

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

LAW ENFORCEMENT-RELATED INJURY 107-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Harbor	12/20/08		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	6 years, 5 months
Police Officer B	5 years, 10 months

Reason for Police Contact

Officers gave foot pursuit of a subject, who was tackled by an onlooker, who then confronted the involved officers.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 2: Male, 41 years old			

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 BOPC 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 October 20, 2009.

Incident Summary

Officers A and B were conducting directed patrol, driving a marked hybrid police vehicle. Officer B saw four male subjects walking. As Subject 1 turned and looked, three of Subjects continued walking. The fourth subject veered away from the others and began walking in a different direction. Simultaneously, Officer B saw Subject 1 reach into his right front trouser pocket.

According to Officer B, he assumed Subject 1 was reaching for a weapon of some kind, and advised his partner. Officer B parked the vehicle, and both officers chased after Subject 1 on foot.

Officer B broadcast the pursuit. Officers A and B chased Subject 1 into the interior courtyard of a housing unit. Officer A trailed directly behind Officer B and estimated that he was never any further back than eight to ten feet during the entire pursuit. During the chase, Officer B saw Subject 1 toss a set of brass knuckles. Subject 1 continued running and eventually ended up in an open courtyard. According to Officer B, as Subject 1 ran past Subject 2, who was standing in the courtyard, Subject 2 tackled him on the grass. Subject 2 then stood up, took an aggressive stance, and approached to within a foot of Officer A's face. Meanwhile, Officer B went over to Subject 1 who was on the ground in an effort to control him.

As recalled by Officer A, Subject 2 had a widened stance and his fists were clenched. Subject 2 had an empty beer bottle in one hand, and he cursed and told the officers to get out. Officer A called for assistance, and advised Subject 2 to step back. Officer B maintained a position over Subject 1, who was on the ground and passive.

Officers C and D arrived within minutes, and Officer C took control of Subject 1 on the ground, allowing Officer B to assist Officer A.

Officer B knocked the bottle out of Subject 2's right hand, and at the same time grabbed control of his right arm by applying a grip on the right wrist and right elbow of Subject 2. Officer B gave Subject 2 verbal directions to get down as he maintained control of Subject 2's right hand. However, Subject 2 held his left hand to his chest and refused to put his left hand behind his back. Officer A told Subject 2 to stop resisting and give up his left hand. Officer A punched Subject 2 approximately three or four times in the left shoulder, and instructed him to release his left hand. Subject 2 used his left hand and attempted to push himself up. At one point, Subject 2 looked up and Officer A punched him in the face, which caused Subject 2 to release his hands, and allowed the officers to handcuff him.

Subject 2 was subsequently transported to the hospital and admitted for medical treatment of his left eye.

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 that a Tactical Debrief was the appropriate mechanism for Officers A and B to evaluate the events and actions that took place during this incident.

B. Use of Force

The BOPC found Officer A and B's use of Non-Lethal Use of Force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that Officer B observed Subject 1 veer away from a group of four, and to reach into his pants pocket. Officer B believed the action suggested that Subject 1 might have a gun, and informed his partner Officer A of the observation. Officer B yelled for Subject 1 to stop, and Subject 1 started to run away.

Officer B engaged in a foot pursuit, and was aware that his partner officer was close behind him. Officer B attempted to keep Subject 1 in view, but to also keep distance between himself and Subject 1, in the event Subject 1 pulled a weapon. Officer B was close enough to observe when Subject 1 pulled brass knuckles from his pants pocket and tossed the weapon into the dirt. Officer A believed he was never more than ten feet behind Officer B.

Officer B did broadcast his location over the radio, although he initially provided an incorrect location. Officer B said he continued to provide directional updates during the foot pursuit, but this information was not received over the radio.

After the first subject was knocked down by a second subject, Officer B went to the ground to control and handcuff Subject 1. Subject 2 held an empty beer bottle, and

verbally confronted Officer A. Officer A used the radio to request assistance. Officer B used his body weight to control Subject 1, who offered no resistance.

Assisting Officers C and D arrived within minutes. Officer B directed Officer C to take control of the downed subject, and Officer B then assisted Officer A with Subject 2 with the beer bottle. Officers A and B used non lethal force to take Subject 2 to the ground, where he was handcuffed.

B. Use of Force

The BOPC noted that in this instance, Officer A was confronted by Subject 2 who was verbally aggressive, and was holding a beer bottle. Both Officer A and Officer B approached Subject 2 to control him. Officer B knocked the bottle from Subject 2's right hand, then Officer B placed an arrest and control hold on Subject 2's right arm and took Subject 2 to the ground, on his chest. Subject 2 tucked his left arm under his body. Both Officer A and B ordered Subject 2 to stop resisting and to release his left arm, but Subject 2 refused to comply.

Officer B placed both knees on Subject 2's back in an effort to control him, and Officer B repeatedly told Subject 2 to release his left arm. Officer A continued to try and grab Subject 2's left hand and arm for handcuffing. Officer A punched Subject 2 three or four times in the left shoulder. Subject 2 attempted to use his left hand and arm to push himself up. When Subject 2 turned his face towards to the left, Officer A punched Subject 2 in the face, and Subject 2 then released his left arm. The officers were then able to handcuff and control Subject 2.

In response to Subject 2's aggressive actions and his failure to comply with commands to stop resisting, Officers A and B utilized Non-Lethal force to overcome the resistance presented by Subject 2 and take him into custody.

Therefore, the BOPC found that the force utilized by Officers A and B was objectively reasonable and within Department guidelines and, accordingly, in policy.