

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

LAW ENFORCEMENT-RELATED INJURY– 010-19

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	4/8/19		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant A	14 years, 1 month
Officer A	2 years, 8 months
Officer B	1 year, 3 months
Officer C	10 years
Officer D	8 months
Officer E	2 years, 3 months

Reason for Police Contact

Southeast Patrol Division uniformed police officers responded to a radio call of a man with a knife and under the influence of narcotics. Officers located the Subject, who appeared to be under the influence of narcotics and hallucinating. The Subject failed to follow commands, took his clothes off, and the officers used physical force to take the Subject into custody. The Subject was later admitted to the hospital for rhabdomyolysis, resulting in a Law Enforcement Related Injury (LERI).

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 45 years of age.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (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 recommendations; the report and recommendations of the BOPC of Police; and the report and recommendations 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 25, 2020.

Incident Summary

On the date of this incident, Witness A (manager) was in the kitchen of the location, when the Subject came into the room, wearing only a pair of plaid shorts. According to Witness A, when the Subject entered the kitchen, he grabbed a butter knife off the table and held it by his side. Witness A stated that the Subject did not brandish the knife at him, but Witness A did feel threatened because the Subject wasn't immediately following his commands to drop the knife. The Subject would drop the knife momentarily before picking it up again.

Witness A had been trying to keep the Subject out of the kitchen because of his erratic behavior beginning the previous evening. According to Witness A, beginning the evening prior to this incident, the Subject had been running in a circle in the courtyard area, flailing his arms, yelling incoherently. This led Witness A to believe that the Subject was under the influence of narcotics. Based on the Subject's behavior, Witness A called 911 to report the incident.

Surveillance video at the location captured the Subject pacing back and forth, repeatedly placing his hands down the front and back of his shorts and appeared to be covered in sweat. The Subject picked up a butter knife with his left hand and held it down at his side for a moment before throwing it on the table. The Subject continued to pace back and forth for several moments before picking up another butter knife in his left hand, again holding it at a downward angle while he paced back and forth.

Communications Division (CD) broadcast the call on the police radio, "415 man with a knife," in the kitchen area, and provided a description of the Subject. Officers A and B advised CD they would respond to the call. The officers were equipped with Body Worn Video (BWV) cameras, which were mounted on their mid-upper torsos. The officers were driving a marked black and white sport utility patrol vehicle, which was equipped with ballistic door panels and a Digital in Car Video System (DICVS). Both officers' BWV and DICVS were activated.

Communications Division broadcast that Officers A and B would be responding with emergency lights and sirens (Code 3) from the station to the location and queried the unit if they were equipped with a beanbag shotgun or 40 millimeter less-lethal launcher. Officer B responded that they were equipped with these less-lethal options. Communications Division then broadcast a request for any Southeast supervisor to respond and Sergeant A broadcast that he/she would be responding to the call.

Officer A's BWV captured him/her reading the comments of the call from the Mobile Digital Computer (MDC) and discussing tactics with Officer B while enroute to the call. Officer A stated that they could deploy the 40 millimeter less-lethal launcher as an option if the Subject still had the knife. Officer B would be tasked with a less-lethal option and Officer A would be tasked with lethal. In the event that they had to go "hands on," Officer A would take the lead.

Upon arrival, Officer A broadcast that the officers were Code Six and parked. Officer A retrieved the 40 millimeter less-lethal launcher and his/her baton from the front of the police vehicle. Officer A inserted a 40 millimeter less-lethal round in the chamber of the launcher as the officers approached the entrance of the complex.

According to Officer B, as the officers approached the location, there were already people outside stating, "He's in there. He's crazy. He's in the kitchen." According to Officer B, he/she ended up switching weapons and unholstered his/her pistol because he/she believed the Subject may be armed, and the situation may escalate to the use of deadly force if the Subject was armed with a knife and charged at him/her. Officer B held the pistol in his/her right hand with his/her finger along the frame with the muzzle pointed down at his/her side as he/she entered the interior courtyard, followed by Officer A.

