

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

**LAW ENFORCEMENT RELATED INJURY – 078-07**

| <b><u>Division</u></b> | <b><u>Date</u></b> | <b><u>Duty-On (X) Off()</u></b> | <b><u>Uniform-Yes(X) No()</u></b> |
|------------------------|--------------------|---------------------------------|-----------------------------------|
| Northeast              | 07/29/07           |                                 |                                   |

| <b><u>Officer(s) Involved in Use of Force</u></b> | <b><u>Length of Service</u></b> |
|---|---------------------------------|
| Officer A   | 9 years, 3 months               |
| Officer B   | 10 years, 2 months              |

**Reason for Police Contact**

Officers A and B observed two individuals pushing a truck on the street. Officer B ran the license plate and discovered the truck's registration was expired. Officers A and B decided to conduct an investigation.

| <b><u>Subject</u></b>             | <b><u>Deceased ()</u></b> | <b><u>Wounded (X)</u></b> | <b><u>Non-Hit()</u></b> |
|-----------------------------------|---------------------------|---------------------------|-------------------------|
| Subject 1: male, 29 years of age. |                           |                           |                         |

**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.

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 July 1, 2008.

**Incident Summary**

On July 29, 2007, uniformed Officers A and B were conducting patrol duties in a police vehicle when Officer A observed a red truck at an intersection with its lights off being pushed by Subject A. Another male, subsequently identified as Witness A, was in the driver's seat of the truck.

Officer A activated his driver's side spotlight and illuminated the truck. As soon as the spotlight hit the truck, Subject 1 and Witness A looked back at the officers and then switched places so that Subject 1 was now in the driver's seat and Witness A was pushing the truck from the rear.

Officers A and B then observed Witness B run up to the truck from the sidewalk and begin to push the truck. Officer A looked at the truck's license plate and observed that there was registration on the plate. Officer B queried the license plate and discovered that the registered owner was Subject 1 and the registration had expired in February of 2005.

Subject 1 negotiated a right turn and parked the truck next to the curb. Witness B left the truck and went to his vehicle which was parked nearby. Witness A walked over to the sidewalk and appeared to be catching his breath. Officer A drove up to the intersection and offset the police vehicle approximately half a car length behind the truck and activated the police vehicle's overhead lights. Officers A and B did not update Communications Division (CD) regarding their location and status.

Officers A and B observed Subject 1 exit the vehicle and look in their direction and then re-enter the vehicle. Subject 1 leaned over toward the passenger side seat, which gave the officers the impression that he was possibly concealing something either under the passenger seat or on the floorboard. Subject 1 then exited the vehicle and walked around the front of the truck before stepping on the east sidewalk.

Officers A and B exited the police vehicle and approached Witness A and directed him to face a nearby fence. Officer A looked at Subject 1 and told him to come and stand next to Witness A.

Subject 1 walked hesitantly toward the officers and began looking around and told the officers he had run out of gas. Officer B told Subject 1 his vehicle had not been registered since 2005. Subject 1 responded with, told Officer B that he had paid the registration.

Given that Subject 1 had provided the officers with false information, and based on his actions inside the truck, Officer A directed Subject 1 to take his hands out of his pockets, place them on top of his head, face the fence and look straight ahead. Subject 1 placed his hands on his head; however, he continued to look at Officer A. Officer A directed Subject 1 to look straight ahead a second time, and Subject 1 then complied. Officer B directed Witness A to face the fence and place his hands on top of his head. Officer A approached Subject 1, grabbed his hands and brought them behind his back. Officer A asked Subject 1 if he was on probation or parole. Subject 1 informed him that he was on probation for narcotics. Officer A then directed Subject 1 to interlace his fingers; however, Subject 1 did not comply. Officer A again instructed Subject 1 to interlace his fingers, and he then complied. Officer A held Subject 1's fingers with his left hand as he reached back with his right hand to retrieve his handcuffs.

As soon as Officer A unsnapped his handcuff case, Subject 1 took off running in a northerly direction on the sidewalk, and managed to free his right hand from Officer's A grasp. Officer A reached with his right hand and managed to grab Subject 1's left wrist and continued to follow Subject 1 while still holding Subject 1's left wrist. Officer A ordered Subject 1 to stop several times. After running approximately 52 feet, Officer A and Subject 1 fell forward and landed face first with Officer A landing on top of him.

Officer A reported the last thing he recalled was grabbing Subject 1's wrist, falling forward and feeling something hit him hard on the head. Officer A felt like he had passed out, but then regained consciousness.

Witness B indicated that it appeared Officer A was reaching for Subject 1 when they both fell forward. Witness C indicated that it appeared Officer A tackled Subject 1. During his first interview, Witness A indicated that Officer A tackled Subject 1. When he was re-interviewed, Witness A indicated that both officers tackled Subject 1, but then later stated that it appeared Subject 1 was dragging Officer A before they both fell forward.

Meanwhile, Officer B observed Subject 1 attempting to run away with Officer A directly behind him. Officer B directed Witness A to lay on the ground and not to move and then Officer B proceeded to run after Officer A and Subject 1. Officer B broadcast an assistance request.

Officer B approached Officer A and Subject 1, who were now on the ground. Officer A stated, "I feel dizzy," but Officer B looked at Officer A and did not observe any injuries, but he did observe that Officer A appeared groggy. Officer B placed his knee on Subject 1's back and grabbed Subject 1's left arm, and told Officer A to handcuff Subject 1.

After Subject 1 was handcuffed, Officer B looked down and observed that Subject 1 was bleeding from his mouth. Officer B broadcast a request for a Rescue Ambulance (RA) and assisted Subject 1 to an upright seated position. Officer B told Officer A to handcuff Witness A, who was still lying on the ground in a prone position. Officer A staggered over to Witness A and handcuffed him without further incident.

