

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

LAW ENFORCEMENT RELATED INJURY – 032-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
-----------------	-------------	----------------------------	-------------------------------

Northeast	05/16/12		
-----------	----------	--	--

Officers(s) Involved in Use of Force	Length of Service
---	--------------------------

Officer A	11 years, 5 months
Officer B	4 years, 2 months
Officer C	11 years, 9 months

Reason for Police Contact

Officers observed the Subject screaming and dragging a metal trash can in the street. The Subject appeared to be under the influence of drugs. The Subject then approached a mini-van that was slowing for the intersection and attempted to enter the vehicle via the front door, at which time the driver drove away. When the officers made contact with the Subject, a use of force occurred, resulting in a Law Enforcement Related Injury (LERI).

Subject(s)	Deceased () Wounded (X) Non-Hit ()
-------------------	---

Subject: Male, 54 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 investigation (including all of the transcribed statements of witnesses, pertinent suspect 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 Los Angeles Police Department Command Staff presented the matter to the Chief 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.

Note: The Subject and his attorney have since alleged misconduct, including an allegation of unlawful detention. Multiple complaints have been initiated in connection with this case. These complaints are being investigated by Internal Affairs Group and will be adjudicated by the involved officers' chain of command. Any resulting discipline will be reviewed by the Chief of Police.

In this particular use of force case, officers had contacts with the Subject in two different instances separated by roughly one hour. The first instance concluded when the officers left the Subject at the motel, and then resumed their patrol duties. The first instance did not involve a CUOF. The second instance began approximately one hour later when the officers were assisting a traffic unit with a vehicle collision. While they were assisting with the vehicle collision, another officer directed the two officers' attention to a man who was causing a disturbance nearby. When the officers investigated, they discovered that the disturbance was being caused by the Subject from the first instance. The CUOF occurred during the second instance.

The Board found it helpful to review the first instance for context regarding the Subject's behavior, but the Commission does not adjudicate tactical situations that are not related to a CUOF. Therefore, although this redacted summary includes a discussion of tactics in both the first and second instances, the Board of Police Commissioners adjudicated the second instance only. The Board of Police Commissioners adjudicated the Categorical Use of Force including the tactics (from the second instance only) leading up to the Use of Force. The Board of Police Commissioners did not adjudicate the first instance since it did not result in a CUOF.

The following incident was adjudicated by the BOPC on April 16, 2013.

Incident Summary

Uniformed Officers A (driver) and B (passenger) were working as partners in a marked black and white police vehicle when, during the late evening hours, they responded to a radio call of an "Attempt Grand Theft Auto suspect there now" at a residential intersection. The officers searched the area, but were unable to locate a victim or suspect and requested Communications Division (CD) to call back the reporting party (RP) for further information. CD was unable to provide the officers with any additional information; however, approximately ten minutes later, CD broadcast an additional call of a "Screaming Man" in a residential neighborhood, approximately a half mile from the first call. Both calls had a similar description of the Subject and Officers A and B responded, believing them to be related.

As the officers arrived in the area, two blocks from the second call, they observed a male matching the description. The officers detained the Subject and immediately handcuffed him for safety purposes. During the initial pat down search of the Subject,

Officer A found a large sum of cash on his person. Officer B observed that the Subject was sweating profusely and appeared unsteady while he stood. According to Officer B, when they ordered the Subject to comply with the detention, he cooperated and there were no issues.

Officer B, who had previously been a Department-certified Drug Recognition Expert (DRE) for several years, had made many arrests related to being under the influence of a controlled substance. Officer B believed that the Subject may have been under the influence of drugs and began to perform a series of field sobriety tests to assess the state of his intoxication. The Subject informed the officers that he had taken some White Lightning four days ago and had not slept for several days. Officer B determined that White Lightning was a commercial name for bath salts, chemicals which, when taken internally, produce intoxicating effects similar to cocaine or methamphetamine. The Subject passed the field sobriety tests and appeared to be alert and oriented.

