

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

LAW ENFORCEMENT RELATED INJURY – 101-05

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Harbor	11/11/05		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer C	10 years, 6 months
Officer D	8 years, 7 months
Officer H	22 years, 7 months

Reason for Police Contact

While serving an arrest warrant, officers used various less-lethal force options to apprehend a subject who barricaded himself in an attic.

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Subject 1: Male, 17 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 10/24/06.

Incident Summary

Sergeant A and Officers A, B, C, D, E, F, and G proceeded to the home of Subject 1, a known gang member, in response to a homicide believed to have involved gang members. Subject 1 was on probation for a weapons violation and had an outstanding arrest warrant. Upon arrival, Officers F and G were assigned to cover the rear of the home, while the other officers approached the front.

Officer C observed a male with a shaved head (Subject 1) walking southbound near the residence. Officer C shone his flashlight on Subject 1, who then turned and ran northbound. Officer C advised the other officers. Sergeant A directed the other officers to enter the home to conduct a search.

Officers D and F drew their service pistols and searched the interior of the house. Officer D located an opening to an attic from the bedroom. Sergeant A requested that the attic be cleared. Officer B entered the attic and saw Subject 1 crouched along the north wall of the attic. Officer C then drew his service pistol and took a crouching position west of the attic opening. Officer B noticed that Subject 1 had his hand in his waistband, which caused Officer B to believe that Subject 1 was armed. Officer B asked Officer D to enter the attic to assist. Officer D drew his service pistol, and crouched on the attic floor. Subject 1 was ordered to remove his hand, but refused to comply. Instead, Subject 1 made several comments to the officer, indicating that Subject 1 and the officers would not make it out of the attic alive.

Officer B then requested a beanbag projectile shotgun. The request was relayed by Officer E, who was inside the bedroom, to Sergeant A, who was outside the house. A beanbag shotgun request was broadcast. Eventually, Sergeant A delivered the beanbag shotgun to Officer C.

The officers tried numerous tactics in attempt to get Subject 1 to show his hands, including warning Subject 1 that they would use a beanbag shotgun. They illuminated the attic with flashlights. Outside the house, Sergeant A moved the family members away to a Command Post location for their safety.

When Subject 1 refused another order to show officers his hands, Officer C fired one beanbag round at Subject 1. Officer C was given additional orders to fire, and Officer C continued to fire beanbag rounds at Subject 1, assessing the situation and giving warnings between each shot fired. Sergeant A requested K-9 and other officers to respond stand by.

Subject 1 was then warned that the TASER was going to be used. Officer D deployed his TASER, which was unsuccessful. At about this time, Lieutenant A, Sergeants B and C and Officers H, I, J, and K arrived. After Lieutenant A and Sergeants B and C were briefed and a tactical plan was formulated, Officers H, I, J, and K entered the bedroom to relieve Officers B, C, and D from the attic.

Officer H moved to within 10-15 feet of Subject 1 and continued to give commands to Subject 1, ordering him to proceed towards the officers, show his hands, and submit to arrest. Officer H warned Subject 1 that he would use a TASER on him. Subject 1 made threats towards the officers, stating that he had a gun, that he was not going to go to jail, and that he was going to kill the officers. In response to Subject 1's threats and continued movements, Officer H deployed his TASER, which hit Subject 1 and discharged for a pre-set duration of five seconds. Officer H continued to order Subject 1 to move out where he could be taken into custody. However, Subject 1 would not comply. Officer H discharged the TASER again. This time, Subject 1 submitted to arrest and was handcuffed by Officer K. Subject 1 was booked for a warrant. Subject 1 sustained multiple contusions and abrasions to his chest, arms, legs, wrists, and neck and was hospitalized for injuries to his neck.

