

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

**LAW ENFORCEMENT RELATED INJURY – 016-08**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform- Yes (X) No ( )</b>
Central	02/16/2008		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	2 years, 11 months
Officer B	2 years, 5 months

**Reason for Police Contact**

Officers A and B were on patrol when they observed two subjects loitering in a stairwell who were engaged in narcotics activity. During the arrest of Subject 1, she resisted arrest which resulted in the fracture of her left arm.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
Subject 1: Female, 37 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 and addenda items); the 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 November 25, 2008.

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.

**Incident Summary**

Officers A and B were on-duty in a marked police vehicle. Officer B was the driver and Officer A was the passenger.

As the officers drove on the roadway, they observed Subject 2 standing in front of a stairwell at a hotel. Subject 1 was sitting at the top of the stairs directly in front of Subject 2. Subject 2, whose back was to the street, was looking back toward the officers, shifting his position. It appeared to the officers that he was attempting to conceal the activities of Subject 1. Both officers observed an orange prescription pill bottle in Subject 1's left hand. The officers formed the opinion that illegal narcotics activity was transpiring and decided to investigate further. Officer B parked the vehicle near the curb of the hotel.

As the officers exited their vehicle, they directed their vehicle's spotlights onto the area where Subjects 1 and 2 were located. Officers A and B observed Subject 1 throw the plastic bottle to the ground.

After Subject 1 tossed the pill bottle, Officer A attempted to advise Communications Division (CD) of their location; however, Subject 2 was looking toward him and started moving in his direction. Officer A discontinued his attempt to contact CD and ordered Subject 2 to stand to the right side of the stairwell. Subject 2 complied.

Meanwhile, Subject 1 stood up and walked toward the entrance door to the hotel. Officer B told Subject 1 to walk down the stairs and stand by the wall. The officers observed that Subject 1's fists were clenched, as if she was concealing something inside her hands.

Subject 1 stood facing the wall as directed by Officer B and was told not to move. Officer B was standing behind Subject 1, and Officer A was to the left of Subject 1. Subject 1 began moving along the wall toward an unlit area. Officer B ordered Subject 1 to place her hands behind her back. Subject 1 did not comply with Officer B's command.

Officer B then grabbed Subject 1's left wrist with his left hand, grabbed her right wrist with his right hand, and pulled her hands together behind her. Officer B then observed Subject 1 transfer an unknown object from her left hand to her right hand. Subject 1's right hand then broke free from Officer B's grip, and she made a tossing motion to her right. Officer B then grabbed Subject 1's right hand to control it and contain any evidence Subject 1 may have concealed in her right hand.

Subject 1 then began turning to face Officer B. Anticipating an assault on himself or Officer A, Officer B pushed Subject 1's front side against the wall to control her. On the ground directly underneath Subject 1 and to her right where she made the tossing motion, Officer B observed several items which resembled pieces of cocaine base. Officer B observed Subject 1 stepping on the items.

Meanwhile, Officer A was attempting to advise CD of the officers' location when Subject 1's right hand broke free of Officer B's grip. Officer A discontinued his attempt to contact CD and went to assist Officer B. As Officer B held Subject 1 against the wall, Officer A approached Subject 1 on her left side and grabbed a hold of her left arm in an

attempt to handcuff her.

Officer A placed his left hand on Subject 1's elbow and his right hand on her wrist and placed her left arm behind her. At that time, Officer A heard a popping sound, coming from Subject 1's left arm. Officer A immediately let go of Subject 1's left arm while Officer B retained control of Subject 1's right hand. The handcuffing of Subject 1 was not completed. Officer A used his radio to advise CD of their location, then requested a Rescue Ambulance (RA) and a supervisor.

Officer B relinquished control of Subject 1's right arm to Officer A and then proceeded to recover the evidence thrown to the ground by Subject 1. Officer B recovered several items which resembled cocaine base.

Los Angeles Fire Department personnel arrived at the scene and treated Subject 1. Subject 1 was transported by RA to a hospital where an examination of Subject 1's left shoulder revealed a fracture. Subject 1 was admitted for treatment of her injury.

### **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 a Tactical Debrief.

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

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC's findings that the officers' tactics warranted a tactical debrief was based on the following:

1. Officers are trained to advise CD of their status when they conduct officer-initiated activities, making nearby units aware of their location and creating a circumstance wherein additional units can respond more rapidly, if needed. Officers A and B should have advised CD of their status and location.
2. By placing Subject 2 on the south side of the stairwell and Subject 1 on the north side, Officer A's ability to monitor Subject 2 was hindered by the barrier that the stairwell presented. It would have been tactically safer to place Subject 2 and Officer A in closer proximity to one another, thus allowing the cover officer to maintain a constant observation of the overall situation.
3. Officers A and B did not handcuff Subject 1.
4. Officers A and B did not ensure Subject 1 was searched.

**B. Non-lethal Use of Force**

The BOPC evaluated the circumstances relevant to Officers A and B's non-lethal use of force and determined that the force was reasonable to overcome the subject's aggressive actions.

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