

ABRIDGED SUMMARY OF A HEAD STRIKE WITH AN IMPACT WEAPON AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

Head Strike with an Impact Weapon – 024-08

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
N. Hollywood	03/03/08		

Officer(s) Involved in Use of Force	Length of Service
Officer A	5 years, 6 months

Reason for Police Contact

During an investigation, officers were confronted by a subject who ultimately ran into his residence. During the arrest phase the subject became combative.

Subject (s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject : Male, 34 years			

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 Subject A 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 BOPC and made itself available for any inquiries by the BOPC.

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, 2009.

Incident Summary

Officers A and B were dressed in full police uniform and driving a black and white police vehicle. Communications Division (CD) assigned them a radio call of a narcotics subject/neighbor dispute at an apartment complex. The Subject was also in possession of a kitchen knife. Officer A notified CD they had arrived at the location via the Mobile Data Computer (MDC).

Officer A and B made contact with Witness A in his apartment. Witness A directed the officers to the Subject's apartment. As the officers walked towards the Subject's apartment, they could see a silhouette just past the driveway area. The Subject saw the officers approaching and began to walk back toward his apartment. Officer A asked the Subject where he was going and removed his flashlight from his sap pocket. Officer A saw the Subject throw a punch at Officer B, and the Subject then ran from the officers to his apartment and closed the door behind him. Officers A and B followed the Subject and forced open the door of the apartment. Once inside the apartment, Officers A and B saw the Subject take a boxing stance. The Subject then began to throw punches at Officer B. Officer B defended himself by punching the Subject three or five times in the face and back. Officer B grabbed for the Subject, who then turned and kicked at Officer B. The force of the kick stopped Officer B's forward motion and caused him to step back. Officer B's ASTRO radio fell to the ground. Officer A picked up the radio with his left hand as he held his flashlight in his right hand. Officer A then put out a back-up request.

Moments later, Officers A and B saw the Subject running up the interior stairs of the apartment so the officers followed the Subject to the top of the stairs. The Subject turned and threw punches at Officer B, who was pinned against the wall. Officer B felt a tug on his gun belt and believed the Subject was trying to grab his gun. Officer B told Officer A, who then struck the Subject's head three to five times with his elbow. As Officer A delivered the punches, he was holding his flashlight in his right hand. Officer A estimated that he punched the Subject in the face and the back of the head approximately five to ten times.

The Subject continued to fight with Officer B, and the two rolled down a step to a landing adjacent to the front door. The Subject hit a railing as they rolled towards the front door and continued to strike Officer B. The movement of Officer B and the Subject caused Officer A to momentarily lose his balance and almost fall. While attempting to maintain his balance, Officer A dropped his flashlight onto the floor. The Subject landed on his left side, but continued to kick with both feet and throw strikes with his right elbow. In response, Officer A punched the Subject in the face with a closed fist. At the same time, Officer A felt the Subject pull on Officer A's gun. Officer A broadcast a help call and Officer B used body weight in an effort to control the Subject as he waited for additional units to respond. Officer B delivered an additional three elbow strikes, and was able to bring the Subject's left arm around to his lower back. The Subject was then handcuffed, but continued to struggle.

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 while 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 that the tactics of Officers A and B warranted a tactical debrief.

B. Non-Lethal Use of Force

The BOPC found that the actions of Officers A and B were in policy.

C. Lethal Use of Force

The BOPC found that the actions of Officer A were in policy.

Basis for Findings

A. Tactics

In their analysis of this incident, the BOPC identified the following considerations:

1. Officers A and B did not advise Communications Division of their follow-up location.

At the point Officers A and B located Subject, it would have been tactically prudent to advise CD of their updated location and provide updates as the incident unfolded. An exact location is vital should the incident deteriorate and additional assistance is required.

2. Officer A did not broadcast a back-up request when the Subject walked away from the officers.

Faced with a non-compliant, potentially armed Subject, Officers A and B should have requested that a back-up unit respond. As in this instance, circumstances can quickly escalate, which requires that the backup request be made upon the initial indication of Subject's intent to flee.

3. Officer A's flashlight was not easily accessible to him.

Although illumination is desired in this situation, Officer A's inability to remove his flashlight caused him to become distracted and ultimately interfered with his ability to focus on the task at hand. Officer A is reminded to either secure his flashlight on his equipment belt or tailor the pocket in which it is to be maintained, to ensure access is not unnecessarily hindered.

4. Officer B did not maintain a safe distance from Subject.

The Subject exhibited a higher level of resistance than is usually associated with an uncooperative individual as he ignored all commands and deliberately walked away from the officers. Officer B should have recognized the signs, maintained a greater distance from Subject and ordered him to a searching position prior to making his approach.

5. Officer A punched the suspect in the head with a closed fist, increasing the likelihood of a self-inflicted injury.

While the head is not a recommended area to impact, as striking a hard bone area may cause self-injury resulting in an officer's ability to utilize other force options, the BOPC determined that based on the totality of circumstances, the force used by Officer A was objectively reasonable because he perceived Subject's actions to be consistent with a deadly threat.

6. Officer A punched Subject in the head with a closed fist while holding his flashlight.

Officer A immediately responded to the threat by striking Subject with a closed fist while holding his flashlight. Officer A never intended to strike Subject with his flashlight, with any contact being inadvertent; however, under the circumstances, had he utilized the flashlight as an impact device it would have been objectively reasonable, as Officer A had sufficient reason to believe that it was necessary to protect himself and his partner from the immediate threat of death or serious bodily injury.

B. Non-Lethal Use of Force

The BOPC evaluated the circumstances relevant to Officers A and B's non-lethal use of force and determined that the force was reasonable to overcome the Subject's aggressive actions.

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

C. Lethal Use of Force

The available evidence does establish that Officer A was holding a flashlight in his right fist as he punched Subject's head. Given Subject's resistance to the officers' attempts to control him, it was within policy for Officer A to strike Subject with his fist. Given the potential that Subject was struck in the head with the flashlight, it is appropriate that a finding be made relative to such a use of force.

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