Immediately to the left upon entering the courtyard was the open door to the kitchen. Officer B looked through the open facing doorway of the kitchen and observed the Subject standing inside. The Subject was not holding a knife; however, he was putting his hands in his shorts, alternately grasping his crotch and chest areas with his hands.

Officer B recalled the Subject reaching into his pockets. Officer B's BWV captured the Subject reaching into waistband.

Officer B pointed his/her pistol at the Subject with a two-handed grip, his/her finger still along the frame, and ordered him to take his hands out of his pockets. Officer A took cover behind the left door jamb and held the 40 millimeter less-lethal launcher at a low-ready position, while Officer B was positioned to the right side of the door.

The Subject looked around, rotated his body clockwise, and quickly sidestepped towards the officers while grasping his crotch area outside his shorts. According to Officer A, the Subject closed to within approximately three feet of Officers A and B, at which point they redeployed backwards into the courtyard to maintain distance from Subject and to give themselves more time to deal with him.

Once outside in the courtyard, the officers triangulated the Subject, with Officer B on the right, and Officer A on the left. The Subject paced around as he turned from side to side, alternately putting his hands up and then back down inside his shorts. Both officers ordered the Subject to get down on the ground several times, and Officer A stated, "Get down to the ground or you are going to get bean bagged."

The Subject failed to follow the officers' commands and took his shorts off, stripping naked. The Subject continued to erratically move about, turning his body back and forth, and grasping his crotch and buttocks areas with his hands as the officers continued to give him commands to get down on the ground. According to the officers, once the Subject was naked, they observed he was not armed.

Officer A directed Officer B to take possession of the 40 millimeter less-lethal launcher and handed it to him/her. Officer B holstered his/her pistol and took possession of the 40 millimeter less-lethal launcher. Officer B's BWV captured him/her holding the 40

millimeter less-lethal launcher in a low-ready position, pointed in the Subject's direction. The BWV also depicted Officer A momentarily standing between the Subject and his/her partner as they moved about the courtyard.

Officer A approached the Subject and placed his/her left hand on Subject's chest while grasping the Subject's left bicep area and ordering him to get down on the ground. Officer A then grabbed the Subject's left forearm with his/her left hand; however, the Subject was sweating profusely and flailed his arm, breaking away from Officer A, while shouting, "You are going to stick something in my ass!" Officer A then advised Officer B to request an additional unit, and Officer B broadcast a request for a back-up unit.

According to Officer A, due to the Subject's behavior and apparent hallucinations, "So that's why I went hands on, just so he didn't hurt me, hurt my partner, or anybody else or run back inside the house and then lead to a worse situation."

The Subject backed up toward the corner of the courtyard. According to Officer A, this was advantageous, because the area was away from everyone else. Officer A believed he/she would just be able to hold the Subject while Officer B requested additional units. Officer A felt confident in being able to defend himself/herself and use the least amount of force necessary on the Subject. Officer A grasped the Subject's right tricep tendon with his/her left hand, and the Subject's right wrist with his/her right hand while ordering the Subject to place his hands behind his back and to get on the ground. Officer A maintained a hold on the Subject's right arm as he/she walked with the Subject towards the wall of the building.

A short time later, Sergeant A arrived in the courtyard. Officer A directed Officer B to give the 40 millimeter less-lethal launcher to Sergeant A so Officer B could assist in handcuffing the Subject. Officer B handed the 40 millimeter less-lethal launcher to Sergeant A and then approached his/her partner and the Subject. The Subject had spun to face Officer A, so Officer A grabbed the Subject's upper left arm while still maintaining his/her grasp on the Subject's upper right arm. Simultaneously, Officer B gripped the Subject's upper left arm and assisted in spinning the Subject around to face the wall.

As officers spun the Subject around to face the wall, Officer A's BWV fell to the ground.

Officers attempted to use the wall as a controlling agent to assist in handcuffing the Subject. Officer B maintained control of the Subject's right arm as Officer A hooked his/her left arm underneath the Subject's left arm in an attempt to handcuff him. The officers held the front of the Subject's body against the wall of the building as they struggled for control of his arms and wrists. Officer A removed a set of handcuffs from his/her equipment belt, but the Subject continued to resist being handcuffed by flailing his arms and moving his body, so the officers were not able to handcuff him.

