

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

HEAD-STRIKE WITH AN IMPACT WEAPON – 009-20

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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Hollenbeck	3/20/20		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	13 years 3 months
Officer B	5 years, 4 months

Reason for Police Contact

Uniformed officers attempted to conduct a pedestrian stop on the Subject, resulting in a foot pursuit. The Subject entered an enclosed parking lot, removed a handgun from his front waistband and tossed the gun into an adjacent yard. The Subject turned and faced the pursuing officer while concealing his right hand in the front pocket of his sweatshirt resulting in a Head-Strike incident.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Not Injured ()</u>
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Male 23 years old.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the 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 February 2, 2021.

Incident Summary

On March 20, 2020, uniformed Police Officers A, B, and C were assigned to conduct gang enforcement in the Hollenbeck area. The officers were equipped with Body-Worn Video (BWV) and had their cameras attached to the front portion of their uniforms. The officers were in a marked black and white hybrid police vehicle equipped with ballistic door panels and a Digital In-Car Video System (DICVS).

Officer B was driving, Officer C was front passenger, and Officer A was in the rear of the vehicle. Officers B and C had been assigned as partners for approximately five months and routinely discussed tactics. Officer A was riding as the rear passenger because his/her regularly assigned partner was not working that day.

At approximately 1849 hours, the officers were driving east, in the No. 1 lane of traffic, when the officers noticed three males standing on a street corner. The officers observed two of the males, one of them the Subject, engaged in what they believed to be a narcotics transaction.

According to Officer B, the Subject looked in their direction and appeared surprised. The Subject separated himself from the two other unidentified males and began to walk west on the sidewalk as the two other males walked east. Believing a drug transaction had just taken place, Officer B negotiated a U-turn at the intersection and began to follow the Subject west.

Officer A described the separation as odd and stated that the Subject appeared worried and concerned. As the officers followed the Subject, Officer B stopped the police vehicle for a red phase tri-light. Officer A stated the Subject looked in their direction and became confrontational by asking them what they were looking at. The Subject continued to walk west.

According to Officer B, the officers discussed their observations and decided to stop the Subject to investigate the possible sales of narcotics. Officer A stated the area was congested with pedestrians and vehicles parked along the north curb of the street. This deterred them from immediately detaining the Subject. The officers then discussed detaining the Subject before he reached a nearby location frequented by gang members.

Officer B's BWV and the DICVS depicted the police vehicle continuing west against a red-phase tri-light. Officer A's BWV captured the Subject walking west. At 1850:02 hours, Officer B negotiated a northbound turn in front of the Subject, as he/she activated the interior forward-facing emergency red light and stopped at the apron of the driveway.

Suddenly, the Subject turned and began to run east on the north sidewalk. According to the Subject, he was armed with a gun and he knew the officers were going to stop him, so he ran. Officer A exited the left rear passenger door of the police vehicle, went

around the rear of the vehicle, and began to pursue the Subject on foot. Officer A's BWV depicts him/her carrying his/her baton in his/her right hand. Officer C initially opened the front passenger door of the police vehicle to assist Officer A. However, according to Officer C, Officer B told him/her to stay in the vehicle. Officer C closed the front passenger door and continued to monitor Officer A as he/she chased the Subject. Officer B stated that he/she believed he/she and Officer C could not keep up with Officer A because Officer A was a much faster runner. Instead, Officer B believed it more prudent to follow in the police vehicle as he/she believed that was the best way to keep up with Officer A. Officer B reversed out of the driveway, negotiated a U-turn with his/her forward-facing emergency red light still activated, and began to follow Officer A east. According to Officer B, after negotiating the U-turn he/she never lost sight of Officer A.

The officers had not broadcast any information at this point. At 1850:13 hours, Officer A activated his/her BWV as he/she chased the Subject east on the street. According to Officer A, he/she was gaining ground on the Subject and began to utilize profanity in his/her commands in an attempt to get the Subject to stop. Officer A utilized profanity on multiple occasions during the incident. Officer A stated he/she was in containment mode at this time. The officers had still not broadcast that they were in foot pursuit.

According to Officer A, he/she immediately saw the Subject running northeast crossing the street. Officer A stated he/she could hear the police vehicle engine and the siren sound as he/she pursued the Subject and knew that Officers B and C were behind him/her.

According to Officer A, once the Subject got to the vicinity of an intersection, he/she observed the Subject reach into his front waistband area with his right hand, which gave him/her the belief that the Subject was armed. Officer A's BWV captured the Subject running with his right hand near his front waistband as Officer A told the Subject to show Officer A his hands. According to Officer A, the Subject's actions, putting his hands into his waistband, led Officer A to believe that the Subject might be armed.

Once the Subject crossed the street, he entered an enclosed parking lot to the rear of a commercial premise. As he did so, he was still running in a northeasterly direction. Believing the Subject was armed, and that the situation could escalate to one in which the use of deadly force was required, Officer A transitioned his/her baton to his/her left hand and simultaneously unholstered his/her pistol with his/her right hand. Officer A's BWV captured the Subject removing a pistol from his front waistband area with his right hand as he approached the northeast corner of the parking lot. Simultaneously, Officer B negotiated an eastbound turn into the parking lot. Officer A's BWV depicted the Subject holding a pistol in his right hand along the right side of his body. It also depicted his left hand near his front waistband. The Subject was then seen utilizing an underhand throwing motion to throw the pistol in a northerly direction over a fence. According to Officer B, he/she observed the Subject throw an object into the air and immediately recognized it as a firearm. Officer C stated he/she also observed the Subject throw the handgun. Based on an analysis of the video footage obtained from

Officer A's BWV and the security cameras at the laundromat, Officer A was approximately three to five feet behind the Subject when he threw the pistol.

Officer A indicated he/she went into apprehension mode after the Subject threw the pistol because he/she knew Officers B and C were nearby to assist him/her in taking the Subject into custody.

The following is an account of the Subject's actions that led up to the head strike as captured by Officers A and B's BWV cameras:

After the Subject threw the pistol, Officer A's BWV depicted the Subject stopping his forward motion and placing both arms against the chain link fence in the northeast corner of the parking lot. The Subject then turned to his left, looks in the direction of Officer A and was seen placing his right hand into his right front sweatshirt pocket and stepping towards Officer A. Officer A was concerned that the Subject may have another weapon that he may use to injure Officer A and/or his/her partners. Officer A was approximately three feet from the Subject, he/she had his/her baton in his/her left hand and was pointing his/her pistol at the Subject with his/her right arm raised.

