

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

**HEAD STRIKE – 089-07**

<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>
77 <sup>th</sup> Street	09/17/2007		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	2 years, 0 months

**Reason for Police Contact**

Subject 2 called 911 and indicated that a male was striking her inside her residence. A radio call was broadcast indicating “Battery Domestic Violence” at the stated address. Officers entered the residence due to concern that Subject 1 was arming himself. During a struggle, Officer A struck Subject 1 on the head with a baton.

<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.			

**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 08/12/08.

**Incident Summary**

Subject 2 called 911 and indicated that a male was striking her inside her residence. As a result of Subject 2’s phone call, a radio call was broadcast indicating “Battery Domestic Violence” at the stated address. Shortly thereafter, Officers A and B responded to handle the call.

Officer B knocked on the front door of the residence. A male (Subject 1) appeared at a window near the front of the residence. Officer B identified himself as a police officer and told Subject 1 to open the door. Subject 1 responded with profanity and by telling

Officers A and B that they needed a warrant to enter his residence. Officer B requested the response of a supervisor to his location. Sergeant A heard the request and began responding.

Subject 1 walked back toward a bedroom inside the residence. At around the same time, a female (Subject 2) began to walk toward the front door of the residence.

**Note:** Officer A said that although it was difficult to see whether Subject 2 was crying when she approached, she was “very distraught.” Officer B said she was crying when she approached, and could not even speak because she was so upset.

Officer B indicated that Subject 2 unlocked the front door to the residence and pointed the officers toward the room where Subject 1 had gone.

**Note:** Subject 1’s son, Witness A, indicated that Subject 1 unlocked the front door to the residence and then went into his bedroom to get dressed. Witness A stated that Subject 1 told Officers A and B to wait for him for one moment in order to allow him to get dressed.

Concerned that Subject 1 might be arming himself, Officers A and B entered the residence and moved toward the bedroom where Subject 1 was located. Upon entering the bedroom, Officer A observed Subject 1 standing approximately three feet away from him. In a belligerent, aggressive tone, Subject 1 asked the officers why they were there.

Officer A observed Subject 1 assume a fighting stance. Intending to handcuff Subject 1, Officer A then grabbed his left arm, at which point Subject 1 began to struggle by flailing his arms. Subject 1 fell back onto a bed, and Officer A fell partially on top of him. Subject 1 grabbed the inside of Officer A’s left cheek and began to pull on it with two or three fingers. Officer A thought that Subject 1 was going to rip his cheek.

Officer B said that as soon as he and Officer A entered the bedroom, Officer A ordered Subject 1 to put his hands up and turn around. Also, after Subject 1 asked him and Officer A what they were doing in his house, Subject 1 immediately charged Officer A.

Officer A drew his collapsible baton and struck Subject 1 once on the head with the unextended baton. Subject 1 released his grip on Officer A’s cheek, but he then reached his left hand toward Officer A’s right eye. Subject 1 grabbed Officer A’s face approximately one half of an inch below his right eye and then used his fingernails to scratch in a downward motion. Officer A struck Subject 1 on the head a second time with the unextended baton, and Subject 1 stopped grabbing at Officer A’s face.

**Note:** Subject 1 indicated that he did not do anything to provoke Officers A and B, and that they entered his residence without telling him why and then struck him with either a flashlight or a baton.

Officer B used his radio to broadcast a request for assistance. At around the same time, Officer A set his collapsible baton down on the bed, pulled out his radio, and also attempted to broadcast a request for assistance. As Subject 1 continued to struggle by flailing his arms, Officer A set his radio down and tried to gain control of Subject 1's left arm. Meanwhile, Officer B noticed that there were children yelling and crying in the bedroom. He also observed Subject 2 enter the bedroom and begin to yell, indicating that Subject 1 was her husband.

Officer B was attempting to gain control of Subject 1's right arm, while Subject 2 approached Officer B's back. Moments later, Officer B was struck near his right shoulder blade and his collarbone with a hard object and was hit in the head twice. Seconds after he had broadcast a request for assistance, Officer B made another broadcast, this time requesting "help."

Around this time, Sergeant A arrived and entered the room. He observed Subject 2 "pulling on" Officer B, so he grasped Subject 2 around her waist and pulled her away. Subject 1 then moved from the bed onto the floor. According to Sergeant A and Officer A, Officer B gained control of Subject 1's right wrist.

Sergeant A observed that Subject 1 continued to struggle while lying face-down on the ground by squirming and flailing his elbows. In response, Sergeant A placed his left foot on Subject 1's back and assisted in controlling Subject 1's right arm. Meanwhile, Officer A gained control of Subject 1's left arm and handcuffed Subject 1.

The officers made a broadcast to Communications Division, indicating that Subject 1 had been taken into custody. Subject 2 was also arrested.

### **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 divisional training, and Sergeant A's tactics to be appropriate.

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

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

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

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC found that officers quickly realized that Subject 1 was extremely uncooperative and refused to comply with commands. Officer B appropriately requested a supervisor to respond, however, the officers should have also requested an additional unit, based on the subject's actions. Additional resources may have limited injuries sustained by the officers and subjects.

During the struggle with the subject, Officer A placed his collapsible baton on the bed, removed his radio and attempted to broadcast an assistance call. Although it was appropriate to broadcast the assistance call, Officer A should have secured his collapsible baton. By placing the baton down on the bed, it gave the subjects access to a deadly weapon, which could have been used against the officers.

During the struggle with Subject 1, Sergeant A assisted the officers by placing his foot on the center of Subject 1's back, to prevent him from escaping. Due to the confined space of the room and the number of individuals that the officers were faced with, this was a reasonable action based on the circumstances.

The BOPC found Officers A and B's tactics to warrant divisional training, and Sergeant A's tactics to be appropriate.

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

The BOPC noted that, upon entering the rear bedroom, Sergeant A observed that Subject 2 appeared to be attempting to pull Officer B backward, away from Subject 1. Sergeant A used both his arms to move Subject 2 away from the struggle.

Officers A and B forced Subject 1 to the ground, utilizing their bodyweight, as Subject 1 continued to struggle. Sergeant A placed his left foot on Subject 1's back to prevent him from rising and escaping, while Officers A and B grabbed both of Subject 1's arms. Officers A and B were able to place Subject 1's arms behind his back with assistance from Sergeant A, and he was taken into custody without further incident.

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

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

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

The BOPC noted that Subject 1 reached up and placed his fingers into Officer A's mouth and began to pull on the officer's cheek. Believing that his cheek was being torn, Officer A removed his collapsible baton and struck Subject 1 once on the top of his head with the capped end of his unexpanded baton. Subject 1 released his grasp of the officer's mouth; however, he reached out with his left hand and grabbed the officer's face under the eye. Officer A feared that Subject 1 was going to cause him serious bodily injury and struck him a second time with his collapsible baton on the top of the head. Subject 1 released his grasp of the officer's face but continued resisting.

The BOPC determined that Officer A's baton strikes to Subject 1's head were reasonable to overcome the subject's actions.

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