Sergeant A directed the officers to take the Subject to the ground. Officer A then stated to Officer B, "Let's take him to the ground." According to Officer B, as they turned him,

the Subject's legs got crossed, and that caused the Subject to go down to his knees on his own accord, and officers were able to guide him to the ground.

According to Officer A, the Subject also dropped his body weight while trying to get away from them, causing him to go down to the ground.

According to Officer B, once the Subject went to the ground, he was able to turn facing the officers. Officer B's BWV depicted that the Subject initially went down to his right side on the pavement with his head pointed toward the wall of the building. According to Officer B, they were then able to flip Subject to his stomach, at which time Officer A utilized body weight on the Subject's lower back and legs, and Officer B placed his/her right knee on Subject's upper back. Officer A believed he/she sat on Subject's legs.

As Officer B was on the ground with the Subject, his/her BWV dislodged and fell to the ground. The Subject was able to pull his hands underneath his torso. According to Officer B, as Officer A tried to gain control of the Subject's arm, he/she continued to place partial pressure on the Subject's back with his/her right knee as he/she leaned against the door so he/she wasn't applying his/her full weight on the Subject's back.

According to Sergeant A, he/she observed that while they're still trying to get the cuffs on the Subject, his legs were still kicking around, giving him an advantage over the officers. Based on this, Sergeant A decided to get involved. Initially, Sergeant A assisted by placing his/her boot on top of the Subject's foot. Sergeant A realized that wasn't effective, so he/she bent down and wrapped both of the Subject's ankles between his/her knees while applying bodyweight and a firm grip to Subject's ankles with his/her left hand. As Sergeant A did this, Sergeant A held the 40 millimeter less-lethal launcher in his/her right hand pointed down and away from the officers and the Subject.

Police Officers C, D, E, F, G and H responded Code 3 to the back-up request.

Officers C and D arrived in the courtyard and approached Officers A, B, and Sergeant A as they struggled to maintain control of the Subject. This was followed moments later by the arrival of Officers E and F. Officer C relieved Sergeant A from holding the Subject's legs down. Officer C used his/her bodyweight and placed his/her shins across the back of both of Subject's calves.

Officer A grasped hold of the Subject's left wrist and pulled his arm out from underneath his torso, utilizing a rear wrist lock, and placed it behind the Subject's back and handcuffed it. Officer A then handed the handcuffed wrist to Officer B and directed him/her to hold on to it. Officer A then repeated this procedure with the Subject's right wrist, pulling the Subject's right wrist out from underneath him using a rear wrist lock, and Officer B handcuffed the Subject's wrists behind his back. Officer E applied a firm grip to the Subject's right forearm during this process to help the other officers handcuff the Subject's right wrist. Officer B broadcast that the Subject was in custody.

According to Officer B, the Subject was still moving his legs, making it difficult for officers. Officer B advised that he/she had a Hobble Restraint Device (HRD), and

handed his/hers to Officer G, who in turn handed it to Officer D. Once the Subject was handcuffed, Officer E's BWV captured him/her again apply pressure to the Subject's right arm and back with his/her right hand, as officers were preparing to hobble the Subject. Officer C crossed the Subject's ankles and lifted them off the ground so Officer D could apply the HRD to the Subject's ankles, which he/she did.

Officers A and B lifted the Subject by his arms and stood him against the wall. A chair was brought over and placed along the wall for the Subject. Officers A and B sat the Subject down on the chair in an upright position. According to Officer B, the Subject continued to attempt to stand up while seated on the chair. Officer D was standing behind the Subject and used his/her right hand to hold the Subject's right shoulder down to keep the Subject seated on the chair. According to Officer B, the Subject was still trying to get off the chair and Officer D was unable to keep the Subject seated. Officer B then stood in front of Subject and placed both his/her hands on the Subject's shoulders and sat him down somewhat forcefully.

Officer H requested a Rescue Ambulance (RA) for the Subject and stated that the Subject was conscious and breathing and apparently suffering from a narcotic overdose.