At 1850:32 hours, Officer A's BWV depicted the Subject moving toward Officer A with his right hand still in his front sweatshirt pocket. Officer A dropped his/her baton, raised and placed his/her left hand around the Subject's front sweatshirt collar, and told the Subject to get on the ground. The Subject placed his left hand on Officer A's left wrist, at which time Officer A made a jabbing motion with his/her right hand and struck the Subject in the face with the barrel of his/her pistol. At the time the Subject was struck with the pistol, his right hand was still inside his sweatshirt pocket.

According to Officer A, when he/she told the Subject to get on the ground, the Subject actually took two steps towards him/her, as if challenging him/her. This made Officer A drop his/her baton with his/her left hand, and with his/her right hand, as a reaction, Officer A hit the Subject with the barrel of his/her pistol to get him to back up and stop him from closing the distance on him/her or even attempting to take Officer A's pistol.

After Officer A struck the Subject in the face, the Subject raised and placed his left hand on the left side of his face while still maintaining his right hand inside his front sweatshirt pocket. The Subject hunched his upper body forward as Officer A told him to get on the ground. At 1850:37 hours, Officer A's BWV captures the Subject removing his right hand from his sweatshirt pocket.

Meanwhile, Officer B exited his/her police vehicle and activated his/her BWV at 1850:35 hours. Simultaneously, Officer C exited the front passenger door of the vehicle and activated his/her BWV. Officer C unholstered his/her pistol and held it in his/her right hand as he/she and Officer B approached Officer A and the Subject. Officer C stated that he/she saw Officer A struggling with the Subject, and unholstered his/her handgun because he/she had reasonable belief that the situation may escalate to where deadly force may be justified.

Officer B unholstered his/her pistol because he/she believed the situation was going to lead to deadly force and held his/her pistol in a two-handed, low-ready shooting position. As Officer B approached Officer A and the Subject, he/she told Officer C to broadcast. Officer A noticed Officers B and C approaching as Officer A's BWV captured him/her communicating with his/her partners, telling them that the Subject had thrown the gun over the fence. Officer B holstered his/her pistol, approached the Subject, and placed his/her right hand around the Subject's left wrist and his/her left hand on the rear of the Subject's left shoulder. Officer C was then heard telling the Subject to get on the ground. Officer A holstered his/her pistol while maintaining his/her grip around the Subject's front collar with his/her left hand. Officer A then placed his/her right hand around the Subject's right wrist.

According to Officer B, he/she exited his/her vehicle and intended to remain behind his/her ballistic door but noticed that Officer A required assistance. Officer B stated he/she holstered his/her pistol and then went to assist Officer A.

As Officer A maintained his/her grip around the Subject's front collar with his/her left hand, the Subject placed himself in a squatted seated position. Officer B told Officer A that they should take the Subject to the ground. Officer B removed his/her left hand from the Subject's rear shoulder and placed it on the Subject's left bicep area as he/she attempted to place the Subject's left hand behind his back. Officer A continued to hold onto the Subject's front sweatshirt collar and right wrist.

The Subject was lifted from his squatted position as Officers A and B attempted to place him on the ground. According to Officer A, the Subject was slumped over, refusing to place himself onto the ground. Officer A stated the Subject's resistance caused him to move forward, resulting in the Subject striking the right side of his face against the plywood fence along the north side of the parking lot. Officer A stated he/she did not purposely force the Subject into the plywood fence.

Concurrently, Officer C holstered his/her pistol and at 1850:43 hours broadcast a request for a backup for a man with a gun.

Once the Subject was placed against the plywood fence, Officer C's BWV captured Officers A and B attempting to place the Subject's hands behind his back. Officer A was behind and to the right of the Subject as Officer B was behind and to the left of the Subject. The Subject had his legs spread apart and his torso bent forward.

At 1850:48 hours, Officer C's BWV depicted Officer A releasing his/her right hand from the Subject's right wrist and punching the Subject twice in the right hip area with his/her right fist. After striking the Subject, Officer A placed his/her right hand back on the Subject's right wrist as he/she told the Subject to get on the ground. Officers A and B then placed the Subject on the ground adjacent to the plywood fence. At 1851:15 hours, as Officer B controlled both of the Subject's hands, Officer A completed the handcuffing process.

At 1851:24 hours, Officer A's BWV depicted Officer A lifting the Subject off the ground and pushing him against the plywood fence. The Subject made an inaudible remark at which time Officer A told him to shut up. Officer A then walked the Subject to his/her police vehicle and placed him against the passenger side of the vehicle.

At 1851:35, Officer C broadcast a request for a supervisor and advised that the Subject was in custody.

At 1852 hours, Officers C and D arrived at scene. Officer C approached Officer A, at which time Officer A asked him/her if he/she could conduct a pat-down search of the Subject. Officer C's BWV depicts him/her recover a folded dollar bill from the Subject's left sock that contained methamphetamine.

At 1853 hours, Officers A and B responded to the area that the Subject had thrown the pistol. Officer A located the pistol in the bed of a truck which was parked in the rear yard of a residence. Officer A placed a latex glove on his/her right hand and recovered the pistol. Officer A removed the inserted magazine and recovered a live round from the chamber rendering the pistol safe. The evidence was then placed in a police vehicle.

At 1855 hours, a Rescue Ambulance was requested for a laceration to the Subject's cheek.

At approximately 1857 hours, Sergeant A arrived at scene followed by Sergeant B, who assumed the role of Incident Commander (IC). According to Sergeant A, he/she met with Officer A, who told him/her that he/she had struck the Subject in the face with his/her pistol.

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 A	No	Yes	No	Yes	Yes
Officer B	No	Yes	No	Yes	Yes
Officer C	No	Yes	No	Yes	Yes

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

- A. Tactics** – The BOPC found Officers A, B, and C’s tactics to warrant a finding of Administrative Disapproval.
- B. Drawing/Exhibiting** – The BOPC found Officers A, B, and C’s drawing and exhibiting of a firearm to be In Policy.
- C. Non-Lethal Use of Force** – The BOPC found Officers A and B’s [(3) Physical Force, (4) Firm Grip, (2) Strikes/Punches, and (1) Bodyweight] non-lethal use of force to be In Policy. The BOPC found Officer A’s [(1) Physical Force)] non-lethal use of force to be Out of Policy.
- D. Lethal Use of Force** – The BOPC found Officer 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. It is also recognized 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. 4, 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.

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.

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. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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.

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*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

A. Tactics

Tactical De-Escalation Techniques

- Planning
- Assessment
- Time
- Redeployment and/or Containment
- Other Resources
- Lines of Communication (Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).

