

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

CAROTID RESTRAINT CONTROL HOLD 006-06

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Southeast	01/30/2006		

Involved Officer(s)	Length of Service
Officer A	8 years, 2 months
Officer B	3 years, 6 months
Officer C	2 years, 5 months
Officer D	9 years, 4 months

Reason for Police Contact

Officers responded to a 9-1-1 call of unknown trouble at a residence. When they arrived, a potential domestic violence suspect did not comply. Officers used force in an attempt to subdue the subject.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 53 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 and for ease of reference, masculine pronouns (he, his, and him) are used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on 01/09/07.

Incident Summary

Officers A and B responded a 9-1-1- call of "unknown trouble" at a residence. Upon their arrival, Officers A and B found a locked outer fence surrounding the front yard.

The officers also heard a female yelling from inside the residence, so Officer B broadcast a request for an additional unit.

Officers A and B found that the front door to the residence was locked. Officer A identified himself as a police officer and Officer B requested that someone inside the residence open the front door. Witness 1 opened the front door. Officers A and B ordered Witness 1 to put his hands up and exit the residence. Witness 1 complied.

Officer B asked Witness 1 for information. Witness 1 indicated that his mother (Victim 1) and father (Subject 1) had an argument and that Victim 1 was bleeding from her arm.

Around this time, Officers C and D arrived at the scene. Officer C obtained a TASER prior to approaching the residence. Officer D drew his service weapon as he approached the front of the residence. He then reholstered the weapon and placed Witness 1 into handcuffs. Officer C watched Witness 1.

Officers A, B, and D saw Victim 1 sitting on the floor of the residence and Subject 1 nearby. Officers B and D told Subject 1 to put his hands behind his head and exit the residence. Subject 1 initially refused to comply.

Officer B retrieved the TASER from Officer C was holding. Officer B then warned Subject 1 that the TASER would be used. Around this time, Officer C broadcast a request for backup.

Subject 1 began complying with the officers' requests for him to exit the residence by moving toward the front door. Just before Subject 1 reached the front door of the residence, Officers A and D noticed him motion as if he was going to re-enter the residence. Officers A and D grabbed Subject 1's arms to prevent him from retreating back into the house.

Officers A and D and Subject 1 fell down on the ground. Officer B kneeled on Subject 1's legs to assist in controlling him. Subject 1 then grabbed the TASER from Officer B. Subject 1 did not release his hold on the TASER, and Officer B activated the TASER against Subject 1's hand with two direct contact activations. Subject 1 released his grip on the TASER, but reached towards Officer B's holster on his equipment belt. At one point, Subject 1 got hold of Officer B's holster, and Officer D yelled, "Watch your gun."

Officer B said, "He's got it. He's got it." In response, Officer D applied an upper body control hold to Subject 1. Officer A saw that Subject 1 had hold of Officer B's TASER, and Officer A punched Subject 1 in the ribcage three to four times.

Meanwhile, Officer B continued to activate the TASER in direct contact with Subject 1's body in an attempt to terminate his resistance.

Officer D called for someone to broadcast a help call and Officer A responded by doing so. At some point, Subject 1 began to lose consciousness due to Officer D's upper body control hold, and Subject 1's resistance against the officers began to weaken.

Around this time, Officers E and F arrived at the scene. They met with Officer C in front of the residence, and Officer F took custody of Witness 1. Officers C and E then went inside the residence to assist Officers A, B, and D.

Officer C assisted Officers A, B, and D by pulling on one of Subject 1's legs in order to obtain better access to one of Subject 1's arms that was tucked underneath his body. Meanwhile, Officer E held onto Subject 1's other arm.

Officer A moved toward Victim 1 to monitor her. Eventually, Officers B, C, D, and E were able to place Subject 1 in handcuffs. Officers A and B then stood Subject 1 up and escorted him out of the residence.

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 Officers B, C, and D's tactics to warrant divisional training.

The BOPC found Officers A and E's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A, B, and D's drawing to be in policy.

C. Non-lethal Use of Force

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

D. Less-lethal Use of Force

The BOPC found Officer B's use of less-lethal force to be in policy.

E. Use of Force

The BOPC found Officer D's lethal use of force to be in policy.

Basis for Findings

A. Tactics

Officers A and B responded to an unknown trouble radio call. When Officer B exited his police vehicle, he was not equipped with his side handle baton. It is important that officers respond to a situation equipped with all the tools available to them so their force options are not limited.

While responding to the additional unit request, Officers C and D drove past the incident location. It is imperative that officers drive at such a speed during their approach that they do not pass the intended location. Officers are trained to park their vehicles before they reach the intended location and approach on foot, thereby maintaining a tactical advantage.

