

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

LAW ENFORCEMENT RELATED INJURY – 059-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
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Central	7/15/15		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	25 years, 5 months
Officer B	19 years, 3 month
Officer C	9 years, 4 month

Reason for Police Contact

Officers A, B, and C were working a special detail when they attempted to arrest the Subject for selling narcotics. The Subject resisted, resulting in a Law Enforcement Related Injury (LERI).

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 1: Male, 47 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 June 7, 2016.

Incident Summary

Members of a specialized unit were conducting plainclothes enforcement activities in a designated area.

Note: The unit consisted of the several officers and detectives, including Detectives A, B and C, and Police Officers A, B, C, D and E.

Prior to beginning their mission, the members of this detail discussed the tactics they were going to utilize to effect the arrest of narcotic sellers and users in their area. Detectives A and B divided their personnel into their respective roles. Officers D and E were tasked with establishing an observation post (OP) at a location of their choosing. They were given the latitude to drive through the area to look for individuals engaged in the street sale or use of narcotics. After spotting suspected illegal activity, the officers' responsibility was to advise the other Unit personnel via radio of their observations and direct them to the person(s) to be detained.

Two arrest/chase teams were designated for this operation. One arrest team was to operate from a marked black and white police vehicle. That assignment was given to Officer A and Detective C. Their role was to position themselves out of sight but in the general vicinity of where the OP was established and be the first to respond when needed to detain potential violators. The other arrest team was assigned to Officers B and C. They were tasked with similar responsibilities; however, they were to utilize an unmarked vehicle and allow the primary arrest team to make the first contact with potential suspects.

Note: The operation, as described, was an enforcement activity utilized on nearly a daily basis.

A written Operation Plan was not prepared by Detective A; however, he did notify the Division Watch Commander of the officers' mission for the day.

At the commencement of this operation, Officers D and E began driving in the targeted area and observed two individuals, later identified as the Subject and Witness A, standing on the southwest corner. The officers observed Witness A looking down into the cupped hands of the Subject, who appeared to be holding a small object. Both officers found this activity to be suspicious and believed a narcotic transaction might be occurring.

Officer D turned north and conducted a U-turn mid-block and positioned the police vehicle along the west curb facing south. From this vantage point, which was about a half a block away, the officers watched the Subject and Witness A, with the aid of binoculars, and determined the Subject was holding a clear plastic prescription bottle. As the officers continued their observations, they saw the Subject remove what appeared to be an off-white solid object from the prescription

bottle and hand it to Witness A. Officer D indicated he was familiar with the manner in which illegal drugs were packaged and sold in this area and concluded that the Subject had handed Witness A a bindle containing a cocaine base. After discussing their observations, Officer D utilized his handheld police radio and communicated with the arrest teams that he had observed a narcotic violation. He advised his fellow officers of the Subject and Witness A's description and location, and directed them to detain both.

Meanwhile, Detective C and Officer A were parked nearby in their black and white police vehicle and heard Officer D's broadcast. As Officer A began driving south, Detective C attempted to broadcast the officer's status and location (Code Six). However, due to the radio traffic on the frequency at the time, Detective C was unable to initiate that broadcast prior to arriving at the scene. Upon reaching the intersection, Officer A and Detective C observed the Subject and Witness A on the south sidewalk. The Subject was in a squatting position facing north, and Witness A was standing west of him. The officers briefly communicated with each other and determined that Detective C would detain Witness A, and Officer A would stop the Subject.

After driving through the intersection, Officer A stopped the police vehicle against the south curb, angled in a southwesterly direction. As the officers were exiting their vehicle, the Subject appeared to look at them while removing a small bindle from the prescription bottle he was holding. The Subject then immediately placed the object into his mouth. The officers formed the opinion that the Subject had ingested cocaine and quickly moved to detain him and Witness A.

The Subject was still in a squatting position, with the small of his back resting against the side of a building. As Officer A approached, he grabbed the Subject's right arm at the wrist and biceps with his right hand to take him into custody. The Subject immediately turned to his left, rolled onto his stomach, and continued to chew the bindle. While straddling the Subject, Officer A ordered him to spit out the narcotic and grabbed the Subject's left arm with his left hand. With both of the Subject's arms controlled, Officer A knelt on the Subject's right rear shoulder area and pulled both of his arms behind his back.

Note: A portion of this incident was captured by a police surveillance camera mounted at the northeast corner. The camera was being operated by Officer F.

While Officer A was in the process of taking the Subject into custody, Detective C approached Witness A and was able to handcuff him without incident. He then initiated a Code Six broadcast to CD.

Officers B and C were in the area and heard Officer D's request to detain the subjects. While responding, Officer A and Detective C drove slightly past them in their black and

white police vehicle. They observed Officer A and Detective C in the process of detaining the two subjects and parked to the left of their vehicle.

They observed the Subject lying in a prone position and Officer A standing over him attempting to handcuff his arms behind his back. Both officers ran over to assist and positioned themselves on opposite sides of the Subject.

As they approached, Officer C heard Officer A say, "Spit it out, spit it out." Officer A then told Officer C that the Subject was lying on top of a container. Officer C concluded the Subject had ingested narcotics and attempted to assist Officer A by controlling the Subject's right hand. Officer C used his right hand and grabbed three of the Subject's fingers, while ordering him to spit out the narcotics.

