

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

HEAD STRIKE WITH AN IMPACT WEAPON – 035-08

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
77 th Street	04/03/2008		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	18 years, 4 months
Officer B	2 years, 2 months

Reason for Police Contact

Victim 1 flagged down Officers A and B and reported that he had been assaulted by Subjects 1 and 2. Officers A and B observed Subjects 1 and 2 and attempted to detain them. Subject 1 ran from the officers. Officer A pursued Subject 1 on foot. As Officer A took Subject 1 into custody, Officer A inadvertently struck Subject 1 on the head with his pistol.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 18 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 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission. 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 03/17/09.

Incident Summary

Officers A and B were in a marked police vehicle when they observed Victim 1 on a sidewalk near the corner of an intersection. Victim 1 was waving his arms to attract the attention of the officers. Victim 1 told the officers that Subjects 1 and 2 threw beer bottles at him. The officers drove away in search of Subjects 1 and 2. The officers later observed both subjects walking along the sidewalk but were unable to stop and contact them due to heavy traffic on the street. Instead, the officers drove past Subjects 1 and 2 before making a u-turn and returning to their location.

As the officers completed their u-turn, they observed both subjects running. Officers A and B drove after Subjects 1 and 2 in an attempt to detain them for further investigation. The officers searched the area but were unable to locate either subject.

Officers A and B then returned to locate Victim 1 and obtain a statement. Victim 1 however, had left the intersection and was unable to be located.

As Officers A and B drove from the area, they observed Subjects 1 and 2 walking along the sidewalk. The officers decided to stop and detain the subjects.

Officer A exited the vehicle and ordered Subject 1 to stop. Subject 1 did not comply and ran. Officer A then pursued Subject 1 on foot and commanded him to stop. Officer A observed that Subject 1 placed his left hand underneath his t-shirt. Officer A believed that Subject 1 was reaching for a weapon. Officer A drew his pistol. As Officer A drew closer to Subject 1, he reached out to grab him. Subject 1 stopped suddenly. Officer A was unable to stop and inadvertently struck Subject 1 on the back of his head with his pistol.

Subsequently, Officer A ordered Subject 1 to lie on the ground and he complied. Officer A then re-holstered his pistol and handcuffed Subject 1.

A search of Subject 1 revealed that he had a baseball cap with gang graffiti written on it under his shirt.

Meanwhile, Subject 2 did not flee but took a fighting stance as Officer B approached. Officer B pushed Subject 2 against the police vehicle and used body weight to take Subject 2 into custody.

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 Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found Officer A's drawing to be in policy.

C. Non-Lethal Use of Force

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

D. Lethal use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

1. Officers A and B did not advise Communications Division (CD) of their status and location.

It would have been prudent for Officers A and B to have advised CD of their status and location as soon as the decision was made to initiate contact with Subjects 1 and 2.

2. Officer A stopped his police vehicle in such a position that Subject 1 was on one side of the vehicle and Subject 2 was on the other.

By intentionally stopping the police vehicle between the two subjects, Officer A created a circumstance in which the officers were forced to contact the subjects separately. It would have been prudent for Officer A to have positioned the police vehicle east of the two subjects, thereby maintaining the desired tactical advantage to enhance officer safety.

3. Officers A and B did not adhere to the roles of contact and cover.

The problem created by the poor positioning of the police vehicle was compounded by the officers' plan to intentionally detain the subjects separately. By abandoning the roles of contact officer and cover officer, the officers failed to work as a team and jeopardized their safety.

4. Officer A intentionally ran after and caught Subject 1 with his service pistol drawn, resulting in the inadvertent head strike.

Officer A placed himself at a tactical disadvantage as he had neither cover nor concealment as he closed the distance between Subject 1 and himself with his service pistol drawn. This act precipitated the inadvertent head strike, increased the likelihood of a negligent discharge and increased the likelihood of losing control of his weapon.

5. Officers A and B separated during the incident and were not in a position to render immediate aid to each other.

Officer safety requires that partner officers be aware of their partner's location and possess the ability to render aid.

6. Officers A and B did not request a supervisor in a timelier manner.

Aware that a head strike had occurred, It would have been prudent for Officer A to have requested a supervisor without delay.

The BOPC found Officers A and B's tactics to warrant Administrative Disapproval.

B. Drawing/Exhibiting

Officer A observed Subject 1 reach under his shirt and believed that he was arming himself. Officer A had sufficient information to believe that the situation may escalate to the point where deadly force may become necessary and drew his service pistol.

The BOPC found Officer A's drawing to be in policy.

C. Non-Lethal Use of Force

The BOPC determined that the force used in each instance was reasonable based on Subjects 1 and 2's actions. The BOPC found that the officers' use of force was reasonable based on the standards set forth in Department Policy.

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

D. Lethal Use of Force

Officer A, with his gun drawn and held in his hand, chased Subject 1. As Officer A caught up to Subject 1, Subject 1 suddenly stopped. Officer A, unable to stop as suddenly as Subject 1, ran into Subject 1 inadvertently striking him in the head with his gun.

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