

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

**Head Strike with an Impact Weapon – 017-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
Outside City	04/04/2006		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer E	10 years, 11 months

**Reason for Police Contact**

Officers A and B observed what they believed to be an intoxicated driver and initiated a vehicle pursuit. Additional units joined the pursuit as it progressed. At the termination of the pursuit, Officer E used a baton to break one of the vehicle's windows, possibly resulting in a strike to Subject 1's head.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
Subject 1: male, 23 years.			

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate the 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.

The following incident was adjudicated by the BOPC on 01/30/07.

**Incident Summary**

While driving on a freeway, Officers A and B observed a vehicle pass at a high rate of speed and, without warning, cross several lanes of traffic, nearly colliding with the center divider. Officer B sped-up to catch the vehicle and shone his spot lamp in the direction of the vehicle in an attempt to get the driver to slow down. The vehicle, driven by Subject 1, continued and swerved, nearly colliding with another vehicle.

Officers A and B formed the belief that Subject 1 was under the influence. Officers A and B broadcast their observations to Communications Division (CD).

Officer B activated the police vehicle's emergency lights and sirens in an attempt to stop Subject 1, but Subject 1 did not yield. A lengthy pursuit ensued, during which Officers A and B were joined by Officers C, D, E, F, G and H, and Sergeants A, B, C and D.

The pursuit terminated when Subject 1 collided with two other vehicles. Immediately after the collision occurred, Officers C and D drove past the collision, stopped and exited their vehicle, took cover behind a pickup truck and drew their pistols. Officers E and F stopped behind Subject 1's vehicle, exited their vehicle, drew their pistols, and took cover behind their vehicle's doors. Officers A and B drew their pistols and positioned themselves behind Officers E and F's police vehicle. Officer H, who had also arrived at the termination point of the pursuit, drew his pistol.

Officers C, D, E and F issued commands to Subject 1 to exit his vehicle, but Subject 1 did not comply.

**Note:** An Air Unit was orbiting over the location where the pursuit terminated. The noise from the aircraft may have impeded the subject's ability to hear commands and the officers' ability to hear one another.

Officer E re-holstered his pistol, drew his baton and announced that he was approaching Subject 1's vehicle. Officer E then struck the driver's window of Subject 1's vehicle with his baton, causing the glass to break. Officer E reached through the open window frame and began pulling Subject 1 from the vehicle. Officers A, B and F re-holstered their weapons and joined Officers C and D to assist Officer E.

**Note:** Officer E's announcement he was approaching Subject 1's vehicle was not heard by the other officers at the scene.

Officer H observed Subject 1 being pulled from the vehicle, re-holstered his pistol and also ran up to assist in taking Subject 1 into custody. Officers B and E placed Subject 1 face-down on the pavement, and Officer E placed his knee on Subject 1's left shoulder. Officers D and H used their body weight to control Subject 1's legs and back. Officers B and H placed Subject 1's hands in the small of his back, which enabled Officer F to handcuff him.

Subject 1 subsequently alleged that he was hit in the face by the baton when Officer E broke the window of his vehicle.

### **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 Officer E's tactics to warrant administrative disapproval.

The BOPC found Officers C and D's tactics to warrant divisional training.

The BOPC found Officers A, B, F and H's tactics to be appropriate.

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

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

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

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

#### **D. Lethal Use of Force**

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

### **Chief of Police Report**

#### **A. Tactics**

The BOPC noted that at the termination of the pursuit, Subject 1 collided with two other vehicles. The primary unit, Officers C and D, did not use proper tactics at the termination of the pursuit when they drove beyond the collision, stopped and exited their vehicle. This placed Officers C and D in a disadvantageous position, limited the ability of the other officers on scene to maintain sight of their location, and created a crossfire situation.

Officers C, D, E and F issued multiple commands to Subject 1. The issuance of multiple commands may confuse the subject, and should be avoided.

Officer E announced that he was going to approach Subject 1's vehicle, removed his baton, approached the door and broke the window. However, Officer E's announcement was not heard by the other officers, and they were unaware of his intentions.

The officers at scene would have been better served had there been communications between them at the conclusion of the pursuit. The officers did not develop a safe plan to take Subject 1 into custody. Officer E did not properly communicate with the officers present and unilaterally approached Subject 1's vehicle. This action forced the other

officers to leave their positions of cover and exposed all of the officers to multiple potential threats within Subject 1's vehicle. Further, Officer E's actions unnecessarily created a chaotic situation and eliminated the tactics of time and command and control.

The BOPC determined that Officer E's use of the baton to break the window was inappropriate. Other options, such as checking to see if the doors of Subject 1's vehicle were unlocked or if a window not directly adjacent to Subject 1 could have been broken instead, were not tried. Further, once the window was broken, Officer E could have unlocked the door in order to extract Subject 1.

The BOPC found Officer E's tactics to warrant administrative disapproval.

The BOPC found Officers C and D's tactics to warrant divisional training.

The BOPC found Officers A, B, F and H's tactics to be appropriate.

## **B. Drawing/Exhibition/Holstering of a Firearm**

The BOPC noted that, at the termination of the pursuit, Officers A, B, C, D, E, F and H drew their weapons while preparing to confront a felony suspect. Officers A, B, C, D, E, F and H had sufficient information to believe the situation might escalate into a deadly force situation.

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

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

The BOPC noted that as Officers B and E pulled Subject 1 from the vehicle, Subject 1 was placed face-down, and Officer E placed his knee on Subject 1's shoulder. Officers D and H used their bodyweight to control Subject 1's legs and back. Officers B and H placed Subject 1's hands in the small of his back, enabling Officer F to handcuff him.

The BOPC determined that Officers B, D, E and H's non-lethal use of force was reasonable to overcome Subject 1's resistance and to effect his arrest.

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

## **D. Use of Force**

The BOPC noted that as a result of the allegations by Subject 1 that he was struck in the face with the baton when Officer E broke the window, and because he had injuries to his face, the incident was investigated as a categorical use of force.

The BOPC determined that the investigation supported the conclusion that the strike to the head, if one occurred at all, was inadvertent.

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