According to Officer C, the Subject immediately yelled, "You're breaking my fingers."

Note: Officer C indicated that his original intention was to take control of the Subject's right hand and just happened to grab hold of three of his fingers instead. He maintained this grip to facilitate the handcuffing process.

Simultaneously, Officer B moved to the Subject's left side and knelt on his left shoulder area to stop him from turning and twisting on the ground. Officer B grabbed the Subject's left wrist, utilizing a C-grip, and handcuffed his arms behind his back. Officers A and C then assisted the Subject to a standing position.

Detectives A and B were operating an unmarked vehicle and were parked about a block away monitoring the operation over the radio. While driving to the scene, they learned from Officer D via radio that a use of force had occurred. The detectives arrived approximately a minute later and observed both subjects standing on the sidewalk in handcuffs. Upon being briefed by Officer A that the Subject had possibly ingested narcotics and was complaining of a broken finger, Detective A directed that a Rescue Ambulance (RA) be requested on his behalf and assigned Detective B to begin a Non-Categorical Use of Force (NCUOF) investigation.

Note: Shortly after arriving on scene, Detective A learned that Officer A and Detective C had not activated their DICVS prior to making contact with the Subject and Witness A. At Detective A's direction, Officer A activated his vehicle's DICVS and left it operating for the remainder of the incident.

Los Angeles Fire Department (LAFD) personnel arrived a short time later and evaluated the Subject at scene. The Subject appeared to have a dislocated finger on his right hand, but he was ultimately transported to the hospital due to the suspicion he had ingested rock cocaine or methamphetamine. The Subject was arrested and absentee booked later that evening for Section 11532 (A) of the

California Health and Safety Code (Loitering for Drug Activities). Witness A was arrested and booked for Section 11364 of the California Health and Safety Code (Possession of Drug Paraphernalia) and was booked at the Metropolitan Detention Center.

Note: This incident was initially handled as a NCUOF. The investigation was re-classified as a Categorical Use of Force (CUOF), several days later, after LAPD personnel were notified by hospital staff that the Subject was being admitted due to the injury he sustained to his right middle finger.

Due to the aforementioned circumstances, there was no on-scene investigation by FID personnel on the day the incident occurred.

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, B, D, and E's tactics to warrant a Tactical Debrief and Detectives A, B, and C and Officer C's tactics to warrant a finding of Administrative Disapproval.

B. Non-Lethal Use of Force

The BOPC found Officers A, B and C'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. Code Six/Code Five

Detectives A, B, and C did not ensure that information relating to the officers' status and location (Code Six) or stakeout request (Code Five) was broadcast for their operation.

In this case, the unit supervisors elected to initiate an operation involving the monitoring of an area with an OP without advising CD of their Code Six location or initiating a Code Five request.

2. Tactical Planning

Detectives A, B, and C initiated an operational plan that included the use of an OP without ensuring that a written operation was completed as required.

3. Body Armor/Raid Jacket

Officer C did not don his Department approved body armor or a raid jacket as required when working in the capacity of a support officer conducting field related duties.

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.

- The BOPC additionally considered the following:

1. Contact and Cover

The investigation revealed that Detective C and Officer A made contact with the Subject and Witness A without waiting for additional resources to provide them with cover.

2. Digital In-Car Video System

The investigation revealed that Detective C and Officer A's vehicle was equipped with DICVS. However, the video system was not activated prior to contacting Witness A and the Subject as required.

3. Camera Monitoring

The investigation revealed that Officer F was at the station monitoring the surveillance cameras while he was waiting to go to roll call. According to Officer F, he observed the Subject being taken into custody and then began to view a different camera, causing the camera that focused on the arrest of the Subject to spin and face another direction. The investigation revealed no evidence to suggest that Officer F was aware of the operation

or had intentionally moved the camera to avoid the recording of the officer's actions.

In conclusion, the BOPC found Officer's A, B, D, and E's tactics to warrant a Tactical Debrief, and Detective's A and B and C's and Officer C's tactics to warrant a finding of Administrative Disapproval.

B. Non-Lethal Use of Force

- **Officer A** — Firm Grip and Bodyweight
- **Officer B** — Firm Grip and Bodyweight
- **Officer C** — Firm Grip

Officer A observed the Subject, in a kneeling position, remove something from a clear plastic bottle, and put it into his mouth. Officer A ran toward the Subject, grabbed his right wrist area, and placed his left hand on the Subject's right bicep area. The Subject automatically rolled over to his stomach as Officer A stood over him. Officer A then used his left hand to grab the Subject's left arm to place the Subject's arms behind his back.

Officer B arrived and observed Officer A standing over the Subject, attempting to handcuff his arms behind his back. Officer B approached and grabbed the Subject's left hand, then pulled out his handcuffs, and applied bodyweight with his right knee on the Subject's left shoulder blade area to prevent him from standing as the Subject was squirming around on the ground.

According to Officer C, as he approached he observed that the Subject was being resistant. He grabbed three fingers on the Subject's right hand in an attempt to assist the other officers with taking him into custody.

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

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