Officer H also placed himself/herself Code Six during this broadcast. According to Officer H, he/she was not sure if the incident had been resolved when he/she first arrived at scene. According to Officer G, he/she attempted to type a message while enroute to the call to place them Code Six, however he/she was unsure if the message went through.

To better control the Subject, the officers decided to place him into a patrol vehicle. Officer G retrieved a black and white patrol vehicle and parked it in the courtyard. Officers A, B, and D then lifted the Subject from the chair and carried him to the patrol vehicle. Officer A carried the Subject's legs while Officer D held the Subject by the left arm and Officer B held the Subject by the right arm.

The officers decided to place Subject into the police vehicle feet first. While holding onto the Subject's legs, Officer A entered the rear driver's side of the police vehicle and slid toward the passenger side. As Officer A did so, he/she used his/her left hand to pull the Subject's legs inside of the vehicle. Simultaneously, Officers B and D guided the Subject's upper body into the vehicle and placed him face up in a seated position. Officer G reached into the open passenger side door, grabbed onto the Subject's ankles, and pulled him toward the passenger side of the vehicle.

According to Officer A, the Subject's body was very slippery, and he kept moving and flailing around inside of the vehicle. Officers A and B were concerned that the Subject was going to injure himself as a result. Therefore, as captured by DICV, Officer B placed both hands on the Subject's shoulders and pulled his upper body down toward the seat, placing the Subject into a supine position. Officer B then placed his/her right arm on the Subject's chest. According to Officer B, with his/her right arm, he/she

applied pressure onto his chest to keep him from sitting up and hurting himself, as Officer A secured the hobble.

Officer A ensured the HRD device was secure on the Subject's ankles, and the officers decided to place the Subject into a seated position. Officer A pulled the Subject's ankles toward the passenger side of the vehicle. Initially, as captured by DICV, Officer B grabbed the Subject's left arm and began pulling him in the opposite direction, toward the driver's side of the vehicle.

Officer A placed the strap of the HRD outside of the door, and Officer E attached it to the front passenger door frame clip, securing the Subject's legs. Officers A and B attempted to place the seat belt on the Subject, at which time the Subject grabbed the bottom portion of the seat belt with his hands. The officers leaned the Subject forward, exposing his hands, and Officer B pushed down on the Subject's left arm while pulling the seatbelt from the Subject's grip. According to Officer A, the Subject was leaning forward and was attempting to get out of the vehicle, so Officer A placed his/her left forearm across the Subject's chest and pushed his body toward the backrest so Officer B could put the Subject's seatbelt on. Together, Officers A and B secured the Subject's seatbelt.

The DICV depicted Officer A's arm sliding up near the Subject's neck while attempting to seatbelt Subject in the back of the vehicle. According to Officer A, at no time did he/she apply any pressure to the Subject's neck. According to Sergeant A, he/she only recalled Officers A and B using firm grips to get the Subject into the back seat of the police vehicle.

Los Angeles Fire Department (LAFD) Firefighter/Paramedics A and B arrived and Paramedic B administered an injection of Versed in the Subject's right arm while he was seated in the rear seat of the police vehicle in order to sedate him.

After the sedative started to take effect on the Subject, Officers A and B donned latex gloves and prepared to remove the Subject from the rear seat of the patrol vehicle to place him on a gurney. According to Sergeant A, he/she directed only Officers A and B to pull the Subject out of the back seat, to minimize the number of officers involved. Officer A grabbed the Subject's right arm and assisted in standing him up. Officer B then grabbed the Subject's left arm, and together they walked the Subject over and sat him on the gurney.

As they were placing the Subject on the gurney, Officer B's BWV was knocked from his/her torso and fell to the ground.

Officer A handcuffed the Subject's right hand to the right rail of the gurney and Officer B handcuffed his left hand to the left rail of the gurney. Officer G assisted by holding the Subject's lower legs down on the gurney to prevent him from kicking. Simultaneously, Officer H grabbed the loose end of the hobble and pulled it tight to prevent the Subject from kicking. Officer H then wrapped the hobble once around the end of the gurney. The Subject can also be seen on BWV attempting to sit up on the gurney as LAFD is

attempting to buckle him in the gurney. Officer B can be seen placing his/her right arm across the Subject's chest while LAFD personnel is buckling the Subject.

