

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

IN-CUSTODY DEATH – F023-24

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Hollenbeck	4/30/24		

Officer(s) Involved in Use of Force	Length of Service
Officer G	9 years, 8 months
Officer K	8 years, 9 months
Officer L	3 months
Officer C	6 years, 8 months
Officer J	9 months

Reason for Police Contact

On April 24, 2024, officers were involved in a vehicle pursuit that ended when the Subject collided with uninvolved vehicles, resulting in the death of a bicyclist. The Subject fled on foot, leading to a foot pursuit that concluded with an application of force as the Subject was taken into custody. The Subject was then transported to the police station. After being taken into custody, including while in detention at the police station, the Subject complained of back pain. He was subsequently transported to the hospital by a Rescue Ambulance (RA), where he was diagnosed with a fractured back and admitted to the Emergency Room (ER) overnight.

On April 25, 2024, hospital staff cleared the Subject for booking. As officers prepared the Subject for transport, he became unresponsive. Officers immediately returned to the hospital jail ward where the Subject was admitted for his injuries.

On April 30, 2024, the Subject was pronounced deceased.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
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Male, 23 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 (LAPD or Department) or the deliberations by the Board of Police Commissioners (BOPC or Commission). 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 April 8, 2025.

Incident Summary

On April 24, 2024, Officers A and B responded to a radio call from a citizen following a burglary suspect. The officers located the suspect, later identified as the Subject, and attempted to stop his vehicle. The Subject fled at a high rate of speed and the officers broadcast they were in pursuit. Several police units responded as a result. Officers C and D became the secondary unit in the pursuit.

Forty-five seconds after the vehicle pursuit was initiated, it ended after the Subject fatally struck a bicyclist and collided with multiple vehicles. The Subject's vehicle came to rest upside-down in the opposing lane of traffic.

As they approached the intersection where the Subject crashed, Officer B broadcast a request for a Rescue Ambulance (RA). Officers A and B arrived at the intersection and exited their patrol vehicle. Officers C and D arrived three seconds later, positioned their patrol vehicle behind the Subject's vehicle, and then exited. Officer A broadcast to have the Department of Water and Power shut down the power lines because of downed power lines from the traffic crash. Officer A also coordinated units to respond northbound to avoid the downed power lines and requested an airship and an RA to standby.

Officer C exited his/her police vehicle and stood behind the driver door. He/she believed the situation may escalate to the use of deadly force and unholstered his/her pistol. Officer D simultaneously exited the vehicle and stood behind the passenger door and unholstered his/her pistol. Officer C began giving commands for the Subject to exit the vehicle.

Officers E and F arrived and parked their police vehicle facing the Subject's vehicle. Both officers exited their vehicle and recognized they were in a crossfire situation and ran to the east sidewalk. Officers E and F unholstered their duty pistols as they walked past the Subject's vehicle. Both officers holstered their duty pistols as they walked toward the officers conducting the felony stop.

Officers E and F did not stay with the officers conducting the high-risk stop. Instead, they redeployed to assist with traffic control and crime scene management of the bicyclist's death caused by the Subject during the pursuit.

Officers G and H arrived at the termination of the pursuit. Officer H exited the patrol vehicle and stood behind Officer B. Officer G exited the patrol vehicle and stated he/she took Command and Control of the incident and remembered assigning roles to officers.

Officers I and J also arrived at the termination of the pursuit. Officer J removed the 40-millimeter Less Lethal Launcher (40mm LLL) from the gun rack inside the patrol vehicle, exited, slung the 40mm LLL across his/her chest, and positioned himself/herself behind Officer C.

Officers K and L arrived at the incident. They positioned their vehicle on the south side of the incident blocking traffic.

Officer C continued to issue commands for two minutes and 30 seconds as additional units arrived. The Subject crawled out of his vehicle through the front passenger window and ran north on the west sidewalk. Officer C initiated a foot pursuit and holstered his/her duty pistol as he/she chased the Subject. According to Officer C, the Subject did not comply with his/her commands, nor did he appear injured as he ran from officers. Officer J ran behind Officer C in foot pursuit. The Subject ran approximately 177 feet north on the west sidewalk with Officers C and J trailing behind.

Sergeant A arrived at the location. As Sergeant A exited his/her vehicle, Officer A broadcast the foot pursuit.

