

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

OFFICER-INVOLVED SHOOTING – 107-11

Division	Date	Time	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Southeast	11/27/11	4:00 a.m.		

Officer(s) Involved in Use of Force	Length of Service
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Officer C	5 years
Officer D	5 years

Reason for Police Contact

A “shots fired” radio call was broadcast, and multiple units responded. The incident resulted in an officer-involved shooting, a lengthy vehicle pursuit, and a non-categorical use of force at the termination of the pursuit.

Suspects	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 1: Male, 20 years of age.
Subject 2: Male, 35 years of age.
Subject 3: Male, 21 years of age.
Subject 4: Male, 19 years of age (injured).

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 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 October 9, 2012.

Incident Summary

Communications Division (CD) broadcast a "shots fired" radio call involving a subject vehicle with four male occupants. Uniformed Police Officers A and B responded as the primary unit to handle the radio call. While en route to the location, several additional "shots fired" radio calls were reported and assigned to Officers A and B. Uniformed Police Officers C, D, E, and F, in addition to Sergeant A, also monitored the CD broadcast and responded to the area.

Officers A and B communicated to CD they were unable to locate any evidence of shots fired. The officers continued to drive around the neighborhood. Officers A and B heard numerous shots being fired and smelled gunpowder in the area. The officers believed the shots had recently been fired, but they were unable to locate any additional evidence of a shooting.

Simultaneously, Officers C and D heard numerous shots being fired nearby. When they arrived at the location, Officers C and D observed smoke in the air, and smelled gun smoke, which indicated to them the gunshots had been recently fired.

Note: There had been numerous shootings involving the residence on a corner of the street, during nighttime hours. The subjects always fled on foot. A female witness who lived in the neighborhood indicated that the residents were known to play with guns, use guns against people, and commit violent crimes in the neighborhood.

Officers E and F and Sergeant A also arrived in the area and were unable to locate any evidence of a shooting. Officers A, B, D, C, E and F developed a plan with Sergeant A, and discussed that some officers would stay in the area to wait for the subjects to return. Approximately five minutes later, Officers C and D, who were positioned at the mouth of the alley, observed a vehicle traveling in their location. Due to the time of the morning and lack of traffic, the officers believed the vehicle may have been related to the shootings.

As the vehicle approached the intersection at approximately 25-35 miles per hour (MPH), Officer D observed a silhouette on the passenger side of the vehicle, but it was very dark, and he could not clearly see. He heard multiple gunshots and observed muzzle flashes in his direction.

Officer D drew and exhibited his firearm because the tactical situation had reached the point where deadly force was necessary in order to prevent the subject from killing him or his partner. He acquired the passenger's side of the vehicle as a target for shooting at the muzzle flash, and continued to fire until the subject's vehicle made a left turn. Officer D fired a total of 14 rounds from a decreasing distance of approximately 103 to 50 feet.

As the subject's vehicle passed by the house on the corner and approached the officers, Officer C observed a muzzle flash directed at him and his partner, and heard multiple gunshots coming from the passenger side of the vehicle. Officer C believed the subjects were trying to kill the officers, as subjects inside the vehicle had fired approximately 15 rounds as the vehicle came toward him, and another eight rounds as the vehicle turned past him.

In response, Officer C, drew his service pistol, held it in a two-hand shooting stance, and fired at where the muzzle flash was coming from the vehicle. As the vehicle reached an intersection, Officer C conducted a speed reload as he reassessed. As the vehicle turned left and headed northbound, Officer C observed that the muzzle flash was coming from the rear passenger side, and the Subject continued to shoot at him. Officer C re-engaged and fired additional rounds at the Subject who was shooting at him. Officer C believed the Subject had a rifle due to the sound of the weapon. The investigation revealed that Officer C fired a total of 26 rounds from a decreasing distance of 146 to 66 feet. Five impacts were located on the rear building exterior, which was consistent with the officers being shot at.

