

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

LAW ENFORCEMENT RELATED INJURY – 013-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	02/10/15		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	1 year, 2 months
Officer B	11 years, 11 months

Reason for Police Contact

Officers were hailed by a witness referencing the Subject kicking and possibly trying to burglarize a parked car. Officers contacted the Subject who resisted, and a Law Enforcement-Related Injury (LERI) occurred.

Subject(s)	Deceased () Wounded (X) Non-Hit ()
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Subject: Male, 45 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 19, 2016.

Incident Summary

Police Officers A and B were working a foot beat assignment for a specialized task force. They were driving in a marked black and white police vehicle when they were flagged down by a citizen who was standing in the cross-walk of the intersection.

As Officer B stopped the police vehicle in the intersection, he and Officer A exited and made contact with the witness, who pointed at a male subject on the one side of the street. The witness advised officers that the individual had kicked the door of a van parked at the west curb of the street, and attempted to gain entry by forcing the passenger window open with his hands.

Note: Officer B was equipped with a Body Worn Video (BWV) camera mounted to the front of his uniform at chest level. He activated the camera shortly after he observed the witness attempting to flag him down.

As the officers remained stopped on the street, the individual, (the Subject), calmly approached the officers without being directed to do so, and began making incoherent statements. Aware of vehicle traffic, and because it was during hours of darkness, Officer B directed the Subject, from the street, to the east sidewalk to avoid being struck by an oncoming vehicle. The Subject complied and began to walk from the intersection toward the curb, followed by Officer A. As they crossed lanes of traffic, the Subject began to veer away from Officer A. Officer A placed a hand on the Subject's left shoulder and continued to verbally direct him to the sidewalk. Simultaneously, Officer B re-entered the police vehicle and drove it to the curb of the street, out of traffic lanes.

Once on the sidewalk, Officer A walked the Subject to a wall of the building located at one corner of the intersection. Due to the Subject's abnormal behavior and knowledge that a felony crime had been reported, Officer A grabbed the Subject's arms and guided them behind his back in order to handcuff him. Officer A explained to the Subject that he was being handcuffed for both of their safety while he conducted the investigation. Upon doing so, the Subject, in a calm tone, stated that, "(he) won't like that very much."

Note: Officer A believed the Subject's behavior and incoherent statements were consistent with a person with mental illness. Officer B had pulled his police vehicle to the curb and was exiting. He did not hear the statements made by the Subject.

As Officer A again informed the Subject he was going to be handcuffed, the Subject responded by stating something to the effect of, "Don't fucking touch me!" As Officer A grabbed the Subject's interlaced fingers to control him, he responded by pulling his arms away from the officer's grip, in an attempt to free his hands.

Utilizing the wall as leverage, the Subject began pushing himself backward with his feet, toward Officer A, as Officer A attempted to grab his left wrist to apply the handcuff. The Subject then kicked his right foot back, toward Officer A and wrapped his foot around

Officer A's right calf. Officer A responded by leaning into the Subject's body, pressing him against the wall to control his movement.

As Officer B approached on foot, he observed the Subject struggling with his partner. He immediately began instructing the Subject, repeatedly, to stop resisting. With his left hand, Officer B grabbed the Subject by the left arm and pushed it toward the wall to assist in controlling the Subject's movement as the Subject continued to struggle. Simultaneously, Officer B broadcast the officers' status and location (Code Six) to Communications Division (CD) and requested an additional unit.

As Officer A placed a handcuff on the Subject's left wrist, the Subject tensed his body and continued to push himself away from the wall. Officer B warned the Subject he would be taken to the ground if he continued to resist.

Note: A video camera mounted to the corner of the building captured footage of the use of force. Officer A is observed placing both hands behind the Subject's back, then holding on to the Subject's fingers as he faced the wall. Officer A then attempted to handcuff the Subject's left wrist as he continued to resist.

Officer B grabbed the Subject's left arm with his right hand and placed his left hand behind the Subject's head. The Subject continued to struggle by moving his hands and feet, pushing himself away from the wall, resisting Officer A's attempt to handcuff his right wrist. As the Subject tensed his body and straightened his arms, Officer B advised his partner to take the Subject to the ground, where he believed the officers could gain better control.

Officer A performed a straight-arm takedown by firmly grabbing the Subject's right wrist and placing his left hand against the back of the Subject's arm, just above the elbow. As the Subject tensed his right arm and pushed it downward, Officer A pulled the Subject's right wrist toward his gun belt. He rotated his hips to the right, creating momentum, forcing the Subject to turn in the same direction. Simultaneously, Officer A pulled the Subject down to the sidewalk while maintaining ahold of the Subject's right arm. The Subject landed on the ground on the right side of his body, striking the right side of his head and shoulder. Officer A applied downward body weight to the upper left portion of the Subject's back with his left knee, to control the Subject's movement. He extended his right leg out to maintain his balance as the Subject attempted to roll and position himself to stand. Officer A grabbed the handcuff chain on the Subject's left wrist, pulled the Subject's right hand behind his back, and completed the handcuffing.

Note: During the interview with Officer A, he recalled applying body weight to the Subject's back as the Subject lay face down during handcuffing. The security video depicted the Subject remaining on his right side after being taken to the ground. In the video, Officer A was seen applying body weight to the Subject's left leg with his left knee as the Subject rotated his body in a clockwise direction. Officer A assumed a

seated, straddled position on the Subject's left hip. The Subject continued to maneuver his feet toward Officer A's left foot, as Officer A appeared to place a handcuff on the Subject's right wrist. Once the Subject was handcuffed, Officer A assumed a standing position, bent at the waist, still straddled over the left side of the Subject's body, restraining the Subject's upper body with a hand on the Subject's left arm and shoulder.

