

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

**LAW ENFORCEMENT-RELATED INJURY – 083-16**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Wilshire	12/17/16		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	13 years, 6 months
Officer B	8 months
Officer E	13 years, 10 months
Officer F	6 months

**Reason for Police Contact**

Officers responded to a call for a battery and a male acting erratically in the street, also jumping on motor vehicles. On arrival, officers identified and detained the Subject. During the detention, the Subject spat at an officer in the face. He was immediately taken to the ground, at which time a Law Enforcement-Related Injury (LERI) occurred.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 35 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 October 3, 2017.

## **Incident Summary**

Witness A was working as a store security guard. Witness A stated that he observed the Subject walking around the front of the store, harassing people standing in line. the Subject walked up to two unidentified males and became involved in a verbal confrontation with them. According to Witness A, the Subject was acting crazy and seemed to be on drugs. Witness A stated that the Subject kept putting his hands on the two men. The unidentified males told the Subject to not touch them. A physical altercation occurred and according to Witness A, the two males hit the Subject multiple times in the face. Witness A walked to where the men were fighting and told them to stop, and they complied.

According to Witness A, the Subject jumped into the bed of a grey truck that had stopped at traffic lights. The Subject jumped up and down and screamed while in the bed of the truck. The truck pulled away and the Subject jumped out of the truck bed, onto the street. The Subject then jumped onto the hood of a black sport utility vehicle (SUV). Witness A stated that he told his partner, Witness B, to call the police. Witness A tried to speak with the Subject and calm him down. Witness A told the Subject he was frightening everyone in the area and he had to leave. The Subject cursed at Witness A, but walked away. Witness B called 911 while Witness A was talking to the Subject.

**Note:** The Subject's actions were caught on video surveillance from the local stores. The video depicts the Subject walking in and out of the street blocking traffic. The video also depicts the Subject sitting on the hood of a black SUV that stopped in the street. The Subject walked away from the SUV and jumped in the bed of a grey pick-up truck as it was moving, causing that vehicle to stop. The driver of that vehicle got out of his truck, and the Subject got out of the bed of the truck and walked away. The driver of the truck and the SUV drove away and were not identified.

Officers A and B responded to the call broadcast by Communications Division (CD).

On arrival at the scene Officers A and B located the Subject and notified CD. According to Officer A, the Subject had visible injuries to his face, abrasions to his left orbital area and swelling above his eye.

Officer B approached the Subject and handcuffed him. According to Officer A, the Subject was hesitant and argumentative, but complied with the handcuffing. The Subject mentioned that he had been involved in a fight. Officer A broadcast that the Subject was in custody.

Officer A stated that the Subject was uncooperative and would not initially provide the officers with his name and date of birth.

Officers C and D arrived and monitored the Subject with Officer B. Officer A walked to his police vehicle, approximately 10 yards away, and conducted a want/warrant check on the Subject. According to Officer B, the Subject advised the officers that his leg was broken and asked for a Rescue Ambulance (RA) and supervisor. Officer A requested an RA and a supervisor to respond.

Officer A stated that the want/warrant check revealed that the Subject was on parole for Criminal Threats. Officer A made the decision to keep the Subject handcuffed, waiting for a response from CD to determine if there was a victim of a battery in the area. Officer A stated he informed the Subject approximately four or five times that he was going to be released once the officers finished completing their investigation in an effort to keep the Subject calm.

Officers E and F arrived to assist with the investigation.

The Subject became belligerent and was yelling at the officers. Officer A stated that the Subject dropped to the ground, landing on his buttocks. Officer A stated that the Subject called him a faggot, and told the officers not to touch him. According to Officer A, the Subject scooted across the sidewalk, with his hands handcuffed behind his back. Officer A did not want the Subject to become injured and asked the Subject to stand up. The Subject did not comply, so Officer D placed his arm under the Subject's right arm, while Officer A put his arm under the Subject's left arm and placed the Subject next to the fence, away from the road. The Subject briefly remained seated next to the fence, then abruptly stood up. Officer A had the Subject turn around and face the fence. Without being directed, the Subject turned around and faced the officers.

