

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

LAW ENFORCEMENT RELATED INJURY – 043-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
West Valley	5/27/06		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	3 years, 4 months
Officer B	3 years, 5 months

Reason for Police Contact

While on patrol, Officers A and B observed Subject 1, who matched the description of a wanted parolee. When they stopped him, the officers discovered Subject 1 had a credit card they believed to be stolen. In an attempt to escape, Subject 1 tried to punch the officers and then ran. The officers used various non-lethal use of force techniques to apprehend Subject 1.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 32 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 BOPC 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 03/27/07.

Incident Summary

Officers A and B received a notification, including a photograph, describing a wanted parolee who was believed to be armed and dangerous.

While on patrol, Officer A observed an individual walking on the sidewalk who matched the description of the wanted parolee. Officers A and B both agreed to initiate contact with the individual (Subject 1).

Officers A and B stopped and exited their vehicle. The officers asked Subject 1 if they could talk with him, and he consented. The officers asked Subject 1 if he had identification, and he responded that he did not. Subject 1 then consented to a pat-down search.

During the pat-down, Officer A felt an unidentifiable object in Subject 1's right-front pocket and, with Subject 1 approval, removed the property. The property consisted of a package of cigarettes and a credit card bearing a female's name. Officer A asked Subject 1 who the female listed on the credit card was, and Subject 1 responded that he did not know.

Officer A decided to handcuff Subject 1, but, as Officer A was retrieving his handcuffs, Subject 1 spun around and twice swung his fist at Officer A's face before running from Officers A and B. Officer B chased and caught Subject 1 by tackling him to the ground. Subject 1 landed face down with one hand under his body. Officer B landed on top of Subject 1.

Officer A arrived and in an effort to assist Officer B attempted to secure Subject 1's exposed hand. Subject 1 resisted but eventually Officer A was able to bring Subject 1's exposed hand behind his back.

Officers A and B pushed their "help buttons" on their radios in order to request assistance.

In an effort to gain control of Subject 1's hand that was underneath his body, Officer B ordered Subject 1 to give him his hand, but Subject 1 did not comply. Officer B then twice struck Subject 1 on his back with a closed fist. After the second strike, Subject 1 arched his back upward allowing Officer B to reach underneath and obtained control of the hand. Officer A then placed Subject 1 into handcuffs.

Officers A and B picked Subject 1 up and walked him toward their police vehicle. While Officer A attempted to search Subject 1, Subject 1 kicked backward toward Officer A's groin. Officer A then grabbed Subject 1 and took him to the ground.

Subject 1 landed face down. Officers A and B both used their body weight to keep Subject 1 on the ground.

In the meantime, Officers C and D arrived at the scene. Officer D used a hobble restraint device (HRD) to secure Subject 1's legs.

Subject 1 was placed in the backseat of a police vehicle, but, at Subject 1's request, a rescue ambulance (RA) was called.

The RA transported Subject 1 to the hospital where Subject 1 was admitted with collapsed lungs and a fractured wrist.

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 divisional training.

C. Non-lethal Use of Force

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

Basis for Findings

A. Tactics

1. Officers A and B conducted a pat-down search of Subject 1 prior to handcuffing him.

It would have been prudent for Officers A and B to have handcuffed Subject 1 immediately upon stopping him.

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

C. Non-lethal Use of Force

After Subject 1 fled, Officer B tackled him to the ground. Officers A and B used bodyweight for gain control of Subject 1. Officer B then struck Subject 1 on his back to gain control of his arm held underneath his body.

Once handcuffed, Officer A began to search Subject 1 prior to placing him inside the police vehicle. Subject 1 kicked backward toward Officer A's groin. Officer A took Subject 1 to the ground and applied bodyweight on Subject 1's back to gain control. Officer B applied bodyweight to Subject 1's legs.

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