

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

**Law Enforcement Related Injury 122-04**

<b>Division</b>	<b>Date</b>	<b>Duty-On (x) Off( )</b>	<b>Uniform-Yes(x) No( )</b>
Foothill	11/29/04		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	4 years, 6 months
Officer B	6 years, 6 months
Officer C	5 years, 11 months

**Reason for Police Contact**

Officers engaged in a narcotics operation and detained Subject 1 for investigation. Subject 1 was subsequently released. It was later determined that Subject 1 had an outstanding warrant. Officers returned to the vicinity of the original detention and arrested Subject 1.

<b>Suspect</b>	<b>Deceased ( )</b>	<b>Wounded (x)</b>	<b>Non-Hit ( )</b>
Subject 1: Male, 34 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on March 21, 2006.

**Incident Summary**

On Monday evening, November 29, 2004, Foothill Area Gang Enforcement Detail (GED) Officers A, B, C, D and E were participating as chase units in a buy-bust narcotics operation. The chase units' role in the operation was to apprehend suspects who engaged in narcotics transactions with undercover officers.

Following a transaction between undercover officers and suspects at a nearby intersection, the chase units were directed into the area to apprehend four suspects.

Officer B saw Subject 1 running in an alleyway. Officer B verbally identified himself as a police officer and told Subject 1 to stop. Subject 1 continued running. Officer B gave chase on foot. Officer A joined Officer B in foot pursuit of Subject 1. Officer A broadcast that they were in foot pursuit, providing Subject 1's description and direction of travel. Officer D ran in the opposite direction to his partners in order to assist a sergeant with the pursuit of another possible suspect.

Officers C and E, who were parked nearby, monitored broadcasts regarding the fleeing suspects and drove south to the alley where Officers A and B were pursuing Subject 1. Officer C saw the officers chasing Subject 1. Intending to intercept Subject 1, Officer C told his partner to let him (Officer C) out of the vehicle.

As Officers A and B continued to pursue Subject 1, Officer C positioned himself in Subject 1's path and ordered him to "Go down to the ground." Subject 1 stopped. Officer C then instructed Subject 1 to prone himself out on the ground. As he ran up from behind, Officer B instructed Subject 1 to "Get on the ground." Subject 1 initially remained standing and looked around, then started to go down to his knees. Officers B and C ran up to Subject 1, took hold of his right and left arms respectively and pushed him down to the ground. As Subject 1 went down, Officer C lost his grip of his right arm. Subject 1 then placed his arms underneath his body. Officer C used his body weight on Subject 1's back to hold him down as Officer A moved in and took hold of Subject 1's right arm. Officers A and B then pulled Subject 1's arms back and Officer C placed handcuffs on his wrists. As they did so, the officers told Subject 1 to "Stop resisting." Subject 1 did not resist the officers' efforts to pull his arms back for handcuffing.

Officer C broadcast with his radio that Subject 1 was in custody. A sergeant and undercover officer responded to the scene of his detention. The undercover officer indicated that Subject 1 was not one of the individuals involved in the narcotics transaction. Subject 1 was released. At that time, Subject 1 did not make any complaint of injury.

Later that evening while at Foothill Station, Officer B conducted a want and warrant check and determined that Subject 1 had an outstanding warrant for robbery. Officers A, B and D returned to the vicinity of Subject 1's original detention. The officers saw Subject 1 standing in a parking lot, attempting to conceal himself between a vehicle and an arcade game. The officers entered the parking lot and Officer B arrested Subject 1. A loaded 9mm semi-automatic handgun was recovered from the area of the arcade game.

Subject 1 was transported to Foothill Station. At the station, a sergeant asked Subject 1 if he was sick, ill or injured and Subject 1 stated that he was not.

Later that evening, a sergeant noticed that Subject 1 appeared to be in pain. Subject 1 informed the sergeant that he had been injured during his initial detention earlier that

day and that he had pain in his hand and back. Based on Subject 1's complaint of pain, a non-categorical use of force investigation was initiated. Subject 1 was transported to a local hospital, where it was determined that he had tenderness to his lower back and a fractured bone in his left wrist. A splint was placed on his wrist. Subject 1 was subsequently admitted to the Jail Ward at Los Angeles County – USC Medical Center. A Categorical Use of Force investigation was subsequently conducted due to Subject 1's admission to hospital. However, the investigation did not establish whether Subject 1's wrist fracture was related to his arrest. Medical records indicated that the injury may have been sustained prior to the date of the incident.

### **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, B, C, D and E's tactics to warrant divisional training.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found that no officers drew their firearms during the course of this incident.

#### **C. Nonlethal Use of Force**

The BOPC found Officers A, B and C's use of nonlethal force to be policy.

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that Officers A, B and C did not remain together during the foot pursuit of Subject 1, and that Officers C and E separated from one another's view while Officer C waited for Subject 1 to run in (Officer C's) direction.

The BOPC would have preferred that Officers A, B and C had continued to issue verbal commands to Subject 1 once Subject 1 had begun to comply, as opposed to making physical contact with him and placing him on the ground. The BOPC would also have

preferred that only one officer had issued verbal commands. Lastly, the BOPC would have preferred that the officers had conducted a want and warrant check on Subject 1 prior to releasing him.

The BOPC found that Officers A, B, C, D, and E's tactics warrant divisional training.

### **B. Drawing/Exhibiting/Holstering**

The BOPC found that no officers drew their firearms during the course of this incident.

### **C. Nonlethal Use of Force**

The BOPC determined that the officers' use of pushing, firms grips and body weight was reasonable to overcome Subject 1's resistance. The BOPC found Officers A, B, and C's nonlethal uses of force to be in policy.