Officers K and L were blocking traffic when they observed the Subject running from officers. Officers K and L unholstered their pistol as they ran south toward the Subject on the west sidewalk. Officer L commanded the Subject to stop running and get down. Officer L holstered his/her pistol in order to go "hands on" with the Subject.

The Subject stopped running in front of a chain link fence surrounding a parking lot. He leaned his back against the fence and sat on the ground unassisted as he stated, "*I didn't do anything.*" Officer C reached down toward the Subject as he sat on the ground and gave commands, "*Go on your stomach, roll on your stomach.*" Officer C applied a firm grip with his/her left hand on the Subject's left wrist while simultaneously using his/her right hand to apply a firm grip on the Subject's left elbow and pulled the Subject away from the chain linked fence.

As the Subject stopped running, Officer J observed Officer C trying to take the Subject in custody at which time he/she assisted. The Subject continued to plea, "*I didn't do anything,*" as Officer C readjusted his/her left hand firm grip and moved his/her right hand to the Subject's left shoulder area of his sweater. Officer J simultaneously held the Subject's sweater on the right shoulder with his/her right hand, his/her left hand on the center upper back area, and both officers pushed the Subject's upper body forward.

Officer C utilized body weight by placing his/her left knee on the Subject's left thigh while he/she and Officer J continued to use physical force to guide the Subject into a prone position.

Officer L arrived and applied a firm grip with his/her left hand on the Subject's left triceps and a firm grip with his/her right hand on the Subject's left forearm as Officer C continued to push the Subject into a prone position.

The Subject tensed his arms underneath his body. Officer L directed the Subject, "*Do not resist,*" as the officers attempted to handcuff him. Officer J simultaneously transitioned both hands and used the Subject's sweatshirt to hold him.

Sergeant A broadcast on his/her handheld radio he/her was at the location and declared himself/herself the Incident Commander (IC). His/her broadcast did not go through because Officer D simultaneously broadcast, "*Stand by, taking suspect into custody.*"

Officer L repositioned his/her right hand and applied a firm grip on the Subject's right wrist as he/she pulled the Subject's left arm to his back for handcuffing. As Officers C and L repositioned the Subject's left arm to his back, Officer J repositioned his/her hands and

applied firm grips with both hands on the Subject's right arm, attempting to bring the Subject's right arm to his back from underneath his body for handcuffing. Officer A then broadcast that the Subject was in custody.

Officer C released his/her firm grip with his/her right hand and retrieved his/her handcuffs. At the same time, Officer J repositioned his/her right arm over the Subject and applied body weight to the right side of the Subject's upper back. He/she continued using his/her left arm to pry the Subject's right arm from underneath him and guide it to the back. Officer C released his/her left hand's firm grip and transitioned to hold the handcuff with his/her left hand while Officer J pulled the Subject's right arm upward. As Officer J pulled the Subject's right arm upward, Officer G arrived and used his/her right hand to apply a firm grip to control the Subject's right arm. Officer C handcuffed the Subject's right hand with his/her left hand as he/she applied a firm grip to the Subject's right wrist. Officer L placed a firm grip on the Subject's right arm with his/her left hand and released his/her grip once the Subject was handcuffed. Officer K applied body weight to the Subject's legs to prevent him from moving. Officers C, L, and J began to release their hold on the Subject and proceeded to stand up.

Officer C asked the Subject if there were additional occupants in the vehicle and then left to the scene of the vehicle crash as Officer J walked the Subject to a police vehicle. Officer L took custody of the Subject and, along with Officer J, escorted him to the police vehicle. According to Officer J, the police vehicle was approximately 50 feet away and the Subject walked without difficulty and did not complain of any pain.

Once Officers J and L reached the police vehicle, Officer J searched the Subject, who continued to plead his innocence. Officer J completed the search and stood with Officer L at the rear of the police vehicle's driver side. Officer J used his/her left hand on the Subject's right shoulder and Officer L used his/her left hand on the Subject's upper middle back, holding him against the patrol vehicle as the Subject continuously pleaded his innocence. Officer L walked to the patrol vehicle's trunk where he/she retrieved and donned latex gloves as Officer J held the Subject facing the patrol vehicle with both hands positioned on the Subject's upper back. The Subject repeatedly stated that he had not done anything and that he knew the officers. The Subject complained his finger hurt before the officers had him sit inside the rear seat of the patrol vehicle.