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

Planning – Prior to the date of this incident, Officers B and C had been regular partners for approximately five months. During that time Officers B and C had regularly discussed tactics. Officer A had a regularly partner; however, his/her regular partner was not working that day and according to Officer A, he/she had worked with Officers B and C approximately four to five times previously. According to Officers A, B, and C, prior to this shift they discussed contact, cover, and communications responsibilities as a three-officer configuration with regard to traffic and pedestrian stops. Officers discussed that situations were fluid and that they needed to be versatile when dealing with an incident; however, upon their interviews with investigators it was noted that the officers' perceived roles overlapped with each other. Officer B believed that as the driver, he/she was the contact officer. Officer C believed that as the front passenger he/she was the contact officer for pedestrian stops initiated on the passenger side of the police vehicle. Officers A, B, and C believed Officer A was responsible for communications and supplemental cover.

According to Officers A, B, and C they observed what they believed was a narcotics transaction between the Subject and two unidentified males. Officers A, B, and C discussed their observations and made the determination to conduct a pedestrian stop on the Subject. Officer B conducted a U-turn and the officers monitored the Subject for approximately 42 seconds, without communicating and coordinating a tactical plan between each other. Upon their attempted detention of the Subject, the Subject ran from the officers and Officer A, who was the designated communications officer, pursued the Subject on foot, while Officers B and C followed in the police vehicle. As the foot pursuit continued and to the point of its conclusion, Officers A, B and C did not communicate amongst each other. Officer B did direct Officer C to broadcast as he/she approached Officer A, who was physically struggling with the Subject, and Officer B communicated to Officer A that they should place the Subject onto the ground when the Subject was crouching down.

The BOPC concluded, that while Officers A, B, and C had a prior discussion and plan regarding designated roles and assignments, the officers were confused with respect to their responsibilities, which was evident throughout the entire incident. While officers discussed the necessity of being flexible and fluid in their tactics and actions, this does not equate to abandoning the essential role of developing and furthermore, following the plan that was discussed. The BOPC discussed at length that Officers A, B, and C did not utilize the time they had between observing the narcotics transaction to attempting to detain the Subject to create and coordinate a basic plan or put themselves Code Six for this incident. The BOPC also made note that Officer A abandoned his/her role as communications officer to become contact officer and acted as an individual officer in his/her pursuit of the Subject as opposed to being a member of a functioning three-officer team.

Assessment – Officers A, B, and C observed what they believed was a narcotics transaction between the Subject and two unidentified males. After observing the transaction and assessing the Subject's actions, Officers A, B, and C agreed to conduct a pedestrian stop on the Subject. As Officer B conducted a U-turn with the police vehicle, he/she scanned the location and assessed the Subject's path and the environment they were in, which consisted of multiple civilian vehicles and community members. Officer B also assessed that there was a location which was known to the officers that operated as a haven for gang members and was tactically disadvantageous to law enforcement personnel. Officer B drove past the Subject and placed the police vehicle into a driveway apron, potentially blocking the Subject's path as the Subject walked west on the north sidewalk of the street. Upon doing so, the Subject turned and ran from the officers. Officer A exited the police vehicle and initiated a foot pursuit of the Subject. Officer C assessed the situation and began to open his/her police vehicle door to join Officer A in the foot pursuit of the Subject; however, Officer B, having knowledge that Officer A was a fast runner, assessed the situation and communicated with Officer C to remain in the police vehicle so they could keep up with Officer A.

As Officer A was engaged in a foot pursuit with the Subject, Officer A assessed the Subject's path and stated that he/she went around the corner after briefly losing sight of the Subject. Officer A assessed the Subject's movements, specifically the placement of the Subject's hands near his waistband area, while Officer A directed the Subject to discontinue fleeing and make his hands visible. Officer A further assessed that Officers B and C were close behind Officer A by the sound of the police vehicle's engine and sound of the police vehicle's siren, as Officer A continued to pursue the Subject on foot. Officer A observed the Subject reach into his waistband area and formed the belief that the Subject may be arming himself with a weapon, causing Officer A to unholster his/her service pistol. Officer A assessed that after the Subject threw his handgun over a fence, the Subject turned to face Officer A and the Subject placed his hand into his right front shirt pocket once again.

Officer B observed Officer A and the Subject in the corner of the lot, parked the police vehicle to be utilized as cover, and assessed that Officer A needed assistance. Officers B and C observed the Subject throw the handgun into the air and unholstered their service pistols. Officer B holstered his/her service pistol as he/she assessed that Officer A needed assistance in utilizing force to detain the Subject, and Officer C holstered his/her service pistol and at the direction of Officer B, broadcast for a back-up.

Time – After Officers A, B, and C observed a narcotics transaction and made the decision to detain the Subject, they had time to develop and communicate a tactical plan, as well as provide CD with a Code Six location, prior to attempting to conduct the pedestrian stop. Additionally, as the attempted detention escalated into a foot pursuit and subsequent use of force, none of the officers communicated their location, requested resources, or that a foot pursuit was in progress, until an additional 41 seconds had passed, as determined by investigators.

According to Officer A, near the termination of the foot pursuit as the Subject threw his handgun into the air, Officer A was approximately three to five feet from the Subject. Officer A initiated contact with the Subject and became involved in a use of force. Officer A stated that he/she was in containment mode and transitioned to apprehension mode after seeing the Subject throw the handgun.

The BOPC concluded, that Officers A, B, and C were afforded some time to develop a basic tactical plan specifically for this incident, to provide CD with a Code Six location, discuss specific roles, and broadcast a foot pursuit for additional resources to respond to their location. The BOPC was critical of Officer A's continued advancement towards the Subject as the Subject placed his hand into his pocket while being contained in the corner of the parking lot, producing and throwing a handgun, and then approaching Officer A. The BOPC would have preferred that Officer A had created distance, and utilized the cover afforded to him/her by the police vehicle so he/she and Officers B and C could have benefited from additional time to de-escalate the incident.

Redeployment and/or Containment – According to Officer A, while in a foot pursuit of the Subject, he/she was in containment mode until he/she observed the Subject produce a handgun and throw the handgun into the air. The Subject again placed his right hand into his front pocket and according to Officer A, he/she switched from containment to apprehension mode initiating contact with the Subject.

The BOPC concluded that although Officer A stated that he/she was attempting to contain the Subject, Officer A continued to close the distance on the Subject to the point where Officer A was within three to five feet of the Subject, when the Subject threw the handgun. Additionally, during the foot pursuit there was no communication between Officers A, B, and C or to CD to establish a perimeter to contain the Subject. The BOPC also deliberated with great concern over Officer A's reasoning and actions to physically engage the Subject, who had just produced and thrown a handgun and then placed his hand back into his sweatshirt pocket, causing Officer A to believe the Subject may be accessing an additional weapon. The BOPC would have preferred that Officer A re-deploy to create distance, seek cover if available, and utilize his/her partners in a manner that would be tactically advantageous to the officers should the Subject produce a second weapon.

