

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

**LAW ENFORCEMENT RELATED INJURY 055-07**

<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>
Foothill	06/13/2007		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	11 years, 2 months
Officer B	1 year, 9 months
Officer C	11 years, 8 months
Officer D	7 months
Officer E	13 years, 6 months
Officer F	3 years, 10 months
Sergeant A	18 years, 7 months

**Reason for Police Contact**

Officers responded to an incident where Firefighters were attempting to conduct a medical assessment of Subject 1, who was suffering from mental illness. Subject 1 became aggressive and officers used force to restrain him. Subject 1 was subsequently admitted to a hospital.

<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, 32 years of age.			

**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 05/06/08.

## **Incident Summary**

Officers A and B responded to a call requesting assistance with a male with mental illness. Upon arriving at the scene, Officers A and B were met by a Los Angeles Fire Department (LAFD) firefighter who advised them that they were attempting to conduct a medical assessment on Subject 1 and transport him to a medical facility for a mental evaluation hold. The firefighter also advised that Witness A, Subject 1's mother, had informed him that Subject 1 suffered from schizophrenia and had not taken his medications for at least two days. Witness A had also reported that Subject 1 had started foaming at the mouth and had displayed aggressive, confused, and uncooperative behavior.

Officer B retrieved a TASER. Officers A and B then walked up to the residence and stood behind four to five LAFD personnel who were outside the residence, near the front door. Witness A stood at the doorway between the firefighters and Subject 1. Subject 1 stood in the living area with his fists clenched and yelled profanities. Witness A pleaded with Subject 1 to have the firefighters check him and take him to the hospital.

Officers A and B observed LAFD personnel and Witness A attempt to calm Subject 1 for approximately four minutes. Seeing that Subject 1 was unwilling to cooperate and was acting extremely agitated, Officer A requested a supervisor and an additional unit to respond to the scene.

Sergeant A monitored the request for a supervisor and responded to the scene. Officers C, D, E and F also heard the supervisor request and responded to the location to assist.

Sergeant A arrived at the location and observed Witness A, LAFD personnel and Officers A and B standing near the doorway of the residence talking to Subject 1. Subject 1 continued to yell profanities and was uncooperative. Sergeant A requested Witness A and the LAFD personnel to move away from the front door. LAFD personnel escorted Witness A to the front yard.

Sergeant A continued to talk to Subject 1, telling him that he needed to come with the officers and that they wanted to take him to the doctor. Subject 1 responded with profanities and threats of violence. Sergeant A directed Officer A to stand by with the TASER and warned Subject 1 that the TASER may have to be used and that "it may hurt you. It may cause serious bodily injury. I need you to comply. I really don't want to do this. I need you to comply with me." Subject 1 continued to shout profanities and challenged the sergeant to fight.

Unaware that additional units were already en route, Sergeant A used his radio to request an additional unit. Officers C, D, E and F arrived at the scene and joined the rest of the officers near the front door of the residence. The officers discussed tactical options including deploying a less-lethal shotgun. It was decided that Officer F would also deploy a TASER in addition to Officer B. Officer A noticed a doorway behind

Subject 1 and asked Witness A if there was a rear entry. Witness A stated there was a door around the back that led through the kitchen.

Sergeant A was positioned in the middle of the doorway with Officer A to his right, Officer C to his left, and Officer F positioned behind them. Sergeant A continued to verbalize with Subject 1, asking him to calm down. A short while later, he observed Officers A and E in the doorway behind Subject 1. Subject 1 was apparently unaware of the presence of the officers behind him.

Officers A and E walked up behind Subject 1 and grabbed his arms. Subject 1 immediately went rigid and attempted to pull away from the officers. Officer C observed Subject 1 struggling with the officers and moved to assist them.

Meanwhile, Subject 1 leaned forward, then immediately came back up and, using Officers A and E as leverage, kicked both his feet out toward Officer C, striking him in the stomach area, which pushed Officer C backwards. Officer C directed Officer B to deploy the TASER. Officer B discharged a TASER cartridge, with one dart striking Subject 1 in the stomach area and the other dart striking him in the thigh area. Officer B applied a five-second discharge that appeared to have no effect on Subject 1. Subject 1 then twisted around and broke free from Officers A and E's grip.

Subject 1 moved toward Officer C, began swinging his arms and punched Officer C in the forehead. Officer C lowered his head, grabbed Subject 1's midsection and attempted to bring him to the ground. Subject 1 turned and fell face-down, with Officer C falling on top of Subject 1's left side. Subject 1 began twisting his body and kicking his feet, and placed his arms underneath his body.

Officer C applied bodyweight and attempted to pull Subject 1's right arm from underneath him. Officer A placed his right knee on Subject 1's back, placed his hand on Subject 1's shoulder and applied bodyweight. Officer F placed his hands on Subject 1's right back and applied bodyweight. Officer D attempted to pull Subject 1's right arm from underneath him.

Meanwhile, Officer E observed people who he believed were Subject 1's family members near the front doorway. They began yelling, "What are you doing to him? Police abuse." Officer E directed officers positioned near the doorway to push them back away from the door to prevent them from interfering with the officers on the floor.

Subject 1 then turned his head to his right and attempted to bite Officer A's hand. To prevent Subject 1 from biting Officer A, Officer C delivered two right hand open palm strikes to Subject 1's right back area. Subject 1 continued to resist and struggle with the officers as the officers verbalized with Subject 1 to calm down and stop resisting.

