

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

CAROTID RESTRAINT CONTROL HOLD – 021-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Rampart	05/04/14		

Officer(s) Involved in Use of Force	Length of Service
Officer A, PO II	11 years, 10 months
Officer B, PO II	7 years, 4 months
Officer C, PO II	12 years, 5 months
Officer D, PO II	8 years, 3 months
Officer E, PO II	15 years, 9 months
Officer G, PO III	14 years, 7 months
Officer H, PO I	2 years, 1 month
Officer J, PO I	10 months
Officer K, PO II	3 years, 11 months
Officer M, PO II	9 years, 1 month

Reason for Police Contact

Officers responded to a radio call of a male causing a disturbance. When the officers encountered the Subject, a struggle ensued, resulting in the use of non-lethal force, less-lethal force and a carotid restraint control hold.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject: Male, 29 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 Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on March 24, 2015.

Incident Summary

Witness A, a maintenance worker at an apartment complex, encountered a tenant, later identified as the Subject, on the roof of the parking structure. According to Witness A, the Subject was acting unusual, cursing at him and other tenants and appeared to be either drunk or under the influence of something. Witness A then alerted Witness B and directed him to the Subject's location.

Witness B exited his office to investigate and summoned Witness C to respond. The Subject was seen yelling from the rooftop at pedestrians below. At one point, the Subject yelled, "I'll kill you," as he simulated pointing a handgun with his hand and yelled, "Pow, pow, pow." Witnesses B and C responded to the fifth floor of the building adjacent to the parking structure in an effort to look down on the Subject, who was one story below. Once there, Witnesses B and C observed the Subject pacing back and forth and yelling at no one in particular. The Subject was only wearing basketball shorts. Witness B then directed Witness C to video record the Subject's actions on the rooftop.

Witness B called 911 and advised the emergency operator that the Subject was on the parking structure, screaming and making motions like he was shooting at people. He did not see a gun and believed the Subject was possibly under the influence of drugs. Witness B then went downstairs and advised Witness D that the Subject was on the roof of the parking structure, yelling down at people. Witness B stepped out toward the street and looked up, at which time the Subject looked over the wall and said, "What are you looking at? I'll kill you." Witness B then received a call from Witness C saying the Subject had jumped back onto the apartment premises on the fourth floor. As Witness B was making his way back to the fourth floor, he observed the Subject on the bridge that connects the two apartment buildings. He saw the Subject blocking the path of two males and a female crossing the bridge. Witness B was unable to hear what the Subject was saying to them, but he saw that the Subject eventually let them pass.

As Witness B came onto the fourth floor, he observed the Subject blocking another tenant. Witness B yelled to the tenant, motioning him to walk toward Witness B. Witness B then told the tenant to find a different way to get across the bridge.

Communications Division (CD) broadcast a radio call of the incident. Officers A and B responded to radio call. Both officers were equipped with TASERS. Officer A had been to the location on prior occasions and knew that a key had to be utilized to access the elevators.

The officers were met by Witness C, who took them up to the fourth floor. As they exited the elevator, Witness B greeted them and pointed to the Subject, who was standing at the T section where the hallways met.

Officers A and B approached within six to eight feet of the Subject, and Officer A began to talk to him. Officer A asked the Subject if he needed any help. The officers tried to inquire if the Subject lived in the apartment building. Officer A observed that the Subject

was clean-cut, and did not appear to be a transient trespassing at the location. The officers asked if he had any friends in the building who could come and talk with him. The Subject was unresponsive to all questions and would pull his cell phone out from his pocket, look at it, and then put it back. Officer A told the Subject that he was not in trouble; however, he was scaring people who lived in the complex and they were concerned something was wrong. The Subject did not respond, and continued looking at the two officers.

Officer B then began to ask the Subject similar questions, but the Subject remained silent. It was Officer B's opinion that the Subject's eyes looked glazed over, and he was unable to focus on the officers. When Officer B did not elicit a response, Officer A began speaking to the Subject again. After several minutes of trying to get the Subject to respond to them, the officers believed he was either under the influence of a narcotic and/or possibly trespassing. Officer A told the Subject that they were going to search him and make sure he did not have any weapons. Officer A believed the Subject became agitated at that moment.