Other Resources – As Officer A and B were actively involved in the use of force with the Subject, Officer C requested a back-up for additional units to respond to their location for a man with a gun, at the direction of Officer B. Upon the conclusion of the use of force and detention of the Subject, Officer A requested a supervisor's response to document the use of force, as well as requested an Air Unit to respond and assist in locating the handgun that was thrown by the Subject

The BOPC discussed Officers A, B, and C's limited use of the additional resources they had available to them. The officers' lack of communication, not only between themselves but with CD, limited the officers' options and ability to gather resources to assist them in this incident.

Lines of Communication – When Officers A, B, and C observed the Subject and two unidentified males conduct a possible narcotics transaction, the officers communicated what they had observed and made the determination to conduct a pedestrian stop on the Subject. As they attempted to detain the Subject, Officer A engaged the Subject in a foot pursuit but did not advise Officers B and C of his/her intent to do so. Officer C reacted by attempting to exit the police vehicle and join the foot pursuit; however, Officer B instructed Officer C to remain in the police vehicle because Officer A was a much faster runner than both Officers B and C. While in foot pursuit, Officer A communicated with the Subject to stop his flight and display his hands, to which the Subject did not comply. None of the officers broadcast a Code Six location or that they were involved in a foot pursuit until its conclusion.

Near the termination of the foot pursuit when the Subject reached into his waistband and threw his handgun into the air, Officer A shouted, "Gun, gun, gun" to warn Officer C of his/her observation of a possible deadly threat. Officer B began to assist

Officer A in applying non-lethal force and directed Officer A to take the Subject down to the ground as Officer A continued to communicate with the Subject. Officer B also informed Officer C to communicate their need for a back-up unit.

The BOPC discussed Officers A, B, and C's overall lack of communication amongst each other, which hindered their efforts to coordinate a response and safely contain the Subject. In addition, there was no communication by Officers A, B, or C to obtain additional resources or notify CD of the incident until the foot pursuit had concluded and a use of force had occurred. Officer C was not driving the police vehicle and not engaged in the use of force; therefore, as the officers discussed their roles could vary, Officer C was in the best position to communicate throughout the incident but did not do so until prompted by Officer B. The BOPC determined that the overall lack of communication by Officers A, B, and C throughout this incident led to tactical deficiencies and placed the officers at a tactical disadvantage that could have led to significant consequences.

- The BOPC noted the following tactical considerations upon its review of this incident:

1. Tactical Communication/Tactical Planning (Substantial Deviation, without Justification – Officers A, B, and C)

In this incident, Officers B and C had been regular partners for approximately five months. Officers B and C had regularly discussed tactics and their stops, which included contact and cover roles, response to back-ups, perimeters, foot pursuit tactics, weapons systems, as well as apprehension versus containment modes. According to Officer A, he/she had worked with Officers B and C approximately four to five times previously.

According to Officers A, B, and C, prior to beginning their shift, they discussed three-officer tactics and discussed the roles of contact, cover, and communications. The officers stated they discussed that situations were fluid and they needed to be versatile and adapt; however, upon their interviews with investigators it was noted that the officers' perceived roles overlapped.

Officer B stated that since he/she was the driver, he/she was the contact officer and Officer C was cover, while Officer A was communications and supplemental cover. Officer C stated that as the front passenger officer, he/she was the contact officer for pedestrian stops initiated on his/her side of the police vehicle. Officer A stated that he/she was responsible for communications.

Officers A, B, and C observed the Subject involved in what they believed was a narcotics transaction with two unidentified individuals. The officers discussed their observations and made the determination to conduct a pedestrian stop on the Subject. Officer B negotiated a U-turn and began to follow the Subject with the intention of deploying on the Subject. Approximately 42 seconds passed, as officers followed and eventually deployed on the Subject; however, no specific

plan was discussed, nor did the officers coordinate their efforts to detain the Subject. As Officer B deployed the police vehicle to initiate the pedestrian stop on the Subject, the Subject turned and ran from officers. Officer A exited the rear, driver side of the police vehicle and engaged the Subject in a foot pursuit without communicating his/her intentions to Officers B or C. Upon observing Officer A, engaged in a foot pursuit with the Subject, Officer C attempted to exit and join Officer A; however, at the direction of Officer B, Officer C remained in the police vehicle as they utilized the police vehicle to follow the foot pursuit. During the approximate 25 second foot pursuit, no additional conversation or planning was relayed between Officers A, B, or C.

Near the termination of the foot pursuit, the Subject reached into his waistband, from which he produced a handgun and then threw that handgun over a fence. The threat the Subject posed to the officers caused Officer B and C to draw their service pistols and triangulate as Officer A was already physically engaged with the Subject. Officers A, B, and C did not re-deploy, coordinate, or discuss positions and options to take the Subject into custody. Instead, Officer B directed Officer A to place the Subject onto the ground and directed Officer C to advise Communications Division (CD). Officers A and B utilized force to detain and handcuff the Subject with limited communication occurring between the three officers.

The BOPC concluded that while Officers A, B, and C had a prior discussion and plan regarding designated roles and assignments, the officers were confused with respect to their specific responsibilities, which was a critical component of how the subsequent incident unfolded. While the officers discussed the necessity of being flexible in their tactics and actions, this did not justify a lack of developing a specific plan to detain the Subject.

The BOPC was critical of the 42 seconds that had passed with minimal communication between the three officers after deciding to conduct a pedestrian stop on the Subject, to the point at which Officer B tactically deployed the police vehicle at the driveway to detain the Subject. There was no basic re-assertion of their roles and clarification of responsibilities to accomplish the Subject's detention.

The BOPC reviewed the officers' confusion as it pertained to their three-officer configuration and pre-planned tactics and roles. According to Officer C, the contact officer would be dependent on which side of the police vehicle an individual would be encountered upon; however, as Officer B made the turn, Officer C did not exit the police vehicle to initiate contact with the Subject. Furthermore, according to Officers A, B, and C, the responsibility for communications in their three-officer configuration was Officer A; however, as Officer A exited the rear, driver's side of the police vehicle and engaged the Subject in a foot pursuit, he/she did so without communicating his/her intentions to Officers B or C.

The BOPC was particularly concerned about the continued lack of communication and planning amongst all three officers prior to the pedestrian stop, during the foot pursuit, and ultimately escalating into a use of force. The lack of communication limited their force options with no consideration of less-lethal options being deployed and contributed to the overall tactical deficiencies throughout the incident.

Additionally, the officers' lack of a clear plan led to officers triangulating, not only on the Subject, but with each other, risking a potential crossfire situation. In addition, the BOPC noted that Officer C needed prompting by Officer B to broadcast to CD during the incident and noted Officer C's lack of coordination with Officers A and B during the use of force and the Subject's detention.