As the Subject's vehicle continued north, Officer C broadcast the direction of travel to Communications Division (CD) as he put out a help call. Officer C broadcast that shots had been fired, as well as the vehicle's direction of travel.

In the meantime, Officers E and F were in an adjacent area when they heard numerous shots being fired west of their location.

Note: The occupants of the Subject's vehicle were later identified as Subject 1 (driver), Subject 2 (front passenger), Subject 3 (left rear passenger), and Subject 4 (right rear passenger).

When Officers E and F heard the shots fired, they proceeded in that direction and observed a sedan that matched the description of one of the initial radio calls. Officer E conducted a U-turn and began to follow the Subject's vehicle.

The officers were able to catch up to the Subject's vehicle, and Officer F broadcast that they were "in pursuit of [an] ADW shooting su[bj]ect." Officer F also requested an airship and backup.

In the meantime, Officers C and D holstered their weapons, returned to their vehicle and joined the pursuit as the secondary unit. Officer D notified CD of the Officer-Involved Shooting (OIS) location. As Officers A and B attempted to catch up to the pursuit, Officer A negotiated a turn, overcorrected and sideswiped the mirror on an unoccupied parked vehicle. At that time, Officers A and B disengaged from the pursuit. Officer A knew immediately that the parked vehicle was unoccupied because he could see inside it, and because there was no one injured, thought it was safe to rejoin the pursuit again. As the pursuit continued, Officer F observed a rifle, later identified as a semi-automatic rifle, thrown from the driver's side of the Subject's vehicle and broadcast accordingly.

Note: Once the subjects were taken into custody, Officers A and B returned to secure the scene where the rifle was located. The rifle was ultimately recovered and booked. A post-incident forensic analysis of the rifle was conducted for fingerprints and DNA evidence. The DNA analysis revealed that no DNA profiles were obtained from the firearm and magazine therefore; no further testing was conducted. In addition, it was determined that no latent prints of value were developed from the forensic print examination of the rifle. One latent print (a left palm print) was recovered and developed from the rifle's bolt cover plate, which was later determined to be a match with Subject 1.

Next during the pursuit, Subjects 2 and 3 exited the vehicle and ran in opposite directions. Subject 1 then accelerated and continued to flee in the vehicle. The Air Unit remained in the area and coordinated the apprehension of Subjects 2 and 3. Subject 3 was taken into custody by Los Angeles County Sheriff's deputies without incident. Uniformed LAPD Officers G and H were directed to Subject 2's location and took Subject 2 into custody without incident.

Additional officers from a neighboring division began following the pursuit: Officers G, H, I, J, K and L. The pursuit continued as the subject vehicle turned down an alley, but the exit was blocked by Officers A and B. On their way back to the station, Officers A and B had monitored the pursuit. They decided to parallel the pursuit and entered the alley. Simultaneously, the subjects turned into the alley and drove toward the officers. Officer A placed the vehicle in park, effectively blocking the alley, and proceeded to exit the vehicle. Officer B also exited and took cover due to cross fire considerations. Officers A and B indicated they did not block the alley intentionally.

The subject vehicle stopped, and the subjects put their hands out the windows. Officer E stopped his police vehicle approximately 15 feet behind the subject's vehicle, and both Officers E and F exited their vehicle and utilized their doors as cover. Officers E and F drew their service weapons and conducted a felony stop. Officers D, I and K also drew their service pistols and utilized Officer F's vehicle door as cover. Officers C and L drew their service pistols and utilized Officer E's vehicle door as cover. Officers E and F then gave multiple verbal commands to the subjects to exit the vehicle. Due to the narrow dimensions of the alley, only one vehicle could fit parked in back of one another, so the officers weren't able to conduct standard high-risk vehicle stop tactics.

Subject 4 exited the right rear passenger seat and proned himself out on the pavement facing the officers, and Subject 1 exited the driver's seat and also proned himself out on the pavement, facing away from the officers.