The officers asked the Subject where his vehicle was and if he had identification. The Subject told the officers that his identification was in his vehicle, which was parked several blocks away. According to Officer B, the Subject voluntarily agreed to be transported to his vehicle for the purposes of obtaining identification and subsequently provided his consent to have the officers retrieve the identification.

The vehicle was located and, when checking the interior, Officer B observed what he identified as bath salts by the name of White Lightning inside. Officer B examined the bath salts and believed that the substance did not appear to be an illegal drug that the Subject could be arrested for. Officer B also located the Subject's identification (passport) and conducted a warrant check. The Subject had no wants or warrants and, as the officers could not locate a victim from the earlier radio calls, they determined that there was no further reason to detain him. According to Officer B, the Subject did not meet the criteria for being under the influence of a controlled substance. Officer B believed that the Subject was clearly able to take care of himself, but did feel that the Subject was acting a little strange.

Due to the Subject's behavior and the large amount of cash he possessed, the officers requested a supervisor to respond to their location in order to complete a money count. This was to ensure that the Subject had no theft accusations after being released. Sergeant A responded and completed a money count. Sergeant A asked the Subject why he had so much cash on his person and the Subject explained that he was in the midst of a divorce and withdrew the money to ensure he had adequate funds.

Sergeant A asked the Subject if he had any problems or questions. According to Sergeant A, the Subject did not, but wanted to check into a motel for the evening. After confirming that there was no verifiable crime related to the "Grand Theft Auto" radio call, Sergeant A agreed with the officers that the Subject did not appear to be under the influence of drugs at the time and there was no further reason to detain him. Sergeant A felt that the Subject might be robbed if they released him at the scene and, if the Subject desired, the officers could transport him to a nearby motel. According to

Sergeant A, the Subject made that request and Sergeant A gave approval for the officers to transport him.

Note: According to Officers A and B, the Subject voluntarily requested to be transported to the motel.

Officers A and B then drove the Subject to a nearby motel, located less than one mile from where the Subject's car was located. According to Officer A, once at the motel, he and Officer B walked the Subject to his room. Officer A advised the Subject not to leave the area and not to leave the bedroom until morning. Officer A recalled telling the motel manager to give them a call if the Subject left the motel room.

Note: The motel manager was also given the Subject's vehicle keys and, at that point, the officers left the location in order to resume their patrol duties.

Approximately one hour after leaving the motel, Officers A and B were assisting a traffic unit with a vehicle collision involving a person that was driving under the influence (DUI). Also present at this location were Officer C and Sergeant B.

As Officers A and B were assisting with this traffic scene, Officer C told Officer A to look toward a nearby intersection, as there was a man screaming and dragging a metal trash can in the street who appeared to be under the influence of drugs. Officer A looked in that direction and recognized the person as the Subject they had previously taken to the motel. Officer A observed the Subject run into the intersection in front of a mini-van travelling westbound. The vehicle stopped in order to avoid hitting the Subject and Officer A observed the vehicle to be occupied by a lone female driver. The Subject moved towards the front passenger door and attempted to open it. The female driver appeared fearful and drove away. The Subject then moved towards two other unoccupied parked cars and attempted to gain entry into them. Officer A yelled to the Subject to come to the officers' location, but the Subject responded by holding up both hands, extending his middle fingers and yelling profanities. The Subject then ran northbound, away from the officers and out of their sight. Officer A communicated to Officer B what he had observed and that they needed to leave the scene of the traffic collision to detain the Subject.

Officers A and B drove to search for the Subject. As Officer B was using the passenger side spotlight from their police vehicle to illuminate the dark street, he observed the Subject on the north side of the street, crouched down by the passenger door of a parked mini-van attempting to open the door. Officer B yelled from their open police vehicle window, telling the Subject to step away from the car and to get his hands up, but the Subject ran east on the north sidewalk and attempted to open the passenger door of another parked car.

