

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

LAW ENFORCEMENT-RELATED INJURY – 061-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Topanga	07/10/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	2 years 10 months
Officer B	16 years 2 months

Reason for Police Contact

Officers took custody of the Subject, who became combative at the police station and struck Officer A, resulting in a use of force incident and a law enforcement related injury.

Subject(s)	Deceased () Wounded (X) Non-Hit ()
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Subject: 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 relevant 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 Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 May 22, 2012.

Incident Summary

A citizen's arrest was made on the Subject for California Penal Code Section 415 – Challenging to Fight. The Subject also appeared to be intoxicated. Officers A and B responded to the location and took custody of the Subject. The officers transported the Subject to the police station for booking. Officer B was driving.

Upon arrival at the station, Officer A removed the Subject from the backseat of the police vehicle. The Subject was still handcuffed. As Officer A began to check the backseat for contraband, the Subject struck Officer A with his knee. Officer A then punched the Subject twice to repel the attack. The blows were ineffective, and the Subject continued to struggle, attempting to break free of the officers. Officer B then punched the Subject twice, again with little or no effect. Officer B then grabbed the Subject's shirt and threw him to the pavement. Unable to break his fall, the Subject struck his head on the pavement, causing moderate injuries.

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 of a firearm 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 made the following findings.

A. Tactics

The BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

The BOPC found Officers A and B's use of non-lethal force (firm grips, physical force and punches) to be in policy. The BOPC found Officer B's use of non-lethal force (takedown) to be out of policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Lack of Subject Control

In this instance, Officers A and B did not coordinate their efforts to maintain effective control of the Subject. Although Officers A and B were in appropriate positions to monitor the Subject, they momentarily became complacent as Officer A prepared to inspect the back seat. Regardless of the manner used to inspect the backseat, the potential for an incident to escalate without warning necessitates that more effective control of an arrestee is maintained. Tactics are meant to minimize the potential for an individual to cause an officer harm; however, even the utmost level of tactical vigilance will not prevent all attacks on officers.

- The BOPC additionally considered the following:

1. Punches to Boney Areas

Officers A and B attempted to punch the Subject two times each with contact being made to the head and neck area. Officers A and B are to be reminded that punches to boney areas may cause self-injury, resulting in the inability to utilize other force options. Therefore, the BOPC directed that this topic be discussed during the Tactical Debrief.

2. Verbalization

In this instance, Officers A and B neither used verbalization to obtain compliance from the Subject nor did they communicate with each other while engaged in the physical altercation. Officers A and B are reminded that effective communication enhances the ability to obtain control of a suspect. Therefore, the BOPC directed that this topic be discussed during the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific. In this instance, the tactical consideration did not substantially deviate from approved Department tactical training.

A Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident and assess the identified tactical consideration to better handle a similar incident in the future.

In conclusion, the BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

- **Officer A** – firm grip, physical force, two punches

Officer B – firm grip, physical force, two punches

After Officer A was struck by the Subject, Officers A and B grabbed and pushed him, turning his body to face toward their police vehicle. The Subject continued to physically resist as they all moved toward the trunk of the vehicle. Officer A grabbed the back of the Subject's shirt with his right hand and attempted to punch the Subject with his left hand. Although Officer A targeted center body mass, the Subject tilted his head downward, causing Officer A to inadvertently strike him on the face, left cheek area. The Subject resisted by thrashing his body in an attempt to break from the grasp of the officers. When the Subject again turned toward Officer A, Officer A punched him a second time with the punch landing somewhere between the upper body and neck area.

The Subject then rolled his body toward the trunk of the police vehicle and used it as leverage to push Officers A and B away from him. Officer B attempted to punch the Subject with his right fist; however, the Subject turned his head, causing the punch to glance off his face. The Subject continued to struggle and attempted to stand upright. Officer B delivered a second punch with his right fist, and again the Subject turned his head, causing the punch to glance off his face and lose effectiveness.

The standards set forth in Department policy dictate that the decision to use force must be judged through the perspective of a reasonable officer with the similar training and experience, facing the similar circumstances. With that said, an officer with similar training and experience and faced with similar circumstances would reasonably believe that the use of firm grips, physical force, and punches would be reasonable and within Department policy.

In conclusion, the BOPC found Officers A and B's use of non-lethal force (firm grips, physical force, and punches) to be in policy.

- **Officer B** – takedown

The Subject continued to resist and attempted to stand upright, turning his torso toward Officer B.

While standing behind the Subject, Officer B grabbed the Subject's shirt by the collar with his left hand and the lower back area with his right hand. Officer B then pivoted to his left and threw the Subject to the ground, causing him to strike his head on the pavement.

The BOPC thoroughly evaluated the circumstances and determined that the uncontrolled takedown was neither commensurate with the level of resistance nor threat presented by the Subject. In addition, the takedown was not consistent in manner or application with approved Department training standards. Furthermore, the BOPC has significant concern that Officer B neither made an attempt nor considered making an attempt to control at what force the Subject struck the ground.

Accordingly, the BOPC found that an officer with similar training and experience and under similar circumstances would believe that an uncontrolled takedown of a handcuffed suspect would be unreasonable and not within Department policy.

In conclusion, the BOPC found Officer B's use of non-lethal force (take down) to be out of policy.