

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

**HEAD STRIKE WITH AN IMPACT WEAPON – 052-07**

<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>
Wilshire	06/01/2007		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	7 years, 1 month
Officer B	11 years, 3 months

**Reason for Police Contact**

Officers A and B responded to a radio call of a “violent male, mental illness” at an Adult Residential Facility, where a witness reported that Subject 1 attempted to take a knife from the kitchen and had displayed aggressive and violent behavior toward the staff. When the officers attempted to detain Subject 1, he became violent. During an ensuing struggle, Subject 1 was struck in the head by both officers’ batons.

<b><u>Subject</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
Subject 1: Male, 35 years.			

**Board of Police Commissioners’ Review**

This is a brief summary designed only to enumerate the 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 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 03/04/08.

**Incident Summary**

Officers A and B responded to a radio call of a “violent male, mental illness” at an adult residential facility. Upon their arrival, Officers A and B spoke with Witness A, a supervisor at the facility. Witness A directed Officers A and B to kitchen in the basement, where Subject 1 was located. Witness A also indicated that, at one point, Subject 1 was in possession of a knife and was threatening to hurt people.

Officer A observed Subject 1 sitting on a table, eating some food. Officer A commanded Subject 1 to place his hands on top of his head and to stand up, but Subject 1 did not comply. Officer A repeated his commands and Subject 1 again did not comply. Officer A then approached Subject 1 and grabbed his right arm. Meanwhile, Officer B broadcast a request for backup, which was not audible to Communications Division (CD).

As soon as Officer A made contact with Subject 1, Subject 1 struck Officer A's chest with two closed fists. Officer A drew his baton and struck Subject 1 in the sternum area with the short end of the baton. Subject 1 stood up from the table and began to swing his arms at Officer A. Then, approximately twenty seconds after the previous broadcast, Officer B upgraded the request for backup to a request for assistance. This broadcast was also inaudible to CD.

Officer A used his baton to strike Subject 1 on the elbows and bony parts of his body, including the shoulder blades. While striking Subject 1, Officer A told him to calm down and stop resisting. Subject 1, however, continued to flail his arms.

Officer A observed that on two occasions when he attempted to strike Subject 1's shoulder blades with the baton, Subject 1 ducked out of the way and the baton struck Subject 1 in the side of the head. Subject 1 then grabbed onto Officer A and prevented him from delivering more baton strikes. In response, Officer A grabbed Subject 1 in a bear hug, while still holding onto his baton. Officer B used Officer B's baton to strike Subject 1's right knee. Noting that the strike had no effect, Officer B struck Subject 1 approximately three more times with the baton.

Officer B activated the radio's help button, and CD broadcast an "officer needs help" call. Officer B then observed that Officer A and Subject 1 were continuing to struggle with one another, so Officer B struck Subject 1's right elbow approximately three or four times with the baton. Noting that the strikes appeared to have no effect on Subject 1, Officer B struck Subject 1's right shoulder with the baton. Again noting no effect, Officer B attempted to strike Subject 1's right shoulder a second time. As Subject 1 moved his head to the right, Officer B's baton struck him once in the head.

Officer A forced Subject 1 down to the ground. Subject 1 kicked Officer A's left leg at least once or twice, and Officer A struck Subject 1's leg approximately three times with his baton. Subject 1 began to curl up. Officer A handed his baton to Officer B and used bodyweight to hold Subject 1 down. Officer B also used bodyweight, to hold down Subject 1's legs.

Officer A straddled Subject 1 and grabbed his arms, which were extended up above his head. Officer A attempted to bring Subject 1's hands behind his back, but was unable to do so. He then pinned Subject 1's arms up above his head and secured Subject 1's hands in handcuffs. Officers A and B continued to use their bodyweight to hold Subject 1 down on the ground while they awaited the response of additional units.

Officers C and D arrived at the scene and made their way to the kitchen area of the facility. Officer D was asked by either Officer A or C to restrain Subject 1's legs with a Hobble Restraint Device (HRD), which Officer D applied.

Officer C assisted Officer A in removing the handcuffs from Subject 1, placing both of Subject 1's arms behind his back, and then reapplying the handcuffs.

