

# OFFICE OF THE INSPECTOR GENERAL ANNUAL REPORT REGARDING CATEGORICAL USES OF FORCE

**November 2004**

The Consent Decree requires the Board of Police Commissioners (Commission) to annually issue a publicly report detailing its findings regarding Categorical Use of Force incidents. Pursuant to this requirement, the Office of the Inspector General (OIG) has prepared this annual report (Report) detailing the findings of the Commission relative to Categorical Uses of Force (CUOFs) reviewed during 2003.

The Consent Decree at paragraph 13 defines “Categorical Uses of Force” as:

“. . . (i) all incidents involving the use of deadly force by an LAPD officer (“OIS”); (ii) all uses of an upper body control hold by an LAPD officer and can include the use of a modified carotid, full carotid or locked carotid; (iii) all uses of force by an LAPD officer resulting in an injury requiring hospitalization, commonly referred to as a law enforcement related injury or LERI incident; (iv) all head strikes with an impact weapon; (v) all other uses of force by an LAPD officer resulting in a death, commonly known as a law enforcement activity related death or LEARD incident; (vi) and all deaths while the arrestee or detainee is in the custodial care of the LAPD, commonly referred to as an in-custody death or ICD. In addition, under current LAPD policy, a canine bite is not a use of force. However, for purposes of this agreement only, a categorical use of force shall include all incidents where a member of the public is bitten by a canine assigned to the LAPD and where hospitalization is required.”

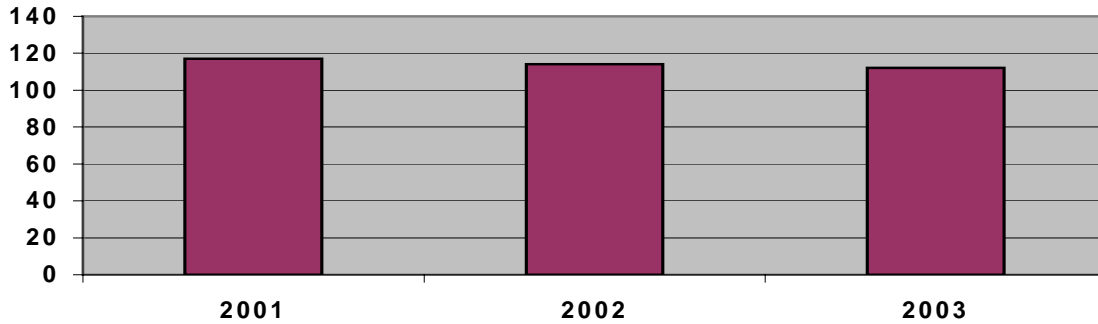
## **STATISTICAL OVERVIEW OF CATEGORICAL USES OF FORCE THAT OCCURRED IN 2003**

The primary focus of this report is categorical Uses of Force *reviewed* by the Commission during 2003. However, the following data provide an overview of categorical uses of force that *occurred* during 2003.<sup>1</sup> Similar data for the previous two years is included for comparison. The annual incidence of categorical uses of force decreased slightly from 2001 to 2003 (117 in 2001, 114 in 2002, 112 in 2003).

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<sup>1</sup> The Commission has up to one year from the date of a use of force.

**Categorical Use of Force Incidents 2001-2003**

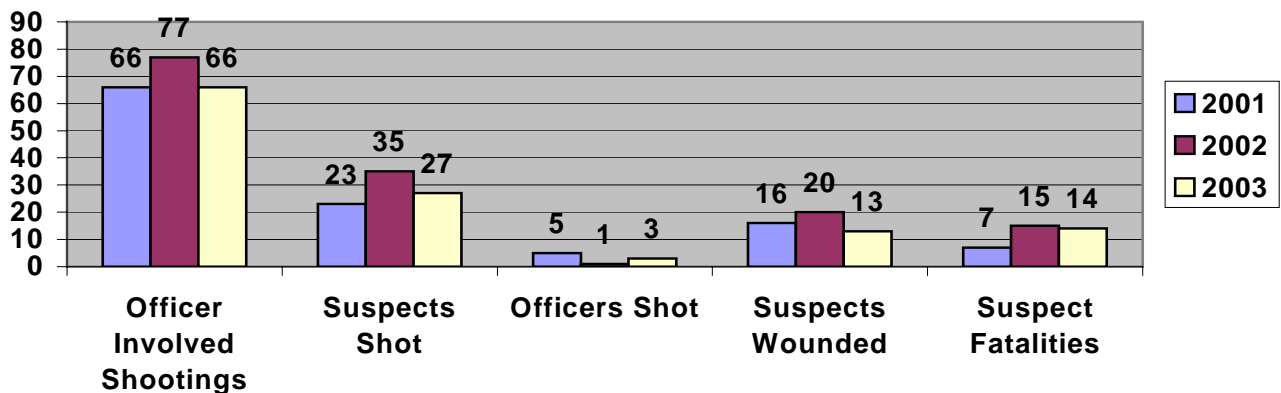


**OFFICER-INVOLVED SHOOTINGS**

In 2001, officers were involved in 66 shooting incidents, 57 of which occurred while the officer was on duty and nine of which occurred when the officer was off-duty. In 2002, officers were involved in 77 shooting incidents, 65 of which occurred while the officer was on duty and 12 of which occurred when the officer was off-duty. In 2003, there were 66 shooting incidents, 59 of which occurred while the officer was on duty and 7 of which occurred when the officer was off-duty.

Suspects were shot in Officer-involved shooting (OIS) incidents 23 times in 2001, 35 times in 2002, and 27 times in 2003. OISs resulted in 7 suspect fatalities in 2001, 15 suspect fatalities in 2002, and 14 suspect fatalities in 2003. Officers were shot in OIS incidents five times in 2001, once in 2002, and three times in 2003. No officers were killed in OIS incidents in 2001, 2002 or 2003.