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 Sergeant A and Officers A, C, and D's tactics to warrant administrative disapproval. The BOPC found Officers B, H, J, and K's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers B, C, D, H, I, J, and K's drawing and exhibition of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC found the less-lethal use of force by Sergeant A and Officers A, C, and D to be out of policy, warranting administrative disapproval. The BOPC found Officer H's less-lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that this incident should have been handled as an arrest warrant service, which required that a Warrant Service/Tactical Plan Report be completed. This would have ensured that specific protocols were followed and would have facilitated a safer and more efficient tactical operation.

The BOPC further noted that as the officers deployed around the residence, Officer C assumed a position to the rear of the location and remained alone until he announced that he observed Subject 1. The BOPC determined that it would have been tactically

safer for Officers B and C to remain together to perform rear containment of the residence.

The BOPC also noted that once the fleeing individual had run inside the residence, Sergeant A and the other officers should have recognized the circumstances were consistent with the criteria for a barricaded suspect. At that point, the officers should have contained the location and sought advice. Rather, Sergeant A decided to utilize his personnel to initiate a search of the residence. When the sergeant and officers discovered that the cover to the attic was partially ajar, they did not establish containment or to make appropriate notifications.

The BOPC further noted that the officers began a long face-to-face standoff with no cover. Sergeant A did ultimately seek advice was informed that the incident met the criteria for a barricaded suspect and that other specially trained officers would respond. Although Sergeant A was advised that specialized personnel were responding, he proceeded to direct the use of the beanbag shotgun. The circumstances warranted establishing containment and did not present the exigency to fire the beanbag shotgun to gain compliance while awaiting the response of other personnel.

The BOPC noted that Officer C stood in the opening of the attic with his upper torso exposed to Subject 1 and fired a total of 26 super-sock rounds at Subject 1 from a distance of approximately 35-37 feet. The BOPC determined that Officer C should have recognized that the beanbag shotgun was not effective in obtaining Subject 1's compliance prior to firing a total of 26 rounds. Officer C then held the beanbag projectile shotgun in his right hand while holding the TASER in his left hand as he attempted to gain compliance by activating the TASER's laser sight on Subject 1. Officer C also maintained a Department-approved shotgun lying on the attic floor directly in front of him as he deployed the beanbag projectile shotgun. The BOPC noted that it would have been tactically safer for Officer C to deploy only one weapon at a time. In addition, there was no Combative Suspect Control Team (CSCT) designated or a plan in place to detain Subject 1 if either the beanbag shotgun or TASER had been ineffective in causing him to surrender.¹

The BOPC noted that for a significant length of time during the standoff, the other occupants of the residence were allowed to remain inside instead of being evacuated for their safety. The BOPC determined that it would have been tactically safer for the occupants to be evacuated until Subject 1 was apprehended.

The BOPC further determined that, although Sergeant A was tasked with many responsibilities as this incident unfolded, his primary responsibility should have been to remain with the officers inside the residence as they initiated their plan to confront and detain Subject 1.

¹ The CSCT is a separate team of officers put in during the time the other officers are deploying the TASER who will maintain control of the Subject if the TASER does not work and the Subject becomes out of control.

The BOPC found Sergeant A and Officers A, C, and D's tactics to warrant administrative disapproval. The BOPC found Officers B, H, J, and K's tactics to be appropriate.

B. Drawing/Exhibiting

The BOPC found that Officers B, C, D, H, I, and J had sufficient information to believe the situation may escalate to the point where deadly force may become necessary. The BOPC found Officers B, C, D, H, I, J, and K's drawing and exhibition of a firearm to be in policy.

C. Less-Lethal Use of Force

The BOPC was critical of Officers C and D's decision to utilize the beanbag shotgun and TASER, respectively, to attempt to gain compliance from Subject 1 after being informed that other personnel were responding. The BOPC would have preferred that the officers, once in their position within the attic, had continued to contain Subject 1 and not utilized force unless necessary, pending the arrival of other officers.

The BOPC found Officers C and D's less-lethal use of force to be out of policy, warranting administrative disapproval.