

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

**LAW ENFORCEMENT-RELATED INJURY – 104-08**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Pacific	12/09/2008		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	2 years, 6 months
Officer B	2 years, 7 months
Officer C	2 years, 7 months
Officer D	2 years, 4 months

**Reason for Police Contact**

Officers were in pursuit of a stolen vehicle. After the vehicle crashed, the subject took off running. The officers pursued him on foot, after which a law enforcement-related injury occurred.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
Male: 42 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 suspect 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

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 November 11, 2009.

## **Incident Summary**

Officers A and B were on routine when they heard an officer needs help radio call regarding another agency being in pursuit of a stolen truck. The officers observed the truck and joined the pursuit, along with four other Los Angeles Police Department (LAPD) units and an Air unit. The other agency unit then relinquished the pursuit to the LAPD units.

The subject driving the truck lost control while negotiating a turn, striking a chain-link fence alongside the west curb of a street, then drifted back to the east curb where it struck an unoccupied parked vehicle, causing it to flip onto its side. The truck struck a second unoccupied vehicle, the impact causing the second vehicle to collide with a third unoccupied vehicle.

Officers A and B exited their vehicle and saw the subject attempt to exit via the driver's side door. Officer A deployed behind the driver's side door of the police vehicle and unholstered his pistol.

The subject next exited the truck; and according to Officer A, he ordered the subject to put his hands up and show him his hands, but the subject did not comply. Officer A saw an object in the subject's hand and told Officer B to watch the subject's hands. The subject then ran away from the truck with the officers in pursuit.

Officers A and B ran toward the passenger side of the truck. Officer B was in front and Officer A to Officer's B's left rear. According to Officer A, he was yelling "clear the car, clear the car" to Officer B but immediately heard officers behind him indicate that they would clear the truck. At that point, Officers A and B focused on the foot pursuit of the subject.

**Note:** According to Officer A, he "holstered right after [he] passed the [truck] up."

Meanwhile, Officers C and D were the secondary unit at the termination of the vehicle pursuit. According to Officer C, "the primary unit [Officers A and B] began to chase after him [the subject]. And then, once they did that, nobody had cleared the vehicle. So my partner and I stayed back, cleared the vehicle first." According to Officer D, he told Officers A and B that he and Officer C would search the truck for additional suspects.

**Note:** Sergeant A and Officer E were the third unit, while Officers F and G were the fourth unit at the termination of the vehicle pursuit.

While Officers C and D searched the stolen truck, Officers F and G joined the foot pursuit of the subject. According to Officer B, the subject ran "on the left side of the street onto the sidewalk." Officer B followed the subject from the street to the sidewalk. Officer A was just behind and to the left of Officer B. The subject ran from the sidewalk to a driveway. As the subject ran down the apron of the driveway, Officer B caught up to him.

According to Officer B, "I pretty much grabbed him from behind, and we fell forward." Officer B described the takedown as a tackle from behind, stating, "my arms wrapped around his person from the back, my weight pushing into him and us [Officer B and the subject] falling to the ground."

According to Officer A, "I remember my partner grabbing him. They went down. And I went to the left side of them as they went down [...] I observed him and my partner on the ground. He was face down on the ground. His [the subject's] arms were in front of him."

As the subject fell to the ground, his left arm bent in a 90-degree angle toward his head and his right arm bent at a 90-degree angle toward his waist. Officer B fell on top of the subject. As Officer B's momentum carried him forward, his forehead struck the back of the subject's head. Officer A fell on top of and perpendicular to the subject and Officer B.

Officer B grabbed the subject's right arm, while Officer A grabbed the subject's left arm. The subject, while on his stomach, struggled against the grip the officers had on his arms. Both officers told the subject to stop resisting.

Several uniformed officers, including Officers F and G, reached the subject as Officers A and B struggled with him. According to Officer C, "I know there was one officer that had a leg on the suspect's back [...] and there were other officers that were holding down on the arms and limbs. And I saw that it was his left shoulder and upper back that didn't have an officer working to restrain him. So I put my hands there."

Officer A, with the assistance of another officer, placed a handcuff on the subject's left wrist and placed his arm behind his back. With the assistance of Officer G, Officer B placed the subject's right arm behind his back and handcuffed his right wrist.