Officers E, C, I and L approached Subject 1. Officer E covered Subject 1 as Officers C and L cleared the vehicle. Once the vehicle was cleared, Officers C, E and L holstered their weapons. Officer E placed his right knee on the left side of Subject 1's back and grabbed his left arm. Officer C placed his left knee on Subject 1's right shoulder area. Officer L observed Subject 1's legs moving while Officers C and E were attempting to

handcuff him. Officer L placed his knees on Subject 1's legs and also held Subject 1's legs with his hands. Officer I placed his right knee on the right side of Subject 1's back, and reached under Subject 1's stomach and grabbed his right arm, attempting to pull it out from under him. Subject 1 refused to release his arm. Officers C and I ordered Subject 1 to take his arm out from under his body, but Subject 1 did not comply.

Officer C struck Subject 1 one time with his fist on Subject 1's right shoulder area. Subject 1 complied, and Officers E and I handcuffed Subject 1.

Officers D, F and K holstered their weapons and approached Subject 4. Officer D placed his left knee on Subject 4's upper back and neck area. Officer F approached Subject 4 on his right side, grabbed his right hand, placed it behind his back and placed a handcuff on his right wrist. Officer K, who was positioned on Subject 4's left side, grabbed Subject 4's left arm. Subject 4 became rigid and refused to allow his left arm to be placed behind his back. Video evidence revealed that Officer D holstered his weapon after he made physical contact with Subject 4.

In response to Subject 4 resisting the officers' attempts to handcuff him, and not knowing if Subject 4 was armed, the officers took the following actions. Officer D, utilized distraction strikes to strike Subject 4 with his right fist two to three times in the right shoulder area, which proved to be ineffective. Officer D then struck Subject 4 three to four times with his left fist in the left shoulder area, and he believed one additional time with his right fist in the right shoulder area. Officer F struck Subject 4 four to five times in the right shoulder blade area with his right fist. Officer K struck Subject 4 one time with his fist in the upper left shoulder blade area. Officer K then gained control of Subject 4's left wrist and assisted Officer F in handcuffing Subject 4.

Sergeant A, who primarily monitored the officers take Subject 4 into custody, observed the officers deliver multiple strikes to the upper shoulder/torso and side of Subject 4's face and head. Sergeant A did not know whether the subjects had put themselves on the ground or whether they were taken to the ground by the officers.

Once Subjects 1 and 4 were in custody, it was discovered that Subject 4 had sustained a gunshot wound to his left forearm. The investigation determined that Subject 4 also sustained a half-inch laceration above his left eye. Officer I requested a Rescue Ambulance (RA) for a male with a gunshot wound to the right hand. Sergeant A broadcast the termination of the pursuit. Officer A approached Sergeant A after the subjects were taken into custody and informed him that he had been involved in a TC and that he knew where the subjects' firearm was located.

No officers were injured during the OIS.

Criminalists recovered the rifle from the street. The rifle's hammer was cocked, bolt was forward, safety was off, and no round was in the chamber. Three live rounds were recovered from the street.

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 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 Sergeant A's and Officers C, D, F, I, K and L's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeant A's and Officers C, D, F, I, K and L's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC found Officer D's non-lethal use of force to be out of policy.
The BOPC found Officers C, F, I, K and L's non-lethal uses of force to be in policy.

D. Lethal Use of Force

The BOPC found Officers C and D's lethal uses 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. Leaving Cover

At the termination of the pursuit, Officers C, D, F, I, K and L initially assumed a position of cover behind the police vehicle doors. After ordering Subjects 1 and 4 out of their vehicle, the officers left cover and simultaneously approached Subjects 1 and 4 to take them into custody. The propensity for Subjects 1 and 4

being armed was high, as at least one vehicle occupant had fired upon Officers C and D.

