

I. Introduction

The Consent Decree requires that the Department prepare a quarterly report regarding discipline imposed, including Categorical Uses of Force (CUOFs) found to be out of policy, within 45 days after the end of each quarter. The Department has completed its report for the Second Quarter of 2007. The Police Commission (Commission) received its hard copy of the Department's Quarterly Discipline Report (Report) on August 16, 2007. As required under Paragraph 89, the OIG has reviewed the Department's Report and submits its own Report to the Commission.

During this Quarter, the OIG again interpreted some of the statistical data contained in the various tables within the Department's Report. Section II below contains the OIG's analysis of some of the information found within the tables contained in the Department's Report and expands upon the information contained therein.

In Section III, the OIG discusses our review of cases closed during the First Quarter that contained at least one allegation of Discourtesy. The OIG decided to review Discourtesy cases as a result of the Commission's concern about the lack of Sustained allegations for these types of complaints in prior discipline reports. Of the 505 cases involving at least one allegations of Discourtesy which were closed during the Second Quarter of 2007, we selected a sample of 30 such cases to review. Of the 30 cases we reviewed, we took issue with nine, either because all relevant witnesses were not interviewed, not all allegations were framed, or insufficient efforts were made to identify initially unknown officers. We did not identify any significant concerns in the handling of the remaining 21 investigations we reviewed.

In Section IV, the OIG discusses cases closed during the Second Quarter of 2007 that were determined to be Out of Statute (OOS). The Report included seven such cases that were closed during the Second Quarter. The OIG was provided with additional documentation to explain why these cases fell OOS and what remedial action, if any, was taken to avoid similar recurrences. Finally, Section V contains our review of the ten CUOFs deemed Out of Policy by the Commission, which were closed during the Second Quarter, and which are enumerated on the Table L.

On October 24, 2007, OIG staff met with the Commanding Officer and staff from Internal Affairs Group (IAG) to discuss our preliminary findings. The meeting was very productive, and the cases discussed herein represent those which both entities agreed merited further discussion and/or review.

II. Analysis of Statistical Information Within the Department's Report

As a result of our review of the Department's Report, we found additional information to aid the Commission in its review and evaluation of the discipline imposed during this Quarter.

Executive Summary

Using the information contained in the Executive Summary, we determined that the percentage of Sustained allegations was 11.9% (total of Sustained allegations/total allegations = 631/5310 = 11.9%). Also using the information in the Executive Summary, we determined that the percentage of Sustained allegations for each of the "Top Allegation" classifications was as follows, in descending order of sustained rate:

Allegation	Sustained Rate	No. of Sustained Allegations/ Total Number of Allegations
Preventable Traffic Collision	96.1%	99/103
Failure to Qualify	82.7%	91/110
Neglect of Duty	14.6%	179/1226
Unauthorized Tactics	13.4%	23/172
Unbecoming Conduct	12.4%	117/943
False Statements	11.7%	14/120
Unlawful Search	2.6%	4/151
Discourtesy	1.7%	14/828
Unauthorized Force	1.0%	7/713
False Imprisonment	<1%	2/344

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Tables C and E – Allegation Summary / Bureau-Allegation Summary (Sustained Only)

Classification	Sustained Allegations/ Total Allegations	Sustained Rate	Percentage of Total Allegations	Number of Accused Employees ¹	Number of Employees w/ Sustained Allegations
Accidental Discharge	2/2	100.0%	0.03%	2	2
PTC	99/103	96.1%	2.0%	102	99
FTA	18/19	94.7%	0.4%	19	18
FTQ	91/110	82.7%	2.1%	106	88
Insubordination	6/10	60.0%	0.2%	7	4
Alcohol Related	7/12	58.3%	0.2%	8	6
Sexual Misconduct	11/25	44.0%	0.5%	13	6
Improper Remark	18/56	32.1%	1.1%	33	12
Dishonesty	2/12	16.7%	0.2%	7	2
Misleading Statements	1/6	16.7%	0.1%	5	1
Neglect of Duty	179/1226	14.6%	23.1%	754	119
Unauthorized Tactics	23/172	13.4%	3.2%	136	21
Unbecoming Conduct	117/943	12.4%	17.8%	479	62
False Statements	14/120	11.7%	2.3%	92	10
Ethnic Remark	5/48	10.4%	1.0%	28	3
Domestic Violence	4/40	10.0%	0.8%	10	2
Theft	5/51	9.8%	1.0%	25	2
Unlawful Search	4/151	2.6%	2.8%	112	2
Discourtesy	14/828	1.7%	15.6%	501	10
Retaliation	1/58	1.7%	1.1%	45	1
Other Policy/Rule	1/82	1.2%	1.5%	42	1
Unauthorized Force	7/713	1.0%	13.4%	368	5
False Imprisonment	2/344	0.6%	6.5%	262	2
Racial Profiling	0/74	0.0%	1.4%	60	0
Discrimination	0/63	0.0%	1.2%	47	0
Narcotics	0/21	0.0%	0.4%	11	0
Failure to Report Miscon.	0/9	0.0%	0.2%	8	0
Service	0/6	0.0%	0.11%	3	0
Gender Bias	0/3	0.0%	<.1%	3	0
Off-Duty Altercation	0/2	0.0%	<.1%	1	0
False and Misleading Sts.	0/1	0.0%	<.1%	1	0