While Officer A handcuffed the Subject, Officer B placed his left hand on the Subject's right shoulder and continued to instruct the Subject to stop resisting. Believing the Subject was going to continue to resist, Officer B requested a back-up over the police radio.

Note: Body Worn Video (BWV) depicted that when Officer A handcuffed the Subject, Officer B placed his left hand on the Subject's shoulder while instructing the Subject to stop resisting, and to relax and remain on the ground. Officer B broadcast that the incident had been resolved (Code Four), and that the suspect was in custody.

Officer B requested the response of a supervisor as additional units began to arrive on scene. Officer A observed the Subject had sustained an abrasion to the right side of his face near his eyebrow, and requested the response of a Rescue Ambulance (RA).

Patrol Supervisor, Sergeant A, arrived on scene and was immediately advised of the use of force. Based on the information, he initiated a Non-Categorical Use of Force Investigation (NCUOF). He admonished the Subject of his Miranda rights, however, the Subject refused to answer any questions.

A Los Angeles Fire Department (LAFD) RA, staffed by Fire Fighter (FF) / Paramedics (PM) responded and transported the Subject to the hospital where he was treated for his injuries and ingestion of methamphetamine.

Note: The following morning, the Watch Commander, Sergeant B, was advised by Los Angeles County Sheriff's Department Jail Ward that the Subject was to be admitted to the hospital due to a fractured sternum and sutures for a head laceration.

Sergeant B contacted Force Investigation Division (FID) via Real-Time Analysis and Critical Response Division (RACR) and made notification of the Subject's admittance to the hospital. Officers A and B were contacted at home and admonished not to discuss the incident. As the officers arrived to work for their regular work shift, they were separated and monitored.

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 Officers A and B's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

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

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC considered the following:

1. Code Six

Officers A and B did not initially advise CD of their Code Six location when they exited their vehicle after being flagged down by a citizen.

The purpose of issuing a Code-Six broadcast is to advise CD and officers in the area of the involved officers' location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. In this case, there was a delay and Officer B did not broadcast the officers' Code Six location until he observed his partner struggling with the Subject.

Officer safety is of paramount concern, and officers should always strive to maintain the tactical advantage during field duties. Officers A and B are reminded of the Department's requirement to go Code Six whenever tactically feasible when conducting a field investigation.

2. Contact and Cover

Officer A assumed the role of cover officer and then elected to handcuff the Subject while his partner, Officer B, was moving the police vehicle out of the middle of the street.

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

Although the Subject was compliant upon initial contact, the BOPC believed, and the Chief concurred, that Officer A acted prematurely when he elected to take the Subject into custody without the benefit of a cover officer. In this case, it would have been more tactically advantageous for Officer A to wait for his partner before attempting to handcuff the Subject.

These topics were to be discussed during the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were additional areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to discuss the incident and the individual actions that took place during this incident.

In conclusion, the BOPC found that Officer A and B's tactics warranted a Tactical Debrief.

B. Non-Lethal Use of Force

- **Officer A:** Firm Grip, Physical Force, Takedown, Bodyweight
- **Officer B:** Firm Grip, Physical Force

When Officer A advised the Subject he was going to be handcuffed, the Subject tensed up and then attempted to straighten out his arms and pushed back from the wall with his feet. In an effort to stop the Subject's resistance, Officer A used the right side of his body to press the Subject up against the wall, while maintaining a firm grip with his left hand on the Subject's left wrist. The Subject continued to resist and attempted to wrap his right foot around Officer A's right leg.

Officer B utilized his left hand and applied a firm grip on the Subject's upper left arm as Officer A placed a handcuff on the Subject's left wrist. When Officer A attempted to place the other handcuff on the Subject's right wrist, the Subject continued to

resist and tensed up his right arm. Officer B then directed Officer A “to take him [the Subject] to the ground.”

Note: Officer B's BWV reflects that just prior to the takedown, Officer B utilized his right hand and applied a firm grip to the Subject's left bicep area and placed his open left hand on the back of the Subject's neck.

Officer A performed a straight-arm takedown by firmly grasping the Subject's right wrist and placing his left hand against the back of the Subject's right arm, just above the elbow. As the Subject tensed his right arm, Officer A pulled the Subject's right wrist towards his gun belt, applied downward pressure above the Subject's right elbow and rotated his hips to the right, forcing the Subject to turn in the same direction and fall to the ground. Meanwhile, Officer B continued to verbalize with the Subject to stop resisting.

According to Officer A, the Subject landed face down on his chest, striking the right side of his head and right shoulder on the ground. Officer A placed his left knee on the upper left portion of the Subject's back and applied bodyweight to control his movement.

According to Officer B, the Subject landed on his right side, striking his right shoulder and head on the ground. Officer A then applied bodyweight and placed one of his knees on the Subject's back area. Officer B then placed his left hand on the Subject's right shoulder to hold him down and continued to verbalize with the Subject to stop resisting.

Note: A review of the video from the building revealed that the Subject landed on his right side after the takedown. After the Subject fell to the ground, Officer A applied bodyweight to the Subject's right leg and left hip area with his left knee. The Subject continued to struggle with the officers after being taken down to the ground. Officer A then applied bodyweight on the Subject's left leg with his left knee to stop his resistance and ultimately assumed a straddle position over the left side of the Subject's body.

Officer A grabbed the handcuff chain on the Subject's left wrist, pulled the Subject's right hand behind his back, and completed the handcuffing.

After a review of the incident and the non-lethal force used by these officers, the BOPC determined that an officer with similar training and experience as Officers A and B would believe this same application of force would be reasonable to overcome the Subject's resistance, prevent his escape and to effect an arrest.

Therefore, the BOPC found that Officers A and B's non-lethal use of force to be objectively reasonable and in policy.