The Subject was transported by RA to a nearby hospital. Officer G rode in the RA, while Officer H followed behind the RA in their patrol vehicle.

Officers A and B remained at scene and spoke with Witness A to determine if any crime had occurred. According to Officers A and B, after speaking with Witness A and several others, their investigation revealed there was no evidence of a crime. The officers believed the Subject was under the influence of narcotics. Although the Subject resisted their efforts to handcuff him, he appeared to be hallucinating, and never attempted to assault the officers. The officers believed that the Subject primarily needed medical attention. As such, the officers decided to complete a report only to document the use of force.

Officers G and H arrived at the hospital with the Subject, where he was treated by medical staff and admitted. The Department Operations Center (DOC) was notified of the Law Enforcement Related Injury (LERI).

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 Sergeant A, along with Officers A, B, C, D, and E's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Sergeant A, along with Officer's A, B, C, D, and E's non-lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with

the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

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), 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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject’s actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject 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 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, October 2016.)

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 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)*

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

Planning – Officers A and B, having worked together approximately three times prior to this incident, had previous discussions regarding tactical planning which included contact and cover roles, foot pursuit concepts, radio communications, edged weapons protocols, the guiding value of reverence for human life, recent crime trends and duty weapons and ammunition. The officers also discussed the need for flexibility and the possibility of switching designated roles to gain a suspect's voluntary compliance through rapport. While en route to the radio call, the officers discussed their familiarity with the location, prior contacts with subjects at the location, lethal and less lethal roles, non-lethal tactics, and edged weapons

protocols. As such, Officer B was the Designated Cover Officer (DCO) and Officer A was designated less-lethal with the 40mm Less-Lethal Launcher (LLL).

Assessment – As Officers A and B were responding to the radio call, they assessed the information provided to them by CD and formulated a coordinated approach to include lethal and less-lethal force options. Officer B determined the 40mm LLL would be the most effective tool if the Subject was armed with a knife and refused to drop it. Upon arrival to the location, Officer A was advised by witnesses that the Subject was nearby and acting irrational. Officer A assessed his/her proximity to the location and the Subject and determined he/she was closer. Knowing Officer B was behind him/her and had deployed the 40mm LLL, Officer A transitioned to the role of DCO. Upon contacting the Subject, the officers assessed his behavior and determined that he was under the influence of a controlled substance, was hallucinating, and was in dire need of medical attention. After the Subject removed his clothing, the officers observed he was no longer armed and Officer A holstered his/her service pistol. Officer A's assessment of the situation led him/her to broadcast a backup request. After unsuccessfully using repeated commands in an attempt to gain the Subject's voluntary compliance, the officers utilized non-lethal force options to take the Subject into custody. Throughout their application of force, the officers continuously assessed the effectiveness of each technique and adjusted them as necessary to reduce the risk of injury to the Subject and themselves.

Time – Upon locating the Subject in the kitchen, both Officers A and B used the cover provided to them by the door frame and outer wall; however, the Subject immediately charged towards the direction of the officers, closing the distance and limiting the officers' utilization of time in that moment. Though the officers had not yet determined that the Subject was unarmed, the officers demonstrated restraint and discipline as they quickly redeployed and re-assessed the situation. The officers were in an open courtyard/parking lot with limited options for cover. Additionally, they were surrounded by witnesses who were also residents of the rehabilitation center. Having prior knowledge of this location, the officers knew that backing into the crowd would not be a sound tactic, thus limiting their ability to create more distance between themselves and the Subject. Officer B determined the Subject was not violent and merely hallucinating. The Subject was 44 years old, five feet, six inches tall, and weighed 160 pounds. Officer A was 23 years old, five feet, nine inches tall, and weighed 200 pounds. Officer B was 29 years old, five feet, eight inches tall, and weighed 195 pounds. Officer B also had prior experience playing the sports of football and rugby. Officer B was concerned that due to the Subject's actions and the close proximity of other citizens in the immediate area, that the Subject could escalate the incident and harm another person or barricade himself inside of a building. Officer B attempted to use touch and a calm demeanor to gain the Subject's compliance, but the Subject pulled away. Shortly after Officer B initiated physical contact with the Subject, Officer A broadcast a backup request. Both officers then approached the Subject in an attempt to contain him into the corner of the courtyard and away from witnesses and the open kitchen door, affording them additional time as they waited for additional resources. The BOPC