Officer L opened the rear door on the driver side of the patrol vehicle. Officers L and J repeatedly instructed the Subject to enter the vehicle and take a seat. According to Officer L, the Subject resisted getting inside the vehicle by remaining standing and not listening to commands. Officer L commanded the Subject to get inside the police vehicle multiple times. Officer L used his/her left hand to push the Subject on the chest to sit inside the vehicle. Officer L described using his/her left hand to push the Subject and partially have him sit inside the vehicle.

Simultaneously, Officer J used his/her left hand to push the Subject to sit inside the vehicle. Both officers continuously commanded the Subject to get in and sit inside the vehicle as the Subject refused. He repeated that officers knew him, and he did not do anything.

Officers J and L continued to instruct the Subject to get inside the vehicle. Officer J held the Subject by his sweatshirt as he partially sat in the vehicle with his legs outside. The Subject continued to claim he did not do anything. The Subject explained he was trying to sit inside the vehicle but did not demonstrate any effort to do so. Officer J used both hands to push the Subject into the vehicle by the legs, while Officer L walked to the

passenger side of the vehicle and opened the rear door. Officer L then pulled the Subject toward the right side of the rear seat to place him entirely inside the vehicle. Once the Subject was seated inside the vehicle, Officers L and J closed both rear doors. Officer J walked to the intersection where he/she was given directions to assist with the crime scene. Shortly thereafter, Officer L was directed by a supervisor to transport the Subject to the police station.

BWV and DICV captured the Subject complaining of back pain while waiting for transport as well as during the transport to Newton Station several times. According to Officer K, he/she heard the Subject complain of pain; however, he/she did not consider requesting an RA because the transport to Newton Station was a short distance and upon arriving at Newton Station he/she got caught up doing paperwork. Additionally, Officer K explained that the Subject seemed fine because he led officers in a foot pursuit in a full sprint. He/she further indicated that he/she had dealt with the Subject in the past and he usually tried to prolong the investigation as much as he could.

According to Officer L, he/she heard the Subject complain of back pain, but he/she did not believe that a person could be running at a speed that the Subject did so fast for it to be so severe to the point where they needed to bring an RA into a "hot situation."

Officers L and K arrived at the police station and logged the Subject on the Adult Detention Log and advised Lieutenant A. Lieutenant A conducted a visual assessment and noted that he did not appear to have suffered any type of traumatic injury. Lieutenant A indicated that the Subject was walking fine and nothing appeared to be out of the ordinary. Lieutenant A explained to the Subject that he was at the station due to his involvement in the pursuit. When Lieutenant A asked the Subject if "he was sick, ill, or injured?" the Subject replied, "No," and stated that he needed to be released.

According to Officer L, the Subject did not complain of back pain and stated his shoulder hurt when Lieutenant A checked him in. Officer L concluded the Subject was complaining in general. Officers K and L did not tell Lieutenant A about the Subject's complained of back pain.

The Subject was placed in a holding tank. He was later observed on surveillance video repositioning his handcuffed hands from the back of his body to the front of his body. Officer L responded to the holding tank and repositioned the handcuffs to the Subject's back. Officer L did not recall if the Subject complained of back pain when the handcuffs were repositioned, however, according to Officer L, the Subject stated the handcuffs were too tight and he/she loosened them. The Subject was again observed on surveillance video again repositioning his handcuffed hands to the front after Officer L positioned them to his back.

Approximately six hours later, Officers M and N received a broadcast to respond to the police station. Once the booking paperwork was ready, Officer M met with the Subject at the holding tank. As he/she explained the process to the Subject, the Subject informed him/her that his back hurt. Officer M requested an RA on the radio for the Subject.

Lieutenant A was advised by Officer M that the Subject was complaining of shoulder and back pain. Lieutenant A indicated that was the first time he/she was made aware of that and directed the officers to request an RA.

LAFD personnel received the alarm and responded to the police station. Firefighter A assessed the Subject, who complained of back pain. Firefighter A stated he observed minor abrasions on the Subject's eyebrow and hands related to the traffic crash. Furthermore, Firefighter A opined the Subject was not suffering any medical distress.

