

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

HEAD STRIKE WITH AN IMPACT WEAPON - 027-05

<u>Division</u>	<u>Date</u>	<u>Duty-On (x) Off()</u>	<u>Uniform-Yes(x) No()</u>
West LA	3/29/05		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	15 years, 7 months
Officer B	2 years, 7 months
Officer C	2 years, 6 months
Officer D	2 years, 6 months
Sergeant A	20 years, 4 months

Reason for Police Contact

An anonymous caller reported a loud party. Officers responded to the party and dispersed the group. During dispersing the party-goers, one party-goer, Subject 1, got into a confrontation with a responding officer and during that confrontation, a use of force occurred.

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (x)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 22 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, pertinent suspect criminal history, and 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 March 14, 2006.

Incident Summary

In the late evening hours of March 29, 2005, an anonymous caller informed the Los Angeles Police Department (LAPD) of a loud party at an apartment complex. The call was assigned to Officers A and B. While en route to the location, Officer B informed

Officer A that Officer B had responded to the same location for the same type of call the night before, and that the party had dispersed the night before without incident.

When the officers arrived at the apartment complex, they parked in front of the location and proceeded into the location on foot. Officer A did not take his baton from the police unit when responding to the call. As the officers approached the location on foot, a woman came out of the complex and announced to those inside that the police were there. The officers entered the complex to find the party-goers beginning to disperse. The officers told the party-goers that they had to leave and some of the party-goers exited out the back of the complex into an alley and the rest exited out the front of the complex. One of these individuals, later identified as Subject 1, stopped and sat down on a tree planter at the end of the driveway of the residence next to the apartment complex. The officers continued to order the party-goers to move on and not to block the sidewalk. Officer B continued to concentrate on the group moving down the sidewalk as Officer A initiated contact with Subject 1.

Officer A told Subject 1 that he needed to move on, but Subject 1 stood up and proceeded into the driveway of the residence next to the apartment complex. Officer A asked Subject 1 if Subject 1 lived there and Subject 1 responded that he did not live there but a friend of his did. Officer A followed Subject 1 into the driveway of the residence, continuing to order Subject 1 to leave the area. Subject 1 then turned and faced Officer A. Fearing that Subject 1 was going to physically assault him, Officer A reached out and grabbed of Subject 1's right wrist. A physical struggle then ensued.

Officer B continued to order the group of party-goers heading north up the sidewalk to disperse. Due to the late hour, Officer B had his flashlight out in his left hand to illuminate the area. Officer B realized that Officer A had become involved in a physical altercation with Subject 1, and ran to assist Officer A. At the beginning of the altercation Officer B struck Subject 1 in the face with his fist, however, the strike appeared to have no effect on Subject 1 and the physical struggle continued.

Officer B broadcast a backup request over his radio while Officer A was able to obtain a certain amount of control over Subject 1. Officer B then broadcast again for a backup. During the struggle Officer B's attention was split between Subject 1 and the other party-goers.

As the officers struggled with Subject 1, Officer B continued to instruct the other party-goers to leave in an effort to discourage them from becoming involved in the struggle. As the officers struggled with Subject 1 they instructed him to get on the ground. At one point the struggle resulted in Subject 1 being pinned against one of the two vehicles parked in the driveway. Officers A and B and Subject 1 all eventually ended up on the concrete driveway. Officer B struck Subject 1 in the shoulder with his fist to get Subject 1 to roll over and stop his resistance. The officers were then able to take Subject 1 into custody without further incident. The officers conducted a pat-down search of Subject 1 and placed him in the back of their police vehicle.

The first officers to respond to the backup request were Officers C and D and the first responding supervisor was Sergeant A. Officers C and D had Subject 1 get out of Officers A and B's police vehicle and conducted a more thorough search of him. At this point it was discovered that Subject 1 had a small laceration to the back of his head. A Rescue Ambulance was requested and Sergeant A began to investigate the incident.

As part of her investigation, Sergeant A made contact with a witness who stated that the officer fitting Officer B's physical description struck Subject 1 in the back of the head with a flashlight. Sergeant A also briefly interviewed Subject 1 before he was transported to the hospital for treatment for the laceration to the back of his head. During this interview, Subject 1 did not indicate that either officer struck him with any type of impact weapon. However, when Sergeant A conducted a second tape-recorded interview of Subject 1 at the hospital, Subject 1 stated that the officer fitting Officer B's physical description struck him in the back of the head twice with a dark object that looked like a flashlight or a baton.

Officer A did not have his flashlight out and his baton was in the police vehicle during the incident. Officer B had his flashlight out and in his left hand during the struggle between the officers and Subject 1. Officer B stated that he did not intentionally strike Subject 1 with any impact weapons including his flashlight. Even so, Officer B could not state with certainty whether his flashlight had inadvertently come in contact with Subject 1's head during the struggle.

The Rescue Ambulance transported Subject 1 to Kaiser Permanente Hospital where he received a single suture to close the laceration to the back of his head.

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 that Officers A and B would benefit from additional divisional tactical training.

B. Drawing/Exhibiting/Holstering

The BOPC found that Officers A and B did not draw their weapons during this incident.

C. Non-Lethal Use of Force

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

D. Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B parked too close to the location of the radio call, which diminished their ability to approach and assess the situation from the best tactical advantage. The BOPC also noted that Officer B was holding his flashlight in his left hand during the struggle with Subject 1, limiting Officer B's tactical and use of force options. The BOPC further noted that during the struggle with Subject 1, Officer B only broadcast a request for backup with no additional information. The BOPC determined that "officer needs assistance" would have been a more appropriate broadcast. The BOPC would have also determined that Officer B should have also broadcast his unit identification and location, and the fact that he and his partner were involved in a struggle when requesting backup/assistance. The BOPC also noted that Officer A was not equipped with a baton at the time of the incident, which limited his use of force options. Accordingly, the BOPC determined that Officers A and B will benefit from Divisional Training regarding these issues.

B. Drawing/Exhibiting/Holstering

The BOPC found that Officers A and B did not draw their weapons during this incident.

C. Non-Lethal Use of Force

The BOPC determined Officers A and B's use of non-lethal use of force to be reasonable to control Subject 1. The BOPC found Officers A and B's non-lethal force to be in policy.

D. Lethal Use of Force

The BOPC noted that the UOFRB and the Chief determined that Officer B did not intentionally strike Subject 1 in the head with his flashlight, but was unable to determine if Subject 1's head injury was a result of an inadvertent strike by Officer B's flashlight. The UOFRB and the Chief determined that if the strike to the head did occur, it was inadvertent and should be classified as in policy, no action. The BOPC concurs with the determination of the UOFRB and the Chief. The BOPC determined that if Officer B inadvertently struck Subject 1's head, it would be in policy.