



Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on January 20, 2015.

### **Incident Summary**

Officer A received information from another officer that Subject 1 had shot an unarmed female and was wanted for Assault with a Deadly Weapon (ADW). Officer A was told by detectives that Subject 1 could be arrested for the crime if he was observed.

During the early morning hours, Officers A and B, while driving past a large housing development, observed a male and a female standing next to a black vehicle parked on the north curb. Officer A immediately recognized the female as Subject 2, Subject 1's mother. Officer A then recognized the male standing next to her as Subject 1. Officer A informed Officer B that the male was wanted for ADW. Officer A angled his patrol vehicle so that it was stopped facing Subject 1. He positioned the car approximately 20 to 30 feet away from Subject 1.

Officer A stepped out of his vehicle and broadcast a back-up request for an ADW subject and gave the officers' location. According to Officer A, both officers approached Subject's 1 and 2. Subject 1 was attempting to open the front passenger door of the parked vehicle. Knowing that Subject 1 used a gun when he attacked his victim, Officer A unholstered his pistol believing Subject 1 was attempting to arm himself.

According to Officer B, as he and Officer A approached Subject 1, he attempted to open the rear passenger side door of the black vehicle. Officer B, knowing Subject 1 was wanted for ADW with a firearm and may be armed, unholstered his pistol. He positioned himself between the number one and two lanes in the street, approximately 10 feet in front of the patrol vehicle. He was approximately 15-20 feet from Subject 1.

Officer A ordered Subject 1 to the ground, but Subject 1 refused to comply and continued his attempt to open the doors of the parked vehicle. Officer A again ordered Subject 1 to lie down as the officers walked toward him. Subject 1 stopped trying to open the door and walked behind his vehicle. Subject 1 began yelling defiantly at the officers, using profanity.

Officer B identified himself as a police officer, ordered Subject 1 to show his hands, and to not move. He continued to attempt to open the rear door of the Toyota. Subject 1 appeared unable to open the vehicle door and then stepped away. Officer B ordered Subject 1 to lie in a prone position. Subject 1 ignored his commands and began walking rapidly toward him. Officer B observed that Subject 1 did not have a weapon in his hands, but his fists were clinched with a set of keys in his left hand. Officer B holstered his pistol and began to reach for his OC spray. Simultaneously, he began to back up,

creating distance between himself and Subject 1. His intention was to perform a front kick, followed by OC spray if necessary.

Officer A, saw Subject 1 walking around his car, as Subject 2 stepped off the curb into the street positioning herself between Subject 1 and Officer B. Officer A heard Officer B tell Subject 2 to get out of the way. Subject 2 began to yell and plead with the officers not to arrest her son. Officer A saw Officer B holster his weapon and push Subject 2 out of the way. Subject 1, who was standing behind Subject 2, jumped on Subject 2's back and, using his right fist, reached over Subject 2 and began punching Officer B in the face.

As Officer B was backing up, prior to executing a front kick or retrieving his OC spray, Subject 1 closed the distance between them and, with his closed right fist, punched Officer B on his left temple. As a result, Officer B fell backwards and struck the back of his head on the roadway. The impact caused him to lose consciousness.

As Subject 1 punched Officer B in the face, Officer A immediately holstered his pistol. As he did, he observed Officer B fall to the pavement. Subject 1 then ran toward Officer A. Subject 1, using both hands, began punching Officer A in his face, body and kicking him on his legs. Officer A grabbed Subject 1 by the front of the shirt and pulled him to the ground. Once on the ground, Officer A straddled Subject 1 and told him to stop fighting and give up. Subject 1 replied with profanity and did not comply. As Subject 1 continued punching Officer A in the face and body, Officer A looked over at Officer B and saw that he lay motionless on the ground. He was unsure whether he was conscious, unconscious, or dead.

Officer A then felt Subject 2 jump on him from behind, grab him by the neck and shoulders, and pull him away from Subject 1. This caused Officer A to fall backward and land on his buttocks. Officer A realized it was Subject 2 who was pulling him off Subject 1. Officer A either pushed or punched her to get her away from him. As Subject 2 was pulling on Officer A, Subject 1 continued punching and kicking him. As Officer A turned his attention back to Subject 1, Subject 1 punched him in the left eye. Officer A believed he was hit with something sharp. Subject 1 attempted to stand up and Officer A was able to take him back to the ground. Officer A lay across Subject 1 with his chest across Subject 1's upper torso.