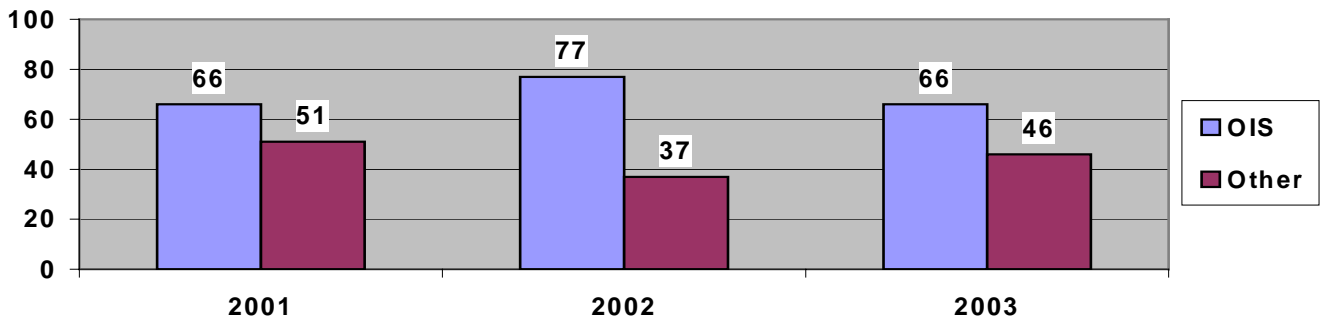
**Officer Involved Shooting Incidents 2001-2003**



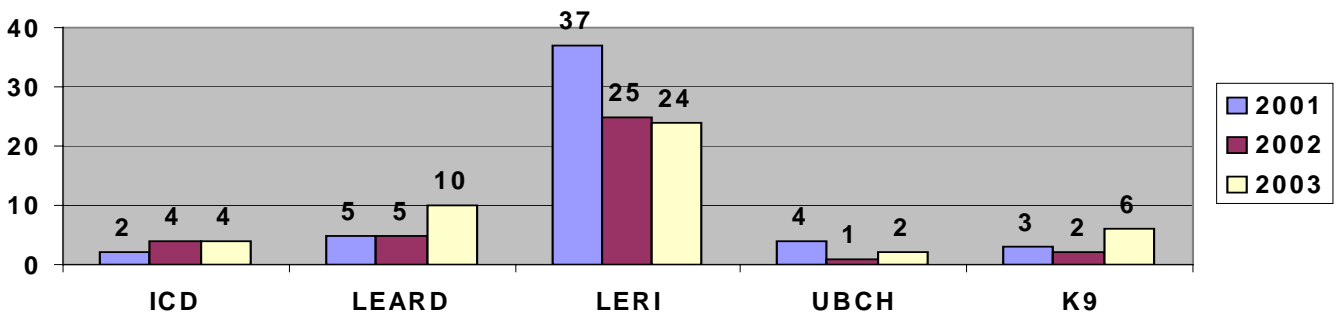
**OTHER CATEGORICAL USES OF FORCE**

Other (non-OIS) Categorical Uses of Force include in-custody deaths (ICDs), law enforcement activity related deaths (LEARDs), upper body control holds (UBCHs), police canine bites that result in hospitalization (K9s), other law enforcement related injuries that result in hospitalization (LERIs), and head strikes with an impact weapon (head strikes).<sup>2</sup> These other categorical uses of force accounted for 44% of all Categorical Uses of Force in 2001. That year there were five LEARDs, two ICDs, four UBCHs, three K9s, and 37 LERIs. Other Categorical Uses of Force accounted for 32% of all all Categorical Uses of Force in 2002. That year there were five LEARDs, four ICDs, one UBCH, two K9s, and 25 LERIs. The all Categorical Uses of Force accounted for 41% of all categorical uses of force in 2003. That year there were ten LEARDs, four ICDs, two UBCHs, 11 LERIs and 13 head strikes.

