

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

**LAW ENFORCEMENT RELATED INJURY – 087-05**

<b>Division</b>	<b>Date</b>	<b>Duty-On(x) Off( )</b>	<b>Uniform-Yes(x) No()</b>
Harbor	09/20/2005		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Officer H	16 years, 11 months

**Reason for Police Contact**

Officers became involved in a vehicle pursuit of subject.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (x)</b>	<b>Non-Hit ( )</b>
Subject : Female, 32 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 Los Angeles Police 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, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on September 12, 2006.

**Incident Summary**

Uniformed Officers A and B were driving in a marked police vehicle when they observed a light blue car driving southbound and approaching a street. The driver of the vehicle, later identified as the Subject, operated the vehicle in an erratic fashion, including swerving into oncoming traffic. Additionally, the vehicle's headlights were not on, although it was dark outside. There was one passenger in the vehicle, later identified as Witness A.

Officers A and B followed the Subject who continued to drive erratically, swerving in and out of lanes and accelerating to speeds of approximately 50 miles-per-hour in a 25 mile-per-hour zone. Officers A and B formed the opinion that the Subject was possibly driving under the influence (DUI) and decided to attempt to pull the car over and conduct a traffic enforcement stop. Officer A activated the police vehicle's overhead emergency lights and siren, but the Subject failed to yield. Officer B advised Communications Division (CD) that they were in pursuit of a possible DUI driver and requested an airship and a backup to assist them. Officer B also notified CD of the license plate on the vehicle, but did not recall hearing the CD Operator return with any information about the vehicle. Uniformed Officers C and D joined in the pursuit as the secondary unit.

Uniformed Sergeant A joined the pursuit. Sergeant A immediately ordered the third police vehicle (occupied by Officers E and F) out of the pursuit and assumed a supervisory role in the pursuit. Officer C and D, was unable to notify CD over the radio of their involvement as the secondary unit in the pursuit, given the heavy radio traffic. As such, Officer C instructed Officer D to notify CD via the Mobile Digital Terminal (MDT). Officer A and his partner, Officer B, discussed tactics during the pursuit, including what they would do if the subjects in the vehicle were to stop the vehicle and run on foot. According to Officer D, he and his partner, Officer C, also discussed tactics during the pursuit.

The Subject subsequently led officers on a 17-minute pursuit, covering approximately 11.4 miles. During the pursuit, the Subject failed to stop for stop signs and red traffic signals, continued to drive erratically, and engaged in other Vehicle Code violations. The Subject drove east down an east/west alleyway. The alleyway was very narrow, with a width of approximately 11 feet across. While driving eastbound through the alley, the car collided with a utility pole, which was located on the north side of the alleyway. This collision terminated the pursuit. Following the collision, the Subject immediately exited the car from the driver-side door and faced the officers behind her. The Subject threw her arms up and down in the air and moved around, appearing to be in an agitated state. Officer A positioned his police vehicle approximately 16 to 20 feet behind the car, and Officers A and B exited their police vehicle and drew their pistols. Officer A took a position behind his driver-side vehicle door, which was equipped with a ballistic panel. Officer B exited his police vehicle on the passenger side and closed the door, given the limited clearance space he had between the vehicle and the alley fence.

Officer C exited his police vehicle, retrieved a beanbag shotgun, and subsequently joined Officers A, B, and D in the area behind the primary police vehicle. Officers ordered the Subject to stop moving and put her hands up but she did not comply. Officer A noted that the Subject was yelling incoherently. Officer A continued to give the Subject commands to stop moving and put her hands up, but The Subject failed to comply. Instead, the Subject turned away from Officers A and B, walked along the driver side of the car to the front of the car, and then walked eastbound through the alleyway out of sight of Officers A, B, D, and C.

Officer H and I monitored the pursuit over the radio, responded from the Harbor Area Community Police Station, and remained in the area of the pursuit in order to assist in case of a foot pursuit. Officers H and I did not become involved in the pursuit, given that there were already two units and a supervisor involved. According to Officer H, when the pursuit ended, the airship directed Officer H to position his police vehicle south of the alleyway, which was a position east and slightly south of the termination point of the pursuit. Officers H and I exited their police vehicle. Officer H retrieved his beanbag shotgun from the trunk of the police vehicle and heard the airship state over the radio that the suspect exited the vehicle and was heading eastbound, which was in Officer H's direction. Officer H positioned himself on the northeast corner of the building. This building adjoined the alley and a street. Officer H quickly peeked around the corner of the building, looking west down the alleyway, and observed the Subject with her back towards Officer H screaming and yelling obscenities midway down the alleyway. Officer H also observed a trash dumpster approximately halfway between his position and the Subject. Officer H could not see the subject's vehicle and could not see the officers involved in the pursuit.

