

Incident Summary

On the date of this incident, Officers A and B were deployed on foot for an event in Hollywood, assigned to control vehicle and pedestrian traffic along the street, and to suppress crime.

Sergeant A, who was also working this event, observed the Subject walking with his shirt off on the street. According to Sergeant A, the Subject was boisterous and challenging other males into a physical confrontation. Sergeant A, along with Officers C and D, followed the Subject to a corner, where Officers A and B were posted monitoring pedestrian traffic. Sergeant A advised the Subject to discontinue his behavior and to leave the location.

Officers A and B observed the Subject with his fists clenched, without a shirt, yelling and becoming confrontational with other male pedestrians. Officers A and B approached Sergeant A as he spoke with the Subject, who was attempting to calm him down. According to Officer B, the Subject continued his behavior and he advised the Subject to stop, put on his shirt, and to calm down. According to Officer B, the Subject yelled out profanities and refused to comply.

Officer B continued to verbalize with the Subject, advising him to calm down and to put on his shirt, but the Subject used a punching motion with his fist and was yelling and becoming more aggressive. Officer B again told the Subject to put on his shirt, but he failed to comply and assaulted Officer B by pushing him in the chest with both of his hands, knocking Officer B backwards.

According to Officer B, the Subject quickly fled and continued down the street until he crossed over to the other side. Officer A gave chase as Officer B followed behind. The officers removed their batons and placed them under their right arm as they pursued the Subject. Both officers observed the Subject enter an alley in the middle of the block. According to Officer A, he was approximately 10 to 15 feet behind the Subject during the foot chase and did not lose sight of him.

Note: There was no broadcast of a foot pursuit by Officers A and B. Sergeant A as well as Officers C and D were also involved in the foot chase of the Subject.

According to Officer A, the Subject entered the alley, went around a parked vehicle, turned to face Officer A and took a combative stance, clenching his fists and raising them to chest level. Officer A moved forward holding his baton in his right hand and utilized a front jab with the short end of the baton, striking the Subject in the chest/abdomen area to stop his actions.

Officer A then grabbed the Subject's left arm and pushed him off balance by pushing his shoulders forward over his feet. The Subject leaned forward, which allowed Officer A to place his baton on the back of his neck.

As Officer A attempted to force the Subject to the pavement, Officer B arrived and observed Officer A holding and raising the Subject's left arm. The Subject's right hand was free and appeared to be reaching across Officer A's waistline. Officer B, fearing the Subject was reaching for Officer A's weapon, struck the Subject in a jabbing motion three times in the right torso/abdomen area with his baton. Officer B could not see the Subject's hands after the first two strikes, but did so after the third baton strike. Officers A and B, using their body weight, forced the Subject to the pavement as he continued to struggle with both Officers.

The Subject continued to resist Officer's A and B by attempting to push himself up and off the pavement. Officer A placed his baton out of the Subject's reach in order to utilize both of his hands to control the Subject, who continued to resist. Officer B advised the Subject to stop resisting, and, in an effort to stop the Subject's aggressive actions, punched him twice with his fist in the right torso/abdomen area. After sustaining the second punch from Officer B, the Subject stopped his actions. Officer A was able to gain control of the Subject's left arm by placing it behind his back.

Meanwhile, Officers C and D arrived in the alley and observed the Subject face down on the pavement, resisting Officers A and B, as they tried to take him into custody. Officers C and D each placed a knee on the Subject's back to control him. Officer C grabbed the Subject's right hand and advised him to stop resisting as the Subject made an attempt to place his hand under his torso. Officer C handcuffed the Subject's right hand, and with the assistance of Officer A was able to handcuff the Subject's left hand. Sergeant A arrived on scene as the officers took the Subject into custody and were in the process of standing him up from the pavement. The Subject was eventually placed against a wall. No further incidents occurred after the Subject was placed in custody.

When the Subject was placed in a police vehicle for transportation to the jail, he complained of having difficulty breathing to the officers on scene. Sergeant A contacted Communications Division (CD) and requested a Rescue Ambulance (RA) to respond. Los Angeles City Fire Department (LAFD) Firefighter Paramedics A and B arrived at the scene. Upon arrival, paramedics conducted a medical assessment of the Subject for his respiratory difficulties, which were subsequently determined to be normal.

The Subject was transported to the Hollywood Area Police Station and booked. Later that morning, the Subject was transported to the Metropolitan Detention Center (MDC), for medical evaluation prior to housing. Following this review, officers were directed to transport the Subject to a contract hospital for further evaluation, where he was subsequently admitted.

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 and Exhibiting 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 Sergeant A, Officers A, B, C and D's tactics to warrant a tactical debrief.

B. Non-Lethal Use of Force

The BOPC found Officers A, B, C and D's use of non-lethal Force to be in policy.

Basis for Findings

A. Tactics

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

1. Tactical Communications/Supervision

In this instance, Sergeant A observed the Subject walking without a shirt and challenging people to fight. Sergeant A elected to approach the Subject, rather than to direct nearby officers to address him or advise them of his intention to initiate contact with the Subject.

Proper supervision requires the assessment of all aspects of a tactical scenario which can be impacted by becoming actively involved. Although Sergeant A's actions of becoming actively involved limited his ability to perform in the capacity of a field supervisor, his decision to take quick and decisive action in order to safeguard the community was reasonable.