Officer A stopped the vehicle approximately 20 feet east of the Subject, who continued to run east. According to Officer B, the Subject stayed on the sidewalk and ran past the police vehicle as Officer B was exiting. Officer B was unable to retrieve his baton from

the vehicle due to the rapid actions of the Subject. As the Subject ran, he shouted profanities to the officers and began yelling and screaming. Officer B ordered the Subject to stop and identified himself as the police. Officer B ordered the Subject to show his hands and to get on the ground, but the Subject did not comply.

Officer B chased the Subject for approximately 45 feet, when the Subject suddenly stopped, turned toward him and raised his hands in the air. Officer B stopped and observed the Subject arch his back, snarl his teeth and form the fingers on his raised arms like claws, as if he was an animal. With his hands and fingers held like animal claws, the Subject swiped at Officer B once with each arm. Officer B was approximately five feet west of the Subject and was able to avoid the swings. The Subject then crouched and moved his arms out in front of him and charged Officer B, as if to tackle him. Officer B moved sideways and avoided the grasp of the Subject. As the Subject moved past him, Officer B placed his hands on the Subject's back and pushed him towards the grassy area between the sidewalk and curb.

According to Officer A, as the officers were driving, Officer B told him he saw the Subject. Officer A turned and observed the Subject between two parked vehicles and then saw him run east on the sidewalk. Officer B exited the vehicle as Officer A came to a stop. Officer A grabbed his PR-24 baton from the door with his left hand as he exited the police vehicle. The baton remained in Officer A's left hand as he ran east after the Subject and his partner. The Subject stopped mid-block and doubled back west toward the officers' vehicle. As the Subject did so, he passed Officer B and ended up standing between Officer A on the west and Officer B on the east. According to Officer A, the Subject focused on Officer B, took an aggressive stance and started punching in the direction of Officer B. According to Officer A, the Subject then put both hands above his head and raised his arms like a crab, arching his back. The Subject placed his index, middle, ring and pinky fingers toward his thumbs and moved them as if they were lobster claws. Officer A told the subject to get on the ground and to stop resisting. The Subject bent over, moved in a southeast direction and attempted to tackle Officer B. In order to stop the Subject's attack on Officer B, Officer A struck the Subject twice with his baton on the left side of his torso, in the area of his ribs. Officer A described the strikes as half power strokes.

As the Subject moved past Officer B, who sidestepped the Subject's tackle attempt, he lost his balance due to Officer B pushing him down, coupled with the baton strikes from Officer A. The Subject fell head first in a southerly direction toward the curb and street.

Note: Officers A and B did not witness where the Subject struck the ground, or whether he struck the grassy area between the sidewalk and curb, concrete curb or street.

Both officers recalled that initially, the Subject was oriented with his head facing south. Officer B recalled that the Subject was not really blocking his fall with his hands and legs.

Note: During the scene investigation conducted by Force Investigation Division (FID) detectives, blood evidence was located on top of the curb at the location where the Subject's face would have struck if he fell as described by the officers.

According to Officer A, after the Subject fell down, he began rolling around and flailing around in a violent motion. The Subject was screaming and trying to strike at both officers. The Subject's movements caused him to roll into the street and he was on his chest when Officer B grabbed the Subject's right hand and attempted to control his right arm. Officer A attempted to control the Subject's left arm, which he had moved underneath him and used to grip his own shirt, in order to avoid the attempts by Officer A.

The officers continued to attempt to control the Subject's arms in order to handcuff him behind his back, but were unable to maintain a grip on the Subject due to his flailing. Officer B took a position on the Subject's left side, while the Subject was on his chest. The Subject continued to move wildly and change his position. From a standing position, Officer B used his right foot to kick the Subject twice on the left side of his torso just below the armpit of his now extended arm. According to Officer B, the kicks were intended to stop the Subject's attempt to strike the officers and gain control of his arms. Officer B observed that the kicks were ineffective, as the Subject continued to swing his arms. In another attempt to gain control of the Subject, Officer B grabbed the Subject's right hand and took control of it. Officer B extended the Subject's right arm behind his back and utilized a wrist lock. With the Subject lying on his chest on the street, Officer B placed the Subject's right arm up in the air, between his (the officer's) knees, which he placed on the Subject's right shoulder area. Officer B used his bodyweight to keep the Subject from standing up or rolling over and placed a handcuff on the Subject's right wrist.

