

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

LAW ENFORCEMENT RELATED INJURY – 061-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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West Valley	10/27/14		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant A	18 years, 5 months
Officer C	7 years, 1 month
Officer D	6 years, 11 months
Officer J	14 years, 8 months
Officer L	1 year, 5 months
Officer Q	9 years, 2 months

Reason for Police Contact

Officers responded to a radio broadcast of a Subject causing a disturbance, armed with a knife, possibly under the influence of narcotics. Officers contacted the Subject, who at one point picked up a large concrete block. Fearing that the Subject may throw the object at officers, Officer L deployed a beanbag shotgun, resulting in a Law Enforcement Related Injury (LERI).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 36 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 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 August 18, 2015.

Incident Summary

On the date of this incident, Communications Division (CD) broadcast a call of a man with a knife, creating a disturbance at a residence. The Subject was described as a male, 35-40 years, wearing a black and blue shirt, blue jeans, under the influence of narcotics, carrying two swords, one of which was in his hand.

Uniformed Police Officers A and B requested the call over the radio. Communications Division assigned them the call. Officer A drove the officers' black and white police vehicle with emergency lights and sirens (Code Three) to the residence and while en route, requested an air unit.

Uniformed Police Officers C, D, E and F advised CD they were responding to the call Code Three as well. Uniformed Sergeant A also notified CD that he was responding and inquired on the availability of an air unit.

CD broadcast additional information to units that the Reporting Person, (PR) no longer had a visual on the Subject, who possibly went into a backyard. The PR and his aunt locked themselves inside their residence.

Note: The Person Reporting (PR) was later identified as Witness A and her aunt was Witness B. They were interviewed by Force Investigation Division (FID) detectives.

Officers A and B arrived on scene and placed themselves at the location, via the police radio. The officers observed a black pickup truck parked in the driveway and noticed that the garage door was open. Officers A and B met with Witness B, who had stepped out of the residence and advised them that the Subject had fled south along the east side yard with a sword.

Upon hearing that the Subject had gone into the backyard, and not knowing if he was still armed, Officer B unholstered his duty pistol. Officer B walked to the northeast corner of the residence and, while utilizing the wall as cover, conducted a quick peek. Officer B observed the Subject at the southeast corner of the house staring at him with his back against the east side of the residence. Officer B did not see the Subject with a sword and ordered him to come out of the yard. According to Officer B, the Subject said, "Oh shit", and ran west out of Officer B's view behind the home.

Officer A heard Officer B's command, unholstered his duty pistol and moved to the northwest corner of the residence. Officer A observed the Subject attempt to jump the backyard wall located on the west side of the property. Officer A ordered the Subject to

get down from the wall and come speak to him. The Subject dropped back into the back yard and disappeared from view. Officer B broadcast a request for an additional unit to cover the rear of the residence.

Uniformed Police Officers G and H broadcast that they were at the location. Officer G requested an air unit and upgraded Officer B's additional unit request to a request for a backup and a supervisor. Officer G coordinated the responding units and began to establish containment around the residence. West Valley Patrol Division uniformed Sergeant B arrived, as did Police Officer I.

Officer G advised CD to advise the next responding unit to respond one street south. Officers C and D, along with Police Officer J, arrived at the scene and took a position one street south of the primary residence.

Uniformed Police Officers K and L arrived and placed themselves at the location via the police radio. Officer K deployed a shotgun and Officer L deployed a beanbag shotgun.

Note: The rear yard of the primary residence was subsequently covered and cleared by Officers A, B, G, H, I, K, L and Sergeant B.

Air Support Division (ASD) Police Officers M and N (tactical flight officer) arrived and began assisting with the perimeter. Shortly thereafter, the following units arrived on scene: uniformed Police Officers O and P and Lieutenant A.

Officer O and Lieutenant A spoke to Witness B, who told Officer O that she observed the Subject pacing back and forth with the swords in his hands. Witness B was fearful, but indicated that the Subject did not threaten or assault her with the swords and that she allowed him to store his tools in her garage. Witness B also relayed that the Subject's father had recently passed away and believed that triggered the Subject's recent drug use.

Officers C and D broadcast that they had possibly observed the Subject on the west side of a nearby residence. Shortly thereafter, uniformed Police Officers Q and R responded to the location. The officers exited their police vehicle and unholstered their duty pistols, while the air unit continued to establish the perimeter.