The Subject started breathing heavily, put his head back and opened his eyes wide. The Subject's arms stiffened and he took four to five steps backwards. At that point, Officer A had his TASER in his right hand down by his right leg where the Subject could not see it. The Subject then clenched his fists and took two steps toward the officers in an aggressive manner, at which time Officer A, believing the Subject was going to fight, deployed his TASER from an approximate distance of six to eight feet. The TASER darts struck the Subject in the chest and abdomen area. The Subject then screamed and started to run away from the officers. The officers pursued the Subject, while Officer A still held the TASER. Officer A did not believe the TASER had any effect on the Subject.

Officer A keyed his radio and stated, "Officer needs help!" and then activated his help button as they pursued the Subject. The Subject began to gain distance from the officers, which caused the TASER wires to dislodge from his chest. The Subject was screaming the entire time he was running, but as soon as the probes came out, he dove straight to the ground, onto his stomach in a prone position with his arms straight out to his side. The officers believed the Subject was giving up and went to handcuff him. Officer B straddled the Subject, placing his right knee on the Subject's back and applying body weight while grabbing his right arm to put it behind his back. However, the Subject immediately began to resist and rolled over onto his back and started punching Officer B. Officer B, who was still straddling the Subject, punched the Subject in the face with his right fist. Officer A was to the right side of the Subject. Officer A punched the Subject in the head and shoulder area five to six times as the three wrestled on the ground. Officer B told Officer A to request help, but did not know he had already activated his help button.

The Subject kept moving while trying to get away from the officers. At some point, Officer A's upper torso ended up underneath the Subject's right side, with Officer B still on top. The Subject almost bucked Officer B off several times and continued to throw punches, kick and scratch the officers in an attempt to get away.

According to Officer B, during the struggle, his partner alerted him that the Subject was reaching for his weapon. Officer B looked down and observed the Subject's left hand going for his weapon. Officer B then replied, "Yeah he is going for my weapon."

Note: Officer A thought it was Officer B who alerted him the Subject was going for his weapon.

Officer A could see the Subject's left hand on Officer B's holster, pulling the holster and belt toward him. Officer B used his right hand and tried to remove the Subject's hand from his holster. As that was occurring, Officer A, felt their attempts to take the Subject into custody were not working. In fear that the Subject was now trying to disarm his partner, Officer A used his right arm and applied a full upper body control hold.

Note: Officer A was not in a position to unholster his weapon because he was lying on his side with his holster underneath him, and he believed the situation had escalated to one where the use of deadly force may be used.

Officer A placed his right arm around the Subject's neck, and with his left hand, grabbed his right wrist and pulled back with an upward motion. After approximately 10 to 20 seconds, the control hold was not having an effect and he let go. Officer A managed to get to one knee and unholstered his weapon. Just as Officer A was reassessing the situation, Officer B told Officer A not to shoot because the Subject had let go of his weapon.

Officer A looked up and observed the Subject had let go of the gun. Officer A believed it was no longer a deadly force situation, so he holstered his pistol. Officer A continued to wrestle and fight the Subject on the ground while Officer B maintained his position on top of the Subject. The Subject began to scream, "Kill me," or "I'll kill you."

Officer B then removed his OC canister and sprayed the Subject in the face from a close proximity. The OC did not appear to have any effect. At that point, Officers A and B were each able to grab one of the Subject's arms and control him for a few minutes. The Subject would calm down for a second and then rear up, trying to buck Officer B off him, yelling things like, "You're killing me or I'm going to kill you." Officers A and B could hear sirens getting closer.

The following responding units arrived within seconds of each other: Officers C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q and Sergeant A.

As the officers arrived on the fourth floor, Witness B directed them down the hallway, westbound toward Officers A and B's location. Sergeant A, the first supervisor on scene, took a position as an observer and directed the officers' actions.

As the officers approached, Officer B was on top of the Subject, who was lying on his stomach, and Officer A was on the ground next to the Subject's left upper torso area. Each officer was trying to get one of the Subject's hands into handcuffs. The Subject's

head was facing southeast and his legs pointed northeast. Officers N and O took a guarding position to the east and west of the officers to ensure no one interfered.

Officers C, H, J, and K observed the Subject kicking his feet. Officer H applied bodyweight to the Subject's legs by placing his left knee on the Subject's calves. Officer J grabbed the Subject's left foot, and Officer K placed both his hands on the Subject's ankles and calf area and applied body weight by standing over him. Officer C placed his right knee on the Subject's lower left leg. The Subject was trying to get up to his knees and according to Officer I, he told Officer J to get a hobble on the Subject, at which time Officer H obtained his hobble, placed the hobble on the Subject's right leg, and handed it to Officer J, who continued hobbling the Subject's left leg.

