

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

**HEAD STRIKE WITH AN IMPACT WEAPON – 118- 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>
Hollenbeck	02/07/2006		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer F	10 years, 7 months

**Reason for Police Contact**

Officers were conducting a routine traffic stop when the subject fled. The officers, who believed that the subject was possibly a vehicle theft suspect, pursued and became involved in a struggle with the subject. In the course of the struggle, the subject was struck in the head by an officer's pistol.

<b><u>Suspect</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
Subject 1: Male, 21 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 11/21/06. The BOPC unanimously made the following findings.

**Incident Summary**

Officers A and B were patrolling in a marked police vehicle when they observed a vehicle traveling at a high rate of speed. Officer A negotiated a U-turn and followed the vehicle, eventually losing sight of it. While continuing to patrol the area, the officers observed the vehicle parked in front of a residence. Officer A then positioned the police car behind the vehicle while Officer B sought a "wants/warrants" inquiry on the vehicle's license plate from Communications Division (CD).

When the officers approached the vehicle, they observed two occupants: Subject 1 (driver) and Subject 2 (passenger). The officers also noted that Subject 1 used his side view mirror to monitor their approach and that the vehicle's brake lights were illuminated. Subject 1 then negotiated a U-turn and sped past the officers. The officers believed they might have observed an "unreported stolen," causing Officer B to broadcast, "We are in pursuit of a possible Code-37 vehicle northbound ...requesting a back-up unit and an airship."

The vehicle continued to flee until it collided with a vehicle driven by Victim 1. Subject 1 and Subject 2 then exited their vehicle and fled the scene on foot in opposite directions. Officer B chased Subject 2 while Officer A chased Subject 1. During the chase, Officer B ordered Subject 2 to stop and placed him into custody after a short foot pursuit. Subject 1 ignored orders give to him by Officer A to stop.

Officers C and D heard Officer A's broadcast and responded to the scene of the traffic collision to assist. Officer B directed Officers C and D toward Officer A's last known direction of travel. The three officers heard a foot pursuit broadcast made by Officer A. Officers D and C remained at the scene while Officer B returned to the police vehicle and searched for Officer A. Wanting to locate Officer A as well, Officer C then returned to his vehicle and searched for Officer A with Subject 2 in the back seat, leaving Officer D alone to maintain the scene.

During the foot pursuit, Officer A lost sight of Subject 1 when Subject 1 ran into an apartment. Officer A drew his weapon, initiated a perimeter, and requested additional units. Officer C located Officer A in front of the apartment complex and Officer C requested assistance. Moments later, Officers E and F arrived to the apartment complex and an Air unit, piloted by Officers G and H arrived and orbited overhead. After establishing a tactical plan, Officers A, C, E, and F entered the apartment complex to search for Subject 1 while Officer B remained in front of the apartment complex with Subject 2.

Officer H observed Subject 1 run along the walkway of the apartment complex and advised the other officers present, causing them to regroup and chase Subject 1 into the center of the apartment complex where they lost sight of him. The officers held their positions and then walked up a stairwell near the entrance of the apartment complex where Officer C drew his weapon.

While the officers walked up the stairway, Witness 1 directed Officer F to the rear of the apartment complex where Witness 1 believed Subject 1 was hiding. Following Witness 1's direction, Officer F separated from Officers A, C and E.

Officers A, C, and E continued to search for Subject 1 and gave chase when they saw him on the third floor of the apartment complex. Subject 1 disregarded the officers' commands to stop and eventually distanced himself from the pursuing officers. Officer F heard the officers' commands to stop and drew his weapon when he neared the rear

stairwell, where Officer F immediately confronted Subject 1, causing a struggle to ensue while Officer F held a service pistol in his right hand. During the struggle, Subject 1 reached for Officer F's holster several times and then reached for Officer F's right hand. The momentum of the struggle between Subject 1 and Officer F caused them to fall down the steps of the rear walkway of the apartment complex. Subject 1 again attempted to gain control of Officer F's service pistol. Officer F and Subject 1 broke apart momentarily, at which point Officer F attempted to holster his weapon. Subject 1 then re-engaged the struggle, causing Officer F to believe that he would lose control of his service pistol if he re-holstered. Believing that he had no other options and that he was fighting for his life, Officer F intentionally struck Subject 1 on his shoulder and head area with the butt of his service pistol two to three times.

Officer H broadcast a "help call" and directed additional units to the rear of the location to assist Officer F. As this was occurring, Subject 1 broke free from Officer F's grasp and attempted to climb a wrought iron fence. Wanting to prevent Subject 1's escape, Officer F wrapped his arms around Subject 1's waist. When Officers A, C, and E responded to the rear of the apartment complex and observed the struggle between Officer F and Subject 1, Officer A applied a firm grip to Subject 1's right arm while Officer C grabbed Subject 1's left wrist. The three officers then forced Subject 1 to the ground, causing Officer F to reposition himself near Subject 1's legs. Officer E then placed his right leg on Subject 1's back to prevent him from standing. The officers then guided Subject 1's hands behind his back, enabling Officer C to handcuff him without further incident. Subject 1 was taken into custody and treated for his injuries.

### **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, B, E and F's tactics to warrant administrative disapproval.

The BOPC found Officers C and D's tactics to warrant divisional training.

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

The BOPC found Officers A, C and F's drawing to be in policy.

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

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

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

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

## **Basis for Findings**

### **A. Tactics**

When the officers first observed the speeding vehicle, the BOPC would have preferred that they notified CD of their observations, provided a vehicle description, and requested an additional unit and air ship to assist with locating the vehicle. During the foot pursuit, the BOPC would have preferred that Officer A and B did not separate, which placed them in a severe tactical disadvantage and is a violation of standard Department practices and concepts. The officers also did not ensure that Subject 1's vehicle was clear of additional suspects.

The BOPC would have preferred that, rather than leave the vehicle pursuit termination scene to locate his partner, Officer B would have directed responding units to his partner's location so that he could have monitored Subject 2. Further, Officers C and D should have remained together at the scene.

While pursuing Subject 1, the BOPC noted that Officers A, C, E, and F should have contained the apartment complex and coordinated their efforts to locate Subject 1. These officers did not use available Department resources to effectively control this situation, placing them in unnecessary peril.

The BOPC found Officers A, B, E and F's tactics to warrant administrative disapproval.

The BOPC found Officers C and D's tactics to warrant divisional training.

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

The BOPC determined that Officers A, C and F had sufficient information to believe the situation may escalate to the point where deadly force may become necessary and found the drawing of their weapons in policy. The BOPC found Officers A, C and F's drawing to be in policy.

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

The BOPC determined that Officers A, C, E and F's use of non-lethal use of force was reasonable to overcome the subject's resistance.

The BOPC found the officers' use of non-lethal force to be in policy.

**D. Use of Force**

The BOPC found that Officer F's use of force was reasonable to overcome Subject 1's resistance and to prevent Subject 1 from inflicting serious bodily injury to him.

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