The Subject was subsequently transported to a hospital. Officer M accompanied the Subject during a CT scan and was informed by the CT scan operator that the Subject had a fractured back. Officer M contacted Lieutenant A to advise him/her that the Subject would be admitted to the hospital.

The following morning, on April 25, Officers O and P responded to the hospital to transport the Subject to the Los Angeles County Jail. Upon arriving at the hospital, they were advised that the Subject was being treated for back problems, and he was waiting for a back brace in order to be transferred to County Jail. According to Officer O, the Subject did not appear to have medical issues other than complaining of back pain.

Officer P stated they waited approximately two hours for the back brace fitting. The Subject appeared alert and kept stating that he was in pain and was thirsty. Officer O described that a nurse provided the Subject with water and breakfast and approximately 45 minutes to one hour later, the doctor arrived and fitted the Subject with the brace.

Once the officers received the medical release paperwork, a wheelchair was provided to the Subject along with a cup of water and they proceeded to exit the hospital jail ward to their patrol vehicle in the parking lot. Officer O stated the Subject began to vomit as they reached their patrol vehicle.

Officer O directed Officer P to return inside and call a doctor when he/she observed the Subject's head tilt backward and appear unconscious. Officer O began wheeling the Subject back into the hospital jail ward as he/she attempted to gain the Subject's attention. The officers requested medical assistance. Officer O described a deputy sheriff assisted them while inside the hospital jail ward and medical staff took the Subject into a room. They did not have further contact with the Subject after that. Officer O notified his/her Watch Commander of what had occurred.

The Subject was transferred to the Intensive Care Unit (ICU) approximately 30 minutes to one hour after they brought him back to the hospital jail ward. Officer O described the Subject was not communicating, but had a heart rate and he was breathing.

On April 30, 2024, the Subject was pronounced deceased by a doctor. Notifications were made to the Watch Commander, and a CUOF investigation was initiated by FID.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer K	No	No	No	Yes	Yes
Officer L	No	Yes	Yes (video only)	Yes	Yes
Officer C	Yes	Yes	Yes	Yes	Yes
Officer J	Yes	Yes	Yes	Yes	Yes
Officer G	No	No	No	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each 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 K, L, C, J, and G's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers K, L, C, and J's drawing and exhibiting of a firearm to be In Policy.

C. Non-Lethal Use of Force

The BOPC found Officers K, L, C, J, and G's use of non-lethal 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. 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 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 the BOPC’s 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 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 or 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.

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 – The responding officers discussed tactical concepts with their respective partners at the beginning of their shifts. Additionally, officers attended roll call in which tactical training was reviewed and discussed.

Upon the termination of the vehicle pursuit, Officer A assessed the scene of the traffic crash. He/she observed what he/she believed were power lines were down and requested Los Angeles Department of Water and Power (LADWP) shut down the power lines and advised officers on scene to stay away from the wires. Officer G began assigning roles to officers on scene in preparation for taking the Subject into custody.

Time and Redeployment and/or Containment – When the vehicle pursuit terminated, Officer A set up containment on both sides of the vehicle. This allowed officers to use time to communicate with the Subject and attempt to gain his compliance. Officer C gave the Subject commands for two minutes and 30 seconds. The time afforded to the officers was cut short when the Subject made the decision to disregard their commands, exit the vehicle, and flee on foot.

Other Resources – Upon locating the Subject, Officer B requested a backup, prompting the response of additional resources. As the pursuit terminated, Officers B and A requested multiple RAs due to the traffic crash. Both Officers A and G coordinated resources to manage an outstanding suspect, a multi-vehicle traffic crash, and a potentially hazardous crime scene due to possible downed power lines. The airship was requested to establish a perimeter and assist with scene management.

Lines of Communication – While responding to the radio call, Officer B read the comments of the call to Officer A. Upon locating the Subject and his vehicle, Officers A and B gave the Subject commands. At the termination of the vehicle pursuit, Officer C gave the Subject additional commands. As the Subject crawled out of his vehicle and ran from officers, Officer C followed and continued to give the Subject commands to stop. Officer A broadcast officers were in foot pursuit. When Officers K and L observed the Subject running, they also gave him commands to stop. Throughout the incident, officers communicated their assessments of the scene to one another to effectively work as a team to manage the scene and incident.

