

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

**UPPER BODY CONTROL HOLD – 045- 05**

<b>Division</b>	<b>Date</b>	<b>Duty-On (x) Off ( )</b>	<b>Uniform-Yes (x) No ( )</b>
Outside City	05/20/2005		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Sergeant A	14 years, 11 months
Sergeant B	17 years, 7 months
Sergeant C	9 years, 2 months
Officer A	10 years, 5 months
Officer B	8 years
Officer C	4 years, 6 months
Officer D	17 years
Officer E	7 years, 3 months
Officer F	18 years, 6 months
Officer G	7 years, 9 months
Officer H	8 months
Officer I	5 years, 11 months
Officer J	15 years, 4 months

**Reason for Police Contact**

Officer G and several other officers entered a residence in search of Subject 1 who had forced his way inside. When Subject 1 was located inside of the residence, the officers noted that he tightly held a four-month-old baby across his chest. When Subject 1 tightened his hold, Officer G believed that the baby's life was in danger and applied a Carotid Restraint Control Hold on Subject 1 so that fellow officers could arrest Subject 1 and rescue the baby.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
Subject 1: Male, 31 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 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 June 13, 2006.

## **Incident Summary**

On Monday, June 23, 2005, in the early afternoon, Officer A was stopped at an intersection when he observed a vehicle fail to stop for a red light traffic signal. As the vehicle drove through the intersection, Officer A noted that it almost collided with three other vehicles traveling southbound through the intersection. Officer A then activated the emergency lights of his police motorcycle and wailed his siren several times to gain the driver's attention. However, the driver, Subject 1, did not stop and continued to drive his vehicle. Officer A advised Communications Division ("CD") that he was following a vehicle that had failed to yield and requested an Air Unit and backup. Officer A continued to follow the vehicle with his emergency lights activated but later chose to "back-off."

Officer A followed Subject 1 through an unincorporated area of Los Angeles and advised CD when Subject 1 parked his car in the driveway of a residence. Officer A then dismounted his motorcycle, drew his service weapon, and ordered Subject 1 to go down on his knees while using his motorcycle as "cover." Although Subject 1 initially complied with Officer A's commands, he subsequently stood up and walked toward the front door of the residence despite Officer A's continued commands to stop and to get down. As this was occurring, Officers B and C arrived at the residence, drew their service pistols and took positions of cover behind their police vehicle.

While giving verbal commands to Subject 1, Officer A observed a female, later identified as Witness 1, look out from a window of the residence and advised her to move away from it. Moments later, a second male, later identified as Witness 2, opened the front door of the residence to learn why the police were at his residence. Officer A ordered Witness 2 to close the door, but Subject 1 overpowered him, entered the residence, and closed the door behind him. Officers A, B and C then held their positions and waited for the arrival of a supervisor and additional units. While the officers waited, Subjects 2 and 3, and a second female, later identified as Witness 3, ran from the front door of the residence and met with the officers. Witness 1 then informed them that several children were still inside of the residence, including her four-month-old daughter. Witness 1 also indicated that Subject 1 was the father of her child and that he did not have permission to be inside of the residence.

When Sergeants A, B and C arrived at the residence, Sergeant B assumed the duties of Incident Commander while Sergeants A and C assembled the officers who had responded to the location. Concerned for the safety of the children who remained inside of the residence, a tactical plan was formed for their rescue. As part of their tactical plan, Officer D was positioned behind the residence while an Air Unit used its public address system to order Subject 1 out of the residence. Although Officer D was able to remove two four-year-old children from the rear of the residence without incident, Subject 1 refused to comply with the Air Unit's order to exit the residence. Sergeant B then attempted to contact Subject 1 by telephoning the residence; however, Subject 1 did not answer.

Given Subject 1's refusal to exit the residence, Sergeants B and C assembled several officers to enter the residence. The entry team comprised of Sergeants A and C and

Officers A, B, E, F, G, H, I and J. Once inside of the residence, Sergeants A and C, along with other members of the entry team drew their weapons and searched for Subject 1. Officer H was armed with a Beanbag Shotgun and Officer I was armed with a TASER. Neither Officer H nor I drew their service pistol during the search.

Subject 1 was located by the entry team near the family room of the residence holding his four-month-old daughter across his chest with both hands. The officers formed a semi-circle around Subject 1 and ordered him to put the baby down. Subject 1 refused to comply. According to Officer E, Subject 1 appeared to be under the influence of Phencyclidine ("PCP"). Despite repeated commands to put the baby down, Subject 1 refused to comply. Due to Subject 1's demeanor, Sergeant A stepped out of the residence and requested that a Systemwide Mental Assessment Response Team ("SMART") respond.