As Officer A struggled with Subject 1, he continually verbalized with him to stop fighting. As they wrestled, Officer A felt Subject 1 pulling the grip of his pistol. Officer A feared Subject 1 was attempting to remove his pistol and shoot him. Officer A removed his ASTRO radio from his belt and struck Subject 1 three times in the face with his radio.

Officer A then struck Subject 1 in the face with his left elbow, attempting to stop the attack and gain control of him. The blows appeared to have no effect. Subject 1 continued to struggle and swing his arms, attempting to strike Officer A.

Officer B appeared to regain consciousness and stand up. Officer A yelled for him to broadcast a help call, but he appeared to walk around dazed and confused. He again yelled at him to broadcast a help call. Officer B then broadcasted a help call with a partial location. Officer A told him to broadcast the help call again. Officer B then broadcasted a help call and provided the officers' location.

Subject 1 continued to punch Officer A. Again, Subject 1 attempted to obtain Officer A's pistol. Officer A again hit Subject 1 numerous times on the face with his ASTRO radio and his elbow.

Subject 1 continued to struggle with the officers. Because Officer A did not hear Communications Division (CD) acknowledge their help calls, he broadcast another help call.

Officer B was not aware of how long he was unconscious. When he regained consciousness, he was extremely disoriented. He saw Subject 1 and Officer A on the ground wrestling. Subject 1 was punching Officer A in the face and head. He also saw Subject 2 on top of Officer A, trying to pull Officer A off of Subject 1. When Officer B became somewhat oriented, he ran to his partner's aide, grabbed Subject 2 by the shoulders, pulled her off of Officer A, and pushed her to the curb.

Officer B heard Officer A yelling for Subject 1 to stop resisting, but Subject 1 continued to fight with Officer A. Officer B knelt down and punched Subject 1 five times in the face with his closed right fist. Subject 2 again walked over and tried to pull Officer A off her son. Officer B again pushed her off. Officer B observed Subject 1 reaching toward his partner's pistol. He saw Subject 1 grab onto the pistol. Officer B believed that if Subject 1 was able to get control of the gun, he would kill him and his partner.

Officer B considered shooting Subject 1, but he did not have a solid background and was afraid he might accidentally shoot his partner. Officer B, while still holding his ASTRO radio in his left hand, struck Subject 1 four or five times on the head and face with his radio. The head strikes appeared to have no effect.

Subject 2 again attempted to get on Officer A's back and pull him off of Subject 1. Officer B stood up, pushed Subject 2 off of his partner, told her to stay on the curb, and leave them alone. Subject 1 was kicking his legs and punching Officer A. Officer B observed Officer A's collapsible baton lying on the ground. Officer B picked up the baton and struck Subject 1 on the shins and knee caps of both legs approximately five times while telling him to stop resisting. The baton strikes appeared to have no effect on Subject 1, who continued to fight with Officer A.

According to Officer B, Subject 2 again jumped on Officer A's back, and Officer B got up and again pushed her off. Officer B kept Subject 2 away from the officers until help arrived. Officer A again broadcast an officer needs help call.

Officers C and D heard the help call broadcast. They responded with emergency lights and sirens.

Upon arrival to the scene, Officer C observed Officer A bleeding profusely from the left side of his face and lying on top of Subject 1, who was face down on the ground. Officer A appeared to be exhausted and using his body weight to prevent Subject 1 from standing up. Officer C exited his vehicle and approached Officer A and Subject 1. Officer C placed his left knee on Subject 1's lower back and applied his body weight. Officer C saw that Subject 1 had his hands hidden under his body. He could feel Subject 1 tense up as another unknown officer attempted to get Subject 1's right hand from under his chest.