Officers C and D observed the Subject on the east side of a different residence (on the same street) attempting to break through or go over the south facing gate. Officers C and D unholstered their duty pistols and issued the Subject commands to stop and show them his hands. According to Officer D, the Subject looked surprised and retreated to the rear yard. Officers C and D held their position on the southeast corner of the residence while Officers J and R covered the southwest corner of the residence.

Officers K and L responded to the area and were still armed with their shotgun and beanbag shotgun respectively. Additionally, Officers A, B and O responded. Lieutenant A, Sergeant A and Sergeant C also responded to the area and began forming a tactical

plan to safely apprehend the Subject. Captain A also responded and assumed the role of Incident Commander.

Lieutenant A assumed the role of Chief Operations Officer and tasked Sergeant A with forming a tactical plan to make contact with the Subject in the rear yard. Sergeant C was in charge of the units on the inner perimeter.

Sergeant A instructed Officer J to use the public address system (PA) to call the Subject out. Officer J used the PA on Officer C's black and white police vehicle. According to Officer J, he advised the Subject that the officers needed him to come out with his hands up in the air. Officer K also used his voice to call-out the Subject with negative results.

Due to the thick vegetation in the area, the air unit was unable to see the Subject's location. Detectives A and B responded and gained access to a second story residence. The residence faced south into the rear yard of where the Subject was believed to be located, but Detective A was unable to observe the Subject. Additional attempts were made by Officers G and H to observe Subject from a nearby roof top, but the vegetation was again too thick

Captain A requested a tactical frequency for the incident, and officers were able to contact nearby residents for evacuation. The air unit made multiple PA announcements for the Subject to surrender by calling his name.

Sergeant C had Officers A, B and O positioned behind a vehicle in front of the primary location. Officer B deployed a beanbag shotgun. Officers C, D and R positioned themselves behind a stucco wall and pillars.

Sergeant A assembled a contact team and instructed the officers to don their helmets and gave each officer a specific duty. Officer K was assigned the lead position and was equipped with a shotgun loaded with slug ammunition. Officer L was assigned the less-lethal role and was equipped with a beanbag shotgun. Officer Q was assigned as rear guard to the arrest team, along with Officer J, who was equipped with a Taser. Sergeant A was in charge of communications.

Sergeant A and his contact team entered the yard through a south-facing gate located on the southwest corner of the residence. Sergeant A requested that the air unit advise them of any movement observed in the backyard. Upon beginning their search, Officers J and Q unholstered their duty pistols. With Officer K in the lead, the contact team moved north along the west side yard and then east into the backyard. The contact team reached the northeast corner of the residence and observed the Subject underneath a tree, in the shadows, near the southeast corner of the fence line. Sergeant A broadcast that the team had located the Subject, while Officer K began issuing commands. For several minutes, Officer K ordered the Subject to his knees and to put his hands up. Officer K stated the Subject appeared very agitated and paced back and forth, while clenching his fists. Officer K believed the Subject was aware of

the officers' presence because he looked in their direction and mumbled. When Officer K gave the Subject commands to put his hands up or go to his knees, the Subject repeatedly started to comply, but would then resume pacing.

Sergeant A broadcast that the Subject was not responding to commands. The contact team moved south to obtain a better view of the Subject. The Subject alternated putting his hands in his pockets and reaching down to grab a cinder block located at his feet. The Subject repeatedly raised the block above his head and placed it back on the ground. Officer K continued communicating with the Subject and ordered him to show his hands, while the Subject continued to put the block down and pick it back up.

Officer L armed with the beanbag shotgun moved to the lead position and went down to one knee in an attempt to get a better view of the Subject under the vegetation. Sergeant A advised Officer L that if he had a clear shot, to use the beanbag shotgun. Sergeant A had previously confirmed with the air unit that there was not a cross fire situation with units deployed to the front of the residence. Sergeant A then broadcast that they were going to deploy a beanbag shotgun. When the Subject picked up the block, Officer L said, "Beanbag stand-by" and fired a total of three supersock rounds. After he fired his first shot, Officer L conducted a quick assessment. According to Officer L, the Subject did not respond and acted as if he did not feel the supersock round. With the Subject still holding the block, Officer L fired two additional supersock rounds in quick succession. Officer L's intended target area for all three shots was the Subject's abdomen. The Subject was struck with one supersock round on the side of his right arm, above the elbow. The Subject was struck with two supersock rounds in the lower abdomen. Officer L advised that he deployed the beanbag shotgun because the Subject was not responding to commands and alternated between having clenched fists and holding the cinder block. Officer L feared that the Subject may attempt to throw the block at them

Note: Officer K stated he heard Officer L warn the Subject that he was going to deploy the beanbag and it was going to hurt and that he needed to comply or he was going to be shot by the beanbag. Officer Q believed Sergeant A gave the admonition, "beanbag stand-by, beanbag ready." Officer L only reported saying "beanbag stand-by."

