

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

LAW ENFORCEMENT RELATED INJURY – 011-06

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Rampart	02/07/2006		

Officer(s) Involved in Use of Force	Length of Service
Officer A	15 years, 10 months

Reason for Police Contact

Officers conducted a Vehicle Code stop on a Subject who was riding a bicycle when a LERI occurred.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject: Male, 19 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 Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 14, 2006.

Incident Summary

Officers A and B observed an individual (The Subject) riding a bicycle in the opposite direction without a forward facing lighting device during the hours of darkness, a violation of the California Vehicle Code. They decided to stop the Subject and Officer B positioned their police car behind the Subject. The Subject did not stop. Rather, the Subject increased his speed while holding the handlebars of the bicycle as he was manipulating an object in his pants pocket with his hand. Officers A and B believed that

the Subject might be armed with a handgun or in possession of narcotics, but no plan was established by the officers before engaging the Subject.

Officer B followed the Subject as Officer A yelled out to the Subject and ordered him to stop. The Subject ignored Officer A's commands, causing Officer B to activate the emergency equipment of his police car to cause the Subject to stop. The Subject again disregarded the officers' commands to stop and turned into a driveway. Officer B stopped the police car near the driveway. Officer A exited the police car without telling his partner and without his baton. Officer A then ran along the street in an attempt to cut off the Subject's path. Officer A ran past the Subject and believed that the Subject was armed. Officer B exited the police car, drew his service pistol, and assumed the role of "cover officer." As Officer A moved toward the Subject, he observed the outline of a handgun in the Subject's pants pocket and noted that the Subject was attempting to retrieve it but was unable to retrieve the handgun because it was caught up inside his pocket. Officer A used his hands to push the Subject against a wall and caused him to fall off the bike. The Subject immediately stood up and ran toward Officer B and placed himself between the two officers. Officer A approached the Subject and pushed him on his back, causing the Subject to fall onto his stomach. Officer A then placed one knee on the Subject's upper back and ordered the Subject to extend his hands from his body and not to move. The Subject complied. Officer A observed the butt of a handgun extending from the Subject's pants pocket so Officer A drew his service weapon and pointed it at the Subject. Officer B approached the Subject and Officer A with his service pistol drawn but then holstered his service pistol and recovered a loaded handgun from the Subject's pocket. Officer A stood up and Officer B handcuffed the Subject. Officer A then holstered his weapon and began to complete a field interview card. During this time, the Subject complained of injuries to his arm, so Officer B then advised Communications Division (CD) of their location and requested that a Rescue Ambulance (RA) and a supervisor respond.

Sergeant A arrived at the location and learned that the Subject's arm was possibly broken. A rescue ambulance was requested and arrived at scene to treat the Subject for a possible fracture of his arm. The Subject was transported to the hospital and was admitted with a forearm fracture.

Sergeant A preserved the scene and ordered Officers A and B to complete the arrest report at the police station, but he did not separate the officers. Officers A and B discussed the incident while at the station.

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 A and B's tactics to warrant Administrative Disapproval.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing to warrant formal training.

The BOPC found Officer B's drawing to be in policy.

C. Non-Lethal Use of Force

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

D. Other Issues

The BOPC found Sergeant A's actions to warrant divisional training.

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B decided to attempt a traffic stop of the Subject. The Subject did not stop, so Officer B negotiated a U-turn and began to close in on the Subject. The officers observed the Subject riding his bicycle while manipulating something in his front pants pocket. The officers formed the opinion the Subject might be in possession of narcotics or a handgun. It would have been safer for Officer A to advise CD of their status and location and to request a back-up unit. Officer A should have also broadcast the subject's physical description, direction of travel, and that the suspect was riding a bicycle.

The BOPC further noted that Officer B and Officer A were still seated in the police vehicle when Officer A verbally directed the potentially armed subject to stop. It would have been safer for the officers to use the vehicle's PA system and the police vehicle's emergency equipment to direct the suspect to stop while they maintained a safe distance. Officer B then stopped the police vehicle, as Officer A exited and ran in an attempt to cut off the Subject's route. Officer A was not in possession of his baton. It would have been safer for the officers to establish a tactical plan to apprehend the subject before exiting the police vehicle.

Officer B, the designated “cover officer,” exited the police vehicle, drew his service pistol, and moved to the front of a parked vehicle adjacent to the curb. Although Officer B obtained cover, he was a considerable distance from his partner and could not effectively provide cover. The BOPC further noted that Officer B’s position also placed himself and his partner at a disadvantage with the potential for a crossfire situation.

Officer A overcame the Subject and was standing on the roadway when he observed the Subject reaching into his pocket for what appeared to be a handgun. Rather than move to a position of cover and draw his service pistol, Officer A extended his arms and with open hands pushed the Subject toward a wall. The Subject collided into the wall, causing him to fall off his bicycle and onto the sidewalk. The Subject then removed his hand from the area of his pants pocket, stood up, and attempted to run away from Officer A. Officer A used his hands again pushed the Subject on the upper back, causing the Subject to fall onto his stomach. Officer A placed his knee on the Subject’s back and ordered him to extend his hands out to his sides and not to move. At this time, the butt of the handgun was protruding out of the Subject’s pocket.

Officer B approached as he continued to cover the Subject and told Officer A he was going to remove the handgun. It would have been better for Officer A to have remained the contact officer throughout the incident because he already had established contact with the Subject.

The BOPC found Officers A and B’s tactics to warrant Administrative Disapproval.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer B was the cover officer for Officer A and that he drew his service pistol when he exited the police vehicle. Officer B moved to the front of a parked vehicle adjacent to the curb.

The BOPC also noted Officer A drew his service pistol while in a kneeling position with his bodyweight positioned on the Subject’s back. Officers are trained to avoid drawing their pistol while in contact with a suspect to avoid the suspect reaching for the weapon or the possibility of a negligent discharge of the firearm.

The BOPC would have preferred that Officer A had remained the contact officer as he was already in a position of control.

The BOPC found Officer A’s drawing to warrant formal training.

The BOPC found Officer B’s drawing to be in policy.

C. Non-Lethal Use of Force

The BOPC noted that Officer A overcame the Subject and was standing on the roadway. Officer A observed the Subject reaching into his right front pocket for what

appeared to be a handgun. Officer A extended his arms and with open hands pushed the Subject's upper torso toward the wall, and the Subject fell. When the Subject stood up, Officer A again pushed the Subject, causing the Subject to fall onto his stomach. Officer A approached the Subject and placed his knee on the Subject's upper back and ordered him to hold his hands out to his sides and not to move.

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

D. Other Issues

The BOPC noted that when Sergeant A responded to the scene, he appropriately took the initiative to hold the scene for a potential Categorical Use of Force Investigation. However, Sergeant A should have also separated the officers and ordered them not to discuss the incident.

The BOPC found Sergeant A's actions to warrant divisional training.