Officer D, upon exiting the vehicle, saw Subject 1 on the ground, face down in a partial pushup position. Officer A was on Subject 1's back. Officer D saw a look of fear in Officer A's face and heard him yelling commands at Subjects 1 and 2. He saw Subject 2 trying to pull Officer A off of Subject 1. He also heard Officer B yelling at Subject 2, ordering her to back away.

Officer D saw Officer A struggling to control Subject 1. Officer A appeared to be very tired. Officer D yelled at Subject 1 to stop resisting. Subject 1 continued to fight. Officer D believed Subject 1 was attempting to escape. Officer D kicked Subject 1 three or four times in the left torso with his right foot. His last kick caused Subject 1 to fall onto his chest with his hands underneath him. Officer D then placed his knees on the left side of Subject 1's torso, placing his body weight on him. Officer D tried to pry Subject 1's left arm from underneath his body.

Officers E and F were at the police station when they heard Officer A broadcast a back-up call. They began to respond when they heard over the radio Officer B screaming for help. Prior to their arrival at the scene, they heard Officer A yelling for help.

Upon arriving at the scene, Officer E observed Officer A looked fatigued. Officer A's face was swollen and bleeding. Subject 1 was lying face down with other unidentified officers on top of him. Officer E ran to them and heard someone yell that the subject was not handcuffed. Officer E put his hands under Subject 1's chest and was able to remove his right arm from underneath him. He was able to place a handcuff on Subject 1's right wrist. Another unidentified officer took control of the right arm, while another unknown officer pushed Subject 1's left hand to the center of his back. Officer E completed handcuffing Subject 1.

Officers G and H also heard the radio broadcast for help, responded and assisted with the arrest of Subject 1 by using body weight to keep Subject 1 from moving while he was being handcuffed.

Sergeant A was the first supervisor to arrive. He observed Officer A leaning against a vehicle with his hands on his knees looking exhausted. Subject 1 was on the ground being handcuffed. Sergeant A stated he directed the handcuffing.

According to Officer D, he was able to place a firm grip on Subject 1's left forearm and pry it out from underneath him. He then placed the left arm behind Subject 1's back. Officer D, while maintaining a firm grip and controlling Subject 1's left arm, assisted Officer C in placing a handcuff on Subject 1's left wrist. Officer E then placed the handcuff on Subject 1's right wrist.

Officer C saw Officer E place a handcuff on Subject 1's right wrist. He also noted that Officer D had gained control of Subject 1's left hand. Officer C grabbed Subject 1's hands and completed the handcuffing process. Officer C then observed Officer A get up and stagger out of his sight.

According to Officer C, Officer D conducted a pat down search of Subject 1. When the search was completed, Subject 1 was rolled over on his back and assisted to his feet. Because Subject 1 was bleeding profusely from the left side of his head, Officer C requested a Rescue Ambulance (RA). According to Sergeant A, he directed the subject to be stood up and placed in the back of a caged police vehicle.

Officer A and B were transported to the hospital, as was Subject 1. Subject 2 was arrested and was not injured.

### **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 of a firearm 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, C, D, E, F, G and H's tactics to warrant a Tactical Debrief.

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

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

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

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

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

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

## **Basis for Findings**

### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:

#### **1. Tactical Vehicle Deployment**

Officer A drove their police vehicle into oncoming lanes of traffic in an attempt to detain Subject 1 without activating the emergency overhead equipment.

Officers are given discretion regarding the most advantageous position to place the police vehicle. In this circumstance, Officer A was aware that Subject 1 was wanted for Assault with a Deadly Weapon (ADW). Additionally, the officers surmised that Subject 1 was attempting to enter the parked vehicle. Officer B observed keys in Subject 1's left hand, while Officer A observed Subject 1 attempting to open the vehicle door.

Officers are afforded discretion while positioning their vehicles to address subjects. The BOPC considered Officer A's decision to drive against vehicle traffic was the initial attempt to detain him. The BOPC determined that, although it is generally discouraged, in this unique circumstance, it was reasonable, based on the time of the day and the fact that a pedestrian is highly mobile and can evade detention of officers.

In conclusion, the BOPC determined that Officer A's decision to drive the police vehicle into oncoming lanes of traffic did not unjustifiably and substantially deviate from approved Department tactical training.

