A held the Subject's right arm and assisted him in sitting down.

Officer B met with LAFD Captain A who informed him that he communicated with the Subject's father via the "Ring" doorbell, who advised the Subject had a history of depression, anxiety and alcohol abuse. LAFD Captain A further stated, *"He's also been sending some - - on his - - text messages to his girlfriend about wanting to hang himself, wanting to hurt himself. We got an ambulance coming, will be able to transport him. He's been fine with us, up until the last two minutes."* LAFD Captain A further added, *"He was acting weird when we got here. Telling us that there's something in the back room that they didn't need to see."*

Officers A and B decided to conduct a sweep of the house to ensure there were no victims inside. Officer B announced, *"Police department, anyone here?"* Officer B unholstered his/her pistol, as he/she walked through the residence conducting a protective sweep.

Officer A did not unholster his/her pistol, as he/she conducted the protective sweep. In addition to the residence, the officers conducted a protective sweep of the rear yard and an open garage. The officers did not locate anyone.

Officer A walked out the front door of the residence and observed Firefighter A and LAFD Captain A holding the Subject down in a seated position. Officer A asked, *"What's going on?"* LAFD Captain A replied, *"He's trying to kick us."* The Subject yelled, *"Your boss is talking [expletive] about me!"* Officer A informed the Subject he/she would talk to them and asked him to relax.

The Subject stated, *"You think, I don't know how bad these handcuffs hurt. I was in*

*handcuffs for four months.*” Officer A informed the Subject he/she would remove the handcuffs once the gurney arrived. Officer B communicated with the Subject asking him to relax and reassuring him they were not at the location to hurt him. The Subject responded, *“If I see that one more time, I’m freaking out.”* Officer A asked, *“See what?”* The Subject responded, *“See the [expletive] - - your - - your [expletive] proponent of the fire department being a [expletive]. And I’m trying to kill myself.”*

Officer B continued to communicate with the Subject, instructing him to relax and assuring him that they wanted to help him. The Subject continued to yell and threaten the firefighters. Officer B instructed the Subject to focus on him/her because he/she was there to help him. The Subject momentarily calmed down but then began yelling at firefighters as they approached with a gurney. The Subject was seated on the gurney. Officers A and B re-positioned the Subject’s handcuffs from behind his back and secured both arms to the gurney. Officers A and B remained at the front door of the residence and attempted to secure the location, as firefighters moved the Subject to the sidewalk on the gurney.

The Subject began yelling at the firefighters. Officers A and B ran to the sidewalk as the Subject was leaning back kicking at the firefighters. The Subject stopped kicking and stated, *“That fool was looking at me sideways the whole time. This fool right here. This fool right here.”* Officer A secured the Subject’s legs to prevent him from kicking by placing a Hobble Restraint Device (HRD) around his knees. The Subject continued to insult and challenge the firefighters. Officer A distracted the subject by talking to him about his music.

LAFD Captain A stated due to the Subject’s level of agitation, an ambulance with paramedics certified to provide a sedative was requested. The second ambulance approached the location with their lights and siren activated. The Subject referred to the ambulance as a police vehicle and was corrected by the paramedics. This caused the Subject to become even more agitated. Officer A placed his/her left hand on the rail of the gurney when the Subject slapped Officer A’s arm off the rail. The Subject event lifted his body up and spat on Officer A’s face.

Officer A reached at the Subject’s neck area with his/her right hand placing the web of his/her hand on the Subject’s neck. His/her four fingers were along the left side of the Subject’s neck and his/her thumb along the right side of the neck. Officer A pushed the Subject back down on the gurney and stated, *“Don’t do that, okay.”* Officer B communicated, *“Get your hands off his neck.”* Officer A removed his/her hand from the Subject’s neck area and stated, *“You’re right.”* Officer A raised his/her right hand and tapped the Subject on the left chest. Officer B removed his/her TASER and placed it against the Subject’s left stomach area. Officer B did not discharge his/her TASER.

