

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

**LAW ENFORCEMENT-RELATED INJURY – 047-15**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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North Hollywood	6/18/15		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	6 years, 10 months
Officer B	3 years, 9 months
Officer D	28 years, 7 months
Officer E	7 years, 2 months
Officer F	5 years, 8 months

**Reason for Police Contact**

Officers responded to a radio call of a man assaulting a woman. Upon arrival, the officers observed the Subject wrap his arm around the Victim's neck. The Subject refused to let the Victim go, and a use of force occurred with an officer firing his beanbag shotgun, resulting in a Law Enforcement-Related Injury (LERI).

<b>Suspect</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 29 years old.

**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 April 19, 2016.

## **Incident Summary**

Communications Division (CD) received a 911 call from Witness A. Witness A reported that the Subject, was hitting a female and threatening him, and he was worried that the Subject might kill the female. Witness A also advised CD that the Subject was a wanted parolee.

CD broadcast a call of a man assaulting a woman. Officers A (driver) and B (passenger) advised CD that they would handle the call. The officers recognized the location from a conversation that they had at the beginning of their watch.

Officers A and B arrived at the location. Officer A parked his vehicle at the west curb, approximately one house north of the location. Officer B notified CD they were at the location via the radio, and the two officers exited their vehicle. The officers observed Witness B walking down her driveway toward the street. Witness B pointed in an easterly direction and advised Officer A that the suspect and victim had left in that direction. The officers returned to their vehicle, drove eastbound and observed the Subject and the Victim walking on the sidewalk. The Subject looked back several times in the officers' direction.

As the officers approached the Subject, Officer B updated CD and advised that they were with the suspect. Officer A stopped the police vehicle west of the Subject and the officers exited while ordering the Subject to stop and put his hands up. The Subject immediately grabbed the Victim around her throat with his left arm and yelled an expletive at the officers. The Subject began choking the Victim with his left arm and turned so that the Victim was facing the officers, positioned between him and the officers. The Subject made several movements with his right hand as if he was reaching for a weapon in both his front and rear waistband area. Officer B unholstered his pistol and pointed it at the Subject. Officer A also unholstered his pistol. The Subject began walking backward, while continuing to hold the Victim in a choke-hold and using her as a shield.

Officer B requested a backup. Within seconds, Officer A upgraded it to a help call. Officer B then advised CD, "We have a subject at gunpoint, holding a hostage." The Subject continued backing northbound into a front yard. The officers continued to update CD of their location and advised responding units that the suspect was possibly armed. As the Subject backed down the driveway into a carport area, he backed into a block wall that had a closed gate. The Subject crouched down pulling the Victim into a seated position while continuing to choke her. The officers continued to order the Subject to release the Victim and he refused, while still reaching toward his waistband as if reaching for a weapon. Both officers could clearly see that the Victim was having difficulty breathing.

Officers C arrived at the location and saw the officers with their guns drawn pointed northbound in the driveway. He made his way to that area and observed the Subject crouched in the corner, his left arm around the Victim's neck, and his right arm concealed between his body and hers. Officer C unholstered his pistol. The officers continued ordering the Subject to release the Victim and he continued his noncompliance. The Subject stood up and continued to choke the Victim while using her as a shield.

Officers D and E arrived at the location. As the officers were parking at the location, Officer D advised Officer E that he was going to retrieve the beanbag shotgun and Officer E advised he would retrieve the shotgun. Officer E attempted to recover the shotgun and discovered the keys had been removed from the vehicle, which required him to use his keys in order to unlock the shotgun.

Officer D removed the beanbag shotgun from the rear of his vehicle and ran toward the other officers' location. Officer D observed the Subject with his left arm around the Victim's neck. He observed the three other officers had their guns unholstered and were ordering the Subject to release the Victim. The Subject was not complying and as Officer D approached the Subject, he chambered a round in the beanbag shotgun, raised it to his right shoulder, pointed it in the direction of the Subject and released the safety. Officer D announced, "If you don't let her go, this is going to hurt."

The Subject tightened his grip around the Victim's neck causing the right side of his body to be exposed. Officer D fired one round from the beanbag shotgun from a distance of approximately 10 feet, striking the Subject in the right abdomen area. The Subject continued choking the Victim and Officer D fired a second round striking the Subject in the upper right arm. The Victim was able to break free from his grip and ran south. The Subject began advancing toward the officers, and Officer D fired a third round striking him in the right leg.

After the second beanbag shotgun round, Officer B holstered his weapon. After the third round, Officer B rushed toward the Subject and grabbed him around the upper torso in a bear hug and pushed him up against the block wall before they both fell to the ground. Officer B stated, "And that's when I just -- I saw my opportunity. Suspect was distracted. His hands were visible. I didn't see any weapons. I just ran up to him. Grabbed him. I basically bear hugged him from the side."

Officers A and C, upon seeing Officer B grab the Subject, immediately holstered their weapons and advanced to assist him. Officer A applied bodyweight on the Subject's shoulder area. Officer C advised officers that he would handcuff the Subject.

Officer E had heard the first beanbag round go off and turned to see Officer D fire the next two rounds at the Subject. He ran toward the officers' location. Upon seeing officers engaged in the handcuffing, he took hold of the Subject's right leg to prevent him from kicking the officers.

Officers F and G arrived at the location. Officer F exited his vehicle and began approaching the carport area when he heard one shot. As he turned the corner he saw several officers controlling the Subject while applying handcuffs. Officer F grabbed each of the Subject's ankles to prevent him from kicking an officer.

Officer C completed the handcuffing of the Subject. Officer C searched the Subject for weapons and none were discovered. The officers rolled the Subject over to a seated position with his back resting against the wall. The officers observed several injuries on the Subject indicative of being struck with a beanbag round.