#### **2. Leaving Cover**

Officers A and B maintained a visual of Subject 1's hands and approached Subject 1 on foot.

Officer A opined that Subject 1 was possibly attempting to enter the vehicle or flee on foot. Consequently, Officers A and B left the cover of their police vehicle.

Officers must continuously balance the advantage of cover while also determining the appropriate moment to leave cover and pursue a subject, thus enhancing the possibility of effectively containing the subject.

In conclusion, the BOPC found that Officers A and B's decision to leave cover did not unjustifiably and substantially deviate from approved Department tactical training. Although Officers A and B were exposed, their actions were essential to gain the greatest tactical advantage in the event that Subject 1 fled on foot or gained access into the vehicle

### 3. Punches to the Bony Areas

In this instance, Officer B punched Subject 1 on the left side of his face. Officer B is reminded that punches to bony areas may cause self-injury, resulting in the inability to utilize other force options.

### 4. Force Options

Officers A and B utilized their hand held radios as impact devices. It is preferable to utilize other force options, as using the hand held radio may render it inoperable.

In conclusion, the BOPC found Officers A, B, C, D, E, F, G and H's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- Officers A and B were conducting patrol in their assigned area when Officer A observed Subject 2. Officer A then recognized Subject 1, standing next to Subject 2, and had information that he was wanted for an ADW.

Officer A deployed the police vehicle approximately 20 to 30 feet from Subject 1. As the officers exited, they were aware Subject 1 had used a weapon in the ADW, and drew their service pistols.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A** – Firm Grip, Physical Force, Takedown, Bodyweight, Elbow Strike

- **Officer B** – Physical Force (push), Punches, Kicks, Baton
- **Officer C** – Firm Grip, Bodyweight
- **Officer D** – Firm Grip, Kicks, Bodyweight
- **Officer E** – Firm Grip
- **Officer F** – Firm Grip, Bodyweight
- **Officer G** – Firm Grip, Bodyweight
- **Officer H** – Firm Grip, Bodyweight

Officer A utilized a firm grip with both hands on Subject 1's shirt and conducted a takedown of Subject 1, causing them both to fall to the ground. Officer A straddled Subject 1 as he verbalized with Subject 1 to stop fighting.

At this time, Subject 2 jumped on Officer A's back and grabbed his neck and shoulders causing Officer A to fall back onto his buttocks. Officer A stated that he pushed or punched Subject 2 with his right hand, as he continued to be punched and kicked by Subject 1. Officer A regained his position on top of Subject 1's chest and utilized bodyweight and physical force in an attempt to control Subject 1's actions.

Officer A observed Officer B laying motionless on the ground as Subject 1 continued punching him. Officer A felt Subject 1 pulling the grip of his service pistol and struck Subject 1 on his forehead with his police radio (see Lethal Use of Force). Officer A then administered one left elbow strike to Subject 1's face, which had no effect, as Subject 1 continued punching him.

Officer B regained consciousness and observed Officer A struggling with Subject 1 on the ground. Officer B observed Subject 1 striking Officer A in the face and head, as well as Subject 2 on top of Officer A, trying to pull him off Subject 1.

Officer B pushed Subject 2 off of Officer A's back, and heard Officer A yelling for Subject 1 to stop resisting, but Subject 1 continued to fight with Officer A. Officer B knelt down and punched Subject 1 five times in the face with his closed right fist.

Subject 1 attempted to grab Officer A's weapon once again by placing his hand on Officer A's service pistol. Officer A struck Subject 1 in the head a second time with his police radio (see Lethal Use of Force). Officer B observed Subject 2 again attempt to pull Officer A off of Subject 1. Consequently Officer B pushed Subject 2 a second time. Officer B observed Subject 1 grab onto Officer A's service pistol. Officer B broadcast a help call, and struck Subject 1 in the head with his police radio (see Lethal Use of Force). After multiple help calls, Officer A applied bodyweight on Subject 1's chest to try and control Subject 1.

