

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

LAW ENFORCEMENT-RELATED INJURY – 077-10

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
Central	09/28/10		

Involved Officers	Length of Service
Detective B	13 years, 4 months
Officer A	6 years, 5 months

Reason for Police Contact

Officers were conducting a surveillance operation and observed a possible hand-to-hand narcotics transaction.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 1: Female, 53 years of age (Injured).
Subject 2: Male, 40 years of age (Not injured).

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 Chief and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, 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 September 6, 2011.

Incident Summary

The involved personnel, including plainclothes Detectives A, B, C and D and Officer A, and uniformed Officers B and C, were conducting a narcotics investigation at a location when they observed a female (later identified as Subject 1) and a male (later identified as Subject 2) engage in a possible hand-to-hand narcotics transaction.

Detectives A and B and Officer A drove their plain unmarked police vehicle to the location to detain Subjects 1 and 2 for further investigation. Detective B and Officer A exited the vehicle from their respective passenger doors, and ran toward Subject 1, while Detective A exited from the driver's side door and moved in the direction of Subject 2.

Meanwhile, Officers B and C drove to the location and arrived shortly after Detectives A and B and Officer A. Officers B and C exited their vehicle and took Subject 2 into custody without incident.

Meanwhile, Detective B approached Subject 1 from behind, and he observed in her hand off-white solids that resembled rock cocaine. Detective B placed his right hand on Subject 1's right wrist and his left hand around Subject 1's right elbow. Detective B identified himself as a Los Angeles police officer and told Subject 1 that she was under arrest for possession of rock cocaine.

According to Detective B, Subject 1 stiffened her right arm and closed her right hand. Detective B stood Subject 1 straight up and told her to relax, and he again identified himself to her as a Los Angeles police officer. Subject 1 opened her mouth, began to hunch down at the waist and, according to Detective B, attempted to bite his left forearm. Detective B pulled Subject 1's right arm up slightly and yelled for Officer A to help.

Detective B and Officer A then walked Subject 1 over against a fence and Subject 1 continued to resist their attempts to take her into custody. Officer A then handcuffed Subject 1's left wrist and placed it behind her lower back. Officer A told Detective B to bring Subject 1's right arm behind her back so he could finish handcuffing her. According to Officer A, as he was attempting to get Subject 1's right hand from Detective B, she continued to pull her left arm against his grip. Officer A then heard a loud pop. Immediately after the popping noise Subject 1 stated, "Ow, you broke my arm." According to Officer A, after he heard the popping noise Subject 1 tossed some off-white solids from her right hand onto the ground, and Detective B and Officer A notified Detective A of their observations. Officer A finished handcuffing Subject 1,

Detective A walked over and secured the off-white solids from the ground, and Officer A notified him (Detective A) of the possibility that Subject 1's left arm may be broken.

Meanwhile, according to Subject 1, she was standing on the sidewalk when she was grabbed from behind and taken to the ground. Simultaneously, according to Subject 1, another person grabbed her by the arm.

Subject 1 thought the first person who grabbed her may have identified himself as a police officer; however, she was not completely sure if he did. Subject 1 indicated that the individuals did not give her any kind of instructions or commands after they grabbed her, and that they grabbed both of her arms and handcuffed her. At the point when she was handcuffed was when Subject 1 realized the individuals that grabbed her were police officers.

According to Subject 1, the officers threw her against the fence and she heard her arm break. The officers then picked something up from the ground, told Subject 1 that what they picked up was cocaine, and that she was under arrest. According to Subject 1, she did not drop anything on the ground.

Meanwhile, according to Subject 2, Subject 1 was standing in front of him on the sidewalk when someone came out of nowhere and grabbed Subject 1's arms. According to Subject 2, this person did not identify himself as a police officer. Subject 1 struggled against the person's grasp and Subject 2 believed that Subject 1 was being robbed. Subject 2 was then grabbed by a police officer and turned around. Subject 2 did not see what happened after that.

Meanwhile, according to Witness A, who observed the incident from nearby, an officer grabbed Subject 1 by the arm and tried to pull narcotics from her hand. Further according to Witness A, the officer continued grabbing Subject 1 for at least five minutes as he wrestled her down to the ground.

Meanwhile, Detective A believed that Subject 1 may have been injured as a result of her being handcuffed, a firm grip by one of the officers or by Subject 1's resistance to being handcuffed. Detective A notified his supervisors of the incident. Detective A then noticed that Subject 1's arm started to swell and Subject 1 told him that her arm was starting to hurt. At that time, Detective A requested an ambulance for Subject 1.

Subject 1 was taken by ambulance to the hospital, where she was admitted and received treatment for a broken left elbow.

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 Detectives A and B and Officer A's actions to warrant a tactical debrief.

B. Drawing/Exhibiting

Does Not Apply.

C. Use of Force

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

Basis for Findings

A. Tactics

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

1. Equipment – Ballistic Vest

In this situation, involved personnel were actively engaged in seeking out individuals engaged in the sale and purchase of narcotics. The successful prosecution of narcotics related cases generally requires the existence of physical evidence such as the narcotics involved in the transaction.

These specific personnel have historically relied on a tactic where they covertly approach a narcotics buyer undetected, subsequent to a narcotics buy, and take the suspect into custody as quickly as possible.

Furthermore, in such an operation, officers are routinely required to change roles or duties in order to adjust to the circumstances that they may encounter.

While the BOPC appreciated the distinct nature of the involved officers, it is critical to prioritize officer safety when contacting suspects who they intend to arrest. In cases where officers are making arrests, the stealth of their approach and risk of losing narcotic evidence must take a back seat to officer safety.

Although the failure to wear a ballistic vest involved a *substantial deviation* from current approved Department tactical training per Department policy and current guidelines, the BOPC found that this deviation was justified in this case, because the protocols for undercover operations were being revised during this time and supportive training was being developed. Consequently, at the time of this incident, the involved officers had not received formalized updated undercover training.

The BOPC further noted that since this incident, the Commanding Officer of the involved officers has ensured that all personnel assigned to his command that engage in undercover operations have attended the current undercover training. He has also met with those officers and conveyed to them his expectations that body armor is to be worn by undercover personnel making planned arrests of suspects.

In conclusion, the BOPC found Officer A's actions to warrant a tactical debrief.

B. Drawing/Exhibiting

Does Not Apply.

C. Use of Force

Detective B – Firm grip.

Officer A – Firm grip, physical force.

In this instance, during the course of the involved officers' investigation, Subjects 1 and 2 were observed conducting a narcotics transaction in violation of state law. The involved officers approached them with the intent of taking them into custody.

Detective B approached Subject 1 from behind and grabbed her right wrist and elbow area with firm grips as he identified himself. Subject 1 tensed up, hunched over and attempted to bite Detective B on his forearm. Officer A approached

Subject 1, utilized a firm grip with his right hand on her left wrist and placed his left hand on her shoulder. Subject 1 tried to pull away from the officer and detective. Detective B and Officer A maintained a grip on Subject 1 as they walked her to the fence. Officer A applied a handcuff to Subject 1's left wrist and as he moved her left wrist behind her back, an injury occurred. Officer A was then able to handcuff both her wrists behind her back without further incident.

In this situation, Detective B and Officer A used reasonable force options to take Subject 1 into custody. The use of firm grips and physical force under these circumstances was objectively reasonable and consistent with the level of resistance by Subject 1 and within Department guidelines.

In conclusion, the BOPC found Detective B and Officer A's use of non-lethal force to be in policy.