

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

LAW ENFORCEMENT RELATED INJURY – 100-06

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
Mission	11/03/2006		

Officer(s) Involved in Use of Force	Length of Service
Officer A	7 years, 2 months
Officer B	7 years, 7 months

Reason for Police Contact

Officers A and B observed Subjects 1, 2, and 3 engage in what they believed to be a narcotics transaction. When they attempted to contact the subjects, Subject 1 fled. Officer B pursued Subject 1, tackling him to prevent his escape. Officers A, B, C, and D utilized various non-lethal techniques to apprehend Subject 1.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 25 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 09/11/07.

Incident Summary

Officers A and B observed three males (Subjects 1, 2, and 3) standing on the sidewalk near an intersection, adjacent to a fence surrounding a residence's yard.

Officers A and B both observed interaction between Subject 1 and one of the other males, which they opined was consistent with narcotics activity. As Officers A and B neared Subjects 1, 2, and 3 they observed Subject 1 turn and look in their direction, as if he was surprised. Subject 1 then appeared to say something to Subjects 2 and 3,

who looked in the direction of the police vehicle and began walking in the opposite direction.

Officer A, the driver of the police vehicle, stopped the vehicle and parked. Both he and Officer B exited the vehicle in order to make contact with Subjects 1, 2, and 3. Although it was dark, Officers A and B did not illuminate their vehicle spot lamps or overhead emergency lights.

Officer A asked Subjects 2 and 3 to come back to speak with him. Subjects 2 and 3 stopped walking and were directed by Officer A to stand by a nearby fence. Subject 1 continued walking on the sidewalk, and then turned onto a perpendicular street with Officer B following closely behind.

Officer B ordered Subject 1 to stop. Subject 1 stopped, turned and looked in Officer B's direction, reached into his pocket, and threw an object onto the ground. Officer B then approached Subject 1 and directed him to place his hands behind his head. Subject 1 complied and Officer B conducted a pat-down search. Officer B directed Subject 1 to walk back around the corner to the location where Officer A and Subjects 2 and 3 were standing.

Meanwhile, Officer A asked Subjects 2 and 3 if they were on probation or parole. Officer A determined that Subject 3 was on parole and handcuffed him.

Officer B positioned Subject 1 facing the fence, next to Subjects 2 and 3. Officer B told Officer A that Subject 1 had discarded an object. Officer B walked around the corner and illuminated the area with his flashlight. Officer B pick up a cocaine pipe, returned to Subject 1 and spoke to him about having dropped a smoking pipe on the ground. Subject 1 denied the pipe belonged to him.

Around this time, Officer B attempted to place handcuffs on Subject 1, at which time Subject 1 began physically resisting.

Officer B broadcast his status and location to Communications Division (CD). During the broadcast, Subject 1 turned around, pushed Officer B, and ran. Officer B requested back up, and then chased Subject 1. Officer B grabbed onto the back of Subject 1's waistband and swung him around, causing them both to fall down onto a grassy parkway.

Subject 1 then raised himself to his feet and attempted to run away again. Officer B maintained a hold of Subject 1's pants, raised himself to his feet and was pulled several feet down the sidewalk by Subject 1.

Officer B grabbed Subject 1's shirt collar and swung him around. This caused them both to hit a chain-link fence and fall backward onto the ground. Officer B pulled Subject 1 back down to the grassy parkway, near the front of a vehicle parked at the

curb. Officer B lay on his side and held onto Subject 1, who was still attempting to stand up.

Officer A saw the struggle and ran over to assist Officer B, leaving Subjects 2 and 3 standing at the location of the initial contact. Officer A attempted to tackle Subject 1, but missed him and collided with the parked vehicle's front fender. Officer A then grabbed onto Subject 1's wrist, but lost his grip because Subject 1 was sweating. Subject 1 was again able to stand up. Officers A and B maintained hold of Subject 1's clothing and stood up while continuing to struggle with him.

Officer A held the open end of the handcuff attached to Subject 1's wrist and attempted to place it on Subject 1's other wrist. Subject 1 grabbed onto the opened handcuff and held it, which prevented Officers A and B from gaining control of it.

Officer A, while assisting in the struggle to control Subject 1, told Officer B that he was going to use a TASER to subdue Subject 1. Apparently hearing this, Subject 1 released the handcuff, but continued to resist by twisting back and forth. This caused Officers A and B and Subject 1 to fall back onto the ground.