Officers D, F and K moved forward from a position of cover to take Subject 4 into custody, while simultaneously, Officers C, I and L moved from a position of cover to take Subject 1 into custody. Both of these simultaneous custody operations occurred within close proximity of one another.

It was determined that Officers C, D, F, I, K and L failed to recognize the importance of developing a tactical plan, communicating with one another and coordinating their efforts to safely arrest Subjects 1 and 4, all while remaining behind cover. Once Subjects 1 and 4's vehicle stopped and they complied with the officers' orders, the incident was under control, and no exigency existed to immediately approach Subjects 1 and 4 or their vehicle. Therefore, Officers C, D, F, I, K and L's decision to approach both subjects without hesitation and simultaneously place them at a tactical disadvantage substantially deviated from approved Department tactical training without justification.

2. Contact and Cover

Officers C, D, F, I, K and L acted independently and did not establish contact and cover officers (arrest team) or communicate effectively with one another while taking Subjects 1 and 4 into custody.

Here, it would have been prudent to develop a plan and communicate the plan to all involved personnel, establishing contact and cover officers. Subjects 1 and 4 could have been ordered out of the vehicle and into specific positions and the vehicle cleared of additional persons in a systematic manner as consistent with current training practices. This would have enabled the officers to safely approach Subjects 1 and 4 to take them into custody, while additional officers provided cover for their protection.

3. Tactical Planning and Approach

Additionally, Officer D approached Subject 4, and Officer C approached Subject 1 without previously holstering their service pistols. A review of the in-car camera video determined that Officer C holstered his service pistol after descending on Subject 1. Likewise, Officer D descended on the upper back and shoulders of Subject 4 with his service pistol in hand rather than holstering it, prior to making contact.

There was no tactical advantage gained by approaching and making contact with Subjects 1 and 4 with their service pistols drawn. In fact, by not first holstering their service pistols and ensuring that there was a designated cover officer, the involved personnel placed themselves in close proximity of the subjects with an

unsecured firearm, posing a significant tactical disadvantage and increased the possibility of a negligent/accidental discharge should the incident again escalate.

4. Line Supervision/Command and Control

In this instance, Sergeant A arrived at the termination of the pursuit after the officers made their approach to take Subjects 1 and 4 into custody. The officers approached the subjects and were involved in two separate non-lethal applications of force. Sergeant A was present and observed the force applied by Officers C, D, F, I, K and L.

Officers C and D were victims of an attempt murder by at least one occupant that was within the pursued vehicle. Additionally, several of the officers were involved directly with the pursuit of these subjects. Understandably, the officers had a heightened sense of emotion as a result of being fired upon and having just terminated a vehicle pursuit. Recognizing these factors, it was imperative for Sergeant A to take an active role in the supervisory oversight of the incident while taking Subjects 1 and 4 into custody.

Although Sergeant A provided supervisory oversight during the pursuit, he had not yet made his way forward on foot to where the primary unit was deployed prior to Officers D, C, F, I, K and L approaching Subjects 1 and 4. The investigation revealed that Sergeant A was not in a position to provide effective command and control over that stage of the incident, and he was not reasonably able to prevent the officers from making their approach. However, once Sergeant A arrived at the front of the primary police vehicle and had a clear view of the officers as they were simultaneously taking Subjects 1 and 4 into custody, it would have been prudent for Sergeant A to exercise a higher level of command and control and ensure that the officers conducted the custody operations in a manner consistent with Department tactical training.

Although there are identified areas for improvement relative to the command and control provided by Sergeant A during this incident, the supervisory oversight did not reach a level consistent with a substantial deviation from approved Department tactical training and supervisory expectation. However, Sergeant A could enhance his supervisory oversight role in the event he is confronted with a similar situation in the future.

- 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.

The BOPC conducted an objective assessment of this incident and remained focused on ensuring an equitable outcome based on the role and responsibility of the significantly involved personnel. The BOPC was critical of the tactics employed by Officers D, C, F, I, K and L, and determined that their actions substantially and unjustifiably deviated from approved Department tactical training and warrant administrative disapproval findings.

