

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

LAW ENFORCEMENT RELATED INJURY – 073-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Rampart	06/30/2006		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	7 years, 7 months
Officer B	4 years, 7 months

Reason for Police Contact

Officers A and B sought to locate and arrest Subject 1 for an outstanding warrant. When they located Subject 1, he fled from the officers. Officer A engaged in a foot pursuit while Officer B followed in the police vehicle. The officers subsequently forced Subject 1 to the ground and used various non-lethal techniques to apprehend him.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 52 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 05/29/07.

Incident Summary

Officers A and B visited the Department Intranet to view lists of wanted felony suspects posted by the Fugitive Warrant Section. The officers routinely used the information to locate and apprehend wanted suspects.

While checking the lists, Officers A and B noticed a wanted felony suspect, Subject 1, who was known to them from prior contacts. Subject 1 was wanted on a "No-Bail" narcotics warrant.

Realizing they might encounter Subject 1 during the course of their assignment, Officers A and B conducted an inquiry of a law enforcement database to determine if Subject 1 had any prior weapons violations or was known to exhibit violent behavior towards police officers. Officers A and B also obtained a photograph of Subject 1.

At the start of their shift, Officers A and B decided to check an area which Subject 1 was known to frequent.

Once in the area, Officers A and B observed Subject 1 walking on the sidewalk. Officer B, the driver, told Officer A that they were going to stop Subject 1 and arrest him for the felony warrant. Officer B pulled closer to the curb and, as they approached Subject 1, Officer A activated his vehicle spotlight and illuminated Subject 1.

Subject 1, who had one hand in his pocket, turned around and observed the approaching police vehicle. As the police vehicle came to a stop, Officer A exited the passenger side, told Subject 1 to stop and walk toward him, and stepped onto the sidewalk. Meanwhile, Officer B also exited the police vehicle. Subject 1 turned away from the officers and began running.

Subject 1 then yelled at the officers, "Come catch me." Officer A pursued Subject 1 on foot. He also broadcast to Communications Division (CD) that he was in foot pursuit, and provided his location and direction of travel. However, he provided an incorrect location. Officer B re-entered the police vehicle, activated the lights and siren and paralleled Officer A as he chased Subject 1 on the sidewalk.

Subject 1 continued running on the sidewalk as Officer A yelled for him to stop and place his hands on top of his head. Subject 1 refused to comply and continued running. Subject 1, while running from Officer A, began discarding items from his right front pants pocket.

As Subject 1 and Officer A neared an intersection, Officer B drove past Subject 1 and Officer A, stopped several feet past the intersection, and exited the police vehicle. Subject 1 then ran behind the police vehicle and out into the traffic lanes. Subject 1 then turned and ran through traffic lanes and back in the opposite direction. Officer A continued pursuing Subject 1 on foot. Officer B re-entered the police vehicle, made a U-turn and drove parallel to Officer A.

As Subject 1 approached a building, he stepped into the driveway and slowed to a walk. Officer B drove across traffic lanes, past Officer A and Subject 1, stopped the car at an angle to block Subject 1's path, and exited the police vehicle.

Officer A approached Subject 1 from behind and ordered him to stop. Subject 1 continued walking.

Officer A, now directly behind Subject 1, placed his palms against Subject 1's lower shoulder area and forced him against a fence to prevent his escape and to take him into custody. Officer A then grabbed Subject 1's arm to control him. Officer B, who was now standing next to Officer A and behind Subject 1, grabbed Subject 1's other arm. Subject 1 began twisting his upper body in an attempt to free himself from the officers' hold. Officers A and B ordered Subject 1 to stop resisting, but he continued to move his body back and forth. Officers A and B verbalized with each other and decided to take Subject 1 to the ground to better control him for handcuffing. Officer A spun Subject 1, but his feet became entangled with Subject 1's. This caused both Officer A and Subject 1 to fall to the ground. Subject 1 landed on his stomach and Officer A, while maintaining a hold of Subject 1, fell on top of Subject 1's back. Officer A then grabbed Subject 1's wrist and Officer B grabbed onto Subject 1's hand. Subject 1 continued to resist by twisting his upper body and by moving his legs. Officer A ordered Subject 1 to stop resisting, but he continued to struggle.

Officer A, then used his body weight to control Subject 1 by placing his right knee on Subject 1's buttocks and his knee across the back of Subject 1's shoulders. Officer B removed his handcuffs, placed them on Subject 1's wrist and pulled Subject 1's hand behind his back. Officer A grabbed the remaining handcuff and applied it to Subject 1's other wrist.

Officer A then broadcast to CD that they had Subject 1 in custody. Officers C and D arrived on scene to assist. Officer A assisted Subject 1 to his feet and conducted a pat-down search of his outer clothing. Officer B retraced Subject 1's path and collected the items Subject 1 had discarded during the foot pursuit. Officer A observed a laceration above Subject 1's right eye. As Officer A continued the pat-down search, Subject 1 lowered himself to the ground.

Officer A contacted CD and requested an Rescue Ambulance (RA) for Subject 1.

Sergeant A arrived on scene and met with Officers A, B, C and D. Sergeant A spoke to Officers A and B and was provided a summary of the incident. Sergeant A spoke with Subject 1 who told her that he had run from Officers A and B.

Shortly thereafter, Los Angeles City Fire Department (LAFD) personnel arrived on the scene. LAFD personnel assisted Subject 1, who remained on the ground and yelled at the police officers present. LAFD personnel conducted a preliminary assessment of Subject 1, categorized his condition as being "altered," then immobilized him with a cervical collar and backboard. Based on their assessment of Subject 1, a decision was made by LAFD personnel to transport Subject 1 to a hospital for further medical attention.