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

Additional Tactical Debrief Topics

- **Making Physical Contact with a Slung Weapon** – As Officer J approached the Subject to take him into custody, he/she kept the 40mm LLL slung across the front of his/her body. Alternatively, Officer J could have slung the 40mm LLL to his/her back.
- **Non-Conflicting Simultaneous Commands** – As the Subject fled from officers and Officers C and K gave commands to the Subject, they provided multiple non-conflicting simultaneous commands to the Subject. Alternatively, one officer could have been designated as communications and provided commands to reduce the potential for confusion.
- **Profanity** – Officer L used profanity as he tried getting the Subject into the police vehicle.

Command and Control

- As officers went in pursuit of the Subject, Sergeant A broadcast he/she was responding to the pursuit and was monitoring. When Officer G arrived at the termination of the vehicle pursuit, he/she assisted with command and control and assigned officers to tactical roles.

As Officers C and J took the Subject into custody, Sergeant A arrived on scene. Sergeant A obtained situational awareness of the incident and declared himself/herself the IC. Sergeant A coordinated the response of additional units and directed them to manage the scene, close streets, set up a crime scene, canvass for witnesses, and establish a Command Post. Sergeant A also monitored the involved officers and directed officers to transport the Subject to Newton Station for booking.

The overall actions of Sergeant A and Officer G were consistent with Department training and the BOPC's expectations of senior officers and supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the BOPC concurred, the actions of Officers K, L, C, J, and G were not a substantial deviation from Department-approved tactical training. Each tactical incident merits a comprehensive debriefing. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Therefore, the BOPC found Officers K, L, C, J, and G's tactics to warrant a finding of Tactical Debrief.

B. Drawing/Exhibiting

- **Officer K**

Officer K, believing the situation could escalate to the use of deadly force, drew his/her service pistol when he/she observed the Subject exit his vehicle and began running toward him/her and Officer L's direction.

- **Officer L**

According to Officer L, upon observing the Subject running toward him and due to the Subject being a BFMV suspect, he/she unholstered his/her service pistol as he/she believed the situation could escalate to the use of deadly force.

- **Officer C**

According to Officer C, he/she unholstered his/her service pistol at the termination of the vehicle pursuit as he/she believed the situation could escalate to the use of deadly force.

- **Officer J**

According to Officer J, upon hearing there was movement inside the Subject's vehicle, he/she unholstered his/her service pistol as he/she believed the situation could escalate to the use of deadly force.

The UOFRB assessed Officers K, L, C, and J's drawing and exhibiting of their service pistols. The UOFRB noted officers unholstered their service pistols upon the termination of the vehicle pursuit and applied high risk vehicle stop tactics. The UOFRB further noted the Subject was a possibly armed BFMV suspect who evaded officers in a high-speed vehicle pursuit. The UOFRB opined the officers' belief the situation could escalate to the use of deadly force was reasonable and the drawing and exhibiting of their service pistols was consistent with Department-approved tactical training.

The BOPC found Officers K, L, C, and J's drawing and exhibiting of a firearm to be In Policy.

B. Non-Lethal Use of Force

- **Officer C – Firm Grips, Physical Force, and Bodyweight**

According to Officer C, he/she gave the Subject commands to get on his stomach. The Subject refused to comply so Officer C applied a firm grip to the Subject's left wrist and left elbow and used physical force to pull the Subject away from the chain link fence. Officer C moved his/her right hand to the Subject's left shoulder and placed his/her knee on the Subject's left thigh and applied bodyweight, as he/she and Officer J continued to use physical force to guide the Subject into a prone position. Officer C described the Subject's actions as passively resisting. Officer C kept firm grips on the Subject's left shoulder and left wrist as he/she pulled the Subject's left arm to his back for handcuffing. Officer J pulled the Subject's right arm toward his back as Officer C began to handcuff the Subject.

- **Officer J – Firm Grips, Physical Force, and Bodyweight**

According to Officer J, he/she observed Officer C trying to take the Subject into custody and assisted him. Officer J held the Subject's sweater on the right shoulder with his/her right hand, placed his/her left hand on the center upper body area and pushed the Subject's upper body forward. Officer J continued to use physical force to guide the Subject into a prone position. Officer J grabbed the Subject's sweatshirt to hold him. Officers C and L moved the Subject's left arm to his back. Officer J then repositioned his/her hands and applied firm grips on the Subject's right arm and brought the Subject's right arm to his back for handcuffing. Officer J repositioned his/her right arm on the Subject and applied bodyweight to the right side of the Subject's upper back. Officer J continued to pull the Subject's right arm from underneath him and bring it to his back.