Note: According to Sergeant A, he directed the officers to place a hobble on the Subject.

As the hobble was being placed, Officer A yelled out that the officers needed to get him handcuffed. The Subject had both his hands tucked underneath him. Officers B and E were trying to get the Subject's right hand to handcuff him. Officer G was standing at the Subject's head area monitoring, when the Subject began to push himself up off the ground. Officer G, believing he could distract the Subject from what the officers were doing, delivered two kicks with his right foot to the Subject's right shoulder and believed the kicks were effective, because the officers were able to get control of the Subject's right arm. Officer B removed his cuffs while Officer E had a firm grip on the Subject's right arm and wrist area. Officers B and E were then able to handcuff the Subject's right hand, while Officer A was still trying to pry the Subject's left arm from under him.

Officer M applied bodyweight to the Subject's left shoulder and arm area with his right knee. Officer D heard Sergeant A say, "Get a TASER," so he produced his TASER, pulled out the dart cartridge and proceeded to direct stun the Subject on his upper right shoulder with a five-second activation. Officer B screamed out because he was tased on his right forearm, telling the officer to put the TASER away because it was not working on the Subject. When Officer B shifted on the Subject, Officers A, D and M were able to pull the Subject's left arm from under him and assist Officer B in cuffing the Subject's left wrist.

Sergeant A notified CD that the Subject was in custody. The officers attempted to stand the Subject up, but he kept resisting, so they sat him back down. Officers H, J, K and M carried the Subject in a seated position down the elevator and outside to the sidewalk area. While seated on the sidewalk, the Subject began spitting at the officers, so Officer M placed a spit sock over the Subject's head.

Sergeant A broadcast a request for Rescue Ambulances (RA) for the Subject and injured officers.

Note: According to Sergeant A, after the Subject had been taken into custody, Officers A and B gave him a brief description of the incident, including the TASER deployment, them utilizing firm grip and body weight,

and the Subject attempting to grab Officer B's gun; however, there was no mention of a carotid restraint control hold (CRCH) being applied.

Los Angeles Fire Department (LAFD) personnel arrived on scene. The Subject was transported to a hospital. Officers A and B were also transported to a hospital.

While at the hospital, Officer A told Sergeant B that he applied a full upper body control hold on the Subject during their use of force because the Subject was trying to get Officer B's gun. Sergeant B then told Sergeant C, who was monitoring Officer B.

Sergeant C notified Sergeant A, who was still on scene conducting his use of force investigation, that the investigation was upgraded to a Categorical Use of Force (CUOF) because of an upper body CRCH applied by Officer A.

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). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

A. Tactics

The BOPC found Officers A, B, C, D, E, G, H, J, K, M and Sergeant A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Officers A, B, C, D, E, G, H, J, K and M's use of non-lethal force to be in policy.

D. Less-Lethal Use of Force

The BOPC found Officers A and D's less-lethal use of force to be in policy.

E. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Additional Unit/Backup Request

Officers A and B believed the Subject was under the influence of a narcotic and/or possibly trespassing and did not request an additional unit or backup. Officers are provided discretion regarding the appropriate time to request an additional unit or backup. Officers A and B encountered the Subject, who refused to comply with their commands. Both officers were equipped with less-lethal force options and under the circumstances, Officers A and B did not believe they required additional units at this time. Additionally, upon the officers' initial contact with the Subject, his actions did not reasonably rise to the level of a backup request. The BOPC determined that due to the Subject's physical size and his non-responsiveness to commands, Officers A and B would have benefitted from requesting either an additional unit or backup, as there was a significant potential that there was going to be a physical altercation.

In conclusion, Officers A and B are reminded of the importance of requesting additional resources in order to ensure a positive outcome.

2. Communications

Officer B told Officer A not to shoot because the Subject let go of his service pistol. As a result, Officer A looked up and observed the Subject no longer had his hand on Officer B's holster and holstered his service pistol.

The BOPC noted that Officers A and B's communication between each other during the physical altercation was effective and a contributing factor to placing the Subject into custody without serious bodily injury or death.