Officers A and B continued struggling with Subject 1, verbalizing to him to stop resisting while attempting to hold onto him and utilizing their body weight to control him.

Officers C and D arrived on scene and broadcast their status and location. Officer C grabbed Subject 1's legs from underneath him, extended them straight out and used his body weight to hold Subject 1's legs down. Simultaneously, Officer D grabbed Subject 1's left hand and assisted with handcuffing.

Officers E and F arrived on scene, broadcast their status and location, and requested a Rescue Ambulance (RA) for Officer B, who had sustained a cut to his finger. Officers G and H arrived on scene, broadcast their status and location, and requested an RA for Subject 1, who was complaining of pain to his leg.

An RA responded to the scene. Subject 1 complained of pain to his hip and was subsequently transported to a hospital, where he it was determined that he had suffered a fractured and dislocated left hip. Subject 1 was subsequently admitted to the hospital for treatment of his injury.

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 and B's tactics to warrant divisional training.

The BOPC found Officers C and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC determined that drawing did not apply in this incident.

C. Non-Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that as the officers conducted patrol functions in the area, they observed three males engaged in a possible narcotics transaction. Officers A and B elected to investigate the activity without notifying CD of their location and status. In addition, the investigation into this incident revealed that both officers were not regular partners and that they did not engage in a discussion regarding tactics prior to their tour of duty. Both issues are fundamental for officer safety and to ensure that tactical situations are appropriately handled.

Subject 1 initially attempted to elude the officers by walking away until he was ordered to stop by Officer B. Subject 1 complied with Officer B's commands only after he disposed of what was later determined to be a cocaine pipe. Officer B conducted a pat-down search of Subject 1 then walked him to Officer A's location. Officer B left Subject 1 in Officer A's charge, un-handcuffed, and returned to recover the item that Subject 1 discarded. The totality of the circumstances strongly justified the handcuffing of Subject 1 at the time of his initial detention. By allowing Subject 1 to remain unrestrained, the officers provided an opportunity for Subject 1 to formulate and enact a plan to flee.

Officer B walked to the location where Subject 1 dropped the pipe and recovered the evidence. Officer B returned to where Officer A and the subjects were located and according to Officer B, he began to broadcast his status and location.

According to Officer B, as he began to broadcast, Subject 1 pushed him in the chest, causing him to step back, and then ran. Officer B initiated a foot pursuit and caught Subject 1. Although the exact timing of Officer B's initial broadcast was unclear, it

appeared from his tone that he was in some distress when the broadcast was made. As such, it may have been prudent for Officer B to request assistance or help in lieu of a back-up. This would have better informed responding resources to the severity of the situation.

After Officer B engaged Subject 1, Officer A responded to assist him. However, in doing so, Officer A left the remaining two subjects unguarded. The BOPC was concerned that leaving the subjects unguarded could have created a situation where the officers may have found themselves outnumbered in a physical confrontation.

Officers C and D monitored their radio and heard the back-up request made by Officer B. The officers responded to the location and appropriately advised CD of their status and location.

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

The BOPC found Officers C and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC determined that drawing did not apply in this incident.

C. Non-Lethal Use of Force

The BOPC noted that as Subject 1 stood by the fence, he turned, pushed Officer B in the chest, and began to run. Officer B chased Subject 1 and grabbed him from the waist with both hands, forcing Subject 1 to the ground. Subject 1 stood up and again attempted to flee. While holding on to Subject 1, Officer B used his momentum to force Subject 1 into a chain-link fence, and then to the ground. Subject 1 stood up again as Officer B maintained control of his waist and then forced him back down to the ground.

Officer A observed the struggle and ran to assist Officer B. Officer A lunged toward Subject 1 and attempted to tackle him, missing Subject 1 and striking a parked vehicle. Officers A and B then used firm grips and their combined bodyweight in an attempt to control Subject 1. Officers A and B continued to struggle with Subject 1 in an effort to control him, and subsequently elected to utilize their body weight to hold him down until additional resources arrived.

Officers C and D arrived on scene and observed Officers A and B struggling with Subject 1. Officer C used physical force and his bodyweight to control Subject 1's legs, while Officer D used a firm grip to assist with the application of the handcuffs.

The BOPC determined that Officers A, B, C and D's non-lethal use of force was reasonable to overcome Subject 1's aggressive and combative actions.

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