Officer B requested a supervisor and an additional unit. Officer A grabbed a blue bed sheet from the Subject’s legs and tossed it at his head. The Subject removed the bed sheet and spat at Officer A a second time. Firefighters assisted in holding the Subject down to stop his aggressive behavior toward Officer A. Officer A walked away and washed his/her face with a water hose.

FF/PM C placed a spit sock hood on the Subject to prevent him from spitting on anyone

else.

The firefighters and Officer B prepared to move the Subject to an alternate gurney. Prior to removing the handcuffs, Officer B warned the Subject a TASER would be utilized if he continued his aggressive behavior. The Subject was moved to the alternate gurney without incident and loaded into an ambulance. The Subject was placed under arrest for Battery on a Police Officer.

Sergeant A responded to the location and met with Officer A. Officer A informed Sergeant A that the Subject had spat on his/her face. Sergeant A asked if there was a use of force. Officer A replied, *“Not really but you know, after he spat at me, I did grab him by the collar and pushed him up against the thing but my partner reminded me and I let him go.”*

Officers C and D arrived at the location to assist with the incident. Sergeant A directed them to accompany the rescue ambulance to the hospital.

The Subject was transported to the hospital. Officer B rode in the ambulance and maintained custody of the Subject. Medical staff were informed of the Subject’s threat to harm himself and the contact to his neck. Subsequently, the Subject was transported from the hospital to North Hollywood Community Police Station where he was processed for booking.

After conducting his/her on-scene investigation for a Non-Categorical Use of Force, Sergeant A responded to North Hollywood Community Police Station and informed Sergeant B of the incident. While conducting the Non-Categorical Use of Force investigation and reviewing the officers’ BWV, Sergeant A and Lieutenant A observed what appeared to be a possible neck contact. Lieutenant A contacted Force Investigation Division (FID) and advised them of the incident. Based on FID’s assessment, it assumed the investigative responsibility for the incident.

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

<b>NAME</b>	<b>TIMELY BWV ACTIVATION</b>	<b>FULL 2-MINUTE BUFFER</b>	<b>BWV RECORDING OF ENTIRE INCIDENT</b>	<b>TIMELY DICV ACTIVATION</b>	<b>DICV RECORDING OF ENTIRE INCIDENT</b>
Officer A	Yes	Yes	Yes	Yes	Yes
Officer B	Yes	Yes	Yes	Yes	Yes

## **Los Angeles Board of Police Commissioners' (BOPC) 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 Officers A and B's tactics to warrant a finding of Tactical Debrief.

### **B. Drawing and Exhibiting**

The BOPC found Officers B's drawing and exhibiting of a firearm to be In Policy.

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

The BOPC found Officers A's lethal use of force to be Out of 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. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

The Commission is further mindful that it must evaluate the actions in 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 Subjected 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 subject 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.

**Use of Force – Deadly:** It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless

immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

**Note:** Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

**The Department's Evaluation of Deadly Force:** The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

**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, Subjects, 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.

**Warning Shots:** It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

**Shooting at or From Moving Vehicles:** It is the policy of this Department that firearms shall not be fired at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be fired from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

**Note:** It is understood that the policy regarding firing a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from



the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

**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.

**Warning Shots:** The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

## **A. Tactics**

### Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his/her 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.

### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*

- *Lines of Communication*  
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

**Planning and Assessment** – Officers A and B have been partners for approximately 10 years and their history as partners afforded them past practice and planning to address the roles of contact and cover, when to switch roles and the weapons, equipment and force options available to each officer. When Officers A and B arrived at scene, they observed the Subject being belligerent with LAFD personnel and heard them, as well as the Subject himself, mention he was under the influence of alcohol at various points throughout the incident. Based on their assessment, Officers A and B determined the Subject should be taken into custody for evaluation and treatment under Section 5150 of the California Welfare and Institution Code.

**Time and Redeployment and/or Containment** – Although the time leading up to the Subject being taken into custody was brief, the officers observed LAFD personnel physically restraining the Subject upon their arrival and made the decision to close the distance and assist them by handcuffing the Subject. Later during the incident, LAFD personnel at scene requested an additional RA to respond and assist with sedating the Subject. Officers A and B utilized the time waiting for the responding RA by securing the Subject to a gurney and speaking with him in a calm and empathetic manner.