Subject 1 remained uncooperative and began kicking his feet. LAFD personnel tied Subject 1's shoelaces together to restrain his feet as he was being loaded into the RA. As preparations were made to transport Subject 1, he complained to LAFD personnel that he had been repeatedly kicked and beaten.

Sergeant A directed Officer C to ride in the RA with paramedics as they transported Subject 1, and Officer D to follow in their police vehicle. Sergeant A remained on scene and, based on information provided by Officers A and B, and from witnesses, classified the incident as a Non-Categorical Use of Force.

The RA arrived at the hospital and Subject 1 was taken directly to the Jail Ward. Officers C and D remained with Subject 1 and were subsequently met by Sergeant A at the hospital.

After waiting for more than an hour, Sergeant A believed that Subject 1 was not going to be admitted to the hospital. Sergeant A returned to the police station, where Officer C contacted Sergeant A.

Sergeant A was later contacted by Officers C and D regarding Subject 1's medical and admission status. Officer C told Sergeant A that Subject 1 was being kept at the hospital for observation.

Sergeant A told Sergeant B that Subject 1 was being kept at the hospital and that he would not be cleared for booking. Sergeant B told Sergeant A to continue her Non-Categorical Use of Force Investigation.

While conducting a review of the Non-Categorical Use of Force investigation, Lieutenant A opined that the incident may have been improperly categorized. The incident was then re-classified 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 Officer A's tactics to warrant divisional training, and Officer B's tactics to warrant formal training.

B. Non-Lethal Use of Force

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

C. Additional

The BOPC found Sergeants A and B's actions regarding the classification of the use of force to warrant divisional training.

Basis for Findings

A. Tactics

The BOPC noted that he was pleased with the officers' initiative to research wanted suspects and proactively seek them out. The officers were also regular partners and had discussed foot pursuits and other tactical issues.

The BOPC noted that Officer B observed Subject 1 walking, alerted his partner, and stopped their vehicle behind Subject 1. Officer A exited the police vehicle and asked Subject 1 to walk toward him. Subject 1 failed to comply and instead ran on the sidewalk.

Officer A pursued Subject 1 on foot and notified CD of his location. However, he provided an incorrect location. An accurate location broadcast during a foot pursuit is essential for the proper coordination of responding resources.

Officer B re-entered the police vehicle, activated his emergency lights and siren, and chose to parallel Officer A as he pursued Subject 1 on foot. An important tactical concept during foot pursuits is for partner officers to work as a team. Had both officers pursued Subject 1 on foot, they would have been in a better position to assist each other if Subject 1 ceased his flight and became combative.

The BOPC noted that, in an attempt to block Subject 1's path of escape, Officer B drove past Subject 1 and stopped the police vehicle. As Officer B opened his driver's side door and prepared to exit, Subject 1 turned, ran behind the police vehicle and reversed his direction of travel. Officer A continued to chase Subject 1, while Officer B negotiated a U-turn and followed behind them. Officer B then crossed over into opposite lanes of traffic to block Subject 1's escape and then exited the police vehicle.

The BOPC noted that Officer B's tactical decision to drive past the subject on two occasions exposed him to a potential crossfire situation. This tactic is problematic and should be avoided.

The BOPC determined that Officers A and B would benefit from additional tactical training.

The BOPC found Officer A's tactics to warrant divisional training, and Officer B's tactics

to warrant formal training.

B. Non-Lethal Use of Force

The BOPC noted that, toward the end of the foot pursuit, Subject 1 stopped running but continued to walk away from the officers. To prevent Subject 1 from escaping and/or taking flight again, Officer A placed the palms of his hands on Subject 1's shoulders and pushed him forward into a chain link fence. Officer A positioned himself on Subject 1's side and grabbed his arm and wrist with a two-handed grip. Simultaneously, Officer B positioned himself on Subject 1's opposite side and grabbed his elbow and wrist with a two-handed grip. Officer A ordered Subject 1 to stop resisting; however, he refused and twisted his upper body in an attempt to break away from their grasp. To better control Subject 1, Officers A and B communicated with each other and decided to force Subject 1 to the ground.

As Officer A attempted to force Subject 1 to the ground, Officer A's feet became entangled with Subject 1's, causing the two of them to fall to the sidewalk. Subject 1 landed on his stomach. Officer A knelt next to Subject 1's side and grabbed his wrist while Officer B stood on Subject 1's opposite side and grabbed his hand. The officers were then able to pull Subject 1's arms behind his back; however, Subject 1 continued to resist by twisting his upper body and moving his legs. Officer A told Subject 1 to calm down and to stop resisting, but Subject 1 continued to struggle. To prevent Subject 1 from rolling over, Officer A placed his knee on Subject 1's buttock and his knee across the back of Subject 1's shoulders. Officer B handcuffed Subject 1's hand behind his back allowing Officer A to grab the remaining handcuff and apply it to Subject 1's opposite hand without further incident.

The BOPC determined that Officers A and B's non-lethal use of force was reasonable to overcome Subject 1's resistance and affect his arrest. The BOPC found Officers A and B's non-lethal use of force to be in policy.

C. Additional

When reviewing a non-categorical use of force report prepared in connection with this incident, Lieutenant A became concerned that the incident may have been improperly categorized. This incident was subsequently re-classified as a categorical use of force.

On the day of the incident, Sergeants A or B should have contacted Force Investigation Division (FID), the Department's sole entity responsible for investigating and reporting all aspects of a categorical use of force, for guidance. In addition, both supervisors should have conducted a more diligent follow up in assessing the cause of Subject 1's hospitalization and documenting those findings in their respective logs. This would have resulted in a more accurate categorization of the incident and ensured a timely investigation by FID.

The BOPC found Sergeant A and B's actions regarding the classification of the use of force to warrant divisional training.