

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

**LAW ENFORCEMENT RELATED INJURY – 019- 05**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off()</b>	<b>Uniform-Yes(X) No()</b>
Hollywood	02/27/2005		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	12 years, 8 months

**Reason for Police Contact**

Officers were providing crime suppression during the Academy Awards when a storeowner approached the officers and pointed out a person that had committed a prior theft in his store. The storeowner stated a desire to effect a citizen's arrest. Officers handcuffed the suspect and while conducting a preliminary investigation, the suspect attempted to escape. A use of force occurred in an effort to prevent the escape.

**Subject**

Subject 1, male white, 46 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 involved officers, and other addenda items) the relevant 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 February 7, 2006.

**Incident Summary**

On February 27, 2005, Lieutenant A and Officers A, B, and C were in the Hollywood area to provide crime suppression for the Academy Awards. Although Officers A and B were dressed in Department approved utility uniforms, neither officer wore body armor or equipped themselves with batons or handcuffs.

Officers A and B were approached by Witness A, a local storeowner, who informed the officers that a suspect who stole merchandise from his store two months earlier had

returned and that the storeowner wanted to effect a citizen's arrest. Lieutenant A directed Officers A, B, and C to investigate Witness A's allegation and requested a patrol unit. When the officers accompanied Witness A to his store, Officer A asked for the suspect's description. As he did so, Witness A pointed toward a patron, who was later identified as Subject 1. Witness A identified Subject 1, who had just exited his store, as the person involved in the theft. Officer A then grabbed Subject 1's right wrist while his partner, Officer B, grabbed Subject 1's left arm and escorted him to an alcove in the area to avoid pedestrian traffic. Unequipped to handcuff Subject 1, Officer A obtained a set of handcuffs from Officer C and handcuffed Subject 1 without incident. When Officer A relinquished control of Subject 1 to Officer B, he conducted a "want and warrant check" to determine whether Subject 1 had outstanding warrants. As he did so, Officer B, who maintained his hold of Subject 1's left arm, noted that Subject 1 was visibly nervous. Seconds later, Subject 1 pulled away from Officer B's grasp and ran. When Subject 1 ran past Officer A, Officer A tripped him with his foot, causing Subject 1, who was handcuffed, to fall forward and strike the concrete sidewalk with his head and upper torso.

When Officer B observed bleeding from Subject 1's head, he requested a Rescue Ambulance ("RA") and a supervisor. When Lieutenant A heard the request for a supervisor, he responded to Officer A and Bs' location. When the paramedics arrived at the scene, they treated Subject 1 for a laceration to the left rear side of his head, an abrasion to his nose, and complained of injuries to his upper left torso. The paramedics then transported Subject 1 to a local hospital for further treatment. When Officers D and E arrived at the scene, they were directed to escort Subject 1 to the hospital. Officer E rode inside the RA unit while his partner followed in his patrol car. Once at the hospital, the attending physician discovered that Subject 1 sustained three fractured ribs and a contusion to his left lung. As a result of these injuries, Subject 1 was admitted to the hospital. Upon learning of the extent of Subject 1's injuries, Officer D notified Lieutenant A and Sergeant A,

### **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 the following areas: Tactics of the involved officer(s); Drawing/ Exhibiting/ Holstering of a weapon by any involved officer(s); the Use of Force by any involved officer(s) and any additional pertinent issues. 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 that Lieutenant A, and Officers A, B and C's conduct warrants divisional tactical training.

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

Does not apply.

## **C. Use of Force**

The BOPC found Officer A and B's use of force to be in policy but warrants divisional training.

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Lieutenant A broadcast that the suspect was in custody when he was not yet in police custody and that Officers A and B were not properly equipped with body armor, batons, or handcuffs. The BOPC also noted that Officers A, B, and C did not obtain detailed information about the suspect from the victim prior to approaching the suspect's location. The BOPC further noted that Officers A and B did not maintain proper control of the suspect, allowing the suspect to break free from Officer B and run from the officers. The BOPC determined that Lieutenant A, and Officers A, B, and C will benefit from additional division training.

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

Does not apply.

## **C. Use of Force**

The BOPC noted that when Subject 1 ran past Officer A, Officer tripped him to prevent Subject 1 from escaping and as a result, Subject 1 stumbled, fell forward, and struck the concrete sidewalk with his head and upper torso. The BOPC determined that Officers A and B's non-lethal use of force was reasonable to overcome the suspect's actions. However, the BOPC determined that Officer A should have considered alternative options, such as running after the suspect and physically controlling him, as opposed to tripping a handcuffed suspect to prevent his escape. This would have minimized the risk of injury to the suspect. Based on the foregoing, the BOPC determined that Officer A would benefit from additional appropriate training. The BOPC found Officers A's non-lethal use of force in policy requiring training and Officer B's non-lethal use of force in policy requiring no action.