The BOPC would have preferred that Officers A, B, and C been guided by the concept of the three-officer configuration and maximized their assets by communicating and developing a specific tactical plan with regard to contact, cover, and communications roles, as opposed to relying on the assumption they would be flexible in how they would handle an incident. As many law enforcement contacts are fluid and unpredictable, it is incumbent upon officers to develop, communicate, and attempt to adhere to a tactical plan to ensure the safety of Department personnel and the community in which we serve.

Based on the totality of the circumstances, the BOPC determined, that Officers A, B, and C's deficient communication and lack of developing and adhering to a tactical plan were a substantial deviation, without justification, from approved Department tactical training.

2. Code Six/Foot Pursuit Broadcast (Substantial Deviation, without justification – Officers A, B, and C)

Officers A, B, and C did not advise CD of their location when they observed a narcotics transaction and made the decision to conduct a pedestrian stop on the Subject. Officer C did not broadcast critical information about the direction of travel and location of the foot pursuit, nor did he/she request additional resources and coordinate their response.

In this case, Officers A, B, and C made the decision to conduct a pedestrian stop on the Subject based on their observations and had approximately 42 seconds to develop and communicate a tactical plan, as well as provide CD with a Code Six location, prior to attempting to conduct the pedestrian stop. As the assigned communications officer, this should have been handled by Officer A, and if reasonably unable to do so, would become the responsibility of the other passenger officer in the unit, which was Officer C and lastly, Officer B. None of the officers, Officers A, B, nor C, advised CD of their Code Six location.

The BOPC noted that all the officers had sufficient time to broadcast their Code Six location and other relevant information prior to contacting the Subject and initiating a pedestrian stop. Additionally, when Officer A pursued the Subject on foot, Officer B remained in the police vehicle as the driving officer, and Officer C remained as the front passenger officer. Officer C, as the secondary officer, did not broadcast the foot pursuit or request additional resources as the foot pursuit ensued, nor did Officer B, until an additional 41 seconds had passed. The BOPC discussed that advising CD of a Code Six location and broadcasting a foot pursuit were critical components to officer safety.

According to Officers A, B, and C, they discussed that situations were fluid and the need for them to be versatile; however, the BOPC noted that the officers' perceived roles overlapped and lacked clarity. Officer B indicated that since he/she was the driver, he/she was the contact officer. Officer C stated that as the front passenger officer, he/she was the contact officer for pedestrian stops initiated on his/her side of the police vehicle, and Officer A stated that he/she was responsible for communications and supplemented as cover.

The BOPC discussed that when assigned as a three-officer unit, Officers A, B, and C did not maximize their resources, while utilizing basic contact and cover techniques, to ensure officer safety. The BOPC noted that officers could be flexible in their roles and in contact and cover responsibilities; however, Officers A, B, and C were expected to be able to adjust and transition between those roles based on the Subject's actions, yet they did not make that adjustment. There were three officers involved and three officers in the police vehicle; however, none of the officers placed themselves Code Six or broadcast the foot pursuit, despite sufficient time to do so. Furthermore, the BOPC noted that none of the involved officers put out a broadcast until Officer B prompted Officer C to get on the radio at the conclusion of the foot pursuit while he/she and Officer A were physically engaged with the Subject.

Based on the totality of the circumstances, the BOPC determined that Officers A, B, and C's failure to broadcast a Code Six location or foot pursuit, was a substantial deviation, without justification, from approved Department tactical training.

3. Tactical Vehicle Deployment

Officer B drove past the Subject and placed the police vehicle into a driveway apron, potentially blocking the Subject's path as the Subject walked west on the north sidewalk. The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

According to Officer A, the area was congested with pedestrians and vehicles that were parked along the north curb of the street, which deterred the officers

from immediately detaining the Subject. The officers then discussed detaining the Subject before he reached a location known to be frequented by gang members. In this case, Officer B negotiated a northbound turn into a driveway apron, as he/she activated the interior forward-facing emergency red light. In response, the Subject turned and began to run eastbound, resulting in a foot pursuit.

The BOPC reviewed all available video from this incident, including the DICVS and BWVs of the officers. Although the position of Officer B's police vehicle and the Subject cannot be definitively determined, based on a preponderance of the evidence, it is evident that Officer B drove past the Subject as Officer B drove the police vehicle to the area of the driveway apron.

In considering the circumstances regarding this incident, Officers A, B, and C tasks included documenting and monitoring the daily activities of the criminal street gangs, who were often armed. At that particular moment, it was not known to these officers that the Subject was indeed armed with a handgun. Although the BOPC recognizes the challenges of deploying a police vehicle in an area consisting of heavy pedestrian and vehicular traffic, the BOPC's expectation is that police officers position the patrol vehicle in a manner that reduces an officer's risk and does not compromise the safety of the officers by unnecessarily exposing themselves. The Subject's position in relation to the placement of the police vehicle is unclear; however, Officer B should have considered that the Subject may possibly be armed, given Officer B's assignment and their knowledge of the area. The BOPC would have preferred that Officer B not drive the police vehicle past the Subject.

Based on the totality of the circumstances, the BOPC determined that while identified as an area for improvement, Officer B's vehicle deployment was not a deviation from approved Department tactical training.

4. Foot Pursuit Concepts (Substantial Deviation, without Justification – Officers A, B, and C)

While designated as the supplemental cover and communications officer, Officer A exited the rear, driver side door of the police vehicle and engaged the Subject in a foot pursuit without communicating his/her intentions to Officers B and C during the approximately 25 second foot pursuit. Upon observing Officer A engaged in a foot pursuit with the Subject, Officer C attempted to exit the police vehicle and join Officer A; however, at the direction of Officer B, Officer C remained inside of the police vehicle. Officer B negotiated a U-turn and utilized the police vehicle to follow Officer A who was engaged in the foot pursuit. During this U-turn, the maximum distance of Officers B and C from Officer A was approximately 215 feet. Both Officers B and C, however, stated they did not lose sight of Officer A. Officer C further added that they were in position to render aid if necessary.

During the initiation of the foot pursuit, Officer A stated he/she believed he/she was initially 15 yards away from the Subject, then 10 yards away from the Subject and closed the gap to eight yards away from the Subject as the Subject entered the parking lot. Officer A stated he/she was in containment mode as he/she began to close the distance between him/herself and the Subject. Officer A held his/her side handle baton with his/her right hand as he/she pursued the Subject on foot, continuing to close the distance on the Subject. Officer A observed the Subject reaching towards his waistband area and believed the Subject may be arming himself with a weapon. Officer A utilized commands to get the Subject to comply; however, the Subject continued to flee from the officers. The Subject turned left at the corner to run northbound. According to Officer A, he/she turned the corner while continuing to pursue the Subject on foot as Officers B and C followed Officer A in their police vehicle. Officer A observed the Subject change his running stride, reach towards his waistband area, and believed that the Subject may be arming himself with a weapon.