B. Drawing/Exhibiting

- **Officer C**

Officers C and D, after hearing gunfire and observing muzzle flashes, believed that they were being fired upon and drew their respective service pistols. Officer C saw and heard rapid fire from a rifle in close proximity and saw what he believed was a gunman leaning out of the passenger side of a vehicle moving toward him and his partner.

At the termination of the pursuit, Officer C, knowing that a person or persons within that vehicle had recently fired upon him and his partner, and believing that they may still be armed, posing a substantial risk of serious bodily injury or death, drew his service pistol.

- **Officer D**

Officer D believed the tactical situation had already reached the point where deadly force was necessary. At the termination of the pursuit, Officer D, knowing that a person or persons within that vehicle had recently fired upon him and his partner, and believing that they may still be armed, drew his service pistol.

The BOPC determined that, in both instances, an officer with similar training and experience while faced with similar circumstances would reasonably believe that there was a substantial risk and that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Officers C and D's drawing and exhibiting of a firearm to be in policy.

- Additional personnel drew their service pistols at the termination of the vehicle pursuit, including Sergeant A, Officers F, L and K. Having knowledge that a person or persons within that vehicle had recently fired upon Officers C and D, and believing that they may still be armed, posing a substantial risk of serious bodily injury or death, the aforementioned sergeant and officers drew their respective service pistols.

Sergeant A indicated that as he walked past the primary unit, he unholstered his weapon and stood by with his firearm pointed towards the ground so that he didn't present a threat or a risk to any of the officers that were engaged with the subjects. But in the event that the use of force that was occurring escalated to the point of

deadly force, he would be able to use his weapon in order to protect his life as well as the other officers.

Officer F stated he knew the subjects had tossed a rifle out of the vehicle, so he believed that they could possibly be armed with other firearms. For his safety and his partner's, he drew his weapon.

Officer K believed an officer involved shooting would occur, hence the drawing of his weapon.

Officer L indicated that he unholstered when he cleared the vehicle because he knew shots had been fired and the subjects could still be armed.

The BOPC determined that officers with similar training and experience while faced with similar circumstances would reasonably believe that there was a substantial risk and that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Sergeant A's, along with Officers F, L and K's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer C** – (pistol, 26 rounds)

Officer C observed the subject's vehicle traveling toward him, observed muzzle flash directed at him and his partner, and heard multiple shots coming from the passenger side of the vehicle. Officer C believed that the subjects in the vehicle were trying to kill him and his partner and were shooting in their direction, so he drew and fired back.

In conclusion, an officer with similar training and experience as Officer C would reasonably believe that the subject's actions of firing a rifle in the direction of the officers from a moving vehicle represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified. Therefore, the BOPC found Officer C's use of lethal force to be objectively reasonable and in policy.

- **Officer D** – (pistol, 14 rounds)

Officer D observed the Subject's vehicle approaching him and his partner although due to it being very dark and the headlights of the vehicle momentarily blinding him, Officer D was only able to observe a silhouette in the passenger side of the vehicle. Officer D then heard multiple shots and observed muzzle flashes in his direction. Officer D began to fire rounds at the muzzle flash, but a Subject in the vehicle continued to fire as he fired.

In conclusion, an officer with similar training and experience as Officer D would reasonably believe that the Subject's actions of firing a rifle in the direction of the officers from a moving vehicle represented an imminent threat of serious bodily injury or death and that the use of lethal force would be justified. The BOPC found Officer D's use of lethal force to be objectively reasonable and in policy.

D. Non-Lethal Use of Force

- **Officer D – Bodyweight/Punches**

Officers D, F and K, at the culmination of the pursuit, approached Subject 4 who was lying prone on the ground adjacent to the passenger side of the vehicle. Officers D, F and K utilized bodyweight and a series of punches to overcome Subject 4's resistance and detain him.

