

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

HEADSTRIKE WITH AN IMPACT WEAPON – 019-06

Division	Date	Duty-On (X) Off()	Uniform-Yes() No(X)
77 th Street	3/13/06		

Officer(s) Involved in Use of Force	Length of Service
Detective A	16 years
Detective B	26 years, 9 months
Officer A	7 years, 4 months
Officer B	3 years, 6 months

Reason for Police Contact

While conducting a narcotics operation, Detectives A observed a female exit the target location with a bag and leave. When he attempted to apprehend her, a struggle ensued and the female bit Detective A's arm. Detective A used his radio as an impact weapon and struck the female's jaw/face area to loosen her bite.

Subject	Deceased ()	Wounded ()	Non-Hit ()
Subject 1: Female, 36 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 January 16, 2007.

Incident Summary

Detective A set up an observation post for a residence where he had a search warrant to verify that the residence was actively being used as a narcotics location. When he verified that it was, he contacted Detective B, who assembled a team of officers to respond to the target location in order to arrest some of the purchasers of narcotics.

Along with the warrant, Detective A also prepared a Warrant Service Tactical Plan (WSTP), which did not specifically address Detective A's surveillance or other activities conducted prior to the actual search.

Included in the team were Detective C and Officers A, B, C, and D. Officers A and B were in uniform and drove a black-and-white police vehicle, while the rest of the members of the team were in plain clothes.

Using surveillance and communication on a simplex radio frequency, the team arrested three individuals. Following those arrests, Detective A observed a female (Subject 1) approach the residence on her bicycle, go inside for several seconds, exit the residence with a bag in her hand, and ride away, out of Detective A's view.

Detective B followed Subject 1. Subject 1 stopped her bicycle on the sidewalk outside of an apartment building, got off of her bicycle, and walked onto the lot of the apartment building. Detective B momentarily lost sight of Subject 1 because he was unable to see through the bars of a fence in front of the building from his angle, but then regained sight of Subject 1 standing just inside the fence.

Detective B used his radio to notify the team members of his position and to request the presence of Officers A and B in order to conduct the stop of Subject 1. Officers A and B did not hear Detective B's broadcasts due to an unknown problem.

Without the presence of Officers A and B, Detective B decided to engage Subject 1 and further investigate any potential criminal activity. Detective B exited his vehicle and, while holding his police badge, his radio, and his keys in his hand, walked toward Subject 1 while displaying his badge and identifying himself as a police officer.

Detective B told Subject 1 to put her hands on the vehicle, and Subject 1 complied. Setting his radio, badge, and keys on the vehicle, Detective B placed Subject 1's wrist behind her back, but Subject 1 pulled away from Detective B and attempted to flee.

Detective B maintained his hold of Subject 1's arm and placed his arm around her waist. He moved Subject 1 back toward his vehicle in order to retrieve his radio and broadcast a request for the uniformed officers.

At this time, Detective B lost his hold of Subject 1, who twisted away from him and fell. While she was on the ground, Subject 1 kicked her legs at Detective B, kicking the radio out of his hand. Subject 1 then rolled over to her stomach and began to get up.

Detective B pushed her back toward the ground and used his body weight to hold her there.

Three witnesses driving by their location stopped nearby. Detective B asked the witnesses to give him his radio, which was out of his reach, and Witness 1 retrieved Detective B's radio.

Detective B again requested back-up, and, after hearing no response on the tactical frequency, changed channels and broadcast an "Officer needs backup" call on the area frequency.

Before Detective B was able to broadcast any further information, Subject 1 bit Detective B's arm. Detective B struck Subject 1's jaw area with the battery end of his radio three to five times. Subject 1 released her bite hold on his forearm.

By this time, Detective A had arrived. While Detective B continued to struggle to hold her down, Detective A placed Subject 1 into handcuffs.

Also around this time, Officers A and B arrived at the scene in response to one of Detective B's previous radio calls.

Officer A approached Subject 1, who was continuing to struggle with Detectives A and B, and used his body weight to control her upper body. Officer B used his body weight to control Subject 1's legs, and she was taken into custody.

Sergeant A, the first supervisor to arrive, treated the incident as a Non-Categorical Use of Force. However, after he informed the acting watch commander about what had happened and received advice, Sergeant A initiated a Categorical Use of Force investigation.

