

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

**LAW ENFORCEMENT RELATED INJURY 007-14**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Van Nuys	02/12/14		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	18 years, 3 months
Officer B	25 years, 3 months
Officer C	5 years, 8 months
Officer D	1 year, 9 months

**Reason for Police Contact**

Officers responded to a domestic violence related restraining order violation. The Subject attacked Officer A, and a law enforcement related injury (LERI) occurred.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X )</b>	<b>Non-Hit ( )</b>
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Subject: Male, 39 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 January 13, 2015.

## **Incident Summary**

Witness A stepped outside her house and was encountered by her ex-boyfriend, the Subject. She had known the Subject for 15 years and for the past three years had a restraining order in place preventing him from approaching her or her residence. Witness A immediately retreated back into her residence and locked her door. As the Subject approached her front gate and began ringing the doorbell, Witness A called the Los Angeles Police Department (LAPD), Communications Division (CD) to report his presence.

CD broadcast the call, and Officers A and B advised CD they would respond. While on their way to the scene, Officer B informed Officer A that he had been to this location before for a similar radio call, but had never made contact with the Subject.

CD broadcast that the Subject was in the alley to the side of the residence. The officers arrived in the area when a man on the east sidewalk, later identified as Witness 2, directed them east into an east/west alley.

The officers observed the Subject in the alley. He appeared to be attempting to conceal himself behind three trash cans that were along the north wall. Officer B drove east into the alley and positioned the officers' vehicle diagonally in a northeast direction facing the Subject. The officers exited their vehicle, and Officer A broadcast that he and Officer B were on-scene with the Subject in the rear alley.

Officer A was unsure if the Subject was armed, but he knew many domestic violence Subjects are armed, and he was not able to see the Subject's hands. Officer A unholstered his duty pistol and held it in a low-ready position. Officer A approached the Subject and stopped approximately 10 to 12 feet from him. Officer B positioned himself approximately three to four feet west of his partner. Officer A ordered the Subject to standup, put his hands up, step to the right and get on his knees. The Subject initially complied.

Officer A ordered the Subject to face away from the officers. The Subject turned north while remaining on his knees, with his hands on his head and fingers interlaced. The Subject was grunting and speaking incoherently, and Officer A believed the Subject was either under the influence of methamphetamines or was psychotic. Due to the Subject's odd behavior, Officer A believed that he would not be able to get the Subject into a prone position to handcuff him.

Officer A observed that the Subject's hands were empty so he holstered his pistol. Officer A took approximately two steps toward the Subject to handcuff him when the Subject suddenly stood up and turned toward him. Officer A broadcast a request for backup.

Officer A ordered the Subject to turn around, put his hands on his head and get back down on his knees. The Subject did not comply and was staring and grinding his teeth while walking toward Officer A.

In an attempt to diffuse the situation, Officer A drew his side-handle baton from its ring to a two-handed power stroke position. The Subject continued to advance and clinched his fists. Officer A swung his baton, aiming at the Subject's right thigh. The Subject had no reaction after being struck by the baton other than saying, "Ow," and remained standing in front of Officer A.

Officer A pulled his baton back in an attempt to strike the Subject again; however, prior to delivering another strike, the Subject ran east in the alley away from the officers. Officer A attempted to put his baton back on his belt and pursue the Subject; however, his baton fell to the ground. (Officer A later retrieved the baton after the Subject was taken into custody.)

The officers pursued the Subject on foot east in the alley. Officer A ran just behind and south of the Subject for approximately 50 to 60 feet and Officer B followed closely behind. The Subject drifted south across the alley in front of the officers. Officer A reached out with both hands, grabbed the Subject's right shoulder and pulled the Subject to the ground.

Officer A landed first, contacting his right knee with the ground while the Subject landed facedown with his head to the east. While on the ground the Subject concealed his arms under his torso.

Officer A positioned himself on the Subject's right side and used his right knee to apply pressure to the Subject's left shoulder and upper back area. Officer B positioned himself on the Subject's right side and used his right knee to apply pressure to the Subject's mid-back area. Officers A and B pulled the Subject's left hand out from under his body and secured a handcuff to it while the Subject's right hand remained concealed under his body. The Subject was given several commands to stop resisting.

Lieutenant A was monitoring the radio and heard the backup request by Officer A. The officers did not immediately respond to a request from CD, and Lieutenant A, believing the officers were in a struggle with the Subject, upgraded the call to a help call.

The Subject was attempting to move under the officers' body weight and was kicking his legs in an attempt to escape. Officer B reached with his left hand and grabbed hold of the Subject's right pant leg to secure that leg. Officer B held his radio in his hand and was preparing to broadcast for back-up when he heard over the radio that the call had been upgraded to a help call. Officer B then put his radio on the ground in front of him.

Officers C and D heard the broadcast for backup and responded to the location. While on their way to the location, the officers heard the backup request upgraded to a help call. The airship arrived first and directed Officers C and D toward the other officers.