The Subject began to yell and scream and broke the wooden gate south of him. The Subject slipped through the gap that he created and ran into the front yard. Sergeant A broadcast the Subject's flight and instructed his contact team to hold their positions.

Officer B, who was assigned to cover the east fence of the property, heard Sergeant A broadcast that the contact team had located the Subject and that they were going to attempt to make contact. When Officers A, B and O were alerted to a potential crossfire situation with the officers approaching from the backyard, they redeployed one house east and took cover behind stucco pillars.

Officer B heard the beanbag warning and the supersock rounds being fired. Officer B heard the Subject scream and break through the gate. Officer B moved from his position behind the pillar to the south side of a gold 4-door sedan, which was parked at the north curb in front of a residence.

The Subject exited the east side yard and initially ran east toward the officers positioned near a residence. Officer O ordered the Subject to stop. Upon observing the officers, the Subject made a U-turn and ran west across the front yard and back into the side gate located on the southwest corner of the residence.

Officer B observed the Subject where the gate joined the fence on the west side of the residence. Officer B believed the Subject was going to climb over the fence and enter the adjacent yard. When the Subject lifted his body over the fence, Officer B observed his lower torso. With an intended target area of the Subject's lower abdomen, Officer B fired one supersock round at the Subject from an approximate distance of 56 feet. The supersock round struck the gate adjacent to the Subject. Officer B advised that he did not have time to give a verbal warning prior to firing.

Note: Prior to deploying the beanbag shotgun Officer B verified the condition of his beanbag shotgun and he topped off the magazine with a supersock round from the sidesaddle.

Sergeant A heard the air unit broadcast that the Subject had reentered the rear yard through the west side gate. From the backyard, the contact team briefly observed the Subject appear in the rear yard and then retreat south into the west side yard. The Subject returned to the gate on the southwest corner of the residence and attempted to barricade it shut. Officer O reported over the police radio that he observed the Subject with a large piece of rebar. Sergeant A directed the contact team to move west in the rear yard toward the area where the air unit observed the Subject.

Sergeant A's contact team observed the Subject in the west side yard leaning against the residence. The officers did not observe the Subject with a sword, but Officer K stated he observed debris around the Subject, which included a board, rebar, pipes and yard tools, all within reach. Sergeant A broadcast that the contact team had observed the Subject on the west side yard and for officers to clear downrange to avoid a crossfire. Officer Q took the lead position and, for the next several minutes, verbally attempted to gain the Subject's compliance, while Sergeant A provided updates over the radio to units on the perimeter.

Officer Q called the Subject by name and used a soothing, but firm voice in an attempt to gain compliance. According to Officer Q, the Subject was panting and sweating, his eyes darted everywhere and he did not maintain focus. At one point, the Subject stated he wanted to see his son and asked the officers if they were there to kill him.

While Officer K maintained lethal cover, Officer Q holstered his pistol and Officer J handed him a Taser. Officer Q did a visual check to ensure the Taser had a cartridge in

it and then he placed the Taser in his rear pant pocket. Officer Q believed he was building a rapport with the Subject as he began making more and more eye contact with him. The Subject continued to pace one to two steps in various directions with his fists clenched. Officer Q assured the Subject that they were there to help him. The Subject asked the officers if they heard the person asking for help. Officer Q assured the Subject that they were not there to hurt him, but wanted to get him help.

Sergeant A requested two additional officers to respond to assist as part of an arrest team. Officers C and D donned their helmets and responded to the request. Officers C and D holstered their pistols before entering the backyard through the east gate. Officer C possessed a Taser in his front right pant pocket. Upon entering the backyard, Officer C unholstered his duty pistol. When the officers arrived at Sergeant A's location, Sergeant A told Officer C to holster his pistol and advised the officers of the plan. Officer Q was assigned to the Taser, while Officer K would continue to provide lethal cover and Officer L would remain as a second less lethal option with the beanbag shotgun. Once the Subject was tased, Officer J would grab the Subject's legs, while Officers C and D would grab the Subject's arms. Prior to initiating the plan, Officers C and D put protective gloves on to protect themselves from potential biohazards.