would have preferred that the officers had continued to wait for the arrival of the additional resources, who were a short driving distance from the station, before they initiated physical contact with the Subject. However, the BOPC determined the officers' articulation for their approach and physical contact with the Subject in order to prevent the situation from escalating was reasonable, and therefore not a deviation from Department policy and tactical training.

Redeployment and/or Containment – Officers A and B redeployed backwards once the Subject charged at them from the kitchen. To prevent the Subject from arming himself by re-entering the kitchen, Officer B determined it was prudent to allow the Subject to back into the corner of the courtyard, which was away from open doors and witnesses/residents. This allowed officers to contain the Subject within the courtyard/parking lot with the unique layout and limited options for available cover.

Other Resources – Officers A and B, being aware that the Subject may be armed with a knife, chose to deploy their 40mm LLL. The deployment of the less-lethal force option provided them with additional tactical options. Both officers stated they deployed the 40mm LLL to avoid the use of deadly force. Additionally, both officers were equipped with their TASERs as an additional less-lethal force option. The officers also knew that Sergeant A was responding with them to the call for service. Officer B was cognizant of the need for additional resources and told Officer A to request for additional units. Officer A, having a larger overview of the incident, determined that a back-up request was more appropriate and broadcast the request.

Lines of Communication – Officers A and B demonstrated open lines of communication with each other while responding to the call. They discussed a thorough tactical plan and discussed each of their roles. Officer A utilized his/her handheld radio to communicate the need for additional resources, advising responding units of the nature of the call, a "415 man." They maintained communication with Sergeant A by responding to his/her direction and oversight. The officers also continued to verbalize with the Subject throughout the incident, advising him they were there to help him and assuring the Subject that his hallucinations were not going to harm him. While the officers gave the Subject repeated commands, the Subject was unresponsive regardless of what the officers ordered him to do. This may have provided an indication for the officers to consider other options to gain the Subject's compliance, including changing their tone or attempting establish a dialogue with the Subject. The BOPC would have preferred that Officers A and B had attempted alternative communication tactics with the Subject when the Subject continued to refuse to comply with the officers' commands.

The BOPC noted the officers' attempts to gain voluntary compliance through the use of verbal commands were ineffective, possibly due to the Subject's altered state. The officers thorough planning while driving en route to the call was exemplary of Department standards and expectations. The BOPC concurred in their examination

of the officers' actions and attempts at de-escalation during a rapidly unfolding situation and their evident desire to have the Subject submit to a lawful detention.

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

1. Code Six

Officer C and D delayed in advising CD of their Code Six location upon responding to the back-up request.

Officers C and D responded Code Three to a backup request located less than one mile from the local police station. Officers C and D were the first additional unit to arrive at the scene of the back-up request. According to Officer D, who was the passenger officer, he/she attempted to place their unit Code Six upon arrival via the MDC. Since the incident was a request for backup units which indicated an officer emergency, Officers C and D did not wait in the police vehicle to confirm that the transmission was received by CD.

In this case, the BOPC considered the spirit of the Department's Code Six policy and noted several resources were already enroute to the location due to the nature of the request by the primary unit. The BOPC also considered Officer D's attempt to place their unit Code Six using their MDC. Furthermore, upon their arrival, Officers C and D were immediately involved in the use of force. Once the Subject was taken into custody and the scene was contained, Officer C broadcast the officers' Code Six location to CD as soon as it was practicable and without further delay.

Based on the totality of circumstances noted by the BOPC, the Department's Code Three policy, that Officers C and D were responding to a backup request for a unit which was already at-scene with a known broadcasted location, and that Officer C placed the unit Code Six as soon as it was practical, the BOPC found that the officers' actions were not a substantial deviation from Department policy and procedure.