Officers H and I arrived at the location and observed the Victim running away from where the Subject was being taken into custody. Officer H stopped the Victim and asked her if she was okay. The Victim replied, "He tried to kill me." Officer H requested a Rescue Ambulance (RA) for the Victim. Officer F, believing only one RA had been requested for the Victim, advised CD that a second RA was needed for the Subject.

It was determined that the Subject had been armed with a knife, prior to the police response, during his initial attack on the Victim. Officers F and I responded to the area where the Victim believed the Subject had discarded the knife and searched for it with negative results.

Detective A arrived at the scene and was briefed by Officer A. He was then able to determine the five officers who were involved in the use of force. He interviewed the officers individually. Detective A then utilized additional supervisors at the scene to assist him canvassing for witnesses and photographing the scene. Based on the officers' statements, evidence at scene and the injuries visible on the suspect, Detective A determined he had a Level II Non-Categorical Use of Force (NCUOF) investigation and proceeded as such.

Sergeant A and Detective A responded to the hospital where the Subject had been taken and attempted to interview the Subject. The Subject refused to sign a medical release form and after being advised of his Miranda Rights, stated he would not talk until he checked with his probation officer. The Subject provided contact information for the probation officer and Detective A attempted to contact him with negative results.

Officers J and K had been assigned to escort the Subject when he was transported to the hospital. Nearly five hours after the incident began, they were advised by medical staff that the Subject had a lacerated liver and a contusion to his lung as a result of being struck by the beanbag rounds. The officers were further advised that the Subject would be transferred to another hospital and admitted there for continued medical care. Officer J contacted Detective A and informed him of the Subject's updated status.

Detective A relayed the information to Lieutenant A. Lieutenant A and Detective A located, separated and monitored Officers A, B and E who were still at the police station. The appropriate notifications were then made advising that the incident had become a Categorical Use of Force (CUOF).

## **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 made the following findings.

### **A. Tactics**

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

### **B. Drawing and Exhibiting of a Firearm**

The BOPC found Officers A, B and C's drawing and exhibiting a firearm to be in policy.

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

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

### **D. Less-Lethal Use of Force**

The BOPC found Officer D's less-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. Tactical Planning**

Officer B did not communicate his intentions of contacting the Subject to the other officers. Operational success is based on the ability of the officers to effectively plan and approach each incident in a safe manner. Officers when faced with an ongoing tactical situation must remain alert to improve their overall safety, by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officer B observed an opportunity to grab the Subject and take him down to the ground, but did not communicate his intentions to the other officers. The other officers observed Officer B take the Subject down to the ground and assisted him with controlling the Subject. The Subject was then handcuffed and taken into custody without further incident.

Based on the totality of the circumstances, the BOPC determined that in this instance, the officer's actions were reasonable and not a substantial deviation from approved Department tactical training. In an effort to enhance future tactical performance, the BOPC directed that this be a topic of discussion 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 identified areas where improvement could be made and 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.

In conclusion, the BOPC found Officers A, B, C, D, E and F's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- Officers A and B observed the Subject with his left arm around the victim's neck and reaching toward his waistband with his right hand as if he had a gun or weapon. Believing that the situation could escalate to the point where deadly force would be justified, both officers drew their service pistols.

Officer C responded and observed the suspect sitting down holding the victim with his left hand, choking her. Officer C drew his service pistol with the belief that the situation could escalate to the use of deadly force.

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

In conclusion, the BOPC found Officers A, B and C's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A:** Bodyweight
- **Officer B:** Takedown
- **Officer E:** Physical Force
- **Officer F:** Physical Force

After Officer D fired the third beanbag round at the Subject, Officer B approached the Subject. Officer B wrapped his arms around the Subject's upper torso in a bear hug, pushed him against a block wall, and took the Subject to the ground with his arms wrapped around the Subject's arms. Officer A placed his left knee on the Subject's left shoulder and utilized his bodyweight to control the Subject's movements. Officer E observed the other officers attempting to handcuff the Subject and wrapped his arms around the Subject's right leg, while Officer F grabbed the Subject's ankles with both of his hands in order to prevent him from kicking the officers. Officer C then moved in and completed the handcuffing of the Subject without further incident.

After a thorough review of the incident and involved officers' statements, the BOPC assessed each application of force by each involved officer. The BOPC determined that an officer with similar training and experience as Officers A, B, E and F, would believe the application of non-lethal use of force would be reasonable to overcome the Subject's resistance and take him into custody.

In conclusion, the BOPC found Officers A, B, E and F's non-lethal use of force to be in policy.

### **D. Less-Lethal Use of Force**

- **Officer D** – (three beanbag shotgun sock rounds)

According to Officer D, the Subject tightened his grip around the Victim's neck and then applied pressure, causing the Victim to rise up and make her eyes bulge. Fearing for the safety of the Victim, Officer D fired one sock round from his beanbag shotgun at the Subject to stop his actions.

Officer D assessed and noted that the sock round did not appear to have any effect and the Subject was continuing to choke the Victim. Fearing for the safety of the Victim, Officer D fired another sock round from his beanbag shotgun at the Subject to stop his actions.

After the second sock round, the Subject loosened his grip, and the Victim was able to break free and run away. The Subject then stepped toward Officer D, at which time Officer D fired a third sock round at the Subject to stop his actions.

Department policy states that the decision to use force must be judged through the perspective of a reasonable officer under similar circumstances. The BOPC

determined that an officer with similar training and experience as Officer D would reasonably believe the application of less-lethal force to stop the Subject's actions was reasonable and would have acted in a similar manner.

In conclusion, the BOPC found Officer D's less-lethal use of force to be in policy.