According to Officer A, as the Subject first went to the pavement, he went to the pavement as well and attempted to use his bodyweight to control the Subject. Officer A placed his baton on the street to his left side, out of the reach of the Subject. Officer A then used his left hand to broadcast an additional unit request. As Officer A made his broadcast, there was the voice of a man screaming in the background, making the broadcast unreadable. CD broadcast for the unit to repeat their broadcast. Officer A repeated his request for an additional unit.

As Officers A and B were struggling with the Subject, Officer C heard Officer A's request for an additional unit and located their police vehicle. As Officer C drove up to the vehicle, he heard a struggle to the east, but, due to the darkness, Officer C could not see the officers or the Subject. As Officer C exited his vehicle and moved east, he saw that the Subject was bucking and trying to lift his body off the ground. According to Officer C, Officer B was on top of the Subject's right side, and Officer A was on top of his left side. The officers each had the Subject's arms and were trying to handcuff him. Officer C recalled that the Subject was lying on his chest in the street in a northeast direction, with his head approximately one foot from the curb.

Officer C ran toward the officers and the Subject, placed his right knee on his lower back in order to prevent him from getting up, and heard handcuffs clicking shut. According to Officer C, the Subject began to kick at him by bending his knees and hitting him on the shoulder with his shoes. Officer C moved his knee and bodyweight from the Subject's lower back down to his thighs in order to prevent him from kicking at him. As the Subject was still able to bend his knees, he continued to kick at Officer C.

Officer B produced a Hobble Restraint Device (HRD) from his right rear pants pocket and placed it around the Subject's feet. Officers A and B then immediately turned the Subject face up and sat him in an upright position on the street. Officer B observed blood on the Subject's face and shirt.

Officer A broadcast to CD that it was Code 4 and that the Subject was in custody. Officer A further requested that a Rescue Ambulance (RA) respond. Sergeant B, who had also left the scene of the traffic collision (DUI) investigation in order to search for the Subject, broadcast that he was at scene with Officers A and B.

Note: Sergeant A also responded to the above scene.

Officer B notified Sergeant B of the use of force and Sergeant B began a Non-Categorical Use of Force investigation.

Los Angeles Fire Department (LAFD) responded to Officer A's request for an RA and requested that the HRD be removed from the Subject's legs. Paramedics assessed the Subject's condition and determined that he had facial injuries and was disoriented. The paramedics were unable to determine if this was due to trauma to the Subject's head or because he was under the influence of drugs. A Fire Captain on scene recalled that the Subject admitted to being under the influence of a drug, although he could not recall what drug it was. The Subject was treated at the scene and then transported to a local hospital for additional treatment.

Due to the Subject's head injuries, FID was contacted for advice. FID instructed personnel to maintain the scene until the Subject's medical status was determined and stated that if the Subject was to be admitted, FID would respond and handle the Categorical Use of Force (CUOF) investigation. The scene was secured and later that morning it was determined that the Subject was going to be admitted due to his injuries. The incident became a CUOF investigation and FID responded to handle the investigation.

Note: As a result of the altercation with the officers, the Subject was booked for California Penal Code (PC) Section 69, Resisting Arrest.

FID conducted a canvass of the nearby residences and spoke with Witness A, who recalled hearing screaming outside, placing her shoes on and exiting her residence. Witness A recalled that it was dark, but observed the officers sitting up the Subject, who was handcuffed. Witness A did not observe any force used.