Officers H and I formulated a plan to approach the trash dumpster to use it as cover in order to be in a better position to take the Subject into custody. This plan provided that Officer I would be the contact officer, giving commands to the Subject. Officers H and I had a tactical advantage in their approach, given that the Subject's attention was still facing westbound towards the pursuing officers.

Officer I drew his service pistol, and Officers H and I approached the trash dumpster. The Subject then turned around and Officer H decided to prone her out, given that he did not believe there was any crossfire problem. Officers H and I gave the Subject commands, including Officer I advising the Subject that they had a beanbag and that she may be injured if she did not cooperate. The officers also gave commands of "Get your hands up" and "Get on you knees." However, the Subject refused to comply and continued to yell and scream.

The Subject moved her hands to and from her waistband. Officer H was unsure whether the Subject had any weapons and knew she had not been searched. Officer H then heard his partner, Officer I state, "Beanbag ready," to which Officer H replied, "Beanbag, stand by." When the Subject came within 25 feet of his position, he pointed the beanbag shotgun at the Subject. When the Subject took another step towards Officer H, he fired one beanbag round at the Subject's center mass. That round appeared to have no effect on the Subject other than to agitate her further.

According to Officer I, the Subject stopped walking towards the officers after the first beanbag round hit her. The Subject continued to scream obscenities and flailed her arms. Officer I continued to give commands to the Subject, such as "Stop, don't move." The Subject continued to "flail about" and as such, Officer H fired a second beanbag round, aiming for the Subject's lower/middle body mass. The Subject stopped and turned away from him, but then turned back in his direction. Fearing that the Subject was going to arm herself, Officer H fired a third beanbag round at the Subject, aiming for her upper body mass.

Office H then assessed the situation. Officer I continued to give the Subject commands, such as “get your hands up” and “turn around.” However, the Subject failed to comply and instead began walking northbound in the alleyway.

Fearing that the Subject was going to re-enter the vehicle and drive off, Officer H took two steps away from his position of cover behind the trash dumpster and fired a fourth beanbag round at the Subject, which he believed hit her in the lower back area. This caused the Subject to spin around to face Officer H once again. Officers continued to give the Subject commands but she continued to refuse to comply. Fearing that she would “interfere with the other officers” and given that she was still a threat, Officer H fired a fifth beanbag round, aiming for her body mass. According to Officer J, after the fifth beanbag round was fired, Officer H yelled, “I need another bean bag.” Officer J stated that he replied, “I’ll get it” and ran to his police vehicle to retrieve another beanbag shotgun. Officer J was not beanbag qualified, but nevertheless retrieved the shotgun and racked a round into the chamber of the shotgun. The fifth beanbag round caused the Subject to go down towards the ground. Officer I ordered the Subject to get on her stomach, and the Subject complied. By that time, Sergeant B and Officers K and L had also arrived in the alley.

Officers I and M re-holstered their pistols. Sergeant B gave the officers instructions to take the Subject into custody. Officers H, I, M, and K (armed with Officer J’s beanbag shotgun) then approached The Subject and Officer H handcuffed her. Officer K then rendered Officer J’s beanbag shotgun safe and returned the shotgun to Officer J.

Officers A and B chose not follow the Subject as she walked away from them because Witness A was still seated in the front passenger seat of the car. Officer A believes that he re-holstered his pistol when the Subject walked away.

Multiple officers then ordered Witness A out of the car. Witness A did not comply initially, but when the orders were repeated in Spanish by Officer D, Witness A complied. Witness A was ordered to walk back towards the police vehicles behind him with his hands in the air. Officer B then re-holstered his pistol, approached Witness A, handcuffed him, and then took him to a place of safety behind the police vehicle. Once Witness A and the Subject were handcuffed, Officer D re-holstered his service pistol.

According to Officer I, after the Subject was handcuffed in the alley, he and Officer M picked up the Subject and walked her to the south wall of the alley, where Officer M searched the Subject. Officers M and J then walked the Subject to their police vehicle at the direction of Sergeant B. Before they seated her in the police vehicle, Officer J placed a Hobble Restraint Device (HRD) around the Subject’s ankles, at the direction of Sergeant B. Sergeant C, who arrived at the scene as the beanbag shotgun was being fired, monitored the Subject’s behavior and noticed she was injured. As such, Sergeant C requested a Rescue Ambulance (RA) from CD via his handheld radio.

