

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

**LAW ENFORCEMENT RELATED INJURY 063-14**

**Division      Date      Duty-On (X) Off ( )      Uniform-Yes (X) No ( )**

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Central      10/30/14      .

**Officer(s) Involved in Use of Force      Length of Service**

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Officer C	1 year, 10 months
Officer D	5 years, 11 months
Officer E	8 years, 2 months
Officer F	14 years, 3 months
Officer G	6 years, 11 months
Officer H	6 years, 6 months
Officer I	8 years, 5 months
Officer J	2 years, 11 months

**Reason for Police Contact**

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Officers responded to a call for assistance from the Los Angeles Fire Department (LAFD) for a female citizen who had overdosed. A law enforcement related injury (LERI) later occurred.

**Suspect      Deceased ( )      Wounded (X)      Non-Hit ( )**

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Subject 2: Female, 49 years of age.

**Board of Police Commissioner's Review**

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 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 November 25, 2014.

### **Incident Summary**

Officer A and Officer B, were driving a marked black and white police vehicle, and received a radio call of an ambulance overdose. Upon arrival, the officers walked up to the second floor. Officers A and B observed Los Angeles Fire Department (LAFD) personnel assisting Witness A, who was standing in the hallway holding onto a door frame. LAFD personnel asked Officers A and B to help them walk Witness A down the stairs.

Officer B walked up to Witness A and identified himself as a police officer; however, she did not appear to understand what he was saying. As the officers began to assist Witness A toward the stairs, Officer B observed Subject 1, who appeared to come out of nowhere, screaming profanities at the officers. Officer B advised Subject 1 they were there to help the LAFD walk Witness A down the stairs. Subject 1 continued to scream profanities at the officers. Officer B advised Subject 1 that he was interfering with the officers and needed to back up.

Subject 1 continued to yell at the officers and threw a bottle of pills onto the ground. Subject 1 struck the wall two times with a closed fist and bladed his body in a fighting stance toward the officers. Officer B advised Subject 1 to back up. Subject 1 did not comply and blocked the stairway. Subject 1 walked toward the officers, closing the distance. Due to Subject 1's actions, Officer B let go of Witness A and took ahold of Subject 1's right arm and held it in a firm grip.

Officer A requested a back-up unit, an Air Unit and a supervisor. Officer A took hold of Subject 1's left arm, placed his left hand on his arm and his right hand on Subject 1's left wrist. Officer B placed Subject 1 against the north wall east of the stairway and used it as a controlling agent. Officer B immediately handcuffed Subject 1's right wrist, while Subject 1 continued to scream and yell profanities at the officers. Officer B ordered him to stop fighting and to stop resisting, but he refused to comply. Officer A took hold of Subject 1's left arm by placing his right hand on Subject 1's left wrist and his left hand on Subject 1's arm and attempted to bring it behind his back to complete the handcuffing. Subject 1 continued to struggle. Officer A warned Subject 1 that he was going to break his arm if he did not comply. According to Officer B, Subject 1 continued to resist by tensing his muscles and not allowing the officers to handcuff him. Officer A subsequently handcuffed Subject 1's left arm completing the handcuffing procedure.

Officers C, D, and E, responded to the backup request. They immediately went into the building and up to the second floor. The officers observed Officers A and B to the left of

the stairwell detaining Subject 1. To the east of the stairwell, they observed and heard Subject 2, yelling and moving toward Officers A and B. Officer E extended his left hand in an attempt to stop Subject 2. Officer E then walked toward Officers A and B. Officer D asked Subject 2 to step aside. Subject 2 did not comply, and when Officer D asked her a second time, Subject 2 continued to ignore Officer D's commands.

Officer D, with his right hand, took hold of Subject 2's left upper arm and asked her to step to the side, as she guided Subject 2 toward the south wall. At the same time, Officer C, with his right hand, took hold of Subject 2's right wrist and placed his left hand on her shoulder. The officers attempted to place Subject 2 against the wall, but she held a cellular telephone with both hands and was moving her arms from right to left at chest level, trying to break free from the officers' grasp. Subject 2 broke free from Officer D's grasp. Officer E, who had heard Officer D giving orders to Subject 2, approached Subject 2's left side and held her left wrist with his right hand and left upper arm with his left hand. Officer E was able to get Subject 2's left arm behind her back.

**Note:** According to Subject 2, her arm was injured when the officers put her arms behind her back and placed her against the wall.

Officer D unholstered his TASER, stepped away from Subject 2 and warned her that if she did not comply with the officers' commands, she would be tased. According to Officer D, other officers approached Subject 2 and at some point the TASER was knocked out of Officer D's hand. Officer D verbalized that the TASER was on the ground.