Officer A transitioned his/her baton to his/her left hand and drew his/her service pistol with his/her right hand as he/she closed the distance and continued to pursue the Subject in containment mode as they approached the corner of the end of a fenced parking lot. Officer A observed the Subject reach into his waistband, grab a handgun, and toss the handgun into the air and over a fence as Officer A closed the distance and transitioned into apprehension mode. Officer A stated that he/she was approximately three to five feet from the Subject when the Subject stopped and turned towards Officer A. The Subject placed his right hand into his sweatshirt pocket. Officer A believed the Subject may be attempting to arm himself with an additional weapon. The Subject then took approximately two steps towards Officer A.

According to Officer A, the Subject left him/her exposed and stated that redeploying and finding cover was not feasible; therefore, Officer A initiated physical contact with the Subject, while still holding his/her service pistol in his/her right hand, as opposed to re-deploying to gain some distance and place the Subject into a high-risk prone position.

Although their police vehicle was deployed on the Subject and Officer A at the termination of the foot pursuit, Officers B and C left their police vehicle to assist Officer A who was physically engaged with the Subject. During this time, there was no communication or coordination amongst the officers to de-escalate the incident or re-deploy as a team.

The BOPC noted the deficient communication among Officers A, B, and C, as well as Officer A's solo foot pursuit. Even though Officers B and C believed they were in a position to render aid and visually observed Officer A during the foot pursuit, the BOPC would have preferred that Officer C had exited the police vehicle and joined Officer A in the foot pursuit, as well as acted as

communications officer while Officer B utilized the police vehicle to assist in tactical deployment and cover, if needed.

The BOPC considered Officer A's tactics during the foot pursuit as it related to apprehension mode versus containment mode. While Officer A described that he/she was in containment mode during much of the foot pursuit, the BOPC noted that Officer A continuously gained ground on the Subject and made no effort to contain or maintain a safe distance and utilize cover to monitor the Subject's movements. The essential aspect of containment mode is to maintain observation and tactically contain a Subject and make the arrest when adequate resources were in place; not to close the distance on an individual believed to be armed, which limited Officer A's tactical options and placed Officers B and C in a tactical dilemma when Officer A chose to physically engage with the Subject.

The BOPC noted that throughout this incident Officer A's actions were indicative of working alone and not as part of a team, despite the fact that two additional officers were working with him/her. While pursuing a possibly armed Subject is permitted by Department policy in exigent and limited situations, in this incident, the officers were operating as a three-officer unit, which provided Officers A, B, and C with adequate resources to monitor and maintain line of sight with the Subject, while utilizing available cover and requesting additional resources.

The BOPC also considered the termination of the foot pursuit. The Subject reached into his waistband, produced a handgun, and threw the handgun into the air and over the fence. At that moment, Officer A stated that he/she switched from containment mode to apprehension mode as the Subject reached into his sweatshirt pocket and began to approach Officer A. Officer A described the Subject's actions as possibly indicative of an attempt to reach for another weapon. Instead of redeploying away from the Subject and utilizing the police vehicle as cover. Officer A stated that he/she was aware his/her partners were in the police vehicle close behind. Officer A continued to close the distance with the Subject. Furthermore, Officer A initiated physical contact with the Subject whom he/she believed may have been armed with an additional weapon. The BOPC would have preferred that Officer A had redeployed, utilized the cover of the police vehicle that was afforded to him/her, and that Officers A, B, and C had worked as a team, utilizing time to further de-escalate the incident.

The BOPC acknowledged that foot pursuits are fluid and dynamic incidents. The BOPC considered the totality of all the circumstances with respect to Officers A, B, and C's actions prior to, during, and culminating into this use of force incident. The BOPC noted the officers' inability to fully utilize their resources and enhance their tactical safety while operating as a three-officer unit. The BOPC concluded that Officers A, B, and C's actions were inconsistent with the Department's tactical de-escalation techniques and foot pursuit concepts.

Based on the totality of the circumstances, the BOPC determined, that Officers A, B, and C's tactics were a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:
 - **Holding of Service Pistol in One Hand and Additional Force Option in the Other** – Officer A held his/her service pistol in his/her right hand while simultaneously holding his/her baton in his/her left hand. Officer A was reminded of the safety issues and tactical disadvantages which come with the holding of his/her service pistol in one hand and an additional force option in the other hand. Doing so allows for the possibility of an unintended discharge or disarmament by a Subject.
 - **Retention of Equipment (Baton)** – Officer A dropped his/her baton on to the ground, rather than secure it in his/her equipment belt baton ring and initiated physical contact with the Subject. Officer A was reminded of the importance of securing his/her equipment so it can be readily available as a less-lethal force option and to prevent the equipment from becoming a hazard or utilized as a weapon by others.
 - **Basic Firearms Safety Rules** – Officer A waved his/her service pistol in the air while he/she was attempting to physically control the Subject. Officer A was reminded to adhere to the Basic Firearm Safety Rules and be cognizant of his/her muzzle direction.
 - **Situational Awareness (Baton)** – Officers A and B forced the Subject onto the ground in the area where Officer A had previously dropped his/her baton. Although Officers A and B maintained control of the Subject, both officers were reminded to assess the area where they place an individual to ensure it is free of objects that could potentially be used as a weapon against the officers.
 - **Searches of Arrestees** – Officer A believed the Subject may have been armed with an additional handgun; however, after the Subject was placed in handcuffs, Officer A conducted what he/she described as a visual search of the Subject's waistband area. Officer A then transferred custody of the Subject to another Officer to conduct a complete search of the Subject. To ensure officer safety, Officer A was reminded to conduct a proper search of an arrestee prior to conducting investigative duties.
 - **Medical Treatment - Requesting a Rescue Ambulance** – The FID investigation revealed that Officers A, B, and C did not request a Rescue Ambulance for the Subject after he was handcuffed and taken into custody. A rescue ambulance was requested three minutes and 45 seconds after the Subject was taken into custody by a responding unit. Officers A, B, and C are

reminded of the importance of reverence for human life and ensuring the timely response of appropriate emergency medical personnel.

- **Preservation of Evidence** – The FID investigation revealed that after becoming involved in a CUOF incident involving an intentional head strike, Officer A recovered the Subject's handgun by removing it from the bed of a truck. Officer A then rendered the handgun safe by unloading and manipulating it with a latex gloved right hand and an ungloved left hand. The handgun was placed in the trunk of Officers A, B, and C's police vehicle. Officer A was reminded of the importance of maintaining the integrity of the scene following a Categorical Use of Force (CUOF) incident by not removing and relocating evidence and by wearing proper personal protective equipment to avoid contaminating the evidence.