Sergeant A assessed that the team would have to move closer if they were going to utilize the Taser. Sergeant A advised units on the tac frequency that they were going to approach and deploy the Taser. Officer Q moved within Taser range, while the Subject continued to clench his fists. When Officer Q was approximately 10 feet away, he told the Subject to put his hands up and go down to his knees. Officer Q demonstrated what he wanted the Subject to do.

Note: According to Officer Q, the Subject would start, but then fail to comply.

According to Officer Q, he spoke to the Subject and told him that he was there to help him and didn't want to hurt him. Officer Q told the Subject that he didn't want to use the Taser and that it would hurt. As the Subject outstretched his arms, Officer Q deployed the Taser aiming at or around his navel.

After Officer Q activated the Taser from a distance of approximately nine feet, the Subject fell to the ground and landed on his left side. Officer J grabbed Subject's legs. Officer Q placed his left hand and knee on Subject's left shoulder and applied bodyweight, while continuing to hold the Taser in his right hand. The Subject's left arm was tucked underneath his body. Officer Q placed the Taser against the Subject's left shoulder so he would be able to activate it again in the event that the Subject threw a punch or produced a knife. No additional activations were necessary. Officer Q stated he only pressed the trigger once and he allowed the activation to run through its cycle.

Note: FID downloaded the activation history for the Taser used by Officer Q. The Taser history noted that an activation occurred on the date of this

incident, for five seconds. There were no other activations that occurred on this date.

Officer D grabbed the Subject's right arm. Officer C placed his Taser in his pocket and unsuccessfully attempted to remove the Subject's left arm from underneath his body. Officer D placed a handcuff onto the Subject's right wrist. Officers C, D and Q then rolled the Subject onto his stomach and right side and Officer C was able to gain control of the Subject's left arm. Due to the Subject's size, Officer C obtained a second pair of handcuffs and cuffed the Subject's left wrist. Officer Q connected the two sets of cuffs together behind the Subject's back. According to Officer C, the Subject was fidgety and was kicking his legs. Officer Q removed his hobble from his right rear pocket and placed it on the Subject's crossed ankles, while Officer J maintained a firm grip on the Subject's legs.

The officers immediately sat the Subject up and assisted him to his feet. When the Subject requested to sit down, the officers allowed him to do so. Sergeant C was tasked with handling the Non-Categorical Use of Force Investigation (NCUOF) and took photos of Subject's injuries.

Prior to the use of the Taser, Los Angeles Fire Department (LAFD) personnel were dispatched and requested to stand-by. The Subject was subsequently handcuffed to the gurney and transported to a nearby hospital. Approximately three hours after the Subject arrived at the hospital, he was admitted for a variety of injuries, including a contusion and abrasion to his right elbow and a contusion to his lower abdomen.

Force Investigation Division (FID) personnel confirmed this incident should be classified as a Categorical Use of Force (CUOF). Sergeant D secured the crime scene. Sergeant D was accompanied by Officer K, who was at the scene, to ensure the entire scene was identified and protected. Sergeant E identified the officers who were present at the time of the use of force and had them respond to the station where they were separated, monitored and given an order not to discuss the incident until interviewed or released by FID.

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, made the following findings:

A. Tactics

The BOPC found Captain A, Lieutenant A, Sergeant A, along with Officers B, C, D, J, Q and L's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers B, C, D, J and Q's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

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

C. Less-Lethal Use of Force

The BOPC found Officers L and Q's less-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. Beanbag Shotgun Manipulation

According to Officer L, it appears he did not load an additional sock round in his beanbag shotgun once he chambered a round. Although the loading of a fifth sock round is not required, Officer L is reminded of the tactical advantage afforded when the beanbag shotgun is fully loaded. This topic will be discussed during the Tactical Debrief.

2. Use of Force Warning

Prior to firing the beanbag shotgun, Officer L said "Beanbag stand-by." Sergeant A, along with Officer Q reported hearing an officer issue a Use of Force warning to the Subject. Officer Q did not recall issuing a warning prior to the deployment of the Taser. According to Officer K, who was part of the contact team, he recalled hearing an unknown officer issue a Use of Force warning prior to the deployment of the Taser. This topic will be discussed during the Tactical Debrief.