**Other Resources and Lines of Communication** – Throughout the incident, Officers A and B effectively defused the Subject's anger by redirecting his attention away from LAFD personnel who were the focus of his attention. Officers A and B communicated with the Subject clearly and calmly in their attempts to de-escalate the situation, consistent with Department policy. Shortly after the Subject had spat on Officer A, Officers A and B requested an additional unit and supervisor to assist with transporting the Subject and to address the use of force that just occurred.

During the review of the incident, there were no Debriefing Points identified.

### **Additional Tactical Debrief Topics**

**Additional Unit Request** – After the Subject was handcuffed, Officers A and B were informed of the potential exigency to search the Subject's residence for additional people who may be in immediate need of medical attention. The UOFRB noted LAFD personnel communicated with Officers A and B they would monitor the Subject while the officers conducted their search. The UOFRB also noted at the time Officers A and B left the Subject with LAFD personnel, the Subject was handcuffed, cooperative and not posing a threat. The UOFRB further noted Officers A and B's application of a balance test which weighed on their decision to search the residence for potential victims; however, the UOFRB would have preferred the officers requested an additional unit prior to conducting their search. Having an additional unit at scene would have allowed for at least one officer to oversee the ongoing detention of the Subject while remaining personnel conducted the search. To enhance future performance, the Chief directed this be a topic of discussion during

the Tactical Debrief.

**Building Search Protocols** – Officer A did not unholster his/her service pistol as he/she conducted an exigent search of the Subject’s residence. Although officers were searching for potential victims and it is not required to have the gun unholstered during a building search, the Chief would have preferred if Officer A unholstered his/her service pistol while he/she conducted the search, as it is a best practice. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

## **Command and Control**

Sergeant A arrived at scene and met with Officer A, who informed him/her the Subject had spat on his/her face. In continuing his/her investigation, Sergeant A was informed by Officer A that a use of force occurred. After Officers Obregon and Gomez arrived at scene, Sergeant A directed them to accompany the RA transporting the Subject to the hospital. Sergeant A then spoke with Sergeant B over the phone and informed him/her of the incident. In doing so, Sergeant B advised Sergeant A to conduct a NCUOF investigation. Sergeant A conducted his/her on-scene investigation by interviewing LAFD personnel at scene and canvassing the location for evidence, witnesses and video footage.

The Subject was transported from the hospital to the North Hollywood Community Police Station where Sergeant A interviewed him. Continuing his/her NCUOF investigation, Sergeant A reviewed the officers’ BWV footage with Lieutenant A where they observed a neck contact on the Subject by Officer A. Based on their observations, Lieutenant A contacted FID where it was determined a CUOF incident had occurred. Lieutenant A directed supervisors to separate and monitor Officers A and B.

The UOFRB evaluated the command and control employed by Sergeant A after arriving at scene. The UOFRB noted Sergeant A immediately met with Officer A to debrief what happened. The UOFRB also noted Sergeant A asked explicitly if a use of force occurred and noted Officer A did not mention contacting the Subject’s neck. The UOFRB opined Sergeant A acted based on the information Officer A gave him/her and opined his/her actions were consistent with a NCUOF investigation. The UOFRB noted Sergeant A did not know it was a CUOF until after reviewing the officers’ BWV footage and opined Sergeant A responded quickly and accordingly once he/she observed Officer A’s hand contacting the Subject’s neck.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, the overall actions of Sergeant A were consistent with Department training and the Chief’s expectations of supervisors during a critical incident. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

## **Tactical Debrief**

In conducting an objective assessment of this case, the BOPC determined the

actions of Officers A and B were consistent with approved Department tactical training.