Officers C and D exited their vehicle and observed Officers A and B struggling to control the Subject. The Subject was face down on the ground with his right arm under his body and was attempting to push himself up to a standing position. Officer B directed Officer C to grab the Subject's right hand. Officer D used both his knees and applied his body weight to the Subject's legs to control him from struggling. Officer C approached the Subject from his right side, bent over and with both hands grabbed the Subject's right wrist and pulled it free. Officer A completed the handcuffing. The Subject was later admitted to the hospital for minor injuries and several unrelated medical conditions.

Witness B, an independent witness, observed the majority of the incident and confirmed the officers' account of events. Much of the use of force was captured by a surveillance camera attached to a nearby business. None of the surveillance footage was inconsistent with the officers' statements.

### **Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

#### **A. Tactics**

The BOPC found Officers A, B, C and D's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting**

The BOPC found Officers A's drawing and exhibiting to be in policy.

#### **C. Non-Lethal Use of Force**

The BOPC found Officers A, B, C and D's non-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. Utilizing Cover

Officers are given discretion when considering their tactical options while attempting to conduct an arrest. Tactical options are conceptual in nature, incident specific and driven by situation. As such, Officers A and B's decision to leave cover and apprehend the Subject did not constitute a substantial deviation from approved Department tactical training.

## 2. Contact and Cover

Officer A was the contact officer and was communicating with the Subject when he broadcast a request for a back-up.

Due to the situation, it would have been tactically advantageous for Officer B to broadcast the back-up request due to the Subject's behavior, thereby allowing Officer A to focus his attention on the Subject. Operational success is based on the proper assumption of contact and cover roles during contacts with the public in an effort to maintain the tactical advantage.

## 3. Maintaining Control of Equipment

As Officer A chased after the Subject, he attempted to put his baton back on his belt, but instead dropped it to the ground. Officer A decided to leave his baton and pursue the Subject in an effort to apprehend him.

- 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.

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, C and D's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- Upon arrival, the officers were directed to the rear alley where they observed the Subject trying to conceal himself behind three trash cans. Officer A ordered the

Subject to stand up, but he did not comply. Being a high-risk situation, Officer A drew his service pistol.

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

### **C. Non- Lethal Use of Force**

- **Officer A** – Baton Strike, Take Down, Firm Grips, Bodyweight and Physical Force
- **Officer B** – Bodyweight, Firm Grip, Physical Force
- **Officer C** – Firm Grip, Physical Force
- **Officer D** – Bodyweight

After Officer A broadcast a request for a back-up, he ordered the Subject to turn around, put his hands on his head and get down on his knees. The Subject did not comply and was staring and grinding his teeth while walking toward Officer A. In an attempt to diffuse the situation, Officer A, with his right hand, drew his side handle baton from its ring to a two-handed power stroke position. The Subject continued to advance and clinched his fists. Officer A swung his baton, aiming at the Subject's right knee.

The baton struck the Subject on his right thigh. The Subject had no reaction after being struck by the baton other than verbally stating, "Ow," and remained standing in front of Officer A. Officer A pulled his baton back in an attempt to strike the Subject again; however, prior to delivering another strike, the Subject ran eastbound in the alley away from the officers. Officer A attempted to put his baton back on his belt and pursue the Subject; however, his baton fell to the ground.

The officers pursued the Subject on foot in the alley. Officer A ran just behind and south of the Subject for approximately 50 feet and Officer B followed closely behind. Officer A reached out with both hands, grabbed the Subject's right shoulder and held onto him as he pulled the Subject to the ground.

Officer A landed first by contacting his right knee with the ground while the Subject landed facedown with his head to the east. While on the ground the Subject concealed his arms under his torso.

Officer A positioned himself on the Subject's right side and used his right knee to apply pressure to the Subject's left shoulder and upper back area. Officer B also positioned himself on the Subject's right side and used his right knee to apply

pressure to the Subject's mid-back area. Officers A and B pulled the Subject's left hand out from under his body and secured a handcuff to it while the Subject's right hand remained concealed under his body. According to Officer B, the Subject was given commands to stop resisting.

The Subject was attempting to move out from under the officers' bodyweight and was kicking his legs in an attempt to escape. Officer B reached with his left hand and grabbed the Subject's right pant leg to secure it. Officer B held his radio in his hand and was preparing to broadcast for back-up when he heard over the air that their call had been upgraded to a help call. Officer B then put his radio on the ground in front of him.

Officers C and D responded. Officers C and D exited their vehicle and observed Officers A and B struggling to control the Subject. The Subject was face down on the ground with his right arm under his body and was attempting to push himself up to a standing position. Officer B directed Officer C to grab the Subject's right hand.

Officer D used both of his knees and applied bodyweight to the Subject's legs to control him and prevent his escape. Officer C approached the Subject from his right side, bent over and with both hands, grabbed the Subject's right wrist, pulling it free. Officer A then completed the handcuffing.

After a thorough review of the incident, the BOPC determined that officers with similar training and experience as Officers A, B, C and D would believe the application of non-lethal force would be reasonable to overcome the Subject's resistance to prevent further injury and/or escape.

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