

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

LAW ENFORCEMENT RELATED INJURY – 060-07

Division	Date	Duty-On (X) Off ()	Uniform-Yes () No (X)
Southeast	06/21/2007		

Officer(s) Involved in Use of Force	Length of Service
Sergeant A	12 years, 4 months
Officer A	5 years, 9 months

Reason for Police Contact

Officers were working a Vice detail and conducted a sting operation on Subject 1, an alleged prostitute.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Female, 24 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.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on 05/13/08.

Incident Summary

Sergeant A and Officers A, B, C, D, and E were working a prostitution suppression detail. Sergeant A was the Officer-in-Charge (OIC). Sergeant A and all the officers were attired in plainclothes and driving plain vehicles.

Officers D and E were designated "operators," whose assignment was to obtain a solicitation for prostitution from women loitering in the area of operation. The remaining

officers were designated as “chase” units. Once the “operator” obtained a solicitation from a prostitute he had picked up, he would then signal the “chase” units with a pre-designated signal to move in and make the arrest. The signal activated the turn signal on the “operator’s” vehicle and then pulled to the curb. The “chase” units would then move in, block the “operator’s” vehicle and contact the alleged prostitute.

Sergeant A and the officers communicated with each other via their ASTRO radios. The “operators” were not wearing body wires, and the solicitations were not recorded. The “operators” were kept under surveillance by the “chase” units who followed both ahead and behind in traffic.

Officer E was driving in the area when he observed Subject 1. Subject 1 was walking on the sidewalk, and Officer E believed she was possibly involved in prostitution activity. Officer E said that Subject 1 got into his car, he started driving, and Officer E “got a violation on her.” Officer E then gave a pre-arranged signal to the backup officers, who arrived at the scene, and ordered Officer E and the subject out of the car. The officers had positioned their vehicles in such a manner so as to effectively block-in Officer E.

Officer A approached undercover Officer E as though he was being detained and told him he was going to handcuff him. Sergeant A and undercover Officer D approached the passenger side of the vehicle, got Subject 1 out of the vehicle, and handcuffed her. Sergeant A decided to transport Subject 1 with Officer A to the Area station. Subject 1 was placed in the right rear seat.

Note: When asked why Subject 1 was placed in the back of an uncaged, plain vehicle without an officer seated next to her, Officer A responded, “Since I’ve been working [the unit] and I’ve been there for one year . . . , I would say about 90 to 95 percent of the time there’s no one back there.” When Sergeant A was asked what was the reason for putting Subject 1 in the rear seat by herself, Sergeant A replied, “I don’t have a reason”

Officer A saw Subject 1 moving around, which caught his attention. He asked her what she was doing, and she said she was trying to get something out of her pocket. Officer A heard a noise in the back seat and saw that Subject 1 was out of the seatbelt. Officer A used the vehicle’s “child safety lock” feature to try to ensure the doors were locked.

As they stopped for a red light, Sergeant A heard Officer A shout that Subject 1 was out of their vehicle and running. The officers exited the vehicle and chased after Subject 1. Officer A knew the keys had been left in the vehicle, with the engine running and possibly as many as three of the four doors open.

Officer A continued in the alley after Subject 1, and Sergeant A returned to the vehicle. Sergeant A did not take a radio when running after Subject 1. Officer A made a broadcast with the radio while chasing Subject 1 that officers were engaged in a foot pursuit of a female running through houses. Officer A did not identify the specific location and was actually going in a different direction from that which was

communicated. Communications Division (CD) acknowledged this radio broadcast and asked Officer A for a location; however, Officer A did not respond.

Officer E made a broadcast that Sergeant A and Officer A's location continued to be unknown. Sergeant A continued in the alley and saw Officer A struggling with Subject 1 in the rear yard of a residence. Sergeant A stopped the vehicle, exited, and ran to provide assistance.

