

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

HEAD STRIKE WITH AN IMPACT WEAPON – 067-07

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Hollywood	07/01/2007		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	13 years, 11 months
Officer B	1 year, 3 months

Reason for Police Contact

Officers A and B attempted to detain Subject 1 after he indicated he had a warrant and ran from them. Officer A struck Subject 1's head with a radio.

<u>Subject</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Subject 1: Male, 22 years.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 01/29/08.

Incident Summary

Officers A and B were assigned to patrol and driving a marked police vehicle. They received a radio call directing them to respond to a Laundromat regarding a theft suspect at that location.

Note: The theft suspect was described as a male, approximately 50 years of age, wearing gray pants and a straw hat.

Officer B parked the police vehicle and he and Officer A walked to the laundromat on foot. As they turned into the parking lot the officers saw Subject 1 squatted down in front of the location, smoking a cigarette.

Note: The officers had experienced prior calls in the general area related to narcotics, prostitution and various other crimes.

Officers A and B continued toward the laundromat. The officers checked for the theft subject but did not locate him. While checking for the theft subject, the officers were contacted by an individual who identified himself as the proprietor of the laundromat. The proprietor complained to the officers about transients and panhandlers.

The officers explained to the proprietor the steps he needed to take to assist them in remedying the transient/panhandler issue. The officers left the laundromat and started back toward their parked vehicle.

As the officers walked across the parking lot they saw Subject 1. Based on the conversation the officers had with the laundromat proprietor and Officer A's knowledge of crime problems in the area, the officers decided to engage Subject 1 in a consensual encounter.

Subject 1 handed his identification to Officer A. Officer A asked Subject 1 if he minded if a warrant check was conducted on his identification. Subject 1 replied, "No." Officer A told Officer B to watch Subject 1 while the warrant check was conducted. While waiting for Officer A to finish the warrant verification, Subject 1 smoked a cigarette and set his shoes down. Subject 1 told Officer B, "You know, I got arrested the other day and I have warrants." Subject 1 then abruptly turned and ran through the parking lot.

Officers A and B ran after Subject 1. Officer B got his arms around Subject 1's stomach and tried to stop him from running, but Subject 1 continued to aggressively resist. He was throwing his elbows back, flailing his arms, tensing up his body and was very sweaty. Subject 1 was again momentarily able to break away from Officer B and continued to run across the parking lot. Officer B resumed his pursuit of Subject 1, again grabbed him around the stomach, and forced him to the ground.

Officer A caught up with Officer B and Subject 1. Officer A placed a hand on Subject 1's shoulder to keep him down. Officer A drew a radio, placed a hand on Subject 1's shoulder and requested back-up. Officers C and D, driving a marked police vehicle, acknowledged the request for backup and advised CD they would respond.

Officer A said that Subject 1 continued to struggle and started to push himself up. Officer A continued to hold the radio. As Officer A put the hand holding the radio down on Subject 1's shoulder, Subject 1 was inadvertently struck on the back of the head with the radio.

Subject 1 broke free and started running. Officer B caught Subject 1 again; however, Subject 1 continued to struggle in an attempt to free himself from Officer B's grasp. Officer A caught up to Officer B and Subject 1. Officer A grabbed hold of Subject 1, however; Officer A lost grip and fell backwards. Officer A's head struck the pavement.

Officer A rejoined Officer B, and both officers, utilizing their body weight, were able to force Subject 1 onto the pavement.

Officers C and D arrived and assisted Officers A and B with handcuffing Subject 1.

A Rescue Ambulance (RA) was requested for Subject 1, who had sustained abrasions during the struggle. The RA transported Subject 1 to a local hospital. Subject 1 did not sustain any trauma to his head as a result of the inadvertent head strike by Officer A. Subject 1 was treated for abrasions to his chest, abdomen and feet, and was then released for booking.

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 be appropriate.

B. Non-Lethal Use of Force

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

C. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that prior to their arrival, Officers A and B appropriately discussed tactics, advised Communications Division of their location and status, and decided Officer A would be the contact officer and Officer B would be the cover officer. Additionally, Officers A and B demonstrated their commitment to duty in completing the radio call and engaging in a consensual encounter with Subject 1 on their way back to their vehicle.

The BOPC found Officers A and B's tactics to be appropriate.

B. Non-Lethal Use of Force

The BOPC noted that Subject 1, upon fleeing, was pursued by both officers. Officer B was able to catch up to Subject 1 and wrap his arms around his waist. As Subject 1 continued to resist, he slipped out of Officer B's grasp. Officer B was again able to wrap his arms around Subject 1's waist and briefly forced him down to his knees.

Officer A, who was initially trailing, moved to a position near Officer B as Subject 1 went down to the ground. Officer A placed a hand on Subject 1's back to assist Officer B with holding Subject 1 down on the ground. Officer A then retrieved a radio and broadcast a request for backup. Upon retrieval, Officer A then placed a hand on Subject 1's back while broadcasting the request for a backup unit. Subject 1 continued to resist the officers and began to push himself up off the ground. Officer A intended to apply additional pressure to Subject 1's back in an effort to assist with controlling Subject 1, at which point Subject 1 was inadvertently struck in the back of the head with the radio.

Subject 1 broke free from the officers' grasp and ran. Officer B obtained a hold on Subject 1 and continued holding Subject 1 in what he described as a bear hug, thus allowing Officer A time to recover and provide more assistance. The officers were then able to utilize their bodyweight and take Subject 1 down to the ground. Additional Department personnel responded and assisted in completing the handcuffing process without further incident.

The BOPC determined that Officers A and B's non-lethal use of force was reasonable to overcome Subject 1's aggressive and combative demeanor.

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

C. Lethal Use of Force

The BOPC determined the strike to Subject 1's head was inadvertent.

The BOPC found Officer A's lethal use of force to be in policy.