Officers F, G, H, I and J, responded to the backup request and immediately went up to the second floor.

Officer H observed several citizens point toward the west, down the hallway. Officer H looked west and observed Subject 2 struggling with two to three officers. He approached and held Subject 2's left bicep, which was behind her back, and grasped her right shoulder with his right hand. Subject 2 was moving back and forth forcefully, attempting to break free from the officers. Officer H heard officers order Subject 2 to give them her arms and to relax, but she refused to comply. Officer H intended to hold Subject 2 against the wall, but Subject 2's refusal to comply and due to her continual struggling, decided to take her to the floor. Officer C let go of Subject 2's right arm. Officer H, who was offset due to Officer E's position, pulled Subject 2 toward his body and using his body weight, turned Subject 2 to his left and guided her to the floor.

According to Officer I, before Officer H put his hands on Subject 2, she yelled to Officer H, that he had broken her arm and that he was going to pay for it. As Officer H guided Subject 2 to the ground, Officer I observed Subject 2 lunge her head forward and bare her teeth and he believed she was going to bite Officer H's inner elbow. To prevent Subject 2 from biting Officer H, Officer I placed his hand on her forehead. Officer H rolled Subject 2 onto her stomach.

As other officers took control of Subject 2, Officers D and C looked for the TASER that had fallen to the floor. Officer C located the TASER, picked it up and walked toward the west window.

**Note:** Officer C believed Subject 2 had been handcuffed and broadcast that the incident had been resolved (Code Four).

Officer D did not locate the TASER, and when he stood up he observed Subject 2 being taken to the floor. Officer C gave Officer D the TASER, which he then holstered it.

Subject 2 complained that her arm was broken and Officer I heard an unknown officer tell Subject 2 to put her arms behind her back and that they would be very careful as they were not trying to hurt her. Subject 2 refused and moved her body in resistance and kicked her legs. Officer F wrapped both of her arms around Subject 2's legs to prevent them from moving. Officer J, who was kneeling on the right side of Subject 2, placed his right hand on Subject 2's right wrist and placed her right arm in the small of her back. According to Officer I, Officer J requested a pair of handcuffs and Subject 2's right wrist was handcuffed. Officer H removed Subject 2's left arm from underneath her body and placed it behind her back. Officer G crouched down on the right side of Subject 2 and held her forearms with his hands, because Subject 2 was moving her body as if she did not want to be handcuffed. An unknown officer handcuffed Subject 2's left wrist, completing the handcuffing.

Subject 2 was walked down the stairs and complained that she was in pain, due to her arm being broken. LAFD personnel requested an additional Rescue Ambulance (RA) to respond for Subject 2. Los Angeles Fire Department transported Subject 2 to a local hospital. Sergeants A and B arrived at the scene. Officer F rode in the rear of the RA with Subject 2 and G followed. Whilst in the hospital Subject 2 was interviewed by Sergeant A and later released.

### **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, made the following findings:

#### **A. Tactics**

The BOPC found that Officers C, D, E, F, G, H, I and J's actions warranted a Tactical Debrief

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

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

## **Basis for Findings**

### **A. Tactics**

- In its analysis of this incident, the BOPC considered the following tactical issues:

#### **1. Tactical Communication/Force Options**

Officers C, D and E arrived at the Back Up request. Officers H and I arrived while Subject 2 was still standing, resisting Officers C, D and E. Recognizing that force may become necessary to take Subject 2 into custody, the BOPC believed it would have been tactically prudent for the involved personnel to have discussed the utilization of compliance techniques as an option in order to effectively take Subject 2 into custody.

#### **2. Verbalization Techniques**

Officer A told Subject 1 he would "break his arm" in effort to gain his compliance. The BOPC discussed this matter and determined although the need for command presence is important when taking suspects into custody, officers need to be reminded to remain professional at all times and that statements of that nature could be viewed negatively by the public.

#### **3. Maintaining Equipment**

During the struggle with Subject 2, Officer D's TASER was accidentally knocked out of his hands. Officer D is reminded of the importance of making every effort to maintain his equipment during a critical incident. This will decrease the suspect's ability to access the equipment and potentially utilizing it against the officers.

#### **4. Code Four Broadcast/Situational Awareness**

Officer C broadcast a Code Four prior to Subject 2 being handcuffed. While it is not uncommon for officers in the field to recognize that the situation was being effectively controlled at a given time, requiring no additional resources (Code Four-Sufficient Units), Officer C, along with the other involved officers, are to be

reminded that every tactical situation varies, and an officer's judgment and situational awareness is imperative to ensure operational success.