These topics were to be discussed at the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident also 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 personnel to discuss individual actions that took place during this incident.

The BOPC found Officers A, B, and C's tactics to warrant a finding of Administrative Disapproval.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, as he/she ran after the Subject who had just completed a narcotics transaction, Officer A observed the Subject put his hands into his waistband. Officer A transitioned his/her baton from his/her left hand and drew his/her service pistol because Officer A believed the Subject may be armed and about to pull out a firearm which could lead to Officer A having to use deadly force.

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Officer A's drawing and exhibiting of his/her service pistol. The BOPC considered that Officer A had observed the Subject engage in conduct with two other unidentified persons in a manner which Officer A interpreted to be a narcotics transaction. The Subject fled from the location to which Officer A engaged in foot pursuit. Officer A stated that during the foot pursuit, he/she observed the Subject

put his hands into his waistband, from which Officer A believed that the Subject may pull out a firearm.

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

Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be In-Policy.

- **Officer B**

According to Officer B, he/she observed Officer A trying to hold the Subject with his/her left hand, and Officer A had his/her service pistol out. Officer B advised Officer C to broadcast a request for a backup. According to Officer B, as he/she exited his/her police vehicle, Officer B observed the Subject throw a firearm into the air. Officer B stated, "Gun, gun, gun," to Officer C and believed the Subject could have a second firearm. Officer B unholstered his/her service pistol because he/she believed the situation was going to lead to the need for deadly force.

The BOPC conducted an evaluation of the reasonableness of Officers B and C's drawing and exhibiting of their service pistols. The BOPC considered that Officers B and C observed the Subject in possession of a handgun and observed the handgun tossed into the air.

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

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

- **Officer C**

According to Officer C, he/she observed the Subject throw a handgun into the air and heard Officer B state, "Gun, gun, gun," as Officer A was struggling with the Subject. Officer C unholstered his/her service pistol with his/her right hand and held his/her service pistol with two hands and his/her finger alongside the frame because Officer C had a reasonable belief that the situation may escalate to the point where deadly force may be justified.

C. Non-Lethal Use of Force

- **Officer A – (3) Physical Force, (4) Firm Grip, (2) Strikes/Punches, and (1) Bodyweight**

According to Officer A, he/she grabbed the Subject by the right and left arms and attempted to place the him on the ground. Officer A felt the Subject moving, and the Subject was not going down to the ground. Officer A stated that he/she was trying to walk the Subject down, but the Subject walked into that area where Officer A believed the Subject struck his head on the plywood fence. Officer A stated that he/she and Officer B were able to use the plywood fence as a control device so the Subject would stop moving and the officers could apply body weight. Officer A stated he/she did not purposely force the Subject into the plywood fence.

According to Officer A, he/she directed the Subject to get on the ground; however, the Subject was not complying, and the Subject pulled his arm away from Officer A's grip. Officer A stated that the Subject looked like he was going back into his pocket. Officer A punched the Subject twice in the back area, at which point, Officer A was able to re-acquire the Subject's right hand and place it behind the Subject's back. Officer A stated that he/she and Officer B utilized body weight to push the Subject onto the ground and place handcuffs on the Subject.

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Officer A's use of non-lethal force with particular attention given to the two strikes/punches delivered to the Subject. After the head strike occurred, the Subject refused to comply with Officer A's commands by resisting efforts to go down onto the ground. The Subject advised Officer A that he was on the ground; however, the Subject remained in the crouched position, refusing to comply with commands. While attempting to handcuff the Subject and take him into custody, Officer A utilized firm grips and physical force to pick the Subject up from a crouched position and toward a plywood fence. When Officer A perceived the Subject was pulling his arm from Officer A's grasp and moving his arm towards his pocket, Officer A delivered two punches with his/her right hand to the Subject's right hip area.

The BOPC carefully evaluated Officer A's two punches to the Subject's right side. In doing so, the BOPC considered the input of Subject Matter Experts (SME) from LAPD Training Division (TD) Arrest and Control Section (ARCON) personnel as to the Department's training with regard to utilizing strikes or punches. The ARCON SMEs advised the BOPC that while the Department does teach officers to utilize strikes based on a Subject's specific actions, as in this case where a Subject may be reaching towards a pocket, the preferred actions would be to gain control of a Subject's legs and utilize bodyweight to place a Subject onto the ground. In addition, the ARCON SME's would advise officers in this case to work at continuing to control the Subject's arm because initiating punches could cause an officer to lose control of a Subject's arm.

While the BOPC would have preferred a more coordinated effort in taking the Subject to the ground by having Officer C control the Subject's legs, Officer A delivered the punches to the Subject in close quarters and in quick succession, which appeared to be controlled and reasonable. Following the punches, Officer A was able to gain compliance and continued to utilize minimal applications of firm grips, physical force, and bodyweight to take the Subject to the ground and into custody.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would believe that these same applications of non-lethal force would be objectively reasonable to overcome the Subject's continued resistance.

Therefore, the BOPC found these applications of Officer A's non-lethal use of force [(3) Physical Force, (4) Firm Grip, (2) Strikes/Punches, and (1) Bodyweight] to be In Policy.

- **Officer A – (1) Physical Force**

According to Officer A, after the Subject was handcuffed, he/she lifted the Subject up and off of the ground, placed the Subject against the plywood fence to stabilize him, as Officer A checked the Subject's waistband for additional weapons. Officer A further stated that he/she wanted to stabilize the Subject, so the Subject would stop moving and Officer A could conduct a proper search. Officer A pulled the Subject's clothing up to expose the Subject's waistband and conducted a visual search for additional weapons.

In this case, the BOPC conducted an evaluation as to the reasonableness of Officer A's use of physical force, in which Officer A's BWV depicts Officer A lifting a handcuffed Subject off the ground and pushing the Subject against the plywood fence. The BOPC discussed the reasonableness of this application of physical force with regard to a handcuffed individual who was no longer offering officers resistance. The BOPC determined that at the time Officer A pushed the Subject into the plywood fence, the Subject was no longer resisting officers, nor attempting to flee. The Subject was handcuffed, and Officer A had control of the Subject. The BOPC noted that this particular application of physical force by Officer A was not reasonable in its application, nor was it in compliance with the Department's use of force policy.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer A, while faced with similar circumstances, would not believe that this specific application of non-lethal physical force was objectively reasonable.

Therefore, the BOPC found this specific application of Officer A's non-lethal force (physical force) to be Out of Policy.