Officers F and G brought the subject to a standing position. Officer E arrived at the arrest location after the subject was in custody. According to Officer E, "I asked the suspect, 'are you okay?' he said, 'yes, I'm okay,' [...] I just really need to use the bathroom [...] and I said, 'You're not injured?' and he goes, 'No, I'm not injured,' and I said, 'okay, I'm going to walk you back to my car.' And as we were walking back to the car, the suspect continued to tell me that he needed to use the restroom." Officer E conducted a pat-down search of the subject for weapons and contraband but found none. Officer E then walked the subject back to his patrol vehicle.

According to Sergeant A, after he saw the subject moving around inside the patrol vehicle, "So I open the door, it must have been a couple [...] about four minutes or something, [...] so obviously I open the door, you know, what's going on? He [the subject] says 'I'm diabetic.' Something about 'I need sugar,' [...] it's too tight for me to be in the car." Sergeant A allowed the subject to take both feet out of the patrol vehicle. According to Sergeant A, the subject complained about pain to his stomach. Sergeant A did not see any injuries to the subject's body. However, the subject repeated "my stomach" to Sergeant A.

A Rescue Ambulance (RA) was requested, responded to the scene, and transported the subject to a hospital where he was admitted and received treatment for an isolated bladder eruption.

### **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 unanimously made the following findings.

#### **A. Tactics**

The BOPC found that a Tactical Debrief was the appropriate mechanism for Officers A, B, E, and F to evaluate the events and actions that took place during this incident.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found Officer A's drawing and exhibiting to be in policy.

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

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that Officer A engaged in a foot pursuit with his pistol drawn and that running with a firearm in hand can increase an officer's chance of having an unintentional discharge.

The BOPC further noted that the primary and secondary pursuing officers stopped their police vehicles behind the disabled stolen vehicle. The subject then exited the passenger side of the stolen vehicle and ran away from the officers. As Officers A and B approached the stolen vehicle, Officer A told Officer B to clear the vehicle. The secondary pursuing officers exited their police vehicle and yelled to Officers A and B that they would clear the vehicle which prompted Officers A and B to run past the uncleared vehicle and chase the subject. It would have been tactically advantageous

for Officers A and B to ensure that suspect's vehicle was void of additional suspects prior to continuing to pursue the subject and proceeding past the vehicle.

The BOPC further noted that Officer B described his taking down of the subject as a "tackle." Officer B's hands were under the subject's body when they fell, which caused Officer B's forehead to strike the back the subject's head. As Officer B took the subject to the ground, Officer A's forward momentum carried him over the back of Officer B, where he fell onto his knees to the left of Officer B causing injuries to his left knee, left groin, and hip area. Upon completion of the handcuffing, Officer B began to feel dizzy and lay on the ground for five to ten seconds.

A strong push rather than a tackle would enhance officer safety by preventing injury. Additionally, this tactic would prevent the officers from becoming entangled with the suspect, therefore, enabling the officers to retain all of their force options.

### **Drawing/Exhibiting**

The BOPC noted that in this situation, it was reasonable for Officer A to believe that the tactical situation had escalated to the point where lethal force may become necessary. Therefore, the BOPC found Officer A's Drawing/Exhibiting to be in policy.

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

The BOPC noted that in this instance, when Officer B tackled the subject to the ground, Officer A's forward momentum carried him over the back of Officer B where he fell onto his knees to the left of Officer B. Officer A yelled at the subject to "stop resisting" as he grabbed the subject's left wrist with his left hand and pushed down on the subject's shoulder with his right hand. Officer A began to place the subject's left hand behind his back; however, the subject resisted by making his arm rigid. Officer B grabbed the subject's right wrist and attempted to gain control of it and bring it behind the subject's back. The subject made his right arm rigid and would not release it to be handcuffed. Officer F placed his hands on the subject's left shoulder and upper back area as Officer G attempted to pull the subject's right hand from under his body but felt the subject resisting. Officer A removed his handcuffs and placed one handcuff on subject's left wrist. The subject continued to resist by making his arm rigid and would not allow officers to handcuff him. Officer G subsequently was able to remove the subject's right hand from under his body and place it behind his back, which was then handcuffed by Officer A.

In response to the subject's aggressive actions and his failure to comply with commands to stop resisting, Officers A, B, F, and G utilized Non-Lethal force to overcome the resistance presented by the subject and take him into custody.

Therefore, the BOPC found that the force utilized by Officers A, B, F, and G was objectively reasonable and within Department guidelines and, accordingly, in policy.