Although the BOPC would have preferred for Sergeant A to have effectively delegated the contact roll to his officers, his actions did not substantially deviate from approved Department tactical training. However, Sergeant A would benefit from a review of the expectations of a line supervisor and the importance of role delegation.

2. Foot Pursuit Broadcast

In this instance, the Subject pushed Officer B and fled down the street as Sergeant A and Officers A, B, C and D followed in foot pursuit. None of the

involved officers broadcast the initiation of the foot pursuit or any subsequent direction update.

Regarding the officers' decision not to broadcast, they stated they knew they had a vast amount of resources and were concerned about not getting hit by traffic while running through a busy intersection. Once the Subject was taken into custody, officers broadcast that the incident had been resolved and notified CD of their location.

In evaluating the circumstances surrounding the foot pursuit, the BOPC noted that there were sufficient resources involved in the foot pursuit and additional officers were readily available to respond if needed. With that said, not broadcasting the foot pursuit did not present an officer safety concern and as tactics are conceptual and intended to be flexible and incident specific, the BOPC found that the officers' actions did not substantially deviate from approved Department tactical training.

Each tactical incident merits a comprehensive debriefing. 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 with the objective of improving overall organizational and individual performance.

- The BOPC additionally considered the following:
 1. **Side Handle Baton** – In this instance, after Officers A and B conducted a takedown, the Subject continued to actively resist. With Officers A and B both maintaining a baton in one hand, their individual efforts to control the Subject were hindered. To enable the officers the ability to utilize both hands, the officers relinquished control of their batons in an attempt to better control the Subject.

Although both officers remained cognizant of the potential danger posed by discarding their batons, this topic was worthy of discussion at the Tactical Debrief.
 2. **Back-up Service Pistol** – During the foot pursuit, Officer A's back-up service pistol became dislodged from his ankle holster and was recovered from the pavement by another officer at scene. According to the FID investigation, the commanding officers of the Area were informed about what had occurred and they advised FID that they would address the issue with roll call training, which they subsequently did. Additionally, Officer A purchased a new holster since the incident, which provides increased retention of his back-up pistol. The topic of back-up weapons retention occurred 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. 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 with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC found Sergeant A, Officers A, B, C, and D's tactics to warrant a tactical debrief.

B. Non-Lethal Use of Force

- **Officer A** – One Short-End Baton Strike, Firm Grip, Physical Force, Takedown, Bodyweight.
- **Officer B** – Three Short-End Baton Strikes, Takedown, Bodyweight, Two to Three Punches.
- **Officer C** – Firm Grip, Bodyweight.
- **Officer D** – Bodyweight.

In this instance, Officer A was the lead officer in a foot pursuit of a subject who had committed a battery on a police officer. As Officer A entered the alley, he did so with his baton in hand. The Subject stopped and turned to face Officer A, leaned forward while clenching his fists at chest level and assumed a fighting stance.

According to Officer A, it appeared as though the Subject wanted to fight. In response, Officer A, while running toward the Subject, continued his forward momentum, closed the distance between the Subject and himself and delivered a short-end baton strike to the Subject's chest/abdominal area. With the Subject momentarily stunned, Officer A used his left hand to grab the Subject's left hand/arm. Simultaneously, Officer A placed his right forearm across the Subject's back, while maintaining his baton in his right hand, and attempted to push the Subject downward.

In the interim, Officer B entered the alley and observed Officer A and the Subject standing side by side, with Officer A struggling to control the Subject's left arm. According to Officer B, he observed that the Subject's free hand (right hand), reaching across his body towards Officer A's waistline. Fearing that the Subject was attempting to reach for Officer A's gun, in immediate defense of life, Officer B struck the Subject three times on his right rib/abdomen area.

After Officer B delivered the third short-end baton strike, the Subject's right hand came into view and Officers A and B then forced the Subject to the ground. The Subject attempted to assume a standing position after being on his hands and knees, resulting in Officers A and B utilizing their combined bodyweight to force the Subject into a prone position.

Moments later, Officers C and D arrived at the termination of the foot pursuit. According to Officer C, the Subject was still fighting with Officers A and B, and was actively resisting.

According to Officer D, the Subject was flailing around, yelling, not complying with commands and kicking his feet. In an effort to help control the Subject, Officers C and D both placed a knee on the Subject's back.

According to Officer B, the Subject remained aggressive/combatative and was still fighting, while trying to get off the ground. As the Subject continued to attempt to push himself up off of the ground, Officer B delivered two to three punches to the right side of the Subject's abdomen.

Officer C ordered the Subject to stop resisting; however, he ignored the commands and attempted to place his right hand under his body. Officer C grabbed the Subject's right hand, forced it to the middle of his back and secured a handcuff on his right wrist. Officer A gained control of the Subject's left arm, placed it behind his back and Officer C completed the handcuffing process. After the Subject was handcuffed, he was assisted to a standing position.

Based on the totality of the circumstances, officers with similar training and experience as Officers A, B, C and D would reasonably believe that the Subject's actions constituted a threat to the officers and that the use of non-lethal force in order to overcome his resistance and take him into custody would be justified.

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