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 Detectives A and B's tactics to warrant formal training.

The BOPC found Detective C and Officers A, B, C, and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Non-lethal Use of Force

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

D. Use of Force

The BOPC found Detective B's use of lethal force to be in policy.

E. Additional

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

Basis for Findings

A. Tactics

Although a search warrant had been obtained and a WSTP Report had been completed, the documentation did not cover the pre-search warrant operations, such as the surveillance of the residence and detention of possible narcotics suspects. Had the initial tactical plan included specific details, the involved officers and detectives would have had a better understanding of their individual responsibilities and improved officer safety.

Additionally, Detective A did not advise Communications Division (CD) of his location or that he was conducting surveillance on the residence.

During Detective B's initial briefing of the incident, Officers A and B did not meet with the other undercover personnel involved in the investigation. This would have afforded them with future identification and attire recognition during the operation. Additionally, Officers A and B did not know the description of the unmarked vehicles used. In an operation that involves plain clothes officers driving unmarked vehicles, it is vitally important for all personnel to be aware of who is involved and how they are attired.

Detective B followed Subject 1 into the parking lot area of the apartment building and actually passed her as she stood just inside of the fence. This placed Detective B in a compromised position and limited his options for escape, if needed. Detective B should

have continued to monitor Subject 1 from the street, requested the response of the uniformed chase officers, and directed their enforcement actions.

Detective B decided to detain Subject 1 after he believed she had identified him as the police. He believed that the other officers, including Officers A and B, heard his request for them to respond. Detective B then exited his vehicle while holding his keys, radio, and badge in his hand and approached Subject 1 with no assistance. Detective B placed these items on the trunk of his vehicle and attempted to detain Subject 1, causing a struggle between them. During the struggle, Detective B lost his radio. Ultimately, it would have been safer for Detective B to continue to observe Subject 1, while ensuring that his broadcasts to the other officers were received.

The officers used a simplex radio frequency as the primary frequency for the operation. A tactical frequency was not reserved through CD. Simplex frequency transmissions are not taped and are generally only useful and reliable for "line-of-sight" use. The use of this frequency proved to be unreliable and caused a delay in the response of the black and white police vehicle.

By becoming directly involved in the enforcement action, Detective B limited his ability to guide and direct subordinate personnel assigned to the operation. Additionally, a review of the number of personnel assigned to the operation indicates that there was a lack of sufficient personnel. Detective B should have recognized these issues and considered the potential safety concerns prior to initiating the operation.

Finally, it was noted that Detective B did not carry Oleoresin Capsicum (OC) spray on his person during the incident. While not required by Department policy, this could have afforded him another force option to stop Subject 1's aggressive actions.

The BOPC found Detectives A and B's tactics to warrant formal training.

The BOPC found Detective C and Officers A, B, C, and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Non-lethal Use of Force

Believing that Subject 1 recognized him as a police officer, Detective B exited his vehicle and approached her. When Detective B grabbed Subject 1's arm and placed it behind her back, Subject 1 pulled away. A struggle ensued, and Detective B used firm grips, physical force, and body weight to ultimately take Subject 1 to the ground.

Detective A and Officers A and B arrived to assist Detective B. Detective A approached Subject 1's and used firm grips to control her. Officers A and B used their body weight

and firm grips to control Subject 1, who continued to resist. The detectives and officers were ultimately able to place Subject 1's hands behind her back and handcuff her.

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

D. Use of Force

During the struggle on the ground, Subject 1 bit Detective B's arm. Detective B used his radio as an impact device and struck Subject 1 three to five times in the face/jaw area, causing her to release her bite on his arm. The BOPC determined that Detective B reasonably believed that Subject 1 presented an immediate threat of serious bodily injury to him.

The BOPC found Detective B's use of lethal force to be in policy.

E. Additional

Sergeant A responded to the incident after Subject 1 was in custody. Detective B advised Sergeant A that he had used his radio and strike Subject 1 in the face/jaw area, but Sergeant A conducted the investigation as a Non-Categorical Use of Force. Later, at the direction of the watch commander, Sergeant A realized that the incident was a Categorical Use of Force.

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