Officer A attempted to force Subject 1 to the ground in order to better control her, but was unsuccessful. Officer A said that Subject 1 was "Kicking, biting, spitting, not complying, using her body weight to get away from me." Officer A used a firm grip and body weight in order to control Subject 1.

Subject 1 kicked Officer A in the stomach. Sergeant A attempted to control Subject 1 by using a firm grip. Sergeant A and Officer A were able to force Subject 1 back towards the alley. As they were moving into the alley, Subject 1 grabbed hold of a fence. Sergeant A used a "palm/heel" punch to Subject 1's arm in order to force her to release her grip from the fence. The punch was ineffective, so Sergeant A resorted to forcing Subject 1's pinkie finger back, which caused Subject 1 to release her grip.

Sergeant A and Officer A walked Subject 1 out of the backyard and into the left rear seat of their vehicle. Officer A, who had dropped the radio in the backyard of the residence, asked Sergeant A to retrieve the radio. Subject 1 started to kick and spit at Officer A. Officer A attempted to control Subject 1 with a firm grip; however, Subject 1 pulled away. Sergeant A, who had not found Officer A's radio, rejoined Officer A at the vehicle. Officer A, believing Subject 1 was attempting to exit the vehicle through a passenger side door, ran to that side of their vehicle.

Officer A then noticed the keys were in the ignition and the engine was running. Sergeant A opened the door and reached in for the keys. Subject 1 kicked Sergeant A in the head. Officer A, believing Subject 1 was going to seriously injure Sergeant A, punched Subject 1 on the right side of her forehead with a closed fist. Officer A was holding the radio in his hand when he punched Subject 1.

Note: When asked if Officer A intended to strike Subject 1 with the radio, Officer A replied, "No. It was what I had in my hand. And it was my intention to punch her to get her to stop."

Officers F and G arrived at Sergeant A and Officer A's location. Officers F and G were directed to remove Subject 1 from the vehicle. Officers A, F, and G and Sergeant A all recalled Subject 1 being injured or having blood on her face. Officers F and G placed Subject 1 in their vehicle and transported her to the station. Subject 1 was interviewed by Sergeant B for the Los Angeles Police Department Adult Detention Log. Sergeant B observed that Subject 1 had a bleeding injury on her forehead.

Meanwhile, Sergeant C, at the direction of Lieutenant A, initiated an investigation of a Non-Categorical Use of Force (NCUOF). After conducting a brief investigation at the scene, all of the involved parties returned to the station. Firefighters from the Los Angeles Fire Department (LAFD) responded to the station and attended to Subject 1's injury. Subject 1 was transported to the hospital where she received medical treatment, was released, and then booked into the jail.

Sergeant A and Officer A discussed the incident to assist Officer E prepare his arrest report. During this conversation, Officer A informed Sergeant A that when Officer A punched Subject 1, Officer A was holding a radio in his hand and may have inadvertently struck Subject 1 with the radio. Sergeant C informed Lieutenant A, who in turn informed the Area captain of the new development. The Captain determined the incident was a Categorical Use of Force.

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 Sergeant A's and Officer A's tactics to warrant administrative disapproval.

B. Non-Lethal Use of Force

The BOPC found Sergeant A's and Officer A's non-lethal use of force to warrant formal training.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

Sergeant A opted to partner with Officer A and function as a chase car. This prevented Sergeant A from functioning as a supervisor and minimized Sergeants A's abilities to oversee the operations of the officers assigned to the unit. Additionally, Sergeant A did not ensure that officers assigned as chase units had donned ballistic vests and raid jackets, or that field duty equipment was readily identifiable during enforcement activity.

When Officer A drove past and stopped at an angle in front of the "operator's" vehicle as the additional chase unit stopped behind the "operator's" vehicle, this tactic placed the officers at a severe tactical disadvantage and increased the likelihood of a crossfire situation.

Furthermore, the BOPC determined that Sergeant A and Officer A should not have transported Subject 1 in the rear seat of the vehicle by herself. This practice minimizes the officers' ability to effectively monitor and control the arrestee. Officer A and Sergeant A placed themselves in a situation of undue danger had Subject 1 been armed with a weapon.

