

**ABRIDGED SUMMARY OF A HEADSTRIKE WITH AN IMPACT WEAPON AND
FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

HEADSTRIKE WITH AN IMPACT WEAPON – 047-09

Division	Date	Duty-On(X) Off()	Uniform-Yes() No(X)
77 th Street	07/05/09		

Officer(s) Involved in Use of Force	Length of Service
Officer A	6 years, 6 months
Officer B	5 years, 1 month

Reason for Police Contact

During a narcotics investigation, Officers approached the Subject, who was also wanted on a traffic warrant. The Subject fled the scene and at the termination of the foot pursuit, the Subject struggled with the two officers while they attempted to place him into handcuffs. During the struggle, the Subject was struck in the head by an ASTRO radio.

The Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Male, 38 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 (UOFRB) recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The 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 either male or female employees.

The following incident was adjudicated by the BOPC on July 6, 2010.

Incident Summary

Officer A received a telephone call from an unidentified male citizen, who complained that a male subject was selling marijuana from an alley to the rear of a residence. The citizen also provided the subject's name and a physical description to Officer A. Officer A used Department resources to check on the residence to determine if prior police contacts or crime reports could be linked to the location. Officer A also obtained a copy of the Subject's photo identification and discovered that the Subject had a misdemeanor warrant for a traffic violation.

Officers A and B, who were dressed in plainclothes, drove in an unmarked vehicle through the alley behind the identified residence. Officers A and B had additional equipment in their vehicle, including ballistic vests and raid jackets.

Officer A immediately observed a male that he recognized as the wanted Subject, standing near a pick-up truck parked in the alley. Officer A pulled approximately 20 feet beyond the Subject's location to conceal himself, and Officer B. Officer A then parked the vehicle and exited with the intent to make contact with the Subject. Initially, upon exiting the vehicle, Officer A carried his raid jacket in his left hand, but did not put it on. Officer B attempted to recover his raid jacket as he exited the vehicle, but was unable.

As they approached the Subject, Officers A and B identified themselves as Los Angeles Police Officers and Officer A addressed the Subject by name. Officer B broadcast that they were Code Six over his radio, indicating that they had arrived at the location. The Subject put his hands in the air and wanted to know what the police wanted with him. Officer A told the Subject that he had a warrant for his arrest, at which time the Subject fled on foot. Officer B requested an additional unit via his hand-held radio, and once the broadcast was complete, Officer B held the radio in his hand as he ran after the Subject.

Officers A and B ran after the Subject and ordered him to stop, but the Subject did not. At some point during the foot pursuit, Officer A dropped his ASTRO radio and did not stop to retrieve it. Officer B chose not to make any additional broadcasts regarding the foot pursuit because he felt the Subject was contained within a yard.

As the Subject approached a wall in the alley, Officer B shoved him in the upper shoulder area in an attempt to pin the Subject's chest and body against the wall. Officer B's left hand was empty, but he was holding his ASTRO radio in his right hand when he shoved the Subject. Officers A and B attempted to arrest the Subject and handcuff him. During the arrest phase, the Subject was struck by the ASTRO radio and sustained an abrasion to his head above the right ear.

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 while 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 Debrief.

B. Non-Lethal Use of Force

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

C. Use of Force

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

Board of Police Commissioners Analysis

In their analysis of this incident, the BOPC identified the following considerations:

Tactics

1. Donning Ballistic Vests and Raid Jackets

Based on their preliminary investigation, Officers A and B developed a plan to respond to the location, gather information on the narcotics complaint and arrest the Subject for the warrant if he was present. Their plan called for the plainclothes officers to initiate contact and arrest the Subject. As such, the officers were required to wear their ballistic vests and the wearing of their raid jackets would have been appropriate. Although the Subject was wanted for a traffic warrant and did not have a criminal history, Officers A and B believed that the Subject was potentially the source of the narcotics complaint and thus a potential narcotics dealer.

2. Deployment of the Police Vehicle

In this instance, Officer A parked approximately 16 feet from the east property line. The vehicle was concealed from the Subject's line of sight by a chain link fence covered with vines. Officers A and B exited their vehicle and attempted to don their raid jackets; however, the officers noted that they had been observed by the Subject. Because they had been compromised, Officer A initiated contact with the Subject. It would have been preferred that the officers had placed their vehicle in a more advantageous location or would have continued driving and requested uniformed personnel to assist with the arrest.

3. Code 6

In this instance, the officers made contact with the Subject and he began slowly moving to his left while stating that he had not done anything wrong. It was at this point that Officer B broadcast his location and also made a request for an additional unit. As the officers were responding to a specific location intending to investigate a narcotic complaint and a detention was likely, it would have been prudent to advise CD of their status and location prior to entering the alleyway.

4. Foot Pursuit Broadcast

In this instance, the Subject fled southbound along the west side of the property, to eastbound in the front yard of a nearby residence, then northbound between the two structures, back to the west side of the property and into the alley, followed by the officers. Although the foot pursuit remained within the fenced boundaries of the property, the officers traversed approximately 175 yards without advising CD of the unfolding tactical situation.

Officer B should have requested a back-up and broadcast the suspect's description, direction of travel and nature of the crime. By not broadcasting this information, a circumstance was created wherein area patrol personnel were not aware of the evolving tactical situation and Officers A and B lacked valuable additional resources.

5. Simultaneous Commands

In this instance, the officers discussed their tactical roles prior to entering the alley. Officer A was designated to be the contact officer, while Officer B was to be the cover officer; however, during the foot pursuit Officer B deviated from this plan when both Officers A and B issued verbal commands to the Subject.

6. Initiating Physical Contact While Holding a Handheld Radio

In this instance, from the onset of the foot pursuit to its termination as well as during the handcuffing of the Subject, Officer B held his radio in his right hand. At the termination of the foot pursuit, Officer B observed Officer A struggling to control the Subject's left arm.

In response, Officer B pushed the Subject on the back with both hands. Officer B then utilized his left hand and right arm to force the Subject's right hand behind his back to a position of handcuffing. Officer B placed himself at a tactical disadvantage by initiating physical contact with the Subject while holding his radio in his right hand. This act precipitated the inadvertent head strike and hindered his ability to control the Subject's right arm.

The BOPC found that the tactics utilized by Officers A and B warranted a Tactical Debrief.

Drawing/Exhibiting

Does not apply.

Non-Lethal Use of Force

The BOPC evaluated the circumstances relevant to Officer A and B's Non-Lethal use of force and determined that the force was objectively reasonable to overcome the actions of the suspect.

In conclusion, the BOPC found the non-lethal force utilized by Officers A and B to be in policy.

Use of Force

In this instance, because Officer B held his ASTRO radio in his hand during the incident, the application of non-lethal force resulted in an inadvertent "head strike". Officer B stated that the "head strike" was unintentional and may have occurred when he forced the Subject's right arm down from his head area to behind his back while holding his radio in his right hand. However, the investigation was unable to determine the exact time that the "head strike" occurred.

The preponderance of the evidence indicates that the Subject was struck one time on the head during the altercation with Officers A and B. The physical evidence (e.g. the extent of the injury and lack of trace blood on the ASTRO radio) is indicative of having only been struck one time, contrary to events as described by the Subject.

The BOPC found that the head strike was inadvertent and that the application of lethal force was objectively reasonable and found that the unintentional actions which resulted in the lethal force utilized by Officer B to be in policy.