As Officers L and J attempted to place the Subject in the back of their police vehicle, he refused to enter the vehicle. According to Officer J, the Subject started to tense and push back whenever he and Officer L attempted to place him into the police vehicle. Officer J continued to order the Subject into the vehicle as he/she pushed the

Subject into it. Officer J held the Subject by this sweatshirt as he partially sat in the vehicle with his legs outside. Officer J used both hands to push the Subject into the vehicle by his legs.

- **Officer L – Firm Grips and Physical Force**

As the Subject was placed into the prone position, Officer L applied a firm grip on the Subject's left arm. Officer L repositioned his/her right hand and applied a firm grip on the Subject's right wrist as he/she pulled the Subject's left arm to his back for handcuffing. Officer L placed a firm grip on the Subject's right arm with his/her left hand and released his/her grip once the Subject was handcuffed.

After the Subject was handcuffed, Officers L and J walked him to a police vehicle and attempted to have him enter the vehicle. Officer L ordered the Subject into the police vehicle multiples times. According to Officer L, the Subject resisted getting inside the vehicle. Officer L used his/her left hand to push the Subject on the chest to sit inside the vehicle. As Officer J used both hands to push the Subject into the vehicle by his legs, Officer L went to the passenger side of the vehicle and pulled the Subject into the vehicle from behind.

- **Officer G – Firm Grip**

As Officer J pulled the Subject's right arm upward, Officer G arrived and used his/her right hand to briefly grab the Subject's right arm.

The UOFRB assessed Officers K, L, C, J, and G's use of non-lethal force. The UOFRB noted while trying to take the Subject into custody, officers used firm grips, physical force, and bodyweight to take the Subject into custody. Based on the Subject's level of resistance, the UOFRB opined the force applied by Officers K, L, C, J, and G was proportional and objectively reasonable to effect his arrest.

As it pertains to Officers L and J's use of non-lethal force while guiding the Subject into the police vehicle, the UOFRB noted both officers used physical force. Based on the Subject's level of resistance and the need to place him into the vehicle, the UOFRB opined the force applied by Officers L and J was objectively reasonable and proportional. The BOPC concurred with the UOFRB.

The BOPC found Officers K, L, C, J, and G's use of non-lethal force to be In Policy.

Medical Treatment/Rendering Aid

- At the termination of the pursuit, the Subject fatally struck a bicyclist, collided with multiple vehicles, a street sign, and a power pole causing his vehicle to flip over and come to rest upside down. Officer B requested an RA due to the nature of the incident. Less than a minute later, Officer A requested an RA and approximately 99 seconds later, requested three more RAs to standby for the victims of the traffic crash.

After the Subject was taken into custody, Officers L and J escorted the Subject to a police vehicle parked approximately 50 feet away. Prior to being placed in the police vehicle, Officers L and J observed a minor cut to a finger on the Subject's right hand. Officer K and then Officer L stood outside of the vehicle, waiting for direction. While in the back of the police vehicle, the Subject asked multiple times what was going on, complained of back pain, and asked where his property was. Officers K and L received direction to transport the Subject to the station.

During the transport, the Subject again asked several times what was going on, where his belongings were, and complained of back pain. Officers K and L stated their assessment of the Subject's condition was that he did not require emergency medical attention at the time. Officer K stated, *"It didn't seem like anything immediate was – anything immediate was wrong with him."* Officer K heard the Subject complain of pain, but the Subject appeared just as focused on his belongings when he would bring up his back being in pain. Officer K did not consider requesting an RA because the transport to Newton Station was a short distance. Upon arriving at Newton Station, Officer K had the Subject screened by the Watch Commander, placed the Subject in a holding tank, and began completing his booking paperwork. Officer K had no further contact with the Subject after he was placed inside the holding tank. According to Officer K, the Subject did not have any difficulty walking or any type of injury that prevented him from walking to the police vehicle and had led officers in a foot pursuit, running in a full sprint. Additionally, Officers K and L had prior encounters with the Subject where he would attempt to delay the investigation and booking process. Based upon their overall assessment of the Subject's condition, Officers K and L did not believe the Subject was in need of emergency medical services.

