

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

**LAW ENFORCEMENT RELATED INJURY 024-09**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(X) Off()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
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Foothill	04/03/09		
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<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
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Officer A	20 years, 8 months
Officer B	1 year, 8 months

**Reason for Police Contact**

Officers responded to a burglary in progress call, where the subject was being pursued by a witness.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
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Subject 1: Male, 26 years.

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent suspect criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission. 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 03/02/10.

**Incident Summary**

Victim A called 911 to report that he had caught someone breaking into his vehicle, and that witness A was pursuing Subject 1. Communications Division (CD) broadcasted the

location and a description of Subject 1. Officers A and B, driving a marked police vehicle and in full uniform, were nearby and responded to the location. Prior to the officers' arrival, Witness A had caught up to Subject 1, and after trading punches, Witness A had restrained Subject 1.

Upon arrival of the officers, Witness A released his grip on Subject 1, at which point Officer A ordered Subject 1 to place his hands behind his head. Subject 1 did not respond to the commands, and started to move toward Officer B with clenched fists.

As a result of Subject 1's aggressive action, both officers approached Subject 1. Officer A used both of his hands to grab Subject 1's right wrist, while Officer B grabbed his left elbow and left wrist. Subject 1 resisted the officers by turning in a violent manner to try to pull away from the officers' grasp. The officers then moved Subject 1 toward the police vehicle, where they bent his upper body over the hood in an attempt to control him. Subject 1 then appeared to relax, and Officer A contacted CD to request back-up.

Officer B began to handcuff Subject 1. Subject 1 resisted having his arms placed behind his back and stiffened his body. Officer A assisted Officer B in handcuffing Subject 1, but the officers were unable to force Subject 1's hands behind his back. Subject 1 continued to struggle, and Officer A used a leg sweep to take him to the ground. Once Subject 1 was on the ground, Officer A straddled his upper body, while Officer B straddled his lower body.

Subject 1 continued to struggle and regained his feet. Subject 1 clenched his fists and assumed a boxing position as though he was preparing to punch Officer A. In response, Officer A struck Subject 1 two times in the face with his fist.

Sergeants A and B, responding to the back-up request, arrived at the location, and observed Subject 1 lying on the ground. Subject 1 was then handcuffed and assisted to his feet by the officers, at which point the sergeants noted that Subject 1 was bleeding from a facial injury. Subject 1 was transported to the hospital where he was admitted for treatment due to his injuries sustained in the struggle.

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

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

## **A. Tactics**

The BOPC found Officers A and B's tactics to warrant a tactical debriefing.

## **B. Non-lethal Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

In adjudicating this incident, the BOPC considered that:

1. Subject 1 refused to comply with Officer A's commands, clenched his fists and took several steps in the direction of Officer B.

It would have been prudent for the officers to have request back-up after observing Subject 1's actions.

2. When Officer A observed Subject 1 to have his fists clenched and raised in a boxing position, Officer A delivered two closed fist strikes to Subject 1's face.

The use of strikes to the face and head is discouraged due to the likelihood of the officer injuring his own hand, thus it would have been prudent for Officer A to have utilized an alternate force option.

### **B. Non-lethal Use of Force**

1. Officers A and B utilized non-lethal force to overcome the resistance presented by Subject 1 and take him into custody.

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