Uniformed Officers C and D arrived at the scene and observed that he was bleeding from the right side of his head. Officer A told Officer C that he felt dizzy, so Officer C then requested an additional RA for Officer A.

The Los Angeles Fire Department (LAFD) arrived at the scene. LAFD personnel provided medical treatment to Officer A. Officer A informed Officer C that he had observed Subject 1 conceal something inside his truck. Officer C went over to the truck and observed a blue steel .357 caliber revolver underneath the driver's seat. Officer C told Officer B of his discovery. Officer B then recovered the revolver and secured it inside the trunk of his police vehicle.

LAFD personnel provided medical treatment to Officer A and then transported him to a hospital.

Officers E and F arrived at the scene and approached Subject 1, who was sitting on the sidewalk. Officer D and E monitored him while waiting for the arrival of the second RA. After being informed that a gun had been recovered, Officer E directed Officer F to search Subject 1. Officer F recovered five bullets from Subject 1's left front pants pocket and handed the rounds over to Officer B, who then placed the rounds in an envelope.

The second RA arrived at the scene and provided medical treatment to Subject 1 who complained of pain to his face and jaw area. Firefighter A provided Subject 1 with an ice pack to keep the inflammation down and transported him to the hospital. Officer F rode in the back of the RA, with Officer E following in their police vehicle.

Sergeant A arrived at the scene and observed Subject 1 being placed in the RA. Officer B briefed Sergeant A about the incident. Based on his assessment, Sergeant A initiated a non-categorical use of force investigation and began canvassing the scene for witnesses. Officers C and D remained at the scene while Sergeant A interviewed witnesses. Sergeant A responded to the hospital in an attempt to interview Subject 1, but he refused to be interviewed.

Approximately six hours later, Officers G and H responded to the hospital to relieve Officers E and F of their monitoring duties. Officer G notified the Northeast Area Watch Commander Sergeant B that Subject 1 was going to be admitted to the hospital as a result of his injuries. Sergeant A was advised that the incident was now a Categorical Use of Force so he ordered Officer B not to discuss the incident. Sergeant A also called Officer A who had been released from the hospital and was now at home, to inform him that the incident had been reclassified as a Categorical Use of Force and ordered him not to discuss 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 and B's tactics to warrant divisional training.

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

Does not apply.

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

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Officers A and B followed behind what they believed to be a disabled truck with expired registration. Once Subject 1 parked the truck along the curb, Officer A positioned the police vehicle behind the truck in preparation of conducting a traffic stop. Officers A and B should have notified CD of their status and location. Officers are trained to advise CD when they conduct officer-initiated activities which makes nearby units aware of their location and creates the circumstance wherein additional units can respond more rapidly if needed.

Prior to exiting their police vehicle, the officers observed Subject 1 exit the driver's seat and look in their direction. Subject 1 immediately re-entered the truck, sat behind the steering wheel and leaned his body as if he was attempting to conceal something under the passenger seat and then exited the truck. Officers A and B tactically deployed outside of their police vehicle; however, once again they did not advise CD of their location and their observations.

Officer A directed Subject 1 and Witness A onto the sidewalk and into a position to facilitate a pat down search. Subject 1 appeared nervous and kept looking back at Officer A. This behavior, along with Subject 1's actions inside the truck, prompted Officer A to attempt to handcuff Subject 1 prior to initiating a search. Subject 1 removed his right hand from Officer A's grasp and ran northbound along the sidewalk. Officer A did not relinquish his hold on Subject 1's left hand as he fled, which made it difficult for Subject 1 and Officer A to maintain their balance.

Once Officer A went in foot pursuit of Subject 1, the BOPC noted Officer B responded appropriately by placing Witness A onto the ground, broadcasting a request for assistance and assisting Officer A with taking Subject 1 into custody.

After Subject 1 was handcuffed, Officer A advised Officer B that he was lightheaded and that he was bleeding. Officer B did not understand the magnitude of Officer A's injuries, as he believed it was Subject 1's blood that had been transferred onto him.

It would have been more prudent for Officer A to advise Officer B of the severity of his injuries, as he should not have handcuffed Witness A alone.

The BOPC found Officers A and B's tactics to warrant divisional training.

#### **B. Drawing/Exhibition/Holstering**

Does not apply.

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

The BOPC noted that with Subject 1 standing on the sidewalk with his palms placed together and his fingers interlaced, Officer A utilized his left hand to grab onto Subject 1's fingers and applied a firm grip. Officer A proceeded to reach rearward with his right hand, unsnapped his handcuff case and upon doing so Subject 1 turned and fled northbound. Officer A, while maintaining his hold on Subject 1's fingers with his left hand, reached out with his right hand and grabbed Subject 1's left wrist. Officer A ordered Subject 1 to stop several times; however, he ignored the officer's commands and continued running northbound, thus pulling Officer A along with him. After running approximately 52 feet in the aforementioned manner, both Officer A and Subject 1 fell forward onto the sidewalk. Subject 1 came to rest in a prone position with Officer A landing on top of him. It is unclear what force, if any, was utilized by Officer A to take Subject 1 to the ground, as there were varying accounts of what was observed. As Subject 1 was actively attempting to prevent an officer from establishing physical control and was therefore aggressively resisting arrest, the Use of Force Review Board deemed the force utilized by Officer A, whether an intentional act or not, as reasonable, and the BOPC concurred.

The BOPC determined that Officer A's non-lethal use of force was reasonable to overcome the suspect's aggressive actions. The BOPC found Officers A's non-lethal use of force to be in policy.