Officer D stated that in order to gain compliance and prevent Subject 4 from continuing to resist arrest, he delivered approximately two to three punches to Subject 4's right shoulder area, which proved to be ineffective. Officer D stated that he then punched Subject 4 three to four additional times with his left hand to Subject 4's right shoulder area and he believed one additional punch to the right shoulder area.

A review of the in-car camera video depicted that the initial force utilized by Officer D, bodyweight and initial three punches, to overcome Subject 4's resistance and effect his arrest was reasonable and within Department policy.

However, subsequent to the first three punches, Subject 4's right and then left arm was placed behind his back at which time Officer D was observed to punch Subject 4 an additional three times with his right hand to Subject 4's left upper torso/head area and an additional three times with his left hand to Subject 4's right upper torso/head area.

In objectively reviewing the incident with consideration given to Officer D's account, the BOPC determined that the final six punches delivered by Officer D were unreasonable, as the Subject was under sufficient control at the time, therefore out of policy.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that Subject 4 posed a threat to the officers and that the use of non-lethal force utilized to take him into custody would be justified. However, that same officer with similar training and experience would reasonably believe that once Subject 4's hands were behind his back, additional punches to his upper torso/head area would not be required to effect his arrest and would be excessive and unreasonable.

The BOPC determined that Subject 4 was not actively resisting arrest when Officer D delivered the final six punches to his upper torso/head. Therefore, given the totality of the circumstances, the BOPC found Officer D's use of non-lethal force to be out of policy.

- **Officer C – Bodyweight/Punch**

Officer C utilized bodyweight and delivered one punch to Subject 1's right shoulder area to overcome his resistance and effect his arrest.

Officer C applied his left knee to the Subject's right shoulder and gave him commands to stop resisting and to take his hands out from under his body. Subject 1 did not comply with Officer C's commands, so Officer C utilized a strike to Subject 1's right shoulder. Subject 1 then took his hands out from under his body and additional officers were able to bring his arms to his back and handcuff him.

- **Officer F – Bodyweight/Punches**

While taking Subject 4 into custody, Officer F delivered approximately four to five punches to his upper back to overcome Subject 4's resistance and effect his arrest.

Officer F ordered Subject 4 to give him his left arm. The Subject did not comply, which resulted in Officer F attempting to grab the Subject's arm and bring it to his back. In the process of doing so, Officer F gave the Subject approximately four to five closed fist distraction strikes to the Subject's back to get him to comply.

Based on the totality of the circumstances, an officer with similar training and experience as Officer F would reasonably believe that the use of non-lethal force in order to overcome the Subject's resistance and take him into custody would be justified.

- **Officer I - Firm Grip/Bodyweight**

Officer I utilized bodyweight and a firm grip to overcome Subject 1's resistance and effect his arrest. Officer I placed his leg on Subject 1's upper back. Officer I was telling him, "Let me have your hand. Let me have your hand," and pulling his hand.

- **Officer K – Bodyweight/Punch**

Officer K utilized bodyweight and delivered one punch to Subject 4's left torso/body area to overcome his resistance and effect his arrest.

Officer K recalled that he attempted to force Subject 4's left hand behind his back because he became rigid and was not complying. Officer K struck Subject 4 once to the left side of the body.

- **Officer L – Firm Grip/Bodyweight**

Officer L utilized bodyweight and firm grips to Subject 1's legs to overcome his resistance and effect his arrest. Officer L used his hands, placed a firm grip on Subject 1's legs, and also used his knees and body weight to control Subject 1's legs.

Based on the totality of the circumstances, an officer with similar training and experience as Officers C, F, I, K and L would reasonably believe that the use of non-lethal force in order to overcome Subject 1's resistance and take him into custody would be justified. The BOPC found Officers C, F, I, K and L's application of non-lethal force to be objectively reasonable and in policy.