- **Officer B – (2) Firm Grip, (1) Physical Force, and (1) Bodyweight**

According to Officer B, he/she observed Officer A struggling with the Subject. Officer B holstered his/her service pistol and applied a two-handed grip on the Subject's left arm. Officer B directed Officer A to take the Subject down to the ground, and the Subject was lifted from a crouched position. Officer B stated the Subject was trying to push away from both Officers A and B. Once the Subject was placed against the plywood fence, the Subject hunched down, tensed up, and resisted Officers A and B's attempts to handcuff him. Officer B was still holding the Subject's left arm and assisted Officer A in guiding the Subject to the ground by utilizing the Subject's body weight and physical force to push and guide the Subject between a parking stall block and the fence. Officer B maintained the Subject in this position as Officer A handcuffed the Subject.

In this case, the BOPC conducted a thorough review of the incident to evaluate the reasonableness of Officer B's use of non-lethal force. Officer B observed the struggle between Officer A and the Subject after observing the Subject throw a handgun into the air. Officer B noted that Officer A was attempting to detain the Subject on his/her own, while holding onto his/her service pistol, and was having difficulty controlling the Subject. Officer A directed the Subject to the ground; however, the Subject was not complying with commands. Upon grasping the Subject's left arm, Officer B felt the Subject's continued physical resistance to comply and go to the ground. After the Subject was placed against the plywood wall, Officer B assisted Officer A in moving the Subject onto the ground for Officer A to complete handcuffing.

The BOPC noted Officer B's assessment of the concrete parking stall block and fence and his/her focus on guiding the Subject to mitigate potential injury to the Subject as they struggled to place the Subject onto the ground. The BOPC opined that Officer B utilized a reasonable and minimal amount of force on the Subject in order to detain and handcuff the Subject.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer B, while faced with similar circumstances, would believe that these same applications of non-lethal force would be objectively reasonable to overcome the Subject's resistance.

Therefore, the BOPC found Officer B's use of non-lethal use of force to be In Policy.

D. Lethal Use of Force

- **Officer A – Head Strike**

According to Officer A, he/she was four to five feet from the Subject when the Subject reached into his waistband, grabbed a handgun, and tossed the handgun over a fence. Officer A was holding his/her service pistol in his/her right hand and

pointing his/her service pistol at the Subject's face, while Officer A held his/her baton in his/her left hand. Officer A directed the Subject to get on the ground; however, the Subject placed his right hand back into his pocket and took two steps towards Officer A. Officer A stated he/she felt vulnerable and threatened, and Officer A was not sure if the Subject was trying to arm himself with an additional handgun or other type of weapon. The Subject's actions caused Officer A to drop his/her baton out of his/her left hand and as a reaction, Officer A struck the Subject with a jab to the Subject's face, utilizing the barrel of Officer A's service pistol. Officer A stated that he/she did this to cause the Subject to move back and stop the Subject from closing the distance on Officer A or prevent the Subject from trying to take Officer A's service pistol.

The BOPC conducted a thorough review and analysis of the reasonableness and the necessity of Officer A's use of deadly force, as well as the tactics utilized by Officer A, which led up to his/her use of deadly force. In this case, Officer A discussed responsibilities and roles with Officers B and C prior to beginning their shift. This discussion should have clearly defined their roles and as the officers indicated, either Officer B or Officer C would have been the contact officer, while Officer A would have been responsible for communications. The BOPC acknowledged that the officers were proactive while patrolling an area known for gang and narcotics activity and violent crime, resulting in their observation of a narcotics transaction. The Subject fled from Officers A, B, and C in response to the officers' attempt to detain the Subject. However, Officer A, without communicating to his/her partners or to CD, chose to exit the police vehicle and engaged the Subject in a foot pursuit. Officers B and C were required to react to Officer A's actions without having any knowledge of Officer A's intended plan or communication to detain the Subject.

The BOPC noted that as Officer A continued to engage the Subject in a foot pursuit, Officer A stated he/she was in containment mode and believed the Subject was arming himself; however, Officer A continued to pursue the Subject closing the distance, and making no attempt to communicate his/her observations with Officers B and C, or to set up a perimeter to contain the Subject. The Subject ran into an enclosed parking lot where Officer A observed the Subject move his right hand to his waistband area. Believing the Subject was armed with a weapon, Officer A drew his/her service pistol, yet continued his/her advance towards the Subject while holding his/her baton in his/her left hand and his/her service pistol in his/her right hand. The BOPC took note that the Subject escalated an already stressful and dangerous encounter by reaching into his waistband, removing a handgun, tossing the handgun into the air, and then turning to face Officer A; however, the BOPC was simultaneously critical of Officer A's actions and justification.

According to Officer A's statements, he/she believed the Subject was possibly arming himself with an additional weapon after observing the Subject throw a handgun over the fence; however, Officer A switched from containment mode into apprehension mode. Officer A's actions caused the BOPC concern, as Officer A

believed the Subject may still be armed and Officer A described him/herself to being within three to five feet of the Subject. The BOPC would have preferred that Officer A instead redeploy, create distance, utilize Officers B and C as resources, and employ the police vehicle as cover, thus creating a tactical advantage. Officer A dropped his/her baton to the ground and initiated physical contact with the Subject, while Officer A had his/her service pistol deployed.

The BOPC noted that this action placed Officer A and his/her partners in a tactically disadvantageous situation. Had the Subject desired, he could have attempted to take Officer A's service pistol from him/her. The Subject returned his right hand into his pocket after tossing a handgun to which A expressed feelings of being threatened and challenged as the Subject approached him/her. Officer A utilized his/her service pistol in that moment as an impact device, striking the Subject in the face in order to create distance but remained close and physically engaged with the Subject. The BOPC discussed Officer A's contradiction in believing the Subject was still armed and yet, Officer A remained in close proximity to and physically engaged with the Subject, rather than redeploying and coordinating with Officers B and C to conduct a high-risk stop on the Subject and request additional resources.

The BOPC discussed their observations of the Subject's actions and noted that the Subject did not attempt to gain control of or attempt to reach for Officer A's service pistol. The BOPC noted that the tactics utilized by Officer A increased the access the Subject had to Officer A's service pistol. The BOPC also noted that Officer A stated he/she had not been taught or trained to utilize his/her service pistol's muzzle to strike an individual.

In the BOPC's overall assessment of this encounter, a series of tactical deficiencies placed Officer A at a tactical disadvantage and culminated in Officer A utilizing his/her service pistol to strike the Subject in the face. Additionally, Officer A's use of deadly force was based upon the possibility of a potential deadly threat, not an actual perceived deadly threat posed by the Subject.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officer A, would not reasonably believe the Subject's actions presented an imminent threat of death or serious bodily injury or that the use of lethal force was necessary.

Therefore, the BOPC found Officer A's lethal use of force to be Out of Policy.