A third time, Subject 2 attempted to pull Officer A off from Subject 1. Officer B stood up and pushed Subject 2 and directed her to the curb. Officer B observed Officer A's collapsible baton lying on the ground. Officer B observed Officer A still struggling with Subject 1, when Officer B picked up Officer A's collapsible baton and

struck Subject 1 on his shins and knee caps five times, while verbalizing to stop resisting in an attempt to overcome his resistance.

The baton strikes appeared to have no effect on Subject 1 as he continued to fight with Officer A. A fourth time, Subject 2 jumped on Officer A's back and Officer B again pushed her off and kept her from assaulting Officer A.

Officer B kept Subject 2 away from Officer A until Officers C and D arrived. Officer D observed Subject 1, who was facedown, with his arms propping him up. Officer D believed Subject 1 was attempting to escape and administered three to four kicks with his right leg to Subject 1's left torso.

Officer D's last kick caused Subject 1 to fall onto his chest with his hands underneath him. Officer C approached Subject 1 and placed his left knee on Subject 1's lower back and applied bodyweight to control his movements.

Officer D utilized body weight by placing both his knees on the left side of Subject 1's back and utilized a firm grip to pull Subject 1's left arm from underneath his body.

Simultaneously, Officers E and F arrived and observed officers on top of Subject 1 as he was lying on his stomach and heard an officer yelling, "*hook him up,*" in order to handcuff Subject 1. Officer E grabbed Subject 1's right arm to assist in handcuffing.

Officer F placed his right foot on Subject 1's upper left shoulder to try and maintain control of Subject 1's upper body.

Officers G and H observed officers attempting to handcuff Subject 1 and observed Subject 1 kicking his legs. Officers G and H utilized a firm grip with both hands and grabbed Subject 1's legs.

Lastly, Officer D placed a firm grip on Subject 1's left forearm and pulled it from underneath Subject 1. Officer D subsequently placed one handcuff on Subject 1's left wrist and placed Subject 1's left arm behind his back, which Officer C maintained control of Subject 1's left arm. At the same time, Officer E utilized a firm grip to remove Subject 1's right arm from underneath his chest and completed the handcuffing process.

Based on the totality of the circumstances, officers with similar training and experience as Officers A, B, C, D, E, F, G and H would reasonably believe the application of non-lethal use of force was reasonable to overcome Subject 1's resistance and take him into custody.

In conclusion, the BOPC found Officers A, B, C, D, E, F, G and H's application of non-lethal use of force to be objectively reasonable and in policy.

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

- **Officer A – Head Strikes**

Officer A observed Subject 1 punch Officer B on the left temple with his right fist, which caused Officer B to fall backward striking his head on the asphalt. After striking Officer B, Subject 1 then charged Officer A. Officer A grabbed Subject 1 by his shirt and utilized a takedown of Subject 1. Officer A believed Subject 1 struck him with a sharp object below his left eye. Officer A then felt Subject 1 pulling the grip of his service pistol. Officer A feared Subject 1 was attempting to remove his service pistol and shoot him. Officer A removed his police radio from the radio holster and struck Subject 1 three times on the head with his police radio.

The strikes appeared to have no effect on Subject 1, as Subject 1 continued to punch Officer A in his face. Officer A again felt Subject 1's right hand on his holster. Officer A struck Subject 1 in the face with his police radio two more times.

- **Officer B – Head Strikes**

Officer B regained consciousness and observed Officer A and Subject 1 on the ground struggling. Officer B observed Subject 1 striking Officer A in the face and head, as well as Subject 2 on Officer A's back, trying to pull him off Subject 1. After pushing Subject 2 off of Officer A, Officer B observed Subject 1 grab onto Officer A's service pistol. After broadcasting for help, Officer B with his police radio in his left hand, struck Subject 1 four or five times on the head and face with his police radio.

Based on the totality of the circumstances, the BOPC determined, that an officer with similar training and experience as Officers A and B would reasonably believe that Subject 1 was attempting to arm himself with Officer A's service pistol and that he posed an imminent threat of death and serious bodily injury. Therefore, the use of lethal force was objectively reasonable.

In conclusion, the BOPC found Officers A and B's use of lethal force to be objectively reasonable and in policy.