The OIG is pleased to see that Tables C and E no longer include old allegation references, such as those to “Excessive Force,” “Use of Force,” and “Miscellaneous Memo.” This issue was discussed in the OIG’s last Quarterly Discipline Report, for the First Quarter 2007.

Table F – Allegation Summary by Employee Rank – Listed by Allegation Type

Using the information in Table F (and elsewhere), the OIG obtained Sustained allegation rates, broken-out by rank, calculated both by total allegations, and by total allegations excluding Preventable Traffic Collisions (PTCs), Failures to Appear (FTAs), and Failures to Qualify (FTQs). Our results are depicted in the below table.

¹ Data in this column was taken from Table II in the Report. Employees are separately counted for each complaint and for each allegation type; thus a single employee may be counted repeatedly. Accordingly, the numbers in this column do not match the exact number of employees against whom the allegations were sustained.

	Sustained Allegations/ Allegations	Overall Sustained Rate	Sustained Allegations/ Total Allegations (Minus PTCs, FTAs, & FTQs)	Overall Sustained Rate (Minus PTCs, FTAs, & FTQs)
Allegation Total	631/5310	11.9%	423/5078	8.3%
Staff Officer	2/15	13.3%	0/13	0.0%
Captain	5/48	10.4%	1/44	2.3%
Lieutenant	3/53	5.7%	0/49	0.0%
Sergeant	48/297	16.2%	30/275	10.9%
Detective	42/291	14.4%	16/262	6.1%
Police Officer III	128/897	14.3%	96/860	11.2%
Police Officer II	268/2108	12.7%	163/1996	8.2%
Police Officer I	32/236	13.6%	17/218	7.8%
Reserve Officer	0/2	0.0%	0/2	0.0%
Detention Officer	24/60	40.0%	24/60	40.0%
Civilian Management	0/2	0.0%	0/2	0.0%
Civilian Personnel	53/198	26.8%	52/197	26.4%
Unknown/Invalid	26/1103	2.4%	24/1100	2.2%

Whereas 11.9% of all misconduct allegations were Sustained during this quarter, 8.3% of all allegations were Sustained when PTCs, FTQs, and FTAs were removed.

III. Review of Cases

A. Methodology

This quarter the OIG looked at whether cases which involved discourtesy allegations were being properly investigated, and whether those employees having Sustained allegations were receiving appropriate penalties and/or referrals to training. Pursuant to Consent Decree paragraph 93, complaints involving discourtesy are normally not investigated by Internal Affairs Group (IAG). If Sustained, the Department's "Management Guide to Discipline" (July 2004) for sworn employees (Sworn Guidelines) recommends a written penalty through four suspension days for a first-time Sustained complaint of discourtesy. For Civilian employees, the Civilian Guide to Discipline Standards (August 2005) (Civilian Guidelines) recommends an oral warning to a five-day suspension.

For this Report, the OIG limited the cases reviewed to those closed after the first date of the Second Quarter, or no earlier than April 1, 2007. During the Second Quarter of 2007, 505 such complaints were closed with at least one allegation of discourtesy. Applying a one-tail test to this population, and in order to achieve a 95% confidence level, an expected error rate of 6%, and a "plus" precision of 7%, it was determined that a sample size of 30 cases was needed for our review. A unique number from 1 to 505 was assigned to each of the 505 cases in the order they appeared on the list generated from the Department's Complaint Management System (CMS). In order to determine which of the 505 cases would be selected for review, a random number generator was used to select a sufficient set of unique numbers in the range of 1 to 505 to

allow for the selection of a final sample of 30 cases, after de-selecting those which were either not available or involved much more serious allegations than just discourtesy, based on a cursory review of the related face sheets. The cases on the list from CMS that had been assigned to the corresponding unique numbers were the ones selected for review.