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

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

## **B. Drawing/Exhibiting**

### **Officer B**

According to Officer B, LAFD Captain A relayed the Subject had stated there was, "something in the back room that they didn't need to see." When Officer B asked LAFD Captain A if anyone else was inside the residence, LAFD Captain A replied there was no one left inside. Concerned about the Subject's statement, Officer B and Officer A decided to conduct an exigent search of the residence for additional victims. Officer B was unsure if any threats were remaining in the residence and believed the situation could rise to where deadly force may be justified, so he/she unholstered his/her service pistol.

The UOFRB evaluated Officer B's drawing and exhibiting of his/her service pistol. In their assessment, the UOFRB noted Officer B searched the Subject's residence due to an exigent circumstance. As such, the UOFRB opined Officer B drew and exhibited his/her service pistol while searching the residence due to the inherent dangers of conducting a building search. The UOFRB further opined it was reasonable for Officer B to reasonably believe there could be potential suspects lying in wait along with additional victims in need of immediate medical attention.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, an officer with similar training and experience as Officer B would reasonably believe there was a substantial risk the situation could have escalated to where deadly force may be justified.

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

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

### **Officer A – Carotid Restraint Control Hold**

According to Officer A, the Subject spat on him, causing him/her to become concerned for his/her safety as he/she was unaware if the Subject had a contagious medical condition or disease. According to Officer A, he/she wanted to direct the Subject's face away from him/her and intended on pushing his chin; however, he/she also was concerned the Subject could potentially bite him. In an effort to push the Subject's face away without getting bitten, Officer A grabbed the Subject under his chin with a "C clamp," which resulted in grabbing the Subject by his neck area.

The UOFRB evaluated the lethal use of force employed by Officer A. In assessing Officer A's use of a CRCH, the UOFRB noted Department policy identifies a carotid restraint as *"a vascular neck restraint or any similar restraint, hold, or other defensive tactic, including a c-clamp in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person."* The UOFRB also noted Department policy identifies a choke hold as *"any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe."*

Utilizing the available evidence pertaining to this incident, the UOFRB noted Officer A's rapid hand contact on the Subject's neck was indicative of force being applied to the trachea or windpipe. Additionally, the UOFRB noted Officer A applied pressure to both sides of the Subject's neck with his/her fingers. Furthermore, the amount of force utilized by Officer A on the Subject's neck can clearly be seen on BWV as the Subject was pushed back against the gurney and slightly lifted out of his seat.

While the UOFRB understood the Subject committed a battery on Officer A by spitting on his/her face, and opined Officer A's response was reactionary, understandable, and human, the UOFRB noted the Subject was unarmed and restrained to the gurney at the time of the incident. As such, the UOFRB opined the lethal force applied to the Subject's neck by Officer A was not objectively reasonable, proportional nor necessary.

Based on the totality of the circumstances, the UOFRB determined, and the Chief and the BOPC concurred, an officer with similar training and experience as Officer A, in the same situation, would not reasonably believe the use of deadly force was necessary, proportional, and objectively reasonable.

Therefore, the BOPC found Officer A's Lethal Use of Force to be Out of Policy.

### **Medical Treatment/Rendering Aid**

Officer A removed his/her hand from the Subject's neck, which was three seconds after he/she initially made physical contact. Nine minutes and nine seconds after Officer A removed his/her hand from the Subject's neck, LAFD transported the Subject to the hospital. The Subject was determined to be medically stable and cleared to book.

## **Requirement to Intercede**

In the UOFRB's assessment for the officers' requirement to intercede, the UOFRB noted that within two seconds of Officer A contacting the Subject's neck, Officer B verbally advised Officer A to remove his/her hand from the Subject's neck and opined this was a clear example of interceding when observing unnecessary force. Additionally, the UOFRB noted Officer A immediately acknowledged Officer B's direction by verbalizing his/her agreement and promptly removing his/her hand from the Subject's neck. The UOFRB further noted the total contact with the Subject's neck was less than three seconds and opined although this does not negate the application of deadly force, it did demonstrate effective communication, adherence to the duty to intercede and an appropriate response by the witnessing officer.

Based on their review of this incident, the BOPC determined the officers did not deviate from the duty to intercede.