

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

**LAW ENFORCEMENT RELATED INJURY – 104-05**

<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>
Southeast	11/25/2005		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Sergeant A	11 years
Officer A	3 years, 1 months
Officer B	2 years, 7 months

**Reason for Police Contact**

Officers A and B responded to a Domestic Violence radio call. Subject 1 resisted officers as they attempted a pat-down search and the officers took Subject 1 to the ground. In the process of handcuffing Subject 1, Officer A heard a "pop." It was subsequently determined that Subject 1's arm was broken.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded (x)</u></b>	<b><u>Non-Hit ( )</u></b>
Subject 1: Male, 44 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 Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on October 10, 2006.

**Incident Summary**

On the night of November 25, 2005, Officers A and B were assigned a Domestic Violence radio call at a residence. The officers responded to the residence and initially parked their police vehicle away from the residence. They observed a woman (Witness A) on her front porch waving at the officers. Witness A identified herself as the person who called. Officer A drove forward and parked the police vehicle in front of the

residence. The officers exited the police vehicle and approached Witness A. Witness A informed the officers that her husband (Subject 1) was intoxicated and that he had pushed her. The officers followed Witness A into the residence and continued to interview her in the living room. As the officers were interviewing Witness A, Subject 1 walked into the living room, and Witness A and Subject 1 began to argue. The officers instructed Subject 1 to step outside the residence. Subject 1 began to curse at the officers and tell them that they cannot tell him what to do because it is his house. Officer B proceeded out the front door and instructed Subject 1 to follow him. Subject 1 eventually complied, but continued to curse at the officers.

Officer A remained in the residence to complete the interview of Witness A, but moved to the threshold of the front door. From their respective positions, the officers stayed in visual contact with each other. Officer B and Subject 1 moved a few feet away from the front steps, just outside the front door of the residence, and Officer B instructed Subject 1 to turn around and face the front of the house so Officer B could pat-down Subject 1 for any weapons. Subject 1 continued to curse at the officers and insist that he did not have to do as the officers instructed because it was his house. Subject 1 repeatedly put his hands in his pockets and then took them out again. Officer B instructed Subject 1 to keep his hands out of his pockets. Subject 1 eventually turned toward the front of the house.

Noting that Subject 1 continued to be slow in complying, Officer A exited the residence to assist Officer B. Officer A stood behind Subject 1 on Subject 1's right side while Officer B was on Subject 1's left side. Officer B grabbed Subject 1's left wrist with Officer B's left hand to control Subject 1 while Officer B conducted a patdown search. Subject 1 lifted his left elbow and swung it back almost striking Officer B in the face. Officer A grabbed Subject 1's right wrist, and the officers took Subject down to the ground. Once on the ground, Subject 1 continued to struggle with the officers, moving around and kicking his legs.

**Note:** Subject 1 and Witness A both alleged that during the incident, Subject 1 advised the officers that he was disabled. Neither officer indicated they heard either Subject 1 or Witness A advise them of Subject 1's disability.<sup>1</sup>

Witness A also stated that Subject 1 was handcuffed before he was taken to the ground.

Officer B was able to keep a grip on Subject 1's left wrist despite being swung at. The officers told Subject 1 to stop resisting. Officer B put his knee on Subject 1's upper back while Officer A put his knee on Subject 1's buttocks. As the officers were attempting to put Subject 1's hands behind his back for handcuffing, Subject 1 started to roll onto his right side, lifting his right shoulder up off of the ground. To keep Subject 1 from getting up off of the ground and while still gripping Subject 1's right wrist, Officer A grabbed Subject 1's upper arm and pressed it back down toward the ground. As Officer

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<sup>1</sup> It was later discovered that Subject 1 had been in a serious car accident some years ago that resulted in Subject 1 having some paralysis on his right side and a rod in his upper right arm.

A did so, Officer A heard a "pop." Officer A was then able to move Subject 1's right wrist behind his back and handcuff Subject 1.

Immediately after Officer A heard the "pop," Subject 1 began to yell that the officers had re-broken his arm. The officers assisted Subject 1 up onto his feet. Officer A broadcast a request for a supervisor and then at approximately two minutes later, Officer A broadcast a request for a Rescue Ambulance.

Sergeant A responded and began a Non-Categorical Use of Force investigation while the officers completed a Spousal Abuse investigation.

The Rescue Ambulance responded and transported Subject 1 to the hospital. Approximately five hours later, Sergeant A was notified that the decision had been made to admit Subject 1 to hospital for the injury to his right arm.

### **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.

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

The BOPC found that an analysis regarding the drawing and exhibiting of a firearm does not apply to this incident.

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

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

#### **D. Additional Considerations**

The BOPC found Sergeant A's management of the incident to warrant divisional training.

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Officer A initially parked their police vehicle away from the location of the radio call. However, when Officer A saw Witness A waving at them, Officer A pulled up and parked in front of the residence. The BOPC noted that the officers could have maintained a tactical advantage by parking a greater distance from the residence and approaching on foot. Officer B forgot to retrieve a side handle baton as he exited the police vehicle. The BOPC emphasized that it is imperative that officers carry all of their equipment in order to avoid reducing their available force options. The BOPC also noted that instead of allowing Witness A to dictate their actions, it would have been tactically advantageous for the officers to have Witness A talk to them from a position of cover or concealment outside the residence before approaching the residence. The BOPC noted that it is imperative that before approaching residences, officers obtain sufficient information to determine if a crime has been committed, if there are any weapons involved, and the location of the other involved individuals. Also, with the information they obtained about Subject 1, it would have been more advantageous for the officers to have called Subject 1 out of the residence. The BOPC further noted that it would have been more advantageous for Officer B to have exited the residence behind Subject 1, instead of in front of him, and to have conducted a pat-down search of Subject 1 before escorting him outside. The BOPC determined that Officers A and B will benefit from divisional training.

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

The BOPC found that no firearms were drawn during this incident.

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

The BOPC noted that Officer A used a firm grip and bodyweight, and Officer B used a firm grip, "wristlock," joint "walkdown" and bodyweight during the course of this incident. The BOPC determined that Officers A and B's non-lethal use of force was reasonable to overcome Subject 1's resistance and effect his arrest. The BOPC found Officers A and B's non-lethal use force to be in policy.

### **D. Additional Considerations**

The BOPC noted that Sergeant A was not initially given definitive information from medical staff regarding the decision to admit Subject 1. However, it would have been proper for Sergeant A to separate Officers A and B and to call Force Investigation Division for guidance. Thus, the BOPC determined that Sergeant A would benefit from divisional training regarding this issue.