According to Officer L, he/she heard the Subject complain of back pain. Officer L explained, *"I didn't believe that you could be running at a speed that he did so fast, um, for it to be so severe to the point where we need to bring an RA into a hot situation as it was."*

Lieutenant A, the Watch Commander, completed the intake screening process and conducted a visual assessment of the Subject after he arrived at Newton Station. According to Lieutenant A, the Subject did not appear to be in medical distress and the Subject advised Lieutenant A he was not sick, ill, or injured and did not complain of back pain. Lieutenant A observed and noted on the Adult Detention Log that the Subject had a minor cut above his right eyebrow. Lieutenant A could not determine if the injury was fresh and he did not believe there was a need for emergency medical services.

Officers M and N were later requested to respond to Newton Station to transport the Subject for booking. Officer M met with the Subject in the holding tank and requested an RA after the Subject complained of pain to his back. LAFD personnel arrived at Newton Station and assessed the Subject. They opined the Subject was not suffering from any medical distress; his vitals were normal, and he was alert and oriented. The Subject was transported by RA to a hospital and was diagnosed with a compression fracture to his back and was fitted for a Thoracic Lumbar Sacral Orthosis (TLSO) brace. The Subject stayed overnight until he could receive the TLSO brace.

The following day, April 25, 2024, the Subject was discharged with the TLSO brace in place and cleared for booking by hospital staff. Officers O and P exited the hospital jail ward and walked to their patrol vehicle in the parking lot with the Subject in a wheelchair. The Subject began to vomit as they approached the police vehicle and became unresponsive. The officers took the Subject back into the hospital and requested a doctor for the Subject. The Subject was readmitted to the hospital and remained in the Intensive Care Unit for Cardiac arrest post-ROSC (Return of Spontaneous Circulation), multifactorial shock.

On April 30, 2024, the Subject was pronounced deceased by a doctor citing “*Anoxic brain injury*” as the cause.

Note: The Coroner’s Report noted the following: “During his (the Subject’s) hospitalization, he was diagnosed with diffused axonal injury. This type of injury is caused by shaking or strong rotation of the head usually caused by high-speed motor vehicle accidents leading to shearing of the white matter tracts of the brain. This type of injury may take several hours to develop. Subsequent complication includes pneumonia. There is no evidence of foul play. The cause of death is due to sequelae (complications) of blunt trauma. The manner of death is accident.”

The BOPC assessed Officers K and L’s decision not to request an RA for the Subject. The BOPC noted Department policy requires officers to request an RA when one is requested or when it is apparent that one is in need of emergency medical services and is unable to request an RA. The Subject did not request an RA and as such, the BOPC focused their analysis on the reasonableness of Officer K and L’s assessment of the Subject’s condition.

The BOPC noted the Subject had been involved in a major traffic crash; however, that did not prevent him from exiting the vehicle and running from officers. The Subject stopped running only when he was contained by Officers K and L who were in front of him. After being taken into custody, he walked on his own to the police vehicle and did not complain of pain. The only visible injuries to the Subject were a minor cut above his eye and to his finger. The BOPC noted the Subject first complained of pain to his back as he was sitting in the back of the police vehicle. When he did complain of pain, he also asked what was going on with him and where his property was, demonstrating a lack of urgency relating to his back pain. The BOPC also considered the officers’ previous experiences with the Subject where he attempted to delay them

in their duties. In reviewing the incident, the BOPC opined the Subject was not showing any objective signs of emergency medical distress. Given the totality of the information known to Officers K and L at the time, the BOPC opined their assessment of the Subject's condition was reasonable.

The BOPC's opinion was reinforced by the fact the Subject was further assessed by Lieutenant A, an EMT, and an LAFD Paramedic, who determined the Subject did not show any signs indicating the need for emergency medical services. Additionally, medical staff at the hospital treated and cleared the Subject for booking without discovering the injuries that caused his death. The BOPC opined if medical professionals were unable to determine the extent of the Subject's injuries, it would be unreasonable to expect Officers K and L to be able to. The BOPC determined Officers K and L's actions met the Department's expectations for rendering aid and were consistent with Department policy.