

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

**HEAD STRIKE WITH AN IMPACT WEAPON – 116-05**

<b>Division</b>	<b>Date</b>	<b>Duty-On(X) Off()</b>	<b>Uniform-Yes(X) No()</b>
77th Street	12/28/05		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	4 years, 6 months

**Reason for Police Contact**

Officers responded to a domestic violence radio call when the suspected resisted and obstructed the officers, resulting in a head strike with an impact weapon.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
Subject: Male, 23 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 Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 November 7, 2006.

## **Incident Summary**

Officers A and B responded to a domestic violence radio call involving the Subject and Witness A, who were former co-habitants. Several days earlier, Witness A had filed a police report alleging the Subject had made criminal threats against her. The Subject had returned intoxicated and was again threatening Witness A.

The officers contacted the Subject and after determining no new crime had occurred, were going to allow him to leave in a vehicle with Witness B. The officers were initially unaware of the previous threats complaint.

As the Subject and Witness B prepared to leave, Witness A advised the officers of the previous complaint, which the officers confirmed. Officer A then opened the passenger side of the vehicle and asked the Subject to step out. The Subject complied and Officer A started to handcuff him. Meanwhile, Officer B saw that the Subject was clenching his right fist, and appeared to have the pointed end of a key protruding from between his fingers, positioned like a weapon. Officer B warned Officer A and Officer A then attempted to pry the Subject's fist open. The Subject started to violently resist and the officers took him to the ground. The Subject continued to resist and started to swing the fist holding the key at the officers.

Officer A took out his baton and struck the Subject on both shoulders. The Subject managed to grab the baton and tried to pull it away from Officer A. Officer A then broke the grasp of the Subject and as he did so, Officer A inadvertently struck the Subject on the back of the head near the right ear. The Subject continued to resist and Officer A sprayed him with Oleoresin Capsicum (OC) spray. The Subject then stopped resisting and he was handcuffed. The Subject was transported to the hospital, treated for minor injuries and released to the custody of the officers.

## **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 actions to warrant training.

## **B. Drawing/Exhibiting**

Does not apply.

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

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

## **D. Lethal Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

In this instance, the BOPC determined that Officers A and B could have maximized their ability to take the Subject into custody without incident by waiting for a back-up unit as there was nothing that precluded them from detaining him on a traffic stop.

In conclusion, the BOPC found Officers A and B's actions to warrant training.

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

Does not apply.

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

In this instance, although Officers A and B used reasonable force to overcome the Subject's resistance, the force options used proved ineffective and inadequate.

In conclusion, the BOPC found Officers A and B's use of non-lethal force to be in policy and to warrant additional training.

### **D. Lethal Use of Force**

In this instance, the use of the collapsible baton by Officer A was reasonable to overcome the aggressive and combative resistance of the Subject and the baton strike to the Subject's head was inadvertent.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.