**OIS and Other Categorical Uses of Force 2001-2003**



**Other Categorical Uses of Force 2001-2003**

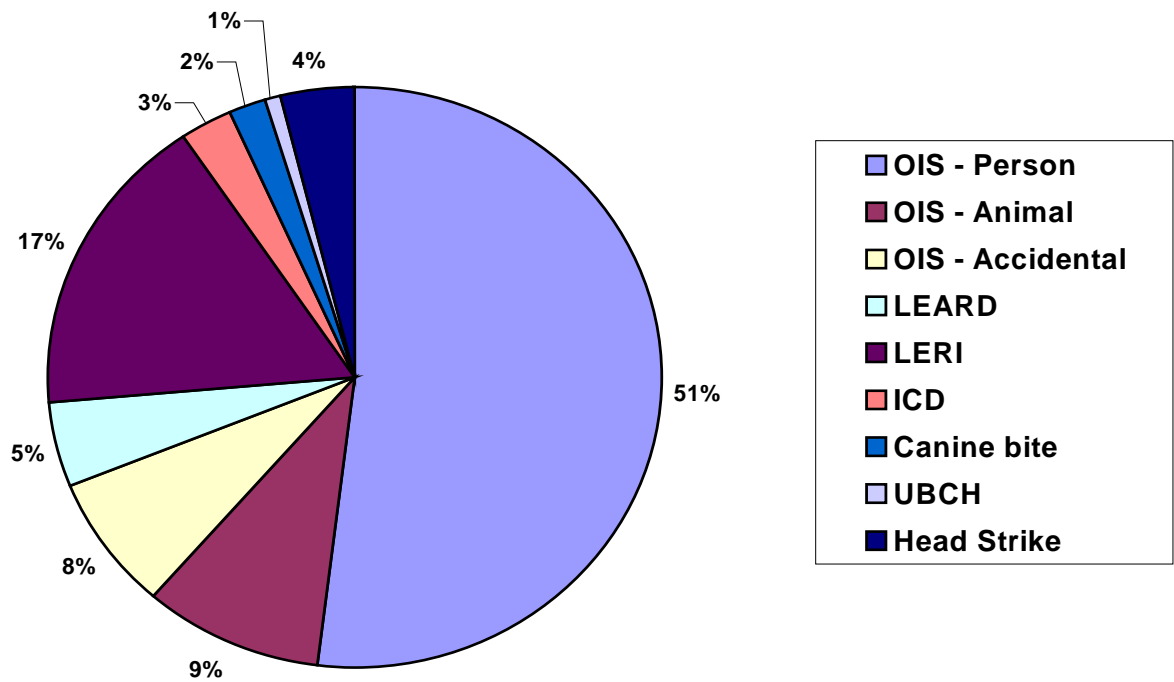


<sup>2</sup> Until 2003, all head strikes with impact weapons were included in the LERI category. The following table includes head strikes in the LERI category for 2001 to 2003.

**CATEGORICAL USES OF FORCE REVIEWED BY THE POLICE COMMISSION DURING 2003<sup>3</sup>**

During 2003, the Police Commission reviewed 106 categorical uses of force. These included: 73 officer-involved shootings, (including 55 incidents where an officer shot at a person, 8 accidental discharges and 10 animal shootings), 18 law enforcement related injuries (LERIs), 4 head strikes with an impact weapon, 5 law enforcement related deaths (LEARDs), 3 in-custody deaths (ICDs), 2 canine bites requiring hospitalization and 1 upper body control hold (UBCH).

**Categorical Uses of Force Reviewed by the Police Commission in 2003**



The Commission reviews Categorical Uses of Force for a) tactics, b) drawing, exhibition and holstering of a firearm, and c) use of force. For drawing/exhibition/holstering and use of force, the Commission determines whether the involved officers' actions conformed to Departmental policy, and issues a finding of "in policy" or "out of policy" accordingly. If a weapon was not

<sup>3</sup> The following data relates only to those cases reviewed by the Police Commission in 2003.

drawn, or no force was used, a finding of “does not apply” is made. If a finding of “in policy” or “does not apply” is made, the Commission may determine that either “no action” or “training” is required. A finding of “out of policy” results in an action termed “administrative disapproval,” meaning that a complaint investigation will be initiated against the officer in question.

No in-or-out of policy *finding* is made in relation to tactics. However, a determination is made regarding the *action* required in relation to officers’ tactical performance. Officers’ tactics can be deemed to require “no action,” “training,” or “administrative disapproval.”

Canine bites requiring hospitalization can be found “consistent with established criteria” or “not consistent with established criteria.”

Of the 106 categorical uses of force reviewed by the Police Commission in 2003, 17 % (18) resulted in a finding of in policy, no action; 59% (63) resulted in a finding of in policy, training; 22% (23) resulted in a finding of out of policy and/or administrative disapproval; and 2% (2) involved a police canine bite requiring hospitalization, both of which were found to be consistent with established criteria.<sup>4</sup>

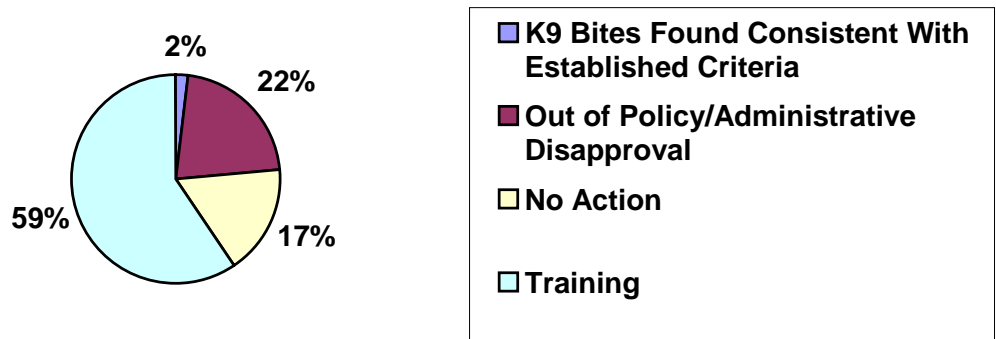
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<sup>4</sup> These findings and actions applied to at least one of the involved officers in an incident. If at least one of the officers involved was found to have acted out of policy, then the finding for that incident is counted as out of policy and/or administrative disapproval. If at least one of the officers involved was found to require additional training, but did not act out of policy, then the finding for that incident is counted as training. If none of the officers involved were found to have acted out of policy or found to require more training, then that incident is counted as in policy, no action. Cases in which a finding of “does not apply” was made are included in the “in policy” categories.

In OIS 040-02, the Chief recommended a finding of “does not apply, no action.” The Commission did not issue a finding in that case (which is described on page 7 of this report). For the purposes of this statistical breakdown, 040-02 is included in the “in policy, no action” category.

**Findings Regarding Categorical Uses of Force Reviewed by the Police  
Commission in 2003**



**COMMISSION’S ADOPTIONS OF THE CHIEF OF POLICE RECOMMENDATIONS**

The Chief of Police (Chief) issues a report to the Commission for each Categorical Use of Force. This report includes recommended findings and actions. The Commission adopted the recommendations of the Chief of Police (Chief) in 104 cases of the 106 cases they reviewed in 2003. In one case the Commission adopted a finding that was different to the Chief’s, and in another it did not adopt a finding. These two cases are summarized below.