3. Equipment (TASER Holster)

Officer B carried a Taser in his rear pant pocket, while Officer C placed it in his right front pant pocket. Additionally, Officer J handed a Taser to Officer Q when they made contact with the Subject on the west side of the residence. As Officer Q verbalized with the Subject, Officer Q placed it in a rear pant pocket.

Although it is reasonable that Officer Q placed the Taser out of view to gain the Subject's trust, placing the Taser in a pocket has the potential for an accidental activation or loss. This topic will be discussed during the Tactical Debrief.

4. Equipment (Baton/HRD)

Sergeant A, along with Officers C and D, were not equipped with a Hobble Restraint Device (HRD). Additionally, Sergeant A, along with Officers J and Q, did not have a side handle baton or asp on their person when the incident occurred. The above officers are reminded to have all required equipment on their person while performing field patrol duties. This topic will be discussed during the Tactical Debrief.

5. Beanbag Shotgun Deployment

According to Officer B, he heard sock rounds fired and screams emanate from behind the fence and observed the Subject break through the fence and run westbound across the front yard and into the west gate. As the Subject attempted to climb over the west fence, Officer B fired one sock round at the Subject from a distance of approximately 56 feet. The BOPC noted the sock round did not strike the Subject, and was therefore, not a reportable use of force. Nevertheless, the BOPC was concerned regarding Officer B's decision to discharge the beanbag shotgun and identified the following areas of concern: shooting at a fleeing Subject, recommended deployment range and optimal target areas. After lengthy discussion, the BOPC decided that to enhance future performance, the use of the beanbag shotgun as a less-lethal force option should be reviewed at the Tactical Debrief with the discussion including, but not limited to, the identified areas of concern.

6. Tactical Communication

When a request for a beanbag shotgun was made during this incident, Officer O removed a beanbag shotgun from Officer B's vehicle without Officer B's knowledge. Officer B later went to retrieve the beanbag shotgun from his police vehicle and discovered the weapon was missing. Officer O is reminded of the importance of communicating with his fellow officers regarding borrowing equipment. Officers are trained to work as a team, thereby affording them an increased tactical advantage. This issue will be discussed with Officer O's Captain.

- 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 individual actions that took place during this incident.

In conclusion, the BOPC found Captain A, Lieutenant A, Sergeant A, along with Officers B, C, D, J, Q and L's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers B, C, and D heard CD broadcast the initial radio call and began to respond. Officer B and his partner arrived and were advised that the Subject went into the backyard of the residence. In response, Officer B drew his service weapon since he didn't know if the Subject was still armed.

With the Subject being observed in a rear yard, a back-up request was made, prompting the response of Officers J and Q. Officers C, D J and Q responded to establish containment to the south. According to Officer D, he and Officer C positioned themselves on the roadway east of a residence, while Officers J and Q went to the west. Officer Q stated that he used the ballistic panels of his vehicle as cover and unholstered his weapon believing that the Subject may be armed with swords.

Officer D heard a loud bang and observed the Subject emerging slightly through the east gate of a residence and at that point, drew his service pistol. Officer D believed that that situation was going to escalate and believed the Subject was armed with a knife or sword.

Officers issued commands to the Subject, who retreated into the backyard, and additional resources responded. Officers C and D redeployed to the front porch and it was at this point that Officer C drew his service pistol. Officer C believed that the Subject was still armed with two swords.

A contact team was established to enter the rear yard, and Officer Q was assigned the duty of rear guard, while Officer J was equipped with a Taser. As the team approached the residence, Officer Q drew his service pistol for a second time. The team then proceeded into the west gate, and as they began to clear the rear yard, Officer J drew his service pistol.

After the beanbag shotguns were discharged and the contact team located the Subject on the west side of the residence, Sergeant A requested two additional officers to assist. Officer C and D responded to the request. When the officers proceeded through the small opening in the east gate, Officer C holstered his service pistol. When Officer C successfully made it to the other side of the east gate, Officer C drew his service pistol for a second time.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers B, C, D, J, and Q 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. Therefore, the BOPC found Officers B, C, D, J and Q's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

- **Sergeant A** – Firm Grip and Physical Force
- **Officer C** – Firm Grip and Physical Force
- **Officer D** – Physical Force
- **Officer J** – Physical Force
- **Officer Q** – Bodyweight

After Officer Q activated the Taser, the Subject collapsed to the ground, landing on his left side. With roles predetermined, Officer Q immediately moved forward and placed his left hand and left knee on the Subject's left shoulder. Simultaneously, Officer J took hold of the Subject's legs, while Officer D held the Subject's right arm and Officer C his left arm.