Additional officers responded and Subject 1 was carried out of the residential facility. He was placed in a seated position in the back of a police vehicle. Subject 1 was transferred from the police vehicle to the RA when it arrived, and he was transported to a nearby hospital for medical treatment.

### **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 formal training.

The BOPC found Officers C and D's tactics to be appropriate.

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

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

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

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

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that after meeting with the facility staff and determining that the subject may have been armed with a knife, it would have been safer for the officers to request an additional unit with less-lethal munitions as an additional force option.

Officers A and B were directed by the facility staff into the kitchen area, which was located in the basement. Once there, Officer A initiated contact with Subject 1, who did not comply with his verbal commands. The officers should have used this opportunity to request additional resources and personnel to their location. Additionally, it would have made the officers aware of their inability to communicate with CD from the basement. This issue placed the officers at a tactical disadvantage and limited their access to vital Department resources.

During the struggle, Officer A placed his arms around the subject in a “bear hug” while he was holding his baton in his right hand. This tactic placed the baton in front of Subject 1, which could have resulted in Subject 1 taking control of the baton. It would have been safer for Officer A to holster his baton prior to placing his arms around Subject 1.

The BOPC also noted that during the struggle, Officer B struck Subject 1 on the legs and upper torso area while Officer A held Subject 1 in a “bear hug.” This tactic increased the likelihood of injury to Officer A and could have incapacitated him.

The BOPC found Officers A and B’s tactics to warrant formal training.

The BOPC found Officers C and D’s tactics to be appropriate.

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

The BOPC noted that Officer A approached Subject 1 when Subject 1 failed to comply with his verbal commands. Officer A grabbed onto Subject 1’s right arm, at which time Subject 1 pulled away and clenched his hands, then thrust his arms toward Officer A, striking him on the chest with both fists. Officer A appropriately stepped back, drew his baton and completed a short end strike to Subject 1’s sternum. Subject 1 then took several swings at Officer A. Officer A responded by delivering approximately ten to twelve power strokes to Subject 1’s left arm and left side of his body in an attempt to stop his actions. Subject 1 appeared unaffected by the strikes, so Officer A quickly broke free and wrapped his arms around Subject 1’s upper torso.

Simultaneously, Officer B drew a baton, approached Subject 1 and delivered approximately five strikes to Subject 1’s right knee and right shoulder area. The strikes appeared to have no effect on Subject 1, who continued to resist.

Although Officers A and B did not intend to strike Subject 1 on the head, they targeted and struck Subject 1's upper arm area, which is not a primary or secondary target location for an impact device.

Officers A and B then used their combined bodyweight and firm grips to physically force Subject 1 to the kitchen floor, allowing Officer A to handcuff Subject 1's wrists in front of his body.

At this time Officers C and D arrived on scene and entered the kitchen area where they observed Officers A and B struggling with the handcuffed Subject 1 on the floor. Officer C approached and controlled Subject 1's left arm as Officer A controlled the right arm. Together the officers removed the handcuffs, secured Subject 1's arms behind his back and re-applied the handcuffs.

Simultaneously, Officer D assisted Officer B in securing Subject 1's kicking legs with the application of the HRD. Subject 1 was then immediately placed in a seated upright position, until he was carried out of the facility and seated inside the police vehicle.

Based on the subject's aggressive actions, the BOPC determined that Officers A, B, C and D's use of non-lethal force was reasonable to overcome Subject 1's resistance and effect his arrest.

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

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

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

The BOPC noted that, as Officer A defended himself from Subject 1's attack, he used the baton and delivered several strikes to Subject 1's left side and upper left shoulder. One or two of the strikes glanced off of Subject 1's shoulder and inadvertently struck him on the head. The strikes appeared to be ineffective as Subject 1's aggressive behavior continued toward Officer A.

As Officer A held on to Subject 1, Officer B began to strike Subject 1 with a baton. Subject 1 lunged forward, causing Officer B's baton to inadvertently strike Subject 1 on the head. The strike appeared to be ineffective as Subject 1 continued his aggressive behavior.

The BOPC determined that the strikes to Subject 1's head were inadvertent, that the officers did not target or intend to strike Subject 1 on the head and that, in fact, it was Subject 1's aggression toward the officers that caused the strikes to impact his head.

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