

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

LAW ENFORCEMENT RELATED INJURY- 027-10

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Devonshire	03/30/2010		

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

Reason for Police Contact

Officers contacted and subsequently handcuffed two subjects standing that were standing on the sidewalk. A third subject then interfered with the officers' investigation , which resulted in a law enforcement related injury to the third subject.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject 3: Male, 27 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 BOPC and made itself available for any inquiries by the BOPC.

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 March 15, 2011.

Incident Summary

Officers A and B were on patrol near a known criminal street gang residence when they observed three male subjects standing on the sidewalk near the front of the residence. As the officers approached in their marked police vehicle, one of the subjects retreated into the residence. Based on their observations and the history of the location, Officer A decided to initiate a consensual encounter with Subjects 1 and 2 who remained at

scene. Officer B parked the police vehicle in the street, approximately ten to fifteen feet beyond the residence. Two parked and unoccupied pickup trucks separated the officers from Subjects 1 and 2. Officer A assumed the role of contact officer while Officer B broadcast to Communications Division (CD) that they were conducting an investigation at the location.

Officer A asked Subject 1 and 2 if he could speak with them and they replied "ok." As the officers began to speak with Subject 1 and 2, Officer B asked if either was on parole or probation. Subject 1 responded that he was on felony probation for assault with a deadly weapon. Subject 2 said he was not on probation or parole.

Officer A detected symptoms of alcohol intoxication on Subject 2; Officer A described an odor of an alcoholic beverage on Subject 2's breath, as well as red, bloodshot and watery eyes. In addition, it appeared to Officer A that Subject 2 may have been under 21 years of age. The officers detained Subject 1 and 2. The officers placed handcuffs on Subject 1 and 2 and each officer conducted a pat-down search of one subject. Before Officer B completed the pat-down search of Subject 1, both officers' attention was drawn to a large, shirtless man, Subject 3, walking out of the residence. Subject 3 was yelling at the officers as he walked toward them, apparently angry over the detention of his brother (Subject 2). Subject 3 demanded to know why Subject 2 was being detained. Subject 3 continued to walk toward the officers while yelling profanities and demanding that they leave. Officer A told Subject 3 to calm down and stay where he was and they would speak with him in a moment. Subject 3 did not comply, closing to within ten feet of the officers.

Officer A saw an unknown object with a thin metal clip attached, protruding from Subject 3's front pants pocket. The object itself was inside of the pocket, and not visible. According to Officer A, he thought it might be a knife. Officer A repeated his command for Subject 3 to stop and stay where he was. He again did not comply. Officer A made the decision to arrest Subject 3 for delaying or obstructing a police officer. Officer A got a better look at the clip attached to Subject 3's pants pocket, and decided it was more consistent with a writing instrument than a knife.

Subject 3 stopped, and Officer A ordered him to place his hands behind his back. Subject 3 did not comply. Officer A stepped toward him, but Subject 3 stepped laterally away. Officer A again ordered Subject 3 to place his hands behind his back to no avail. According to Officer A, Subject 3 angled his body to the left and stepped backward while using profanity to tell Officer A not to touch him. Officer A told Subject 3 to calm down and place his hands behind his back. When Subject 3 did not comply, Officer A reached out and grabbed his right forearm. Subject 3 pulled away from the officer, lowered his center of gravity into a semi-crouch position and drew his left clenched fist back towards his left ear. Officer A believed he was about to be struck and possibly injured, so Officer A used a closed fist to punch Subject 3 one time in the face, which caused Subject 3 to fall to the ground.

According to Subject 3, he leaned forward slightly to light the cigarette when he was struck by Officer A and was not preparing to punch the officer.

After Subject 3 fell to the ground, Officer A placed both of his knees on Subject 3's back. Simultaneously, Officer B placed one knee on Subject 3's back and together the officers handcuffed Subject 3. Once Subject 3 was handcuffed, Officer A made a radio broadcast requesting a supervisor, an additional unit, and a rescue ambulance (RA).

Once the RA arrived, Subject 3 was treated at the scene and transported to a nearby Hospital, and as a result of his injuries, Subject 3 was subsequently admitted to the hospital.

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 a tactical debrief.

B. Non-Lethal Use of Force

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

Basis for Findings

A. Tactics

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

In this instance, Officer B stopped the police vehicle in the middle of the residential street, next to two vehicles parked along the curb in front of the residence. Although, Officer B placed the police vehicle in a position to utilize the parked vehicles for cover, he stopped in front of the target location which may have placed them at a tactical disadvantage from potential danger from within the residence. In this instance, Officer B had knowledge that the residence was a known gang location and had observed a male run into the residence. Additionally, as the officers continued to interact with Subjects 1 and 2, Subject 3 exited the residence and intervened with the officers' investigation.

Although Officer B appropriately updated their location with CD when contact was made with Subjects 1 and 2, based on the flight of an unknown male as they approached the residence coupled with the actions of Subject 3, a request for additional resources would have been prudent.

In this instance, Officer A observed Subject 3 exit the residence and quickly approach their location while questioning the detention of Subjects 1 and 2. Officer A left his position of cover and approached Subject 3, thereby placing Subjects 1 and 2 and Officer B behind him. Officer B then moved to a position where he could assist Officer A. This caused Officer B to split his attention between Subjects 1 and 2 and his partner who was now dealing with Subject 3.

Based on the actions of Subject 3, the officers addressed him as a potential threat and in doing so, were left with limited options since additional personnel were not present. Officer A effectively communicated with Officer B prior to taking action and attempting to arrest Subject 3. This allowed Officer B to tactically redeploy into a position where he was able to monitor Officer A as he attempted to arrest Subject 3.

In this instance, Officer A believed that Subject 3 was about to strike him and in defense utilized his closed fist to punch Subject 3 in the face. Although Officer A's punch was effective, Officer A is to be reminded that punches to boney areas such as the face, may cause self-injury, resulting in his inability to utilize other force options.

In conclusion, the officer's actions did not substantially deviate from Department policy and procedure.

B. Non-Lethal Use of Force

The BOPC noted that in this instance, Officer A was faced with a combative subject who refused to comply with verbal commands. After making the determination to arrest Subject 3 for interfering with an investigation, Officer A attempted to grab Subject 3's right arm, at which time he pulled away. Subject 3 then squatted down into a crouched position and raised his left hand up to the area of his left ear with a closed fist. In response, Officer A punched Subject 3 one time in the face with a closed fist.

As a result of the punch, Subject 3 fell face first on the front lawn and remained motionless. Officer A placed both knees on Subject 3's back and began to control his left arm. Simultaneously, Officer B approached Subject 3's right side, placed one knee on his back and assisted in handcuffing Subject 3.

The non-lethal use of force utilized by Officers A and B to overcome the actions of Subject 3 was objectively reasonable and within Department guidelines.

In conclusion, the BOPC found that the application of force utilized by Officers A and B to be in policy.