

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

**HEAD STRIKE WITH AN IMPACT WEAPON – 021-07**

<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>
Rampart	03/01/2007		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	4 years, 7 months
Officer B	6 years, 10 months

**Reason for Police Contact**

Officers A and B observed Subject 1 conduct several Vehicle Code violations. The officers made a U-turn in an effort to conduct a wants and warrants check on Subject 1's vehicle. Subject 1 subsequently sped up in an apparent effort to distance himself from the officers, and the officers initiated a vehicle pursuit. When the officers apprehended Subject 1 after the conclusion of the pursuit, Officer A struck Subject 1 with a flashlight. The strike impacted 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 01/08/08.

**Incident Summary**

Officers A and B observed a vehicle with make a turn without making a complete stop at the posted stop sign. Noting that the driver of the vehicle had committed a Vehicle Code violation, Officer B made a U-turn in an attempt to conduct a wants and warrants check on the vehicle. The vehicle turned and increased its speed in what appeared to be an attempt to distance itself from the officers' vehicle. Officers A and B continued to follow.

Officer B activated his lights and siren, but the vehicle failed to yield. Officers A and B continued to follow the vehicle, which continued driving erratically. The officers formed the opinion that the driver was possibly under the influence and initiated a vehicle pursuit.

Officer A contacted Communication Division (CD) and advised they were in pursuit of a possible Driving Under the Influence (DUI) driver. Officer A also broadcast the vehicle's description, license plate number, the approximate number of vehicle occupants and a request for back-up. The vehicle pursuit continued, at times reaching speeds of 80 to 100 miles per hour. Officers A and B continued their pursuit as the vehicle ran several posted stop signs.

The vehicle eventually slowed down and the driver (Subject 1) and passengers (three unidentified males) exited and ran as the vehicle continued rolling slowly down the street and then collided with a parked vehicle.

As Subject 1 exited the vehicle, Officers A and B saw him reach into his waistband with his right hand, remove a black object and throw it to the ground. Officers A and B exited the police vehicle and initiated a foot pursuit. Officer A used his radio to advise CD of the officers' location and to broadcast that they were in foot pursuit.

Officer A then broadcast a request to upgrade the incident to an "assistance" call.

Subject 1 ran into an apartment building. As he did so, Officers A and B pursued him, while commanding him to stop. As he pursued, Officer A was holding a flashlight in his hand. Subject 1 failed to comply with the officers' commands and ran up the stairwell to a third floor landing.

Subject 1 turned into a hallway, with Officers A and B following behind. Officer A caught up with Subject 1, and grabbed Subject 1's right shoulder. Subject 1 then turned in the officers' direction, bent forward, pushed Officer A's hand away, then charged and punched Officer A in the face two times.

Upon being struck in the face, Officer A was unable to reach his baton, so he swung his flashlight towards Subject 1 in an attempt to strike Subject 1 in the right shoulder. Officer A missed Subject 1's shoulder and inadvertently struck him in the back of the head.

Officer B saw Officer A get punched and also saw Officer A strike Subject 1. As Officer B got closer to Subject 1, he saw that Subject 1 was bleeding. Subject 1 continued to fight with Officer A, at which time Officer B struck Subject 1 in the head twice with a closed right fist.

**Note:** Officer B attempted to punch Subject 1 in the area of his neck and ear, but the punches hit Subject 1 in the head.

Officers A and B turned Subject 1 onto his stomach and used their body weight to control him. Subject 1 continued resisting by flailing his legs. Officer A then struck Subject 1 in the back two to three times with a closed right fist. The officers gained control of Subject 1 and handcuffed him.

Witness A looked out her front door upon hearing screaming and saw Subject 1 on the floor and Officers A and B placing handcuffs on him. Witness A observed Officers A and B as they picked up the handcuffed Subject 1 from the ground and attempted to walk with him, and observed that Subject 1 was uncooperative and struggled with the officers.

Witness B, also in a nearby apartment unit, heard the commotion in the hallway. Witness B exited his apartment and saw Subject 1 on the floor. Witness B said one of the officers approached him and asked for the address of the apartment building.

Officer A then contacted CD and broadcast the address of the apartment building. Officer A additionally broadcast that the driver of the vehicle was in custody and that additional subjects remained at large in the area. Sergeant A and Officers C, D, E and F arrived on the scene. Officers C and D observed the discarded pistol in the street and guarded it. Officers E and F took custody of Subject 1 and requested a Rescue Ambulance (RA).

Subject 1 was transported to a local hospital for medical treatment. He was treated for a laceration to the back of his head and was released for booking.

### **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 formal training.

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

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

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

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

The BOPC found Officer A's lethal use of force to be in policy, warranting divisional training.

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that when Subject 1 ran into the apartment building, Officers A and B followed Subject 1 into the building and up to the third floor but did not notify CD of their updated location. By updating their location with CD, the officers would have expedited the response of personnel to their location within the apartment building. In addition, no broadcast was made to responding units regarding the discarded pistol or the outstanding subjects until after Subject 1 was taken into custody.

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

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

The BOPC noted that following the head strike, Subject 1 stumbled to the floor and attempted to rise. Officer A used his hands to apply weight to Subject 1's back, forcing him back to the floor. Subject 1 continued to fight with the officers.

Officer B approached Subject 1 and attempted to strike Subject 1 in the back of the neck with his fist. Due to Subject 1's movement, Officer B's punch struck Subject 1 on the head, behind the right ear. The BOPC was concerned about Officer B's decision to target Subject 1's neck with the punch, because the head is neither a primary or secondary target location. Additionally, Officer B's punch to Subject 1's head increased the likelihood of injury to his hand. Officers A and B then delivered two to three punches to Subject 1's back, allowing the officers to gain control of Subject 1's arms and apply handcuffs.

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

The BOPC found Officer B's non-lethal use of force to be in policy, warranting divisional training.

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

The BOPC noted that, as Officer A caught up with Subject 1, he grabbed onto Subject 1's right shoulder. Subject 1 stopped running, turned, and struck Officer A twice in the face with his fist. In response, Officer A delivered a strike with his flashlight, targeting Subject 1's right shoulder. Simultaneously, Subject 1 crouched down, causing Officer A to inadvertently strike Subject 1 on the back of the head. Although Officer A was defending himself from Subject 1's attacks, the BOPC was concerned with Officer A's decision to target Subject 1's right shoulder because the shoulder is neither a primary or secondary target location for an impact device.

Officer A used a flashlight as an impact weapon when Subject 1 turned and assaulted him. At that time, Officer A and Subject 1 were in close proximity to one another, and the assault on the officer was on-going. The flashlight was already in Officer A's hand (and was immediately available), whereas his baton was not. As such, the BOPC found that this circumstance constituted an exigency wherein the use of the flashlight as an impact weapon would be authorized by Department policy.

The BOPC determined the strike to Subject 1's head was inadvertent and that Officer A would benefit from additional use of force training.

The BOPC found Officer A's use of lethal force to be in policy, warranting formal training.