According to Witness A, "When I came out, they already had him arrested -- I mean, on the floor. But he was giving the officers a hard time. He was rolling around. It was hard for them to keep him in one spot. I remember that. He was yelling, and they were just trying to have him calm down. He wouldn't calm down." Witness A recalled, "He [Subject] was, to me it seemed like he was high. [...] The guy just kept yelling, 'My heads on fire. My head's on fire.'"

FID detectives interviewed the motel manager (Witness B) and obtained a statement. According to Witness B, when the Subject checked into the motel, he felt that the Subject was acting strange, as if he was intoxicated. Witness B recalled that approximately 15 minutes after the officers left, the Subject came to the front desk and demanded his car keys. Witness B gave the keys to the Subject, who then walked off the motel property.

FID detectives interviewed Witness C, who was at the initial detention of the Subject following the two radio calls for service. Witness C believed that the Subject displayed symptoms of being under the influence of a stimulant drug.

FID responded to the hospital to interview the Subject concerning this incident, but he did not make any statement.

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/Holstering of a weapon 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 and C's tactics to warrant a tactical debrief.

B. Non-Lethal Use of Force

The BOPC found Officers A, B and C's non-lethal use of force to be in policy.

Basis for Findings

A. Tactics

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

1. Communications Broadcast/Code-Six

In this instance, Officers A and B were Code-Six on a DUI investigation when Officer A observed the Subject causing a disturbance and attempt to carjack or tamper with an approaching vehicle. Officer A advised Officer B of his observations and both officers entered their police vehicle and searched for the Subject.

Officers are required to balance officer safety considerations against the need to make a timely Code-Six broadcast. That being said, officers must be afforded some discretion in determining the appropriate time to make their broadcast. Department tactical training allows for officer safety concerns to take precedence over making an immediate Code-Six broadcast. Officers A and B were responding to an area where they believed the Subject was attempting to evade an arrest. In this instance, a broadcast of Officer A's observations and location would have been advantageous to alert responding resources. This information would be beneficial for responding units and could have increased the likelihood of operational success.

In evaluating the officers' actions, the BOPC determined that based on the totality of the circumstances, although improvement could be made, the delay in the Code-Six broadcast did not represent a substantial deviation from approved Department tactical training. However, Officers A and B are to be reminded of the importance of a Code-Six broadcast and a broadcast of additional pertinent information regarding the Subject's actions and location. Consequently, this topic will be discussed during the Tactical Debrief.

2. Back-up Request

In this instance, Officer A requested an additional unit based on the belief that adequate resources were nearby. Additionally, Officer A presumed that the aforementioned resources were aware of their location and that the response would be immediate. As a result, Officer A opined that the situation did not require an emergency response from additional resources to safely take the Subject into custody. According to Officer A, at that point he was with Officer B and Officer C was responding to the location. Officer A only put out an additional unit request at that time because he knew that he had two vehicles down the street less than a block away and he and his partner could handle the situation.

Generally, when officers are dealing with an aggressive suspect who has attempted to cause injuries to officers, a request for a “Back-Up” or “Help Call” would be prudent. It was unknown at the time if the resources were in a position to immediately respond to the request for an additional unit. Furthermore, Officer A was unaware if the resources would have been delayed due to having an arrestee in custody. In evaluating the situation, Officer A completed a broadcast for an additional unit and additional units subsequently responded to their location without delay.

In evaluating the totality of the circumstances, the BOPC determined that Officer A’s actions did not substantially deviate from approved Department tactical training. However, as the Subject continued to physically resist Officers A and B, a supplemental broadcast for a back-up or help call would have been prudent. Consequently, this topic will 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.

Consequently, after a thorough review of the incident, the BOPC determined that the identified areas for improvement neither individually nor collectively substantially and unjustifiably deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC found Officers A, B and C’s tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

- **Officer A** – Side-Handle Baton- Power Stroke (2), Physical Force, Bodyweight, and Firm Grip.
- **Officer B** – Physical Force, Push, Kicks (2), Bodyweight, Firm Grip, Wrist Lock.
- **Officer C** – Bodyweight.