**LERI A017-02**

A schizophrenic female threatened officers with a knife then barricaded herself in her apartment. Seven SWAT officers entered the apartment. The officers determined that the female was in the bathroom and instructed her to drop her knife and come out. She refused, and an officer fired two gas rounds into the bathroom. The female still refused to come out, so the officers forced entry into the bathroom. The female was standing in the bathtub, holding a knife. The female raised the knife and made stabbing motions, prompting an officer to fire an impact projectile at her abdomen. The female stopped the stabbing motion, but did not drop the knife. Two more gas canisters and a Stinger grenade were deployed into the bathroom, but the female still refused to drop the knife. Two more impact projectiles and two discharges of a Taser, were used, but again these failed to achieve compliance. The female was then forced against the wall with a pinning pole, but continued to brandish the knife. An additional Taser discharge proved

ineffective, and the female bent the pinning pole as she struggled to get free. A hook pole (a ten-foot long steel pole with a hook on the end) was then used to push the female against the wall, causing her to drop the knife.

The female was handcuffed and removed from the bathroom. She kicked and screamed as the officers carried her through the apartment, so the officers applied a Hobble Restraint Device (HRD) to her legs. An officer then attached the HRD to the handcuffs. The female was subsequently placed face-down while paramedics examined her. Department policy prohibits the use of the HRD to bind a suspect's hands to their feet in any manner, and prohibits the placement of secured persons on their fronts.

The Chief was concerned by the manner in which the HRD was applied, and determined that all of the involved officers should receive training. The Police Commission determined that the use of the HRD in a manner contrary to Department policy warranted administrative disapproval for tactics.

### **OIS (Animal) 040-02**

An off-duty officer was at home when his young child informed him that there was a rattlesnake in the back yard. The officer went into the yard and saw the snake in a striking position. Another of the officer's children then ran past the snake. The officer pulled the child out of the way and shot the snake with his service pistol. The officer's home was approximately 135 miles from the nearest LAPD station. The officer reported the incident to a Department supervisor and to his local police department. A decision was made not to dispatch Critical Incident Investigation Division personnel to the scene, due to the nature and location of the incident. Instead, a policy that was under development at that time was applied, whereby the officer took photographs and completed an employee's report summarizing the incident.

The Chief classified the incident "Does not apply" for tactics, drawing/exhibition of weapon and use of force. The Commission reviewed the incident and determined that there were no tactical or policy concerns. The Commission considered whether to concur with the Chief's

classification of “Does not apply” or to find the incident in policy, no action. The Commission decided to postpone its decision pending the development of policy regarding such incidents.

**CATEGORICAL USES OF FORCE REVIEWED BY THE POLICE**  
**COMMISSION IN 2003 RESULTING IN A FINDING OF OUT OF POLICY**  
**AND/OR ADMINISTRATIVE DISAPPROVAL**

The Commission made a finding of “out of policy” and/or determined that “administrative disapproval” was warranted in 23 of the 106 cases it reviewed in 2003. Of these 23 cases, ten were OISs where officers intentionally discharged firearms,<sup>5</sup> one was a LEARD, two were LERIs, two were head-strikes with an impact weapon, and eight were OISs resulting from accidental discharges of a firearm. A summary of LERI A017-02, in which the Commission determined that administrative disapproval was warranted, is provided on Page 7 of this report. The remaining 22 cases are summarized below.

**OIS 035-02**

Officers A and B conducted a traffic stop of a truck and determined that the driver’s license was suspended. The driver exited his vehicle during the stop, but left his engine running. Officer A requested a tow truck to impound the truck. The driver re-entered the truck. Officer A thought that the driver was re-entering his vehicle to get some more documents. However, when the officer saw that the driver did not appear to be looking for documents he stepped onto the vehicle’s running board, in the open doorway of the truck, and reached in to turn off the ignition. According to Officer A, while he was still standing on the running board, the driver accelerated the truck. As Officer A held on, the truck collided with two parked vehicles before continuing towards a house. Officer A, believing that the driver was trying to kill or injure him, drew his weapon and fired two rounds at the driver as the vehicle collided with the house. The driver subsequently died from gunshot wounds.

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<sup>5</sup> Three of these OISs were fatal and seven were non-fatal. In one case, an officer accidentally discharged his weapon before intentionally firing at a suspect.

The Chief was concerned about the officers' tactics, including their failure to ensure that the truck's engine was turned off and to prevent the driver from returning to his vehicle. The Chief was also critical of the Officer A's decision to step onto the running board and reach inside the vehicle, and found that his tactics warranted administrative disapproval.

### **OIS 063-02**

Officers A and B engaged in a short vehicle pursuit of a truck that they believed was involved in narcotics activity. The pursuit concluded when the driver (the truck's sole occupant) stopped his vehicle. The officers stopped behind the truck, took positions behind their respective vehicle doors, drew their weapons and ordered the driver to turn off his vehicle's ignition. Instead of complying, the driver reversed his vehicle towards the officers. Officers A and B fired two and three rounds respectively at the truck's cab. The truck struck their police vehicle and moved it back seven feet. Both officers were pushed back by the impact, but stayed on their feet and were not injured. The driver then moved his truck forward a few feet. Officer A got into the police vehicle and put his foot on the brake, while Officer B stayed behind the vehicle door. The truck again reversed towards the police vehicle. Officer A fired two rounds through his windshield at the approaching truck, then got out of the vehicle and saw the truck accelerating forwards towards a nearby residence. When the truck again reversed, Officer A fired an additional five rounds at the driver's window and door of the truck. The truck then collided with a parked SUV. Officer B moved away from the police vehicle and towards the SUV. As the driver again accelerated his truck backwards towards the SUV, Officer B moved back towards the police vehicle, firing three rounds as she did so. The truck again struck the SUV, then moved back towards the residence, colliding with a van as it did so. After colliding with the van, the driver of the truck again reversed his vehicle towards the street. Officer A believed that the truck was heading in the direction of Officer B and fired six rounds at the driver's side of the cab. The truck continued to reverse in the street. Officer A believed that the truck still posed a threat to Officer B, whom he had last seen standing by the police vehicle. Officer A reloaded his weapon and fired 13 more rounds at the cab. Simultaneously, Officer B fired three rounds at the truck from her position by the police vehicle. The truck collided with a van and came to a stop.