- The BOPC also considered the following:

1. Contact and Cover Roles/Tactics – Officers A and B discussed a tactical plan while enroute to the location. However, upon arrival, Officer B's assessment of the situation caused him/her to unholster his/her service pistol and assume the role of the Designated Cover Officer (DCO). Though officers are granted discretion and flexibility during fluid and dynamic tactical incidents, the BOPC would have preferred that Officer B had communicated to Officer A as to his/her observations and intention to switch his/her designated role. Officers were reminded, when feasible, to communicate any changes of their tactical plan, with their partner officers.

2. **Simultaneous Commands** – Officers A and B gave the Subject non-conflicting simultaneous commands throughout the incident. Officers were reminded that simultaneous commands can cause confusion and frustration with a Subject who is in an altered state and can escalate a situation.
3. **Maintaining Control of Equipment** – Officer A set his/her side-handle baton on the floorboard of the police vehicle’s backseat while placing the Subject, who was handcuffed and had a HRD already applied, into the police vehicle during the use of force. Although Officer A was dealing with an actively resisting Subject and was attempting to maintain physical control, officers were reminded, when feasible, to secure equipment prior to engaging with a Subject.
4. **Initiating Contact with 40mm Less-Lethal Launcher (LLL) in Right Hand** – The investigation revealed that Sergeant A initiated physical contact with the Subject to assist officers with the handcuffing of the Subject while holding the primary unit’s 40mm LLL. Although Sergeant A was providing direction and oversight, the BOPC would have preferred that Sergeant A had slung the 40mm LLL, utilizing the attached sling, in order to allow both hands to be available to maximize the effectiveness of his/her involvement.

Additionally, the BOPC would have preferred that Officer B to have also slung the 40mm LLL in order to assist Officer A in taking the Subject into custody to avoid inadvertently covering Officer A with the 40mm LLL.

5. **Stepping on Limbs** – Sergeant A used his/her boot to apply bodyweight on the Subject’s ankles because Sergeant A was holding the 40mm LLL with his/her right hand. Although the officers were struggling to take the Subject into custody, all Department personnel were reminded that stepping on limbs can lead to a loss of balance. In addition, this action can cause a negative impact to the public’s perception of the Department.

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 briefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to review the officer’s individual actions that took place during this incident.

The BOPC found Sergeant A, along with Officers A, B, C, D, and E’s tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer B**

According to Officer B, he/she heard a nearby witness state, "He's crazy," and "He's in there" (referring to the Subject). As Officer B walked into the paved parking lot/courtyard, witnesses informed him/her the Subject was in the kitchen. Believing Subject was armed, he/she decided to switch roles with Officer A. Officer B, thinking he/she would need to handle the situation now, transitioned to the role of the DCO. Officer B then unholstered and drew his/her service pistol fearing the situation may escalate to the point where he/she would have to use deadly force.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer B's drawing and exhibiting. The BOPC noted that Officer B heard the comments of the call stating that the Subject was armed with a knife and, upon arrival, heard witnesses stating, "He's crazy. He's in the kitchen."

As such, 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 reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

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

C. Non-Lethal Use of Force

- **Sergeant A – Bodyweight and Firm Grip**

According to Sergeant A, he/she observed that the officers were struggling with the Subject, who was kicking around, giving him an advantage over the officers. While holding the 40mm LLL in his/her right hand, Sergeant A placed his/her left boot on the Subject's ankles and applied bodyweight to assist the officers in taking the Subject into custody. Sergeant A observed that his/her application of force was ineffective as the Subject continued to kick. Sergeant A bent down and placed bodyweight on the Subject's ankles, placing the Subject's ankles between Sergeant A's knees. Sergeant A then used his/her left hand to apply a firm grip to the Subject's ankles to keep his ankles between Sergeant A's knees.

