

**ABRIDGED SUMMARY OF A HEAD STRIKE WITH AN IMPACT WEAPON AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

**HEAD STRIKE WITH AN IMPACT WEAPON-037-08**

<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>
Hollenbeck	04/11/08		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	11 years
Officer B	11 years, 7 months
Officer C	12 years, 11 months
Officer D	1 year, 11 months
Officer E	8 months
Officer F	1 year, 4 months

**Reason for Police Contact**

Officers responded to a radio call in which a subject was reported to be beating a victim. Upon arrival, officers found a subject holding a knife to the victim's throat.

<b><u>Subject (s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded (X )</u></b>	<b><u>Non-Hit ( )</u></b>
Male, 32 years			

**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 Subject A 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 Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 March 24, 2009.

## **Incident Summary**

Communications Division (CD) received a telephone call regarding a possible assault with a deadly weapon. Officers arrived at scene, and Subject was holding the victim with one hand and had a knife in the other hand. Officers A and F ordered the Subject to release the victim, but he refused. Officer F broadcast a help call to CD, and shortly thereafter, Officers B and D arrived at the scene of the call. Officers A and B drew unholstered their pistols. Officers A, B, D and F entered the apartment and ordered the Subject to release the victim, but the Subject refused to comply. After a short time, the victim broke free of the Subject's grasp and fled the apartment. Officer B saw the Subject's knife on the kitchen floor and ordered the Subject to lay down on the floor. The Subject refused to comply, and instead lunged at Officer B, but then immediately retreated further into the kitchen and crouched down.

Seeing that the Subject no longer had a knife, and that Officer A was still holding his pistol at the low ready, Officer B holstered his pistol. The Subject clenched his fists and shouted expletives at the officers and challenged them to approach him. Due to the threats the Subject had made, Officer B armed himself with his side handle baton. Officer B continued to order the Subject to the ground, but the Subject lunged at Officer B. In response, Officer B swung his side handle baton at the Subject, which struck him on the arm. Fearing that the Subject was going to re-arm himself with the knife, Officer B delivered a second two-handed power stroke to the Subject's upper right shoulder. Officer B then targeted the Subject's right elbow with a two-handed power stroke. However, as Officer B was delivering the strike, the Subject suddenly stood up and Officer B's two-handed power stroke hit the Subject in the head. All the officers were ordering the Subject to lie on his stomach and to get down on the floor, but the Subject failed to comply. Officer B delivered an additional two power strokes to the Subject's abdomen in an attempt to gain compliance. However, the Subject continued to fight with the officers.

Officer A requested a TASER, and Officer F voiced a warning regarding the TASER to the Subject. The Subject continued to fail his arms and refused to comply. The Subject advanced towards Officer F in a fighting stance, so Officer F deployed the TASER. Officer F was approximately five feet from the Subject when he discharged the TASER, and observed that both TASER darts made contact with the Subject. Officer F heard the Subject scream when the TASER was activated. Officer F allowed the TASER to discharge for its full five-second cycle. The Subject remained standing throughout this first activation. Seeing that the Subject was still standing and not complying with the orders of the officers, Officer F activated the TASER a second time, and the Subject then pulled the TASER darts out. The Subject was still clenching his fists, making aggressive movements and wanted to fight the officers. Officer B again struck the Subject on the shoulder with his baton and ordered the TASER to be used again.

Officer D, who had been given the TASER by Officer F, warned the Subject that the TASER was going to be used again. The Subject again failed to comply, so Officer D fired the TASER.

Officer D saw the Subject quickly removed one of the TASER darts from his chest so Officer D reactivated the TASER, but the TASER had no effect on the Subject.

Officer A holstered his pistol, deployed his collapsible baton, and struck the Subject three times in his lower right leg in an attempt to gain his compliance. Officer E stepped into the kitchen and straddled the Subject. Officer E ordered the Subject to place his hands on the small of his back, but the Subject refused to show his hands. Officer E forcibly removed the Subject's left arm from beneath his body and was able to place a handcuff on the Subject's left wrist. However, the Subject continued to aggressively resist being handcuffed. Officer C, who was approximately six feet from the Subject, fired his TASER at the Subject, and the darts struck the thigh/buttock area of the Subject. Officer C saw that the activation of the TASER momentarily paralyzed the Subject, and the Subject was eventually handcuffed.

### **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 while 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 the tactics of Officers A, B, C, D, E and F warranted a tactical debrief.

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

The BOPC found that the drawing/exhibiting/holstering of Officers A and B was in policy.

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

The BOPC found that the actions of Officers A, B, E and F were in policy.

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

The BOPC found that the actions of Officer B were in policy.

## **Basis for Findings**

### **A. Tactics**

In their analysis of this incident, the BOPC identified the following considerations:

1. While requesting “help,” Officer F did not provide responding units with a safe ingress direction and further information regarding the situation at hand.

Officer F appropriately requested “help” as was necessary in this incident; however, his broadcast failed to include pertinent information other than “help” and the street name. Additional information, such as a direction to approach, would have enhanced the ability of CD to provide the timely and accurate information necessary for responding units to coordinate the most tactically prudent response.

2. There was no tactical plan established or discussed prior to entering the apartment.

Although it is preferred that officers develop a plan prior to engaging in tactical scenarios, there are certain instances where the suspect’s actions compel officers to take immediate action. In this incident, the Subject’s actions and the necessity to maintain visual contact with the victim resulted in Officers B and A entering the apartment without developing a plan. However, the BOPC concluded that this situation required immediate action to ensure that the officers could monitor the Subject’s actions, and, therefore, the officers acted appropriately.

3. Multiple officers were giving the Subject commands.

Although the incident was fluid and rapidly unfolding, the officers are reminded of the importance of maintaining their predetermined contact and cover roles. Simultaneous verbal directives issued to the Subject presented the potential of causing confusion, which could have resulted in the Subject’s continued non-compliance. It is appropriate for this topic to be addressed in a Tactical Debrief.

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

The BOPC evaluated the circumstances relevant to Officers A and B’s drawing and exhibiting and determined that they had sufficient information to reasonably believe that the situation may escalate to the point where deadly force may become necessary.

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

The BOPC evaluated the circumstances relevant to Officers A, B, E and F’s non-lethal use of force and determined that the force was objectively reasonable to overcome the Subject’s aggressive actions.

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

The BOPC evaluated the circumstances relevant to Officers C, D and F's less-lethal use of force and determined that the use of the TASER was objectively reasonable based on the Subject's actions.

#### **F. Use of Force**

As Officer B targeted the Subject's right elbow for a two handed power-stroke, the Subject suddenly stood up. Officer B was unable to stop his momentum and inadvertently struck the Subject on the right side of his head.

The evidence in this case indicates that the head strike that occurred was inadvertent, and that Officer B did not intend to administer a strike to the Subject's head. As such, the BOPC believes that the head strike with the impact weapon was in policy, requiring no further action.

Considering the above-noted circumstances, the BOPC recommended that Officer B use of lethal force be found in policy.