Officer A then approached the truck and ordered the driver to show his hands. The driver was non-responsive, and was subsequently pronounced dead at the scene by paramedics.

The Chief was concerned that both officers used seriously deficient tactics during the vehicle pursuit and when they failed to move to a position of relative safety after their vehicle was first rammed. He found that both officers' tactics warranted administrative disapproval. The Chief found that Officer A fired 25 of his total of 29 rounds when the suspect's actions did not present an immediate threat of serious bodily injury or death. As such, with the exception of the first and second volleys fired, the Chief determined that Officer A's rounds were out of policy, administrative disapproval.

### **OIS 068-02**

Officers A, B, C and D, and Sergeant E, responded to a domestic violence call in an apartment building. Soon after arriving at the location, Sergeant E left to respond to another call. The caller told the officers that her ex-boyfriend, against whom she had a restraining order, had threatened to kill her and was still in the building. The officers searched the building and determined that the suspect was inside a locked apartment. Officers A and B obtained the key to this apartment from the building manager. While Officer D stayed with the caller, Officers A, B and C used the key to unlock the apartment door. The suspect twice reset the lock to prevent them from entering, but after a third attempt the officers managed to get the door open. Upon opening the door, the officers saw that the suspect was holding a knife. They shouted at the suspect to drop the knife, and he responded by telling the officers that they would have to kill him or he would kill them. Officer D heard the shouting and ran to assist his colleagues. Officers A and B asked Officer D to request a Taser and a less-lethal shotgun. The suspect then moved quickly towards the officers, pointing the knife towards them. Officers A and B both fired at the suspect, causing him to fall back and drop the knife. Paramedics responded to the scene and pronounced the suspect dead.

The Chief had numerous concerns about the tactics used by the officers, including the failure of the sergeant and senior officer (Officer A) to take control of the incident and Officer A's failure

to assemble appropriate resources or devise a suitable plan for taking the suspect into custody. The Chief found that the tactical performance of Officer A and Sergeant E was seriously deficient, warranting administrative disapproval.

### **OIS 029-02**

While off-duty, driving to work on a freeway in his personal vehicle, an officer saw a Mercedes car with four occupants being driven erratically behind him. The Mercedes then sped up and “cut off” the officer, forcing him to brake suddenly. The officer reacted by raising his middle finger at the Mercedes, and exchanging “looks” with the occupants of the vehicle as it sped ahead. A short time later, the Mercedes slowed and positioned behind the officer’s car. Once again, the officer exchanged looks with the vehicle’s occupants. The Mercedes then accelerated and passed the right side of the officer’s vehicle. As it did so, the officer saw a suspect pointing a handgun at him through the driver’s side window. The suspect then began firing at the officer’s vehicle. The officer retrieved his weapon, which was tucked underneath his leg, and fired eight rounds at the suspect. The Mercedes fell back as the officer accelerated forward, and the officer lost sight of the vehicle. The officer was wounded in the legs by the suspect’s gunfire. The suspects and their vehicle were not identified.

The Chief was concerned that the officer used an inappropriate hand gesture, and that he did not have his firearm secured in a holster, as is required by policy. The Chief found the officer’s tactics warranted administrative disapproval, and found his drawing of a weapon out of policy.

### **OIS 075-02**

An off-duty detective was driving his personal vehicle on a freeway when he heard two objects impact his vehicle. He then saw a young male passenger leaning out of a Toyota car throw a beer can at his vehicle. The Toyota then pulled in front of the detective’s vehicle and braked, forcing the detective to brake and swerve to avoid a collision. The Toyota repeated the maneuver, forcing the detective to take evasive action a second time. The male then threw several full cans of beer at the detective’s vehicle, all of which missed. The detective retrieved

his gun pouch and police badge. The Toyota then stopped suddenly in front of the detective's vehicle, forcing him to stop to avoid a collision. Two males exited the Toyota and walked aggressively towards the detective, who reacted by drawing his gun, exiting his vehicle and identifying himself as a Los Angeles police officer. The detective ordered the males to stop and show their hands. The males raised their hands and got back into their vehicle. The detective moved to the side of the Toyota and saw that there were also two female occupants in the car. He ordered the occupants out of the vehicle and reached towards the shoulder of the driver, dropping his wallet containing his police identification into the vehicle as he did so. The Toyota accelerated forwards a short distance, then reversed, striking the detective on the knee. The detective fired a round at one of the Toyota's tires. The Toyota drove forward onto the emergency shoulder and stopped. The detective then realized that one of the female occupants of the Toyota had exited the vehicle and was standing nearby. The detective took hold of the female. The Toyota then reversed towards the detective and stopped. The male passenger exited the vehicle and walked towards the detective, who responded by pointing his gun at the male. The female grabbed the gun with one hand, and the detective moved it away from her. The detective ordered the remaining occupants of the vehicle to exit and show their hands. The male unsuccessfully attempted to pull the female from the detective, striking him in the arm several times as he did so. The detective suggested to the male that he find the wallet and confirm that he was a police officer. The male did so, then threw the wallet down by the detective's feet. The detective then instructed the female to tell her companions to drive to a nearby emergency call box and wait on the shoulder of the freeway. The occupants of the Toyota complied. The detective, still holding on to the female, went to the call box and picked up the receiver. As he did so, the Toyota sped away from the scene.