- **Officer A – Firm Grip, Bodyweight and Twist Lock**

According to Officer A, he/she grabbed the Subject's left arm by placing his/her left hand on the Subject's tricep and his/her right hand on his wrist area. The Subject pulled away and was passively resisting Officer A's grip. The Subject backed into a

corner of the courtyard while Officer A held his arms. Officer A used the wall as a controlling agent and held the Subject there while waiting for additional resources.

According to Officer A, he/she guided the Subject to the ground and applied bodyweight to the Subject's legs by sitting on them to prevent him from trying kick and flail. Officer A pulled the Subject's left arm behind his back utilizing a rear wrist twist lock. Officer A was able to get control of the Subject's left arm and apply the handcuff. Officer A reached over to grab the Subject's right arm with a firm grip and pull it out from underneath him.

According to Officer A, as he/she attempted to secure the Subject in the vehicle, he was leaning forward, preventing him/her from securing his seatbelt. Officer A utilized bodyweight to place his/her left forearm on the Subject's chest in a downward diagonal manner so that Officer A's left elbow was on the Subject's clavicle and his/her left wrist was on the Subject's left shoulder.

- **Officer B – Firm Grip and Physical Force**

According to Officer B, he/she approached the Subject and utilized a firm grip on the Subject's left arm. Officer B assisted Officer A with turning the Subject around towards the wall. Once the Subject was turned around, Officer B utilized a firm grip on the Subject's right arm. The Subject dropped his bodyweight to the ground. Officer B used his/her right knee to apply bodyweight to the Subject's middle upper back while holding himself/herself on the door because he/she did not want to apply his/her full body pressure on the Subject.

According to Officer B, he/she attempted to gather information from the Subject by asking his name. The Subject did not respond and continued to try and get out of the chair. Officer B used a firm grip with his/her right hand on the Subject's left shoulder and began dragging his/her left hand across the Subject's chest until his/her right hand was on Subject's right shoulder. Officer B then placed his/her left hand on the Subject's left shoulder to secure him and keep the Subject from trying to get up.

According to Officer B, he/she utilized his/her right forearm and applied pressure onto the Subject's chest to keep him from sitting up and to keep him from hurting himself or banging his head as Officer A was securing the hobble.

- **Officer C – Bodyweight**

According to Officer C, he/she replaced Sergeant A to allow Sergeant A to provide a supervisory role. Officer C applied bodyweight to the Subject's calves by taking a kneeling position on his (the Subject's) lower legs and used his/her shins across the back of both of the Subject's calves.

- **Officer D – Firm Grip**

According to Officer D, the Subject continued his attempts to lunge away from the chair. Officer D utilized a firm grip with his/her left hand on the Subject's left shoulder to prevent his escape. When Officer D realized it was not enough force to keep him in the chair, Officer D utilized a firm grip with both hands-on the Subject's shoulders.

- **Officer E – Firm Grip**

According to Officer E, he/she utilized a firm grip to the Subject's right forearm to help get the right handcuff onto his wrist.

The BOPC reviewed each application of non-lethal force utilized by Sergeant A and Officers A, B, C, D, and E. The radio call indicated that the person identified as the Subject had been armed with a knife. Once officers arrived at-scene, the Subject refused to comply with officers' commands to submit to a detention, repeatedly put his hands into his pockets, and closed the distance to Officers A and B. The officers observed behaviors from the Subject, which indicated that he was possibly under the influence of narcotics, including the Subject completely disrobing in the courtyard. Once officers were able to observe that the Subject was not armed with any weapons, they attempted to detain him, which resulted in applications of non-lethal force. The Subject continuously, violently resisted the initial responding officers, the first responding Sergeant, and additional responding officers. Throughout the incident, the involved personnel utilized a minimum level of force. The BOPC noted that the hospitalization of the Subject, which caused this incident to be reclassified to a CUOF, was due to a medical condition called rhabdomyolysis and that the Subject stated to FID investigators that he had consumed a large quantity of alcohol and used methamphetamine prior to the officers' arrival.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A and Officers A, B, C, D, and E, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Subject's resistance.

Therefore, the BOPC found Sergeant A's, as well as Officers A, B, C, D, and E's non-lethal use of force to be objectively reasonable and In Policy.