In this instance, Officers A and B attempted to locate the Subject and Officer B observed the Subject on the north side of the street, crouched down by the passenger door of a parked mini-van. Officer B, utilizing the vehicle spotlight, illuminated the Subject and instructed him to step away from the vehicle. The Subject ran eastbound and attempted to gain entry into another parked vehicle. Officer B exited his police vehicle and gave chase. The Subject continued

eastbound and, while running, shouted profanities at the officers, accompanied by unintelligible words.

Officer A simultaneously parked the police vehicle, obtained his PR-24 side handle baton and gave chase. Officer B followed the Subject for approximately 50 feet while giving commands to stop. Suddenly, the Subject stopped, turned and ran westbound towards Officers A and B. The Subject raised his hands, pinched his fingers together, resembling claws, and snarled. The Subject swung his arms toward Officer B, who was able to avoid being struck by the Subject's swinging arms. The Subject, while positioned near Officers A and B, leaned forward and lunged at Officer B, who side-stepped the Subject and pushed him toward the ground to avoid being tackled.

Simultaneously, Officer A observed the Subject's actions and struck him twice, on the left torso, with his baton. The Subject fell head first, in a southerly direction toward the street curb. Officer A recalled at that point, the Subject bent over in a football like stance and attempted to tackle his partner. According to Officer A, he struck the left-hand side of the Subject's body with his PR-24. According to Officer A, he felt the Subject was unsafe to approach due to his aggressive nature and his not listening to him or his partner. Officer A felt that his partner could have been hurt, so he issued the Subject two strikes to the left side of his body.

Officer B sidestepped and pushed the Subject to onto the ground. The Subject fell forward with his hands in front of him and onto a grassy area. Officer B recalled that the Subject took two swings at him, but did not make contact as he moved out of the way. Officer B recalled that as soon as that occurred, the Subject lunged towards him with both arms out to tackle him. Officer B side-stepped the Subject and put both of his hands on the Subject's back and pushed him down toward the ground.

The Subject rolled into the street at which time Officers A and B utilized bodyweight to control the Subject, who continued to kick and punch. The Subject eventually positioned himself on his stomach, yet continued to kick and punch at Officers A and B. Officer B, from a standing position, administered two kicks to the Subject's left torso. Officer B administered the kicks to stop the Subject from kicking and punching, while also gaining control of his arms. Officer B utilized body weight, firm grip and a wrist lock to overcome the Subjects resistance and handcuff his right hand. Simultaneously, Officer A utilized bodyweight and attempted to handcuff the Subject, who had moved his left hand under his body to obstruct the handcuffing process.

Officer B recalled that when the Subject was rolling in the street, he was kicking and punching at him and Officer A, so they tried to take control of the Subject by grabbing his arms and applying bodyweight, but the Subject was still punching him. According to Officer B, the Subject punched him in the legs and was kicking at him and Officer A. Officer B recalled that the Subject ended up rolling onto his stomach, still kicking and punching, and at that point he kicked him twice in the side of his torso.

Officer A utilized a firm grip and grabbed the Subject's left hand and placed the hand behind his back then completed the handcuffing process. As the Subject continued to kick the officers, Officer C arrived and applied bodyweight to the Subject's upper legs and shin area.

Officer C recalled that he turned around to the Subject's right side and placed his right knee on his lower back. Officer C recalled hearing the handcuffs click, but that still didn't stop the Subject from kicking. According to Officer C, the Subject continued to kick and was trying to fight and was bending at the knee kicking at him. Officer B was able to successfully apply a HRD to the Subject's legs. The Subject was positioned in a seated position when Officer B observed visible injuries to the Subject's facial area and requested a Rescue Ambulance to treat his injuries.

Based on the totality of the circumstances, officers with similar training and experience as Officers A, B and C would reasonably believe that the use of non-lethal force in order overcome the Subject's resistance and take him into custody would be justified.

In conclusion, the BOPC found Officers A, B and C's application of non-lethal force to be objectively reasonable and in policy.