The Chief was critical of the detective's decisions to approach a vehicle containing multiple suspects and attempt to detain them, to attempt to physically engage the driver by reaching into the vehicle, and to engage the female with his gun in his hand. The Chief determined that the detective's tactics were seriously deficient and warranted administrative disapproval. The Chief also determined that the detective was not presented with a deadly threat when he fired a round at the vehicle, and that it was not reasonable to believe that the round would stop the vehicle. Accordingly, the detective's use of force was found out of policy, administrative disapproval.

## **OIS 022-02**

Officers A and B were on patrol when they observed a group of seven to ten males standing in the street. As the officers approached, the group ran. Officer A saw that one of the males was holding a sawed-off shotgun, and alerted Officer B. Officer A then drove the police vehicle past the males and stopped. The officers exited their vehicle and drew their pistols. Officer B inadvertently dropped his radio. Officer A moved away from the vehicle while Officer B took cover behind the passenger door. As the male with the shotgun continued to run, Officer A moved towards him. The male raised the shotgun towards Officer A, who responded by firing three rounds. The male fell to the ground, injured. One of his companions grabbed the shotgun from him and continued to run from the officers. While Officer A covered the injured male, Officer B ran after the male who had taken the shotgun. Officer B lost sight of this male in an alleyway. Unable to broadcast his location, Officer B flagged down a unit responding to a help call broadcast by Officer A.

The Chief was concerned that the officers did not inform the Communications Division of their location or that they had encountered an armed suspect. He was also concerned that the officers positioned their vehicle in a manner that exposed them to the suspect, that Officer A moved towards the armed suspect instead of taking cover, that Officer B went in pursuit of the second male alone, and that the officers failed to inform responding units that an OIS had occurred or that the suspect was armed with a shotgun. The Chief determined that the officers' tactics warranted administrative disapproval.

## **OIS 011-02**

An off-duty officer was driving his personal vehicle eastbound on a freeway when he saw a vehicle coming towards him, travelling westbound in the eastbound lanes. The vehicle passed the officer, then negotiated a U-turn. As the officer exited the freeway, he saw the same vehicle stop next to him and saw that it had two occupants. The officer saw the vehicle drive to a nearby gas station, and decided to engage the driver in order to determine whether he was intoxicated. The officer followed the vehicle as it left the service station, and stopped alongside it when it

subsequently stopped in the street. He asked the driver what he was doing, and the driver responded by cursing. The officer formed the opinion that the driver was not intoxicated and drove away. The vehicle drove after the officer, and twice accelerated towards him. The officer accelerated to prevent the vehicle from colliding with him, then saw in his rear view mirror that the vehicle had stopped. The officer negotiated a U-turn and drove back towards the vehicle. As the officer neared the vehicle, he saw that the driver had his door open. The officer retrieved his pistol and placed it in his lap. The driver then fired at the officer, who responded by firing four rounds. The vehicle drove away from the scene. The officer performed a U-turn and began to follow. He used his cellular telephone to call 911 and provided the operator with the suspects' direction of travel. The local police department responded and arrested the vehicle's occupants.

The Chief found that the officer's decision to follow and confront the driver, and failure to disengage from the encounter despite having had several opportunities to do so, represented seriously deficient tactics warranting administrative disapproval.

### **OIS 060-02**

Officers A and B were patrolling in a vehicle equipped with a LoJack tracking device when they received a signal alerting them to the presence of a vehicle that had been stolen in an armed robbery. The officer followed the signal and located the vehicle. A male was in the front passenger seat of the vehicle as the officers approached. The officers drew their weapons. Officer A broadcast a request for assistance, but provided an incorrect location. Officer B ordered the male to get out of the vehicle. The male drove the vehicle rapidly towards the officers. The officers stepped out of the path of the vehicle and repeated ordered the male to stop. The male then drove the vehicle towards Officer B. Fearing she was about to be struck, Officer B fired two rounds at the vehicle and moved out of its path. The vehicle passed Officer B and came to a stop. Officer A moved towards the vehicle and instructed the male to show his hands. Officer C, responding to the assistance call, heard gunshots and the screeching of tires and located officers A and B. Officer C took cover and drew his weapon. Meanwhile, Officer A told Officer B he was going to try to remove the male from the vehicle. With his gun in hand, Officer A opened the vehicle door, reached into the vehicle and tried to grab the male. The male

reacted by re-starting the vehicle and revving the engine. Officer C shouted at Officer A to move out of the way of the vehicle. The male then reversed the vehicle, stopped and reached downwards. These actions caused Officer C to believe that the driver was arming himself and was about to re-engage the officers. Officer C fired a single round at the male, incapacitating him. Additional officers responded and the injured male was taken into custody.

The Chief was concerned that Officers A and B did not notify Communications Division before they made their initial approach to the vehicle, and that Officer A broadcast the wrong location. The Chief found that Officer A's attempt to pull the male from the vehicle represented seriously deficient tactics, warranting administrative disapproval.

