

Incident Summary

Officers A and B were patrolling an area known for its high narcotics activity. The officers observed a male, later identified as the Subject, walking south on the east sidewalk in front of an apartment complex.

As the Subject proceeded toward the driveway of the complex, Officer A observed that he was carrying what appeared to be a beer can. Officer A was unsure if the Subject noticed the presence of the police vehicle, but the Subject immediately placed the beer can in his right rear pocket. Officer B observed a bulge in the Subject's right rear trouser pocket. Officer B, while seated in the police vehicle, attempted to establish a dialogue and create a consensual encounter by asking the Subject if he was from around the area.

Almost simultaneously, as Officer A was preparing to exit the police vehicle to investigate if the Subject was drinking in public, the Subject took off running. Officer B stopped the police car just south of the driveway of the apartment complex. Officer A exited and ran around the front of the police vehicle and, while doing so, observed the Subject running east toward a concrete wall. Officer A then ran after the Subject.

The wall was approximately eight feet tall to include a wrought iron fence mounted on top. The wrought iron fencing on the block wall had vertical pickets which had spiked finials welded to the top of each picket. As the Subject attempted to scale the wall, he grabbed the spike finial on top of the wrought iron fencing. Officer A positioned himself behind the Subject and grasped the Subject's waistband with both of his hands. Officer A reached for both sides of the Subject's waist, but was not sure if he grabbed onto the Subject's belt, pants or clothing. Officer A then pulled the Subject to the ground. The Subject landed on his feet and turned northbound as if he were going to run again. Officer B had exited the driver's seat of the police vehicle and had joined Officer A. Officer B took control of the Subject's right wrist, placed his left hand in the rear waist area of the Subject's back, and forced the Subject to the ground to gain control of him. Meanwhile, Officer A released his grip of the Subject. The Subject tucked his right hand under his body as he fell onto his stomach. Officer B gave commands to the Subject to give him his hands. Officer A repositioned himself to the Subject's upper body and grasped the Subject's left hand. He then placed the left arm behind the Subject's back. Officer B pulled on the Subject's right arm and was able to then position it behind his back. Officer B then handcuffed the Subject with his hands behind his back.

As Officer B was conducting a pat down search, he asked the Subject why he ran. The Subject stated he had a gun and it was in his right pocket. Officer B continued his search and recovered a 9mm pistol from the Subject's right front trouser pocket. Following the handcuffing of the Subject, the officers observed that he was bleeding from his right hand. It was discovered that he had a deep laceration on the palm of his hand. He was ultimately transported to the hospital and later had surgery for the injury.

Although not conclusive, the preponderance of the available evidence in the investigation suggested the injury occurred when the Subject grabbed one of the finial spikes on top of the wrought iron fence, as leverage to scale the fence. Officer A pulled him down at approximately the same time and his hand was lacerated by the finial.

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 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's use of non-lethal force to be in policy.

Basis for Findings

A. Tactics

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

1. Proactive Policing

In this incident, Officers A and B's familiarity with this location's gang and narcotic problems, as well as their initiative to conduct crime suppression in that area, is an example of what the BOPC expects of officers during their regular field duties.

2. Tactical Communication/Code-Six

Officers A and B did not notify Communications Division (CD) of their intent to conduct a pedestrian stop of the Subject, nor did the officers communicate their designated roles to each other prior to interacting with the Subject.

As a result, this communication breakdown created a short delay in the officers' ability to broadcast their location. The utilization of effective communication among partner officers during any incident or encounter with a pedestrian is imperative in order for the officers to maintain a tactical advantage and remain aware of any officer safety concerns.

3. Tactical Planning/Deployment of Vehicle/Pedestrian Contacts

Officers A and B did not develop or discuss a tactical plan prior to deploying from their vehicle to contact the Subject.

4. Legal Contacts with the Public

In this case, Officer B intended to conduct a consensual encounter, as Officer A prepared to conduct an investigative stop. Based on the officers' observations, they had sufficient reason to detain the Subject.

- 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 that 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 the individual actions that took place during this incident.

Therefore, the BOPC found that Officers A and B's tactics warranted a Tactical Debrief and that the specific identified topics be covered.

B. Non- Lethal Use of Force

- **Officer A** - Physical Force and Firm Grip
- **Officer B** - Take down, Firm Grip, Physical Force, Bodyweight

Officers A and B observed the Subject walking southbound on the east sidewalk in front of the apartment complex. Officer A observed the Subject with a beer can in his right hand, which he placed into his rear pants pocket. Officer B observed a bulge in the Subject's rear pants pocket that appeared consistent with a beer can. As the officers prepared to make contact with the Subject, he ran a short distance in a southeasterly direction toward a concrete wall with wrought iron spiked bars affixed on top of it. The Subject attempted to scale the wall, when Officer A grabbed

the Subject's waistband area. Officer A used both of his hands to pull the Subject off the wall. Both officers then used physical force to handcuff the Subject.

After a thorough review of the incident and the involved officers' statements, the BOPC determined that officers with similar training and experience as Officers A and B would believe the application of non-lethal use of force to be reasonable to overcome the Subject's resistance to prevent further injury and/or escape.