Officer A was standing on the Subject's left side, and Officer E was standing on the Subject's right side while Officer B was standing in front of the Subject. The Subject was yelling and causing bystanders to turn and observe the interaction between him and the police. Suddenly, the Subject turned his head to the left and spat on Officer A's face. Officer A stated he grabbed the Subject by his left arm above his elbow, using a firm grip with his left hand. Officer A also grabbed the Subject's right shoulder with his right hand. Simultaneously, Officer E stated he grabbed the Subject by his right arm above his elbow with a two-handed firm grip. According to Officer A, the Subject began to push and pull away, attempting to break the officers' grasp. Officer A stated he placed his right leg in front of the Subject's left foot, causing the Subject to fall to the ground and Officer E and A to fall on top of the Subject. Officer A stated that he wanted to put the Subject on the ground and use the ground as a controlling agent to prevent the Subject from kicking, head butting or spitting again. The Subject landed face down on his chest.

Once on the ground, Officer A stated he used his body weight to control the Subject's upper left side while on the ground, by placing his right knee on the Subject's back. Officer A placed his right hand on the Subject's head, turning it away from himself, so the Subject could not spit on him again. Officer E used his body weight to control the Subject's upper right side by pushing down on his upper back with his hands. Officer B

held the Subject's right wrist behind his back, and Officer F held the Subject's legs down with his hands. According to Officer A, the Subject attempted to get up and was held down with body weight by the officers. According to Officer A, the officers verbalized with the Subject, trying to calm him down while waiting for the RA to arrive.

Los Angeles Fire Department (LAFD), arrived at scene and treated the Subject for pain to his jaw and abrasions on his face. The Subject was transported to a local hospital where he was treated for a broken jaw.

### **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, E, and F's tactics to warrant a Tactical Debrief.

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

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

### **Basis for Findings**

#### **Detention**

- The officers responded to a an emergency radio call of a man who was standing in the middle of the traffic and jumping on moving vehicles. Upon arrival, they observed a person matching the description of the Subject and detained him. The officers' actions were appropriate and within Department policies and procedures.

#### **Tactical De-Escalation**

- Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, the officers responded to a radio call, located the Subject and took him into custody without incident. While waiting for a supervisor and a RA to arrive, the Subject became agitated and verbally abusive. The officers utilized various verbal techniques and limited their physical contact with the Subject in an attempt to de-escalate the situation and calm the Subject. The Subject then turned and spat on one of the officers. The officers then utilized various non-lethal force options to stop the Subject's actions from continuing.

## **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:

### **1. Maintaining Control of a Handcuffed Subject**

The investigation revealed that the Subject turned and faced the officers during the detention. The officers were reminded of the importance of maintaining a handcuffed Subject in a position of tactical disadvantage during a detention to ensure the best tactical advantage for the officers when feasible.

- 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, E, and F's tactics to warrant a Tactical Debrief.

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

- **Officer A – Firm Grip, Takedown, and Bodyweight.**

According to Officer A, he grabbed the Subject's left arm with a firm grip while Officer E did the same on the Subject's right side. Officer A then placed his right leg in front of the Subject to conduct a takedown and move the Subject to the ground. Once the Subject was on the ground, he used his right knee to apply body weight to the Subject's left upper back area while holding his head on the ground to prevent him from spitting at the officers.

- **Officer B – Takedown and Bodyweight.**

According to Officer B, he grabbed the Subject's shoulder area and pushed him to the ground. While on the ground, Officer B transitioned to the Subject's right side and placed his left hand on the Subject's right wrist and his right hand on the Subject's right shoulder area to control him. Officer B also utilized his left knee to apply bodyweight on the Subject's right buttocks to hold him down.

- **Officer E – Firm Grip, Takedown, and Bodyweight.**

According to Officer E, he placed his right hand on the Subject's right elbow and his left hand on the Subject's upper back area and guided the Subjects' head and back downward to prevent him from spitting on any other officers. He noticed that the Subject started to go down, so he guided him to the ground. Once on the ground, he used his right knee to apply bodyweight on the Subject's mid lower back area and placed his left forearm on the Subject's shoulder blade area to hold his body down.

- **Officer F – Bodyweight.**

According to Officer F, he observed that the officers had control of the Subject's upper body, so he grabbed the Subject's legs and applied bodyweight to prevent him from kicking or moving.

Based on the totality of the circumstances, the BOPC concluded that an officer with similar training and experience as Officers A, B, E and F, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome the Subject's resistance.

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