### **OIS 57-02**

At the conclusion of a vehicle pursuit of a suspect believed to driving under the influence of PCP, four officers (A through D) stopped behind the suspect's vehicle, took cover behind their vehicle doors and drew their weapons. The suspect, who was holding a glass candelabra, failed to comply with commands given by the officers to exit the vehicle and show his hands. Officer A could not clearly see what the suspect was doing inside the vehicle due to reflective glare from its tinted windows, but did observe that the suspect was moving his head up and down and apparently reaching under his seat. In an attempt to secure a better view of the suspect's actions, Officer A threw his baton at the vehicle's window. The baton did not break the glass. Officers A and D then retrieved a less-lethal beanbag shotguns. Officer A fired two beanbag rounds at the suspect's driver's side window. The second round broke the window. Additional commands were given for the suspect to exit the vehicle. The suspect then exited the vehicle holding the candelabra and advanced towards the officers. Officers A and D each fired two beanbag rounds at the suspect, but failed to stop his advance. As the suspect's advance continued, Officers B and C fired several live rounds at him. These rounds injured the suspect and stopped his advance.

The Chief determined that Officer A's first two beanbag rounds were out of policy, administrative disapproval. The Chief reasoned that Officer A had cover at the time he discharged the rounds, that he had time to formulate a plan to de-escalate the situation, and that

tactical discharges of beanbag rounds are generally prohibited due to the risk of secondary projectiles.

### **OIS 032-02**

Motorcycle Officers A and B engaged in a vehicle pursuit that terminated when the suspect's vehicle collided with a fence. As the suspect exited his vehicle, the officers saw the handle of a gun protruding from his pocket. The officers drew their pistols and ran towards positions of cover. As they did so, Officer A accidentally discharged a round from his pistol in a downwards direction. The suspect then attempted to pull his weapon from his pocket. Officer A fired five rounds at the suspect. Injured by the rounds, the suspect ran from the officer for a short distance then laid on the ground.

The Chief found the first round fired by Officer A accidental, administrative disapproval. Officer A's subsequent five rounds were found in policy.

### **LEARD A013-02**

Five LAPD officers, a sergeant and a detective participated in a multi-agency operation to arrest a murder suspect. The operational plan called for the officers to conduct a traffic stop on a vehicle transporting the suspect and to take the suspect into custody. The LAPD detective was in charge of the overall operation, which also involved the Federal Bureau of Investigation and the Los Angeles County Sheriff's Department. When the traffic stop was conducted, the suspect was the rear-seat passenger. The driver and front seat passenger complied with officers' instructions to exit the vehicle. As these people were being taken into custody, the suspect climbed into the driver's seat of the vehicle and drove away. Four officers and the sergeant pursued the suspect for a short distance, until he collided with a parked tractor-trailer. The four officers and the sergeant, along with two additional LAPD officers who responded to the scene, repeatedly instructed the suspect to place his hands out of his vehicle's window. The suspect ignored these commands, and repeatedly moved his arms and upper body around inside his vehicle. The detective also responded to the scene of the pursuit's termination, where he pointed

a less-lethal beanbag shotgun at the non-compliant suspect. Two officers approached the vehicle. One broke the front passenger window with his baton, then both sprayed the suspect with Oleoresin Capsicum spray. The spray was ineffective. The detective then issued a verbal warning and fired a single beanbag round at the suspect's chest from a distance of 18 feet. The less-lethal round struck the suspect, who reacted by clutching his chest. A short time later, the suspect complied with officers' instructions and put his arms out of the window. Handcuffs were placed in the suspect's wrists, but due to damage caused by the collision, officers were unable to remove him from his vehicle. Paramedics attended and treated the suspect for multiple injuries sustained in the collision. The suspect was then transported to hospital, where he died from his injuries.

The Chief subsequently determined that the suspect's actions, although non-compliant, did not rise to the level of aggression at which the use of a beanbag shotgun would be justified. Furthermore, the Chief was concerned that the detective fired the beanbag round from less than the recommended minimum distance of 30 feet, and that he aimed at the suspect's chest, which is neither a primary nor secondary target area. The Chief found the detective's less-lethal use of force to be out of policy, administrative disapproval.

### **LERI A039-02**

SWAT officers entered an apartment where an investigation had indicated that undocumented aliens were being held hostage by smugglers. In a bedroom of the apartment, officers encountered approximately 15 males lying on the floor. Uncertain which individuals were hostages and which were smugglers, the officers instructed everyone present to put their hands in their heads. Three of the males in the room failed to comply with the instruction. One rolled onto his front and placed his arms underneath his body. An officer fired two less-lethal impact projectiles at this male. After the second projectile's impact, the male complied with officers' instructions. The second male rolled onto his side and appeared to be concealing something in his hands. A single impact projectile was fired at this male, who responded by placing his hands on his head. The third male was lying prone with his hands clenched by his chest. After ignoring commands to show his hands, this male rolled over onto his back and began to reach

towards the pocket of the person lying next to him. The officer with the projectile launcher responded by firing a single impact projectile at this third male. The male reacted to the projectile's impact by covering his face with his hands. Shortly thereafter, an officer observed that this male was bleeding from his face. Paramedics transported the male to hospital, where he underwent surgery to remove his ruptured right eye and to treat multiple orbital fractures and lacerations to his right eyelid.

The Chief was critical of the officer's decision to use less-lethal projectiles against individuals whose behavior rose only to the level of "uncooperative," and not to the level of "aggressive/combative" at which the use of less-lethal projectiles would be authorized. The officer's use of less-lethal force was found out of policy, administrative disapproval.

### **Head-strike A027-02**

Officers A and B were on patrol when they saw a vehicle matching the description of a vehicle reported to have been used in an earlier incident where a firearm was brandished. When the officers attempted to stop the vehicle, the driver failed to yield and a pursuit ensued. Officers C and D, and Sergeant E, joined the pursuit. The officers pursued the suspect until he abandoned his vehicle and fled on foot. Officers A and B gave chase on foot while Officers C and D, and the sergeant followed in their vehicles. As the pursuit continued, all the involved officers exited their vehicles. Officer A saw the suspect produce, then drop, a handgun. The suspect briefly searched for the gun before running into a rear yard. Unsure if the suspect was still armed, Officer A drew his gun. As the suspect attempted to scale a wooden fence, Officer A approached and heard Officers B and C on the opposite side. Officer A grabbed the suspect by the waist and pulled him down from the fence. As he fell, the suspect's head hit Officer A's drawn weapon. The suspect was then taken into custody without further incident.

