

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

**HEAD STRIKE WITH AN IMPACT WEAPON – 063-05**

<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>
Southeast	07/23/2005		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	7 years, 8 months
Officer B	7 years, 1 month
Officer C	2 years, 4 months

**Reason for Police Contact**

While conducting a traffic stop for a malfunctioning brake light, officers encountered a combative subject. As officers used various non-lethal force techniques to subdue the subject, one officer inadvertently struck the subject on the head.

<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, 28 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 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 07/11/2006.

**Incident Summary**

Officers A and B observed a speeding vehicle with a malfunctioning brake light. The officers decided to conduct a traffic enforcement stop on the vehicle.

Officer B conducted a want and warrant inquiry on the license plate of the vehicle, but never received an electronic response because their computer was not working properly. The officers activated their red light and briefly activated their siren in order to signal the driver to pull over. The driver (Subject 1) pulled over in front of a residence.

Officers A and B activated the police vehicle's spotlights and approached the vehicle. Officer A asked Subject 1 for his license and registration, and advised Subject 1 that he was being stopped for a malfunctioning brake light. Subject 1 responded that he did not have a license or identification. Officer A obtained Subject 1's information and returned to the patrol vehicle.

Officer A advised Communications Division (CD) that the officers were at the location. Officer A conducted a check and learned that Subject 1's license was suspended or revoked and that Subject 1 was on parole for a narcotics violation. Officer A decided to detain and handcuff Subject 1.

Officer A informed Officer B of Subject 1's status, and of his plan to detain Subject 1 to conduct a parole compliance and inventory check of the vehicle.

Officer A asked Subject 1 to exit the vehicle and, when Subject 1 did not, repeated the command. Subject 1 then exited the vehicle and attempted to position his body between the officer and the door of the vehicle. In response, Officer A pushed on Subject 1's left shoulder and pushed him into the wedge created between the door and the vehicle.

Subject 1 threw his left elbow in an attempt to strike Officer A in the shoulder or face. Officer A deflected the blow by grabbing Subject 1's arm and holding it as Subject 1 attempted to escape.

**Note:** Subject 1 stated that he was covering his head, but not attempting to escape or assault the officers.

Officer B came up from behind Subject 1 and grabbed Subject 1 around his torso area. Subject 1 dragged Officers A and B back and forth from his vehicle to the middle of the roadway. Subject 1 also swung his elbows towards Officer B and tried to lunge forward to escape Officer B's grasp. Officers A and B gave Subject 1 orders to comply and to get down on the ground.

Officer A observed that Subject 1 was reaching for Officer B's equipment belt. Officer A removed his collapsible baton, extended it, and struck Subject 1 on Subject 1's left shoulder two or three times using an overhand striking motion while Officer B continued to hold Subject 1. While Officer A was attempting to strike Subject 1 on the shoulder, he struck Subject 1 in the head.

Subject 1 continued to fight, and continued to grab onto Officer B's equipment belt. Officer A hit Subject 1 in the shin with the baton four or five times. Subject 1 then went to the ground. Officer B made a radio broadcast at this time.

Subject 1 stood up as Officers A and B held onto Subject 1's arms. Subject 1 was flailing his arms, trying to strike the officers. The officers and Subject 1 moved towards

a parked truck that was in front of Subject 1's vehicle.

Subject 1 again took a fighting stance. Officer A hit Subject 1 in the shin area four or five times, but then lost his grip on the collapsible baton and the baton landed approximately 20 yards away.

Officer A then grabbed Subject 1's leg and lifted it in the air, bringing Subject 1 to the ground. Officer A broadcast a help call. Officer B held Subject 1's torso, which enabled Officer A to handcuff one of Subject 1's wrists. The officers then held Subject 1 on the ground until the arrival of the first backup unit, Officer C, who assisted the officers by grabbing Subject 1's free arm, which was underneath Subject 1's body, and placing it in the remaining handcuff.

Officers D and E also responded to the help call.

Once Subject 1 was handcuffed, officers placed a Hobble Restraint Device (HRD) on Subject 1 and seated him in an upright position.

After the incident, the officers noticed Subject 1 was covered in blood. Following the incident, Sergeants A and B arrived at the scene. Sergeant B ordered Officers D and E to transport Subject 1 to the hospital. Subject 1 suffered injuries to his head and shins.

### **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.

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

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

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

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

## **Basis for Findings**

### **A. Tactics**

The BOPC would have preferred that Officers A and B had obtained the results of a check of Subject 1's license plate prior to conducting the traffic stop on Subject 1's vehicle.

The BOPC noted that Officers A and B advised Communications Division (CD) of their location and status *after* stopping and making the initial contact with Subject 1. The BOPC would have preferred that Officers A and B had notified CD of their status and location prior to the initiation of the traffic stop.

The BOPC noted that Officer A approached the driver door of Subject 1's vehicle, ordered Subject 1 out of the vehicle, and attempted to handcuff him while standing in the doorway, placing the officer at a tactical disadvantage. The BOPC would have preferred that Officers A and B had ordered Subject 1 out of the vehicle and directed him to the sidewalk.

The BOPC noted that Officer B moved around the rear of Subject 1's vehicle to assist Officer A in an attempt to overcome Subject 1's resistance. The BOPC would have preferred that Officer B had requested assistance as he responded to assist Officer A. The BOPC also noted that both officers could have used the "Help" buttons on their radios to summon assistance.

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

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

The BOPC noted that Officer A used a blocking technique, firm grips, physical force, bodyweight, a team take down, three-to-five collapsible baton strikes to Subject 1's shins, and two-to-three collapsible baton strikes to Subject 1's left shoulder area, one of which inadvertently struck Subject 1 in the back of his head. Officer B used firm grips, physical force, bodyweight, and a team takedown. Officer C used firm grips and physical force to attempt to handcuff Subject 1.

The BOPC noted that Officer A struck Subject 1 in the shins with his baton four to five times after Subject 1 continued to "throw" elbows and grab onto Officer B's equipment belt. After applying these baton strikes, Subject 1 went down to the ground. However, Subject 1 stood up and began to flail his arms, trying to strike the officers, while moving towards a parked truck. Subject 1 also assumed a better fighting position. Officer A struck Subject 1's shin an additional four or five times.

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

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

The BOPC noted that Officer A noticed Subject 1 grab Officer B's equipment belt. Concerned that Subject 1 might attempt to obtain Officer B's service pistol and use it against the officers, Officer A drew his collapsible baton from its holder on his equipment belt, extended it, and struck Subject 1 two to three times in the left shoulder area, inadvertently striking Subject 1 on the back of the head.

The BOPC determined that Officer A's use of the collapsible baton was reasonable to overcome the aggressive/combatative resistance by Subject 1 and that the head strike with the baton was inadvertent.

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