Additionally, had Sergeant A been seated in the rear seat, behind the driver, Sergeant A would have noticed Subject 1 attempting to free herself and prevented any further action. When Officer A observed that Subject 1 was no longer wearing a seatbelt, Officer A should have stopped the vehicle and ensured Subject 1 was properly secured. The investigation also revealed that the vehicles' child safety locks were not engaged. Had either Officer A or Sergeant A familiarized themselves with the locking mechanism, it would have prevented Subject 1 from opening the door from within the vehicle.

Sergeant A and Officer A should have secured their vehicle prior to engaging in a foot pursuit or separating from their vehicle for a prolonged period of time. Additionally, the unsecured vehicle created the circumstance where neither Sergeant A nor Officer A would have been able to render immediate aid to each other if necessary.

Officer A should have stopped at the mouth of the alley, maintained a visual on Subject 1, advised CD of the foot pursuit and requested additional resources. Instead, Officer A continued after Subject 1 and had a tactical disadvantage.

Sergeant A was unable to locate Officer A and was unsure of Officer A's location. Sergeant A compounded the situation by continuing to drive before entering the alley. It would have been safer for Sergeant A to park, secure the vehicle and join Officer A in the foot pursuit or to have driven down the alley in the direction Sergeant A last observed Officer A chasing Subject 1.

The investigation revealed that there was no communication between Sergeant A and either Officer A or CD. Officer A did not broadcast pertinent information to CD nor did Sergeant A. This caused numerous units to search the area attempting to locate them.

Finally, the BOPC noted that Officer A targeted Subject 1's head to deliver punches. Closed fist punches to the head could result in severe injury to Officer A's hand and prevent further engagement in controlling a subject.

Accordingly, the BOPC found that Sergeant A's and Officer A's tactics warranted administrative disapproval.

B. Non-Lethal Use of Force

The BOPC noted that when Subject 1 failed to comply with verbal commands, Officer A grabbed Subject 1's right arm and attempted to use a firm grip and physical force. Subject 1 attempted to kick, bite and pull away from Officer A while still handcuffed. Officer A used bodyweight to force Subject 1 against the exterior wall of the residence and wrought iron fence to prevent Subject 1 from escaping. Additionally, Officer A applied two punches to the right side of Subject 1's face to prevent Subject 1 from biting Officer A.

The momentum of the struggle caused the three of them to move toward a wrought iron gate, which Subject 1 grabbed. Sergeant A struck Subject 1's left wrist, which proved ineffective. Sergeant A then grabbed Subject 1's finger, which caused Subject 1 to release a grasp on the gate. Sergeant A then grabbed Subject 1's left shoulder, which enabled Sergeant A and Officer A to walk Subject 1 back to the vehicle.

Sergeant A and Officer A's lack of teamwork and communication prolonged the struggle with Subject 1, who took advantage of the situation and remained aggressive. The BOPC determined that Sergeant A and Officer A would benefit from additional training in arrest and control.

Accordingly, the BOPC found Sergeant A's and Officer A's non-lethal use of force to warrant formal training.

C. Lethal Use of Force

The BOPC noted that Officer A had located Sergeant A's radio and had just completed a broadcast. Subsequent to placing Subject 1 in the rear seat of the vehicle, Subject 1 began to kick at Officer A who closed the rear driver side door. Fearing Sergeant A would be severely injured, Officer A punched Subject 1 on the head, which caused the radio to inadvertently strike Subject 1 on the right side of the head and caused Subject 1 to stop resisting until the arrival of additional units.

The BOPC determined the strike to Subject 1's head with the radio was inadvertent. In fact, it was Subject 1's attack on Sergeant A that forced Officer A to act quickly without

realizing the radio could strike Subject 1. Accordingly, the BOPC found Officer A's lethal use of force to be in policy.