Officer C then utilized a head displacement technique by placing his elbow on the right side of Subject 1's head and pushing Subject 1's head to the left, which caused Subject 1 to relinquish his right arm. Officer D took control of Subject 1's right arm and held it

out until Officer B applied a handcuff. Officer C was then able to pull Subject 1's left arm out and place it behind his back. Officer D completed the handcuffing process.

Meanwhile, after hearing Officer A say, "He's biting me," Officer F stated, "I'm going to tase him. Watch your hands." Officer F placed his TASER on Subject 1's right rear shoulder blade area and deployed a drive-stun discharge for approximately five seconds, which did not appear to have any effect on Subject 1.

Subject 1 continued to kick his legs and twist his body. Sergeant A observed that the officers were having a hard time controlling Subject 1 and that nobody was controlling his legs. To prevent Subject 1 from kicking the officers, Sergeant A dove on Subject 1's legs and used his bodyweight to control them. Sergeant A requested a hobble restraint device (HRD). Officers F and B assisted Sergeant A. Officer F removed a HRD from his left pocket and placed it around Subject 1's ankles.

Subject 1 was then rolled over onto his back. To prevent him from continuing to kick, Officer F raised the loose end of the HRD and slightly elevated Subject 1's legs. Within a few seconds, LAFD personnel entered the residence with a gurney and placed a spit mask on Subject 1's head to prevent him from biting and spitting. Subject 1 was then placed on the gurney and his wrists were handcuffed to the gurney.

Sergeant A requested an additional supervisor to respond to the scene. Sergeant B responded to the location and was briefed by Sergeant A regarding the incident. The sergeants concluded that the incident would be investigated as a non-categorical use of force.

LAFD personnel transported Subject 1 to a local hospital. Officer D rode in the back of the rescue ambulance (RA), while Officers A and B followed in their police vehicle.

Sergeant B went to the hospital and learned that Subject 1 was going to be admitted for acute dehydration and intense muscle strain, possibly caused by medication, seizures, or the use of the TASER. Sergeant B notified the Area watch commander and the incident was reclassified as a categorical use of force.

### **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 Sergeant A's and Officers A, B, C, D, E and F's tactics to be appropriate.

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

The BOPC found Sergeant A's and Officers A, B, C, D, E and F's non-lethal use of force to be in policy.

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

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Sergeant A and Officers A, B, C, D, E, and F formed a tactical plan designating contact and cover officers. The officers appropriately abided by their initial plan, used effective tactical communications and deployed two officers with TASERS. Sergeant A also ensured that sufficient resources were at scene prior to attempting to take Subject 1 into custody.

The BOPC found Sergeant A's and Officers A, B, C, D, E, and F's tactics to be appropriate.

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

The BOPC noted that Officers A and E approached Subject 1 from behind. Officers A and E placed Subject 1's arms behind his back.

Using Officers A and E's hold for leverage, Subject 1 thrust both of his legs forward and kicked Officer C in the stomach area. After the TASER proved ineffective, Officer C tackled Subject 1 to the ground. Subject 1 continued to struggle while on the ground and placed his hands underneath his body. After evaluating the rapidly unfolding events, Sergeant A decided he had no other option but to assist the officers.

Sergeant A's decision to become an active participant in the use of force was appropriate. The factors that were considered included the length of the struggle, necessity to resolve the incident without further escalation of force, and Sergeant A's physical ability to expeditiously subdue Subject 1.

Meanwhile, Officer C applied bodyweight to Subject 1's back and attempted to gain control of his right arm, while Officer E held Subject 1's left arm. Officer A placed his

right knee on Subject 1's upper back area and his right hand on Subject 1's right shoulder area and applied bodyweight. Officer F placed both his hands on Subject 1's right back area and also applied bodyweight. As the struggle progressed, Subject 1 turned his head to the right and attempted to bite Officer A's right hand. In response, Officer C delivered two open right hand palm strikes to Subject 1's upper back to prevent him from biting Officer A and to gain control.

Officer D grabbed Subject 1's right arm and attempted to pull it out from beneath his body, while Sergeant A wrapped his arms around Subject 1's legs and applied body weight. Officer F utilized his knees to apply additional body weight. Officer F removed his HRD from his pocket, applied the device over Subject 1's feet and cinched it around his ankles. Officer C, who was lying on Subject 1's back, utilized a lateral head displacement technique to force Subject 1 to relinquish control of his right hand and allowed Officers B and D to take control of his arm and take Subject 1 into custody.

The BOPC determined that Sergeant A's and Officers A, B, C, D, E, and F's non-lethal use of force was reasonable to overcome the subject's aggressive and combative actions.

The BOPC found Sergeant A's and Officers A, B, C, D, E, and F's non-lethal use of force to be in policy.

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

The BOPC noted that prior to officers entering the residence, Sergeant A warned Subject 1 to comply with the officers' commands; otherwise a TASER could be used, and Subject 1 might be injured.

Subject 1 thrust both of his legs forward and kicked Officer C in the lower stomach area, causing Officer C to stumble backward. Officer B, who held the TASER at a low ready position, aimed the TASER at Subject 1's center mass and discharged a five-second burst. The TASER did not have any visible effect on Subject 1, who continued to swing his arms and twist away from the officers' grasp as he moved toward Officer C.

Officer C tackled Subject 1 onto the ground. During the struggle on the ground, Subject 1 attempted to bite Officer A and continued to kick his legs while ignoring officers' commands to stop resisting. Officer F discharged a five-second direct stun contact burst to Subject 1's back; however, it was also ineffective and Subject 1 continued to resist.

The BOPC determined that Officers B and F's use of force was reasonable to control the subject.

The BOPC found Officer's B and F's less-lethal use of force to be in policy.