As Officers C and D arrived at the location, they did not advise Communications Division (CD) of their location and status. A subsequent back-up request by Officer C resulted in a CD dispatcher broadcasting a back-up request at the officers' previous location. Department policy requires that Officers C and D notify CD that they were "Code Six" at the location. This ensures that responding units have an officer's current status in the event assistance is required.

Officers A, B, and D observed Subject 1 next to Victim 1, who was sitting on the floor bleeding. Officer D ordered Subject 1 to exit the residence; however, he refused to comply and yelled obscenities at the officers. Officer B deployed the TASER and provided a Garner Warning by stating that if Subject 1 did not come out, he would use the TASER on him and he would be hit with 50,000 volts. Although Officer B provided a warning to Subject 1, he did not advise Subject 1 that the use of the TASER may cause him serious injury.

The BOPC found Officers B, C, and D's tactics to warrant divisional training. The BOPC found Officers A and E's tactics to be in policy.

B. Drawing/Exhibiting/Holstering

Officers A and B responded to an unknown trouble radio call wherein the wrought iron gate was locked. From inside the residence, a female voice yelled that she was cut and bleeding. Officer B, believing there was an injured female inside and potentially a suspect armed with a knife, drew his service pistol to provide cover, as Officer A jumped over the wrought iron fence. Officer A drew his service pistol after he jumped over the wrought iron fence.

Officer D heard Officer B's broadcast to CD requesting a hook and ram for a screaming female inside a residence. As Officer D responded to the location, he believed he might potentially encounter an armed barricaded suspect. Upon his arrival, Officer D observed Officers A and B ordering Witness 1 out of the residence at gunpoint.

Believing the situation might escalate to the point where deadly force may become necessary, Officer D jumped over the wrought iron fence and drew his service pistol.

The BOPC has determined Officers A, B, and D had sufficient information to believe the situation might escalate to the point where deadly force may become necessary. The BOPC finds Officers A, B, and D's drawing to be in policy.

C. Non-lethal Use of Force

When Subject 1 turned and began to walk away from the officers, Officers A and D grabbed Subject 1's arms. Subject 1 resisted and the officers forced him to the ground. Once on the ground, Subject 1 began to violently kick and flail his arms. To prevent Subject 1 from kicking, Officer B knelt on top of Subject 1's legs. As Officers A and D attempted to pull Subject 1's arms behind his back to a position conducive to handcuffing, Subject 1 grabbed Officer B's TASER with his right hand. Officer A delivered three to five punches to Subject 1's torso and he released his hold on the TASER. At one point, Officer D believed Subject 1 had control of Officer B's service pistol and Officer D applied a Modified Carotid Restraint Control Hold (MCRCH) upon Subject 1. After the application of the MCRCH, Officer C grabbed both of Subject 1's legs and pulled them out to expose Subject 1's left hand. In addition, Officer E utilized a firm grip on Subject 1's right arm.

Based on the suspect's aggressive actions, the BOPC determined that the officer's use of non-lethal force was reasonable to control the suspect. The BOPC found Officers A, B, C and D's non-lethal use of force to be in policy.

D. Less-lethal Use of Force

During the struggle, Officer B decided to activate his TASER against Subject 1 multiple times while Officer D was actively engaged with Subject 1. This resulted in Officer D feeling significant effects from the TASER during his attempt to subdue Subject 1.

It is clear that the struggle between Subject 1 and Officers A, B, and D was a rapidly changing one, and it is possible that Officer B was unaware that by activating the TASER against Subject 1, Officer D would also suffer from its effects. However, in a situation such as this, where officers are struggling to control a suspect, they must be careful not to put themselves at a disadvantage by inadvertently disabling one of their fellow officers during the struggle.

Officer B was forced to make quick decisions due to Subject 1's attempts to grab the TASER away from him and to reach for his service weapon.

The BOPC found Officer B's use of less-lethal force to be in policy.

E. Use of Force

As Officer D attempted to obtain control of Subject 1's left arm, he observed Subject 1 reaching for Officer B's service pistol. Officer D advised Officer B to watch his gun. Simultaneously, Officer B yelled, "He's got it. He's got it." Believing that Subject 1 was in possession of Officer B's service pistol and that his fellow officers and he were in danger of serious bodily injury or death, Officer D applied a CRCH upon Subject 1. As Subject 1's resistance began to subside, Officer D released his hold on Subject 1. Officers C and E were then able to handcuff Subject 1. Subject 1 was not rendered unconscious.

Based on Officer D's observation that Subject 1 reached for Officer B's service pistol, as well as Officer B's statement that Subject 1 had the pistol, the BOPC has determined that Officer D reasonably believed that the suspect presented an immediate threat of serious injury or death to the officers and himself.

The BOPC found Officer D's lethal use of force to be in policy.