

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

LAW ENFORCEMENT RELATED INJURY – 002-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
77 th Street	01/14/2006		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	17 years
Officer B	8 years

Reason for Police Contact

While responding to a domestic violence call, officers determined that Subject 1 had an outstanding arrest warrant. The officers located Subject 1 and attempted to apprehend him. Subject 1 was uncooperative and officers used various non-lethal force techniques to restrain him.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 32 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 and addenda items); the 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 12/12/06.

Incident Summary

Officers A and B responded to a domestic dispute radio call involving Subject 1 and Victim 1. While en route, the officers conducted a want and warrant check on Subject 1 and learned that Subject 1 was listed on a valid restraining order and that he had an outstanding warrant for his arrest. The officers also discussed tactics.

When the officers arrived at scene, they advised Communications Division (CD) of their status and met with Victim 1 and her brother. Victim 1 asked the officers to stand by while she collected her belongings and her children. Victim 1's brother provided the officers with Subject 1's description and then left the residence with Victim 1.

The officers waited in front of the residence for Subject 1's possible return. When Subject 1 failed to return, the officers drove and observed a male who matched Subject 1's description. The suspect ran in the officers' direction. The officers stopped, exited, and positioned themselves toward the rear of the police car to determine his identity. Officer A then ordered the subject to stop, place his beer on the ground, and turn around. When he complied, Officer B handcuffed the subject without incident. Although the subject initially gave a fake name, he later confirmed that he was Subject 1.

The officers then advised Subject 1 that there was an outstanding warrant for his arrest and that he had violated a restraining order. When Officer B escorted Subject 1 to the police car and attempted to place him in the backseat, Subject 1 flailed his legs violently, and braced them against the police car. Subject 1 then became rigid, kicked Officer B, and pushed himself out of the back seat of the police car, prompting Officer A to enter the backseat from the opposite side to pull Subject 1 inside and attempt to secure him with the seatbelt. At one point during the struggle, Subject 1 attempted to bite Officer A. Without advising Officer A, Officer B pulled Subject 1 out of the car, causing Subject 1 to strike his head on the ground. Once on the ground, Officer B placed Subject 1 onto his stomach and used his body weight to hold him down while requesting back up over his police radio.

Sergeant A responded to assist. When he arrived, Sergeant A observed the officers holding Subject 1 on the ground. Officer B then advised Sergeant A to retrieve a Hobble Restraint Device (HRD) from his equipment bag located in the trunk of his police car. Sergeant A then opened the trunk while Officer B retrieved the HRD. As Officer B placed the HRD on Subject 1's legs, Sergeant B arrived at scene and assisted in the application of the restraint device. Once hobbled, the officers removed their collective body weight from Subject 1's back and placed him into an upright seated position.

Sergeant A then ensured that a Rescue Ambulance (RA) was requested. Subject 1 was transported to the hospital, where he was later admitted for treatment of a fractured 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 unanimously made the following findings.

A. Tactics

The BOPC found Sergeant A and Officers A and B's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Non-lethal Use of Force

The BOPC found Officer B's non-lethal use of force to be in policy, warranting divisional training.

The BOPC found Sergeants A and B and Officer A's non-lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that, when Officer B attempted to seat Subject 1 in the police vehicle, Subject 1 refused to enter, his entire body became rigid and he braced his legs against the the vehicle. Officer B placed one of his hands behind Subject 1's head and guided him inside of the vehicle. Officer A entered the police vehicle through the opposite door and attempted to secure Subject 1 with the seatbelt. Subject 1 attempted to bite Officer A. As Officer B attempted to lift Subject 1's legs into the vehicle, Subject 1 began flailing and kicking his legs, striking Officer B on the hands and arms. Due to the level of the subject's resistance, it would have been safer for the officers to request a back-up unit. Additional resources could have provided the necessary personnel and force options to best resolve the incident.

Officer B decided to secure Subject 1's legs, and attempted to remove Subject 1 from the police vehicle. It would have been preferable for the officers to place the HRD on Subject 1 while he was seated in the police vehicle. Believing that he advised Officer A of his intentions, Officer B removed Subject 1 from the police vehicle and took him down to the ground. Thinking that Subject 1 exited the police vehicle on his own, Officer A ran around the rear of the police vehicle to join Officer B. The officers should have communicated and formulated a plan prior to removing Subject 1 from the vehicle. Furthermore, Officer B should have waited for Officer A to assist him to reduce the risk of injury to Subject 1. Officers A and B were also not in possession of their HRD's.

When he arrived on scene, Sergeant A attempted to retrieve a HRD from the trunk of a police car. Had Sergeant A been equipped with a HRD, he could have immediately provided Officer B with the device instead of searching for one in the trunk.

The BOPC found Sergeant A and Officers A and B's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Non-lethal Use of Force

The BOPC noted that when Officer B attempted to seat Subject 1 in the police vehicle, Subject 1 refused to enter, his body became rigid and he braced his legs against the vehicle. Officer B placed one of his hands behind Subject 1's head and guided him inside of the vehicle. Officer A attempted to secure Subject 1 with the seatbelt, but Subject 1 attempted to bite Officer A on the arm and hand area. Subject 1 then began flailing and kicking his legs, striking Officer B on the hands and arms.

Officer B decided that to effectively control Subject 1, his legs would have to be secured. Officer B removed Subject 1 from the police vehicle and took him down to the ground. Officer B should have considered alternative use of force options, as opposed to a take-down of a handcuffed suspect and should have waited for Officer A to assist him or pin the suspect against the police vehicle using it as a control mechanism. These options could have reduced the risk of injury.

Once Officer B took Subject 1 to the ground, he used his bodyweight to hold Subject 1 down and requested a back up. Officer A ran around the police vehicle to join Officer B and used his bodyweight and hands to secure Subject 1's lower body. Subject 1 continued to resist by twisting from side to side and kicking his legs. The officers held Subject 1 down and awaited the arrival of additional officers.

Sergeant A arrived and observed the officers holding Subject 1 down on the ground. Officer B advised Sergeant A to retrieve his HRD from his equipment bag, which was located in the trunk of his police vehicle. Sergeant A opened the trunk of the police vehicle and determined that it would be faster if Officer B searched for the HRD. Sergeant A assumed Officer B's position and placed his knee on Subject 1's right shoulder blade while Officer B retrieved the HRD.

As Officer B was applying the HRD to Subject 1's legs, Sergeant B arrived at the scene and assisted with the application of the HRD. After the HRD was applied, Subject 1 was placed in an upright seated position.

The BOPC found Officer B's non-lethal use of force to be in policy, warranting divisional training.

The BOPC found Sergeants A and B and Officer A's non-lethal use of force to be in policy.