Although the philosophy behind a Tactical Debrief is to enhance future performance by discussing areas where improvements could be made, often times, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future incidents. Therefore, the above topics were to be discussed during 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 merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and the individual actions that took place during this incident.

In conclusion, the BOPC found Officers A, B, C, D, E, G, H, J, K, M and Sergeant A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A observed the Subject's left hand on Officer B's service pistol. Having already applied a CRCH with no effect on the Subject, Officer A managed to get onto his knees after lying on his back. Believing the Subject was attempting to arm himself with Officer B's service pistol, Officer A drew his service pistol.

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

In conclusion, the BOPC found Officer A's drawing and exhibiting to be in policy.

C. Non-Lethal Use of Force

- **Officer A:** Bodyweight, Punches and Physical Force.
- **Officer B:** Oleoresin Capsicum, Bodyweight, Punches, Firm Grip and Physical Force.
- **Officer C:** Bodyweight.
- **Officer D:** Firm Grip.
- **Officer E:** Firm Grip.
- **Officer G:** Kicks.
- **Officer H:** Bodyweight.
- **Officer J:** Firm Grip.
- **Officer K:** Bodyweight.
- **Officer M:** Bodyweight.

Officer A told the Subject they were going to search him to ensure he didn't have any weapons. The Subject began to breathe heavy, put his head back a little bit, and his eyes came open a little bit wider. The Subject stiffened his arms and took four to five steps backwards, then clinched his fists and took two steps toward the officers in an aggressive manner. Believing the Subject was about to fight and was unsafe to approach, Officer A discharged his TASER, striking the Subject in the

chest and abdomen area with both TASER probes. After being tased, the Subject ran away from the officers approximately 97 feet and then dove onto his stomach with his arms straight out to his side.

Believing the Subject was giving up, Officer B approached the Subject and placed his right knee on the Subject's back and attempted to put his right arm behind his back. The Subject began to resist, rolled onto his back and started punching Officer B. Officer B punched the Subject on his face with his right fist. Officer A, on the right side of the Subject, punched the Subject on his head and shoulder area five to six times. The Subject continued moving in an attempt to escape the officers. Officer A's upper torso ended up underneath the Subject's right side, with Officer B still straddling the Subject. The Subject attempted to buck Officer B off of him while throwing punches, kicks and scratching the officers in an attempt to escape. Officer B advised Officer A that the Subject was reaching for his service pistol. Believing that the Subject was attempting to disarm his partner, Officer A applied a CRCH. Realizing the CRCH had no effect, Officer A managed to get onto one knee and draw his service pistol. However, Officer B communicated to Officer A that the Subject let go of his service pistol, and Officer A holstered his service pistol.

With the TASER and CRCH having no apparent effect on the Subject, Officer B utilized OC to the Subject's face from approximately one foot away. Officer B was able to grab the Subject's right arm, while Officer A grabbed his left arm and attempted to control the Subject, who tried to buck Officer B off him. Officer B, who was on top of the Subject, was lying on his stomach, and Officer A was on the ground next to the Subject's left upper torso area, attempting to get the Subject's left hand to handcuff.

Officer H applied bodyweight to the Subject's legs by placing his left knee on the Subject's calves. Officer J grabbed the Subject's left foot, and Officer K placed both hands on the Subject's ankles and calf area and applied bodyweight by standing over him. Officer C placed his right knee on the Subject's lower left leg. The Subject was trying to get to his knees, when Officer I told Officer J to get a hobble restraint device (HRD) onto his legs. Officer H placed the HRD on the Subject's right leg and handed it to Officer J, who continued hobbling his left leg. As the HRD was being placed on the Subject, Officer A communicated to the officers that they still needed to handcuff the Subject, whose hands were tucked underneath him. Officers B and E utilized firm grips in an attempt to remove the Subject's right hand from underneath him.

Officer G, standing near the Subject's head, observed the Subject attempting to push himself up off the ground. Believing he could divert the Subject's attention away from what the officers were doing, Officer G delivered two kicks with his right foot to the Subject's right shoulder. Officer G believed the kicks were effective because the officers were able to get control of the Subject's right arm. Officer B obtained his handcuffs, while Officer E utilized a firm grip on the Subject's right arm and wrist area. Officers B and E then placed a handcuff on the Subject's right wrist, while Officer A utilized a firm grip attempting to pry the Subject's left arm from under

him. Officer M applied bodyweight to the Subject's left shoulder and arm area with his right knee. Officer D heard Sergeant A request a TASER. Officer D obtained the TASER and utilized the direct stun application on the Subject. Officer B, after feeling the TASER on his right forearm, shifted on the Subject, which allowed Officers A, D and M to pull the Subject's left arm from under him, at which time Officer B completed handcuffing the Subject.