Although the officers spoke with Subject 1 for approximately 15 minutes to gain his compliance, Subject 1 refused to release the baby or comply with the officers' commands. When Subject 1 tightened his hold on the baby, Sergeant C feared that Subject 1 would harm her. Officer G also observed Subject 1 "clinch the baby" and heard the baby cry. Officer G indicated that she thought Subject 1 "was hurting the baby and could possibly kill [her]." Concerned for the safety of the baby, Sergeant C directed several officers to approach Subject 1 and remove the baby from his grasp. As the officers attempted to remove the baby from Subject 1's grasp, a struggle ensued, which appeared to cause Subject 1 to further tighten his hold on the baby. Fearing that Subject 1 was going to kill the baby, Officer G approached Subject 1 and applied a Modified Carotid Restraint Control Hold ("MCRCH"), also known as an Upper Body Control Hold, to Subject 1 to aid in the rescue of the baby.

As the MCRCH was applied, Officers A and B loosened Subject 1's hold of the baby, allowing Officer I to safely retrieve the baby from Subject 1's grasp. When Officer G realized that Subject 1 was under control, she released her hold. During the time in which Officer G applied the MCRCH, Subject 1 did not lose consciousness. Subject 1 was taken into custody without further incident and later assessed by the Los Angeles County Fire Department.

#### **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 Sergeants A and C and Officers A, B, E, F, G and J's tactics to be appropriate.

**B. Drawing/Exhibiting/Holstering**

The BOPC found Sergeants A and C and Officers A, B, E, F, G, and J's drawing to be in policy.

**C. Non-lethal Use of Force**

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

**D. Use of Force**

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

**Basis for Findings**

**A. Tactics**

The BOPC noted that Officer A observed Subject 1 commit a traffic violation and initiated a traffic stop. Subject 1 failed to yield, and Officer A broadcast a request for backup and an air ship. Officer A "backed off" and continued to follow the vehicle to a residence located in the County of Los Angeles. Officer A advised CD of his location and waited for additional units to arrive. Attempts were made to telephone Subject 1 and call him out by means of the Air Unit; however, Subject 1 failed to comply. Unsure of the mental stability of Subject 1 and fearing for the safety of the four-month-old infant, Sergeants A and C formulated a tactical plan; assigned specific duties to each officer, such as contact, cover, less-lethal, arrest; and, subsequently, entered the residence. When the officers made contact with Subject 1, they attempted to reason with him to put down the baby, but, instead, Subject 1 increased the pressure of his grasp on the baby.

The BOPC considered that the officers were confronted with a dynamic and fluid situation that necessitated quick and decisive action. Concerned for the safety of the infant, the officers formulated a sound tactical plan to enter the residence and recover the infant.

The BOPC found Sergeants A and C and Officers A, B, E, F, G and J's tactics to be appropriate.

**B. Drawing/Exhibiting/Holstering**

The BOPC noted that Officer A followed Subject 1 after Subject 1 committed a traffic violation and failed to yield to Officer A's efforts to pull him over. Subject 1 drove to a nearby residence, exited his vehicle and began walking to the front door. Officer A

believed that Subject 1 was possibly armed and that the incident could rise to the level where deadly force may be justified and drew his service pistol.

The BOPC also noted that Sergeants A and C and Officers B, E, F, G, and J were assigned to enter the residence to safely retrieve the baby and take Subject 1 into custody. Subject 1 forced entry into the residence and was believed to possibly be armed. The above personnel believed the incident could rise to the level where deadly force may be justified and drew their service pistols.

The BOPC found Sergeants A and C and Officers A, B, E, F, G, and J's drawing to be in policy.

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

The BOPC noted that when Subject 1 began to increase his grasp on the baby, Sergeant C directed the arrest team to retrieve the infant. Officer A grabbed Subject 1's left arm while Officer B grabbed Subject 1's right arm in an attempt to separate Subject 1 from the baby. Subject 1 resisted and further increased his grasp on the baby. After Officer G applied the MCRCH, Officers A and C utilized wrist locks and bodyweight while Officer J grabbed Subject 1's right leg.

Based on the suspect's aggressive actions, the BOPC determined that Officers A, B, and J's use of force was reasonable to control Subject 1.

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

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

The BOPC noted that when Subject 1 increased the pressure of his grasp on the baby, the officers made their approach. When Officers A and B were unable to release Subject 1's hold on the baby, Subject 1 further increased the pressure of his grasp on the infant. Officer G believed the baby was in danger of serious bodily injury or death and applied a MCRCH to Subject 1 to stop his aggressive actions. Officers A and B were able to loosen Subject 1's grasp and removed the baby to safety. Once the baby was freed, Officer G released her hold on Subject 1, allowing the officers to maneuver Subject 1 against the pool table for handcuffing. Subject 1 was not rendered unconscious.

The BOPC determined that Officer G reasonably believed that Subject 1 presented an immediate threat of serious injury or death to the infant.

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