## **5. Equipment Required**

Officer C was not equipped with a side-handle baton or collapsible ASP. Additionally, Officers E, H, I and J did not have a Hobble Restraint Device on them. The aforementioned personnel are reminded to have all required equipment on their person while performing field patrol duties

## **6. Evidence Preservation**

While at the hospital, Subject 2 utilized her cellular phone in the presence of Officer F. Officer F is reminded when a suspect is in police custody under these circumstances, this is generally not allowed.

## **7. Unit Designation Broadcast**

The FID investigation revealed Officers F and G both incorrectly stated their unit designation during the investigation. The BOPC understands that officers work various basic car areas, which often can change on any given day. Officers F and G are reminded of the importance of proper unit designation awareness. These topics were to be discussed at the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.
- Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made, and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and the individual actions that took place.

No incident specific Debriefing Points were noted during review of this incident; however, the BOPC believes that the officers would benefit from a comprehensive debriefing of the incident along with covering the mandatory discussion points. Therefore, the Chief will direct that Officers C, D, E, F, G, H, I and J attend a Tactical Debrief and the related topics be discussed.

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

- **Officer C** – Firm Grip, Physical Force

Officer C observed Subject 2 yelling and screaming, while trying to get to Officers A and B and Subject 1. With the assistance of Officer D, Officer C placed his left hand on Subject 2's right shoulder and right hand on Subject 2's right wrist, utilizing a firm grip. Officers C and D attempted to control Subject 2. However, she continued to resist by turning her body and moving her arms back and forth. Officer C continued to maintain a firm grip on Subject 2 until Officer D communicated that his TASER had fallen onto the floor.

- **Officer D – Firm Grip**

Upon arriving, Officer D observed Subject 2 causing a disturbance, by yelling and trying to approach Officers A and B. Officer D tried twice to have Subject 2 move out of the way and step aside; however, Subject B refused to comply. With his right hand, Officer D applied a firm grip to Subject 2's left upper arm and moved her to a wall. Officer D, with assistance from Officer C, attempted to control Subject 2. However, Subject 2 continued to resist and was successful in freeing herself from the firm grasp of Officer D.

- **Officer E – Firm Grip, Wrist Lock, Physical Force**

Upon hearing Officer D giving commands to the uncooperative Subject 2, Officer E approached and held Subject 2's left wrist with his right hand in a wrist lock and utilized a firm grip with his left hand on her left elbow. Officer E was then able to place Subject 2's left arm behind her back. Officer E held onto Subject 2's until he was relieved by Officer H.

- **Officer F – Physical Force, Bodyweight**

Officer F observed Subject 2 on the ground kicking her legs and continuing to resist the officers' efforts to take her into custody. Consequently, Officer F wrapped his arms around Subject 2's legs to prevent her from kicking the officers.

- **Officer G – Physical Force**

Officer G observed the other officers trying to place the handcuffs on Subject 2 and provided his assistance by applying a firm grip to both Subject B's left and right wrists and, with assistance from Officer H, holding Subject 2's arm behind her back for handcuffing.

- **Officer H – Firm Grip, Physical Force, Takedown, Bodyweight**

Officer H observed Subject 2 struggling with two to three officers. Officer H assumed Officer E's position by placing a firm grip with his left hand on Subject 2's left bicep, which was already behind her back, and his right hand on her right shoulder. Subject 2 continued to resist the officers' efforts to control her. Officer H attempted to gain control of Subject 2 by pushing her up against the wall. However,

due to the continued resistance from Subject 2, Officer H placed his left hand on her left triceps and right hand on her right shoulder and pulled Subject 2 down to the floor. Once on the ground, Officer H rolled Subject 2 onto her stomach and applied bodyweight to her back, and used his left hand to pull her left wrist from underneath her body and placed her left arm behind her back for handcuffing.

- **Officer I – Physical Force**

Officer I observed Subject 2 lunge her head forward while baring her teeth, and believed she was about to bite Officer H's inner elbow. To prevent her from biting Officer H, Officer I placed his hand on Subject 2's forehead for control.

- **Officer J – Wrist Lock, Physical Force**

Officer J observed Subject 2 on her stomach with her hands beneath her and assisted the other officers by utilizing a wrist lock and physical force to place Subject 2's right wrist and arm behind her back for handcuffing.

After a review of the incident and the non-lethal force used throughout by all involved officers, the BOPC has determined that an officer with similar training and experience as Officers C, D, E, F, G, H, I and J would believe this same application of force would be reasonable to overcome Subject 2's resistance, prevent her escape and effect an arrest. Therefore, the BOPC found Officers C, D, E, F, G, H, I and J's non-lethal use of force to be objectively reasonable and in policy.