After a thorough review of the incident and involved officers' statements, the BOPC determined that officers with similar training and experience as Officers A, B, C, D, E, G, H, J, K and M would reasonably believe that the application of non-lethal force was reasonable to overcome the Subject's resistance, prevent his escape, and take him into custody.

In conclusion, the BOPC found Officers A, B, C, D, E, G, H, J, K and M's non-lethal use of force to be in policy.

D. Less-Lethal Use of Force

- **Officer A** – One TASER activation
- **Officer D** – One Direct Stun TASER activation

Officer A told the Subject that the officers were going to search him to ensure he did not have any weapons. The Subject began to breathe heavy, put his head back a little bit and eyes came open a little bit wider. The Subject stiffened his arms and he took four to five steps backwards. Officer A removed his TASER from his right rear pants pocket and held it down by his right leg. The Subject clinched his fists and took two steps toward the officers in an aggressive manner. Believing the Subject was about to fight, Officer A discharged his TASER from an increasing distance of approximately six to eight feet.

The TASER probes struck the Subject in the chest and abdomen area. The Subject then ran approximately 97 feet away from the officers and dove onto his stomach and into a prone position with his arms straight out to his side. Officers A and B attempted to gain control of the Subject's arms as they verbalized with him to stop resisting. Ignoring the officers' commands, the Subject continued his resistance while attempting to punch and kick the officers. Officer B advised Officer A that the Subject was reaching for his service pistol. Believing that the Subject was attempting to disarm his partner, Officer A applied a CRCH. Officer A, realizing the CRCH had no effect, managed to get onto one knee and drew his service pistol. Officer B communicated to Officer A that the Subject let go of his service pistol, and Officer A holstered his service pistol.

The officers continued their struggle with the Subject, unable to control his arms. Officer D arrived and observed the Subject thrashing violently and attempting to escape from Officers A and B. Officer D heard Sergeant A say to get a TASER out, so he produced his TASER, removed the cartridge due to officers in close proximity

with the Subject, and utilized the direct stun application to the Subject's upper right shoulder. Officer B felt the TASER on his right forearm. Due to the TASER having no effect on the Subject, the officers collectively applied a combination of various types of non-lethal force on the Subject.

Department policy states that the decision to use force must be judged through the perspective of a reasonable officer with similar training and experience and in a similar circumstance. The BOPC determined that an officer with similar training and experience would reasonably believe that the application of less-lethal force to stop the Subject's actions during this incident was reasonable and would have acted in a similar manner.

In conclusion, the BOPC found Officers A and D's less-lethal use of force to be in policy.

E. Lethal Use of Force

- Officers A and B were involved in a physical altercation with the Subject for approximately two minutes before additional officers arrived. During the physical struggle in the hallway, Officer A landed on his back with his upper torso underneath the Subject's right side and Officer B on top of the Subject. Officer B yelled to Officer A, "He's going for my weapon," and attempted to cap his service pistol to prevent it from being removed from the holster. Officer A observed the Subject's left hand on Officer B's service pistol pulling his holster. Officer B used his right hand and tried to remove the Subject's hand from his holster. Officer B continued to utilize different methods to control the Subject's hands but was unsuccessful. Believing the Subject was trying to take his partner's gun away, Officer A wrapped his right arm around the Subject's neck with his right elbow under his chin and with his left hand grabbed his right wrist and applied pressure to the Subject's carotid arteries in an attempt to render him unconscious. Officer A believed the CRCH was not having an effect on the Subject and let go of his hold after approximately 10 to 20 seconds. Officer A then transitioned to his service weapon, but immediately re-holstered his weapon after Officer B advised him that the Subject was no longer attempting to take his service pistol.

In reviewing the circumstances related to this incident, an officer with similar training and experience would reasonably believe that a subject who was actively resisting, while attempting to disarm a uniformed police officer, presented an immediate threat of serious bodily injury or death and that the application of lethal force would be justified.

In conclusion, the BOPC found Officer A's lethal use of force to be in policy.