The Subject remained seated in the police vehicle until such time as the RA arrived and transported her to a hospital.

The physician later informed Officer C that the Subject sustained a broken kneecap, possibly as a result of a strike from a beanbag shotgun round. Officer C notified the Harbor Area Watch Commander. According to Officer M, the Subject sustained injuries to her lower back, right hand, right knee, left groin area, and left calf.

### **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 determined that Sergeant A and Officer D would benefit from additional tactical training.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found that Officers A, B, D, M, J, and I's drawing to be in policy.

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

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that at the conclusion of the pursuit, Officer D elected to climb onto the trunk of the primary police vehicle. The BOPC noted that it would have been tactically safer for Officer D to remain behind the primary unit's vehicle instead of moving to a position of lesser cover on the trunk of that same vehicle.

The BOPC further noted that Sergeant A was unaware that Officer D climbed onto the trunk of the primary unit's vehicle. The BOPC reminds Sergeant A to closely monitor the activities of all officers under his immediate control, which could have prevented Officer D from repositioning himself in a compromised tactical position.

Based upon the above tactical concerns, the BOPC determined that Officer D and Sergeant A would benefit from additional tactical training.

### **B. Drawing/Exhibiting/Holstering**

The BOPC noted that Officers B, A, and D were in the primary and secondary pursuing units and observed the Subject's erratic driving and traffic collision. Fearing that there was a substantial risk that the situation may escalate to the point where deadly force may be justified, Officers B, A, and D drew their service pistols.

The BOPC further noted that Officers M and J approached east of the primary units, along with Officers H and I. Upon observing the Subject's continuing aggressive behavior, Officers M, J, and I feared that there was a substantial risk that the situation may escalate to the point where deadly force may be justified and drew their service pistols.

The BOPC determined that these officers had sufficient information to believe the situation may escalate to the point where deadly force may become necessary. The BOPC found that Officers B, A, D, M, J, and I' drawing to be in policy.

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

The BOPC noted that Officers H and I were directed by the air unit to deploy to the alleyway. The BOPC further noted that the officers observed the Subject's aggressive behavior and appropriately retrieved a beanbag projectile shotgun. The BOPC also noted that Officers H and I ensured that other officers were aware that they were going to approach the Subject westbound in the alley. The BOPC noted that the Subject was unaware of the presence of Officers H and I, and yelled incoherently at the other officers as she walked backwards towards Officers H and I.

The BOPC further noted that when Officers H and I observed the Subject placing her hands in and about her waistband area as if she were reaching for a concealed weapon, they obtained cover behind a large metal trash dumpster.

The BOPC noted that due to her demeanor and potential possession of a weapon, Officers H and I determined that the Subject was unsafe to approach. Officers H and I both ordered the Subject to surrender but she did not comply and continued with her aggressive demeanor. Fearing that the Subject might produce a weapon and advance on the other officers or re-enter her vehicle, Officer I warned the Subject that the beanbag shotgun was about to be used. When the Subject ignored the warning and continued her aggressive behavior, Officer H fired three super-sock rounds at her, in a westerly direction, from approximately 20 to 25 feet, assessing after each round was fired. The BOPC noted that these rounds appeared to have no effect and the Subject continued her aggressive behavior. The BOPC noted that Officer H took several steps in a northwesterly direction and fired two more controlled rounds at the Subject.

The fifth and final round had an obvious affect on the Subject and she sat down on the ground. The BOPC noted that the videotape of the incident corroborated the officers' depiction of the events and supported the use of the beanbag shotgun.

The BOPC noted that the Subject was handcuffed and escorted to the street to await the arrival of an RA. The BOPC further noted that due to her unpredictable behavior and incoherent speech, Officers J and M applied a HRD around the Subject's ankles. The Subject was then placed in an upright, seated position.

The BOPC noted that all five super-sock rounds that were fired struck the Subject. The Subject received injuries to her inner left thigh, mid-back above the waistline, right buttock, right hand, and right knee. She was treated by paramedics and physicians and admitted to the hospital for a fractured right kneecap.

Based upon the above, the BOPC determined that Officer H utilized the appropriate level of force to control the Subject's actions and affect her arrest. The BOPC found Officer H's use of force to be in policy.