The Chief was concerned that Officer A's decision to approach the suspect with his gun drawn created the potential for an accidental discharge and placed his colleagues in a crossfire situation. As such, the Chief found that Officer A's tactics warranted administrative disapproval.

### **Head-strike A038-02**

Officers A and B conducted a check on the license plate of a vehicle traveling in front of them and determined that the vehicle had been reported stolen. The officers followed the vehicle as it drove into an alleyway and stopped. The officers stopped behind the vehicle, drew their weapons and ordered the driver to exit the vehicle with his hands raised. The suspect got out of the vehicle and raised his hands, but then ran from the officers. Officer A immediately gave chase, glancing into the stolen vehicle as he passed to check for additional suspects. Officer B performed a more thorough check of the vehicle, joining the foot pursuit once he determined that the vehicle had no more occupants. After running a short distance, the suspect turned to face Officer A and raised his right arm in an apparent attempt to stop the officer's advance. Officer A, who still had his gun in his right hand, grabbed the suspect's shoulder with his left hand. The officer's momentum caused the suspect to stumble backwards. As the suspect stumbled, Officer A raised his right hand to balance himself and inadvertently struck the suspect in the head with his weapon. Officer B joined Officer A and the suspect was taken into custody without further incident.

The Chief was critical of Officer A's decision to pursue the suspect at a close distance with his weapon drawn, noting that this action limited tactical options and increased the risk of an accidental discharge. The Chief determined that Officer A's tactics warranted administrative disapproval.

### **Accidental OIS 071-02**

While at home, an off-duty officer pulled a revolver out of its holster, accidentally placing his finger inside the trigger guard as he did so. The weapon discharged, causing minor damage and no injuries.

The Chief found the use of force accidental, administrative disapproval.

### **Accidental OIS 33-02**

An off-duty officer was driving his personal vehicle when he saw three males firing handguns at a group of teenagers in the street. The males then ran from the scene, and the officer negotiated a U-turn in order to follow them and obtain descriptions. The officer followed the males in his car, and decided to engage them when he realized they were approaching a shopping complex. The officer drew his pistol, stopped his car behind the males, and shouted at them to get on the ground. Two of the males stopped. The officer then began to exit his vehicle. As he did so, he felt a sharp pain in his leg and experienced an involuntary movement. As the officer tried to maintain his balance, he accidentally discharged a round from his pistol. The two males who had stopped then ran away.

The Chief was critical of the officer's decision to follow three armed suspects without the necessary police resources and of his decision to confront the suspects without effectively using the cover of his vehicle. In addition to finding the officer's use of force accidental, administrative disapproval, the Chief determined that the officer's tactics were seriously deficient and warranted administrative disapproval.

### **Accidental OIS 048-02**

At the end of his shift, Officer A handed a shotgun to Officer B, who was about to start his shift. Officer B visually inspected the shotgun and did not see any rounds. Officer B went to the parking lot of the police station where he conducted a safety check of the shotgun. After conducting the check, Officer B pointed the weapon at a tree and pulled the trigger, causing a round to discharge.

The Chief was concerned that Officer B did not properly ensure that the shotgun was unloaded when he conducted his safety check, and that he pointed the weapon at a tree and pulled the trigger. The Chief found the use of force accidental, administrative disapproval.

### **Accidental OIS 050-02**

As an off-duty officer prepared to retire to bed, he retrieved a handgun from its case on the floor in order to place it on a nightstand by his bed. The handgun's safety was off, and the officer attempted to engage the safety as he simultaneously laid back and moved to place the weapon on the nightstand. As he did so, the weapon discharged. The discharge caused damage to the officer's home, traversed his residential street and hit a neighbor's window. The officer's wife sustained superficial injuries from secondary debris propelled by the round as it passed through the house.

The Chief found the officer's use of force accidental, administrative disapproval.

### **Accidental OIS 052-02**

Officers detained five suspects in the course of an investigation of a armed robbery. Believing that more suspects could be in a nearby building, a group of officers discussed a plan for a search. During this discussion, an officer who was holding a shotgun at his right shoulder in a low-ready position discharged a single round from the weapon. The round struck the ground and caused no injuries.

The Chief found the officer's use of force accidental, administrative disapproval.

### **Accidental OIS 061-02**

An off-duty officer was at home when he decided to dry-fire his service pistol. The officer removed the magazine from the weapon, but did not check for a round in the chamber. He pointed the weapon at a mirror and pulled the trigger. A round discharged, causing damage but no injuries.

The Chief found the officer's use of force accidental, administrative disapproval.

### **Accidental OIS 062-02**

A SWAT officer was assigned to cover a house with a sniper rifle while other officers made entry. Once entry had been made, the officer prepared to place his rifle back in his equipment bag. He placed the gun on the ground, resting on its bipod, and turned back to his bag. He then noticed that the rifle had fallen over, and reached to retrieve it. As the officer touched the rifle, a round discharged. The round hit the ground nearby, and did not cause any damage or injuries.

The Chief found the officer's use of force accidental, administrative disapproval.

### **Accidental OIS 006-03**

An officer was attempting to unload a shotgun in a police station parking lot when he realized that a round was jammed in the weapon. As the officer attempted to free the round, he inadvertently discharged the weapon into the air. A sergeant retrieved the weapon from the officer and observed that the safety mechanism was off.

The Chief found the officer's use of force accidental, administrative disapproval.