Officer D recalled that he was trying to lock his right hand on the Subject's arm. The Subject had his hands clenched, so Officer D was trying to grab the Subject's arms and pull his arms backwards so that he could get his arms behind his back.

Meanwhile, Officer D applied a handcuff to the Subject's right wrist and while maintaining control of the handcuff chain, Officers C and D rolled the Subject over to his right. Officer C, with the assistance of Sergeant A, removed the Subject's left arm from under his body and brought it to his back to facilitate the handcuffing process.

Sergeant A recalled that the Subject went down to the ground and put his arms underneath his torso on the ground. Sergeant A believed that Officer C had the Subject's left arm and he was struggling with him. Sergeant A decided to render assistance to the officer because he did not know if the Subject was armed. Sergeant A grabbed the Subject's left arm with a firm grip, pulled it behind his back, and assisted with the right arm as the Subject was struggling and actively resisting.

According to Officer C, the Subject was fidgety and kicking his legs; therefore, Officer J maintained control of the Subject's legs until Officer Q applied the Hobble Restraint Device (HRD) on his ankles.

Note: The application of the HRD is not a reportable use of force.

After a review of the incident, the BOPC determined that an officer with similar training and experience as Sergeant A, along with Officers C, D, J and Q would believe the application of non-lethal force would be reasonable to overcome resistance to prevent further injury and/or escape.

In conclusion, the BOPC found Sergeant A, along with Officer C, D, J and Q's non-lethal use of force to be objectively reasonable and in policy.

D. Less-Lethal Use of Force

- **Officer L** – Beanbag Shotgun, three sock rounds.

The contact team located the Subject on the east side of a residence, at the southeast corner of the fence-line. Officer D repeatedly ordered the Subject to raise his hands and assume a kneeling position. Instead of complying with the officer's orders, the Subject picked up a concrete block. In response, Officer L discharged the beanbag shotgun at the Subject.

Officer L recalled that the officers started giving the Subject orders to show his hands, but he was not complying. Rather, the Subject was putting his hands up and then in his pockets. At one point, the Subject grabbed a brick that was located in front of him. As officer got a little closer to get a better view, the Subject continued to refuse to comply with orders. The Subject dropped the brick and then picked it back up. Officer L thought the Subject might throw it, therefore he deployed three beanbag shotgun rounds.

Regarding the sequence of fire, Officer L recalled after firing one round, he made a quick assessment. The Subject was unresponsive, as if he did not feel anything, and was still acting erratically and still had the brick in his hands. Since the Subject was still a threat, Officer L fired a second and third shot, which were rapid. On the third shot, the Subject dropped the brick and ran.

- **Officer Q** – One Taser activation.

With the discharge of the sock rounds proving ineffective, the Subject ran through the open gate on the west side of the residence and closed the gate behind him. The contact team, still in the rear yard, heard radio broadcasts of the Subject's actions and proceeded to the west side to investigate.

Officer Q recalled that he started to verbalize with the Subject, who was panting and sweating as if he was under the influence of something. Based on his experience,

Officer Q believed it was probably methamphetamine. Officer Q observed that the Subject was pacing and had his fists clenched. At this point, Officer Q did not know if the Subject was going to rush them or if he might produce something from his waistband or pockets. Officer Q was telling the Subject that they did not want to hurt him and wanted to get him some help. According to Officer Q, the officers behind him were initiating a team takedown plan because they did not know if the Subject was armed and was not aware if the Subject was mentally unstable. Officer Q knew that the Subject needed to be taken into custody. As the Subject put his arms stretched out and his hands were away from his waistband, Officer Q deployed the Taser.

Note: Sergeant A reported in his interview that Officer Q activated the Taser and made several contacts for a duration of approximately 18 or 25 seconds. The Taser history noted that an activation occurred on October 27, 2014, for a duration of five seconds, with no additional activations having occurred on that date.

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 aggressive actions was reasonable and would have acted in a similar manner.

Therefore, the BOPC found that Officers L and Q's less-lethal use of force to be objectively reasonable and in policy.