

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

Headstrike with an Impact Weapon – 046-05

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Mission	06/17/2005		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	8 years, 9 months
Officer B	4 years, 6 months

Reason for Police Contact

Officers patrolling in the early hours of the morning stopped a youthful male to investigate whether he was violating curfew. The male ran and was chased on foot by the officers. At the conclusion of the foot pursuit, the male was struck by an officer's flashlight.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (x)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 16 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.

The following incident was adjudicated by the BOPC on August 29, 2006.

Incident Summary

Officers A and B were patrolling in a marked police vehicle in the early morning hours. In addition to other items they were each carrying, both officers were equipped with collapsible batons and flashlights.

Officer A saw Subject 1 walking in the street. Officer A then drove the police vehicle past Subject 1. Officer A watched Subject 1 in his rear view mirror, to see what he was

going to do. As the officers observed Subject 1, they noticed that he looked too young to be out at that time of day. Officer A negotiated a U-turn to drive back towards Subject 1 in order to conduct a pedestrian stop.

The officers stopped and exited the police vehicle. Officer A told Subject 1, who had his hands in his pockets, to "Stop right there." Subject 1 stopped and replied, "For what?" Officer A told Subject 1, "Turn around and take your hands out of your pockets." Subject 1 replied, "For what?" Officer A repeated his instruction and Subject 1 complied, turning and placing his hands behind his back. Officer A asked Subject 1 how old he was and Subject 1 replied that he was eighteen.

Officer A conducted a "pat-down" search of Subject 1, recovering a pocketknife and a folding multi-tool.

Following the search, Officer B asked Subject 1 if he had any identification. When Subject 1 replied that he did not, Officer B asked Subject 1 for his name and date of birth.

Officer B returned to the police vehicle and conducted a check on the provided information. The check yielded no matches. Officer B returned to Subject 1 and again asked for his name and date of birth. Subject 1 provided the same information. Officer B conducted further checks. None of these checks yielded any matches to the information Subject 1 had provided.

Having conducted the checks, Officer B exited the police vehicle and told Officer A that Subject 1 didn't "have any identification in the system." Subject 1 then began to step backwards, away from the officers.

Subject 1 stepped back to a dirt path that ran parallel to the sidewalk. Subject 1 then began to run. Officer A immediately went into foot pursuit, following Subject 1 along the dirt path. Officer B followed, paralleling the foot pursuit. Neither officer broadcast that they were in foot pursuit. According to Officer B, he attempted to use his radio but was unable to take the radio from its holder on his equipment belt. Officers A and B were both holding flashlights as they pursued Subject 1.

Officer A physically contacted Subject 1, still holding his flashlight as he did so. Subject 1 went to the ground, where Officer A restrained him.

According to Subject 1, as he ran away from the officers he was struck in the back of the head. Subject 1 then stumbled and fell to the ground. Subject 1 felt a second blow to his back, at which time he fell, landing facedown to the ground.

Once on the ground, Subject 1 offered no further resistance and was 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 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's tactics to warrant administrative disapproval; and Officer B's tactics to warrant divisional training.

B. Non-Lethal Use of Force

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B observed Subject 1 walking in the early hours of the morning, past curfew hours. Officer A negotiated a U-turn and stopped the police vehicle adjacent to Subject 1. Officer B notified Communications Division of their location. The BOPC would have preferred that Officers A and B had approached Subject 1 from behind and parked the police vehicle with the flow of traffic.

The BOPC noted that Officer A ordered Subject 1 to turn away and remove both his hands from his pants pockets, but Subject 1 refused and asked why he was being stopped. Officer A asked a second time, which caused Subject 1 to comply with the commands. The BOPC further noted that, before Officer A conducted a pat down search, Subject 1 indicated he had a pocketknife in his pocket. Officer A subsequently recovered the pocketknife along with a utility tool. Due to Subject 1's initial refusal to cooperate and the property recovered from him, the BOPC would have preferred the officers had handcuffed Subject 1.

The BOPC noted that Subject 1 attempted to flee from the officers. The BOPC noted that neither of the officers broadcast that they were in foot pursuit.

The BOPC noted that, as the foot pursuit continued, Officer A grabbed the flashlight with his right hand (gun hand) and continued chasing Subject 1. The BOPC noted that, had the incident escalated to a shooting situation, Officer A would have been delayed in transitioning to his service pistol.

The BOPC noted that, as Officer A caught up to Subject 1, he attempted to grab Subject 1 around the shoulders. The BOPC was critical of Officer A's decision to attempt a takedown while in possession of his flashlight, noting that by contacting the suspect while still holding his flashlight, Officer A unnecessarily increased the potential for injury to the suspect. The BOPC noted that Officer A should have secured the flashlight prior to contacting the suspect, and that, at the point Officer A decided to contact the suspect, he could have secured his flashlight in his sap pocket.

The BOPC found Officer A's tactics to warrant administrative disapproval.

The BOPC found Officer B's tactics to warrant divisional training.

B. Non-Lethal Use of Force

The BOPC noted that Officer A closed the distance between himself and Subject 1 while holding the flashlight. The BOPC noted that Officer A used his body weight to control Subject 1 as he placed Subject 1's arms behind his back and handcuffed him and determined that Officer A's use of non-lethal force was reasonable to control Subject 1 and take him into custody. The BOPC found Officer A's non-lethal use of force to be in policy.

C. Use of Force

The BOPC noted that Officer A closed the distance between himself and Subject 1 and placed his left arm around Subject 1's left shoulder and the right arm over the right shoulder, while holding the flashlight. The BOPC noted that Officer A stated he might have inadvertently struck Subject 1 on the head with his flashlight as he attempted to grab him around his shoulders or as they fell to the ground.

The BOPC noted that Subject 1 indicated that while he was running, the officer hit him on his back and on his head, causing him to stumble and fall. The BOPC also noted that Officer A stated he might have inadvertently struck Subject 1 on the head with his flashlight as he attempted to grab him around his shoulders or as they fell to the ground but that Officer A did not believe his flashlight made contact with Subject 1's back. Furthermore, the BOPC noted that FID personnel met with a recognized expert in injury pattern analysis, who opined that the laceration to Subject 1's head was consistent with being struck by an object from behind and that the bruise on Subject 1's back was a pattern bruise consistent with the outline of a flashlight.

The BOPC determined that Officer A inadvertently struck Subject 1 on the head with his flashlight as they tripped and fell to the ground.

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