In reviewing the 30 cases, a matrix was utilized by the first and second level reviewers. This matrix contained 35 questions designed to evaluate the quality, completeness, and findings of the completed investigation, including whether the discipline imposed was justified and appropriate in light of the surrounding circumstances, the employee's disciplinary history, and the standards enunciated in the Department's Sworn Guidelines and the Civilian Guidelines. In addition, a Crib Sheet was used to assist in answering the questions on the matrix.

OIG staff also reviewed tape-recorded interviews in four cases where the paraphrased statements provided insufficient information to conduct a thorough assessment of the underlying investigation. In reviewing the taped interviews, OIG staff utilized a matrix containing 17 questions designed to evaluate whether: (1) the interviews were properly paraphrased to include all relevant testimony; (2) all allegations raised by the complainant were properly formed; (3) any additional allegations raised during the interviews were addressed in the completed investigation; (4) the interviews themselves were conducted properly (e.g., whether the interviewer used inappropriate or leading questions, or adopted a hostile or inappropriate tone with the witness); and (5) logical follow-up questions were asked by the interviewer.

B. Analysis of Discourtesy Complaints

Of the 30 cases reviewed, the OIG identified investigative issues in the following nine cases. Overall, we believe the quality of the nine investigations could have been stronger. It was our impression that there was a tendency to adjudicate these complaints with relatively minimal investigation. Though we understand that in the grand scheme of things, discourtesy complaints may seem more minor than compared to, for example, Unauthorized Force complaints, at a minimum, interviews of all involved parties and any percipient witnesses should be conducted and investigative leads should be followed, especially when the accused officer is initially unknown. We believe that thorough investigations of these types of complaints help promote community confidence that their concerns are being taken seriously and being handled appropriately. The investigative issues we identified fell within five general categories:

1. Interview Concerns

In the six cases listed below, not all obvious witnesses were interviewed.

CF No. 06-2619

The complainant's son was arrested for a robbery that occurred two-and-one-half months prior to his arrest. The complainant was concerned about how the arrest itself was handled, that officers were harassing her son, and that the officers did not identify themselves. The allegations were adjudicated as "Employee's Actions Did Not Rise to the Level of Misconduct" against the arresting officers based on the rationale that although the complainant was upset about her son's arrest, she did not address her concerns with a captain and detective at the scene of the son's arrest, and that the involved officers made a lawful arrest.

Several critical interviews were not conducted as part of this investigation. The I/O indicated that there were no interviews “necessary or conducted” for this investigation because the complainant’s statement was tape-recorded at the time she initiated her complaint.

Furthermore, the I/O indicated that no canvassing for witnesses was done because “[t]here were no allegations of misconduct identified in this investigation.” However, this presupposes that the complainant’s concerns about harassment of her son, how his arrest was handled, and the officers’ failure to identify themselves did not constitute misconduct. Based on our review of the complainant’s paraphrased statement,² we disagree with this premise, and believe, at a minimum, that interviews of the complainant’s son and the accused officers should have been conducted.

CF No. 06-6071

The complainant called a police station to seek assistance with a landlord-tenant dispute. The complainant did not feel as though he was receiving correct information and requested to be transferred to the watch commander. He was transferred to an unknown male watch commander who allegedly spoke to the complainant in an unpleasant and brash manner. The complainant refused to cooperate with the investigation after being contacted several times and would not submit to an interview. Accordingly, the complaint was classified as “Insufficient Evidence to Adjudicate” against an unknown officer.

The investigation revealed that there was one particular watch commander on duty on the date and time the complainant placed his phone call. However, the only reference to this watch commander was an I/O Note that an Area lieutenant “spoke with [the watch commander] about the complaint and investigation” and that the watch commander denied being the involved employee. The watch commander was not formally interviewed. The adjudicator reasoned that since there was no way to ascertain whether the complainant was transferred to the watch commander or another Department employee, the on-duty watch commander should not be listed as the accused.³ However, we believe that such a decision was premature in the absence of a formal interview of this watch commander.

CF No. 06-5935

The complainant called the police because an unknown man was standing at her front gate and peered inside her yard. The man was dressed in all black, and the complainant believed he may have been a police officer. The complainant called the Area front desk to ask if the man was an officer. An unknown male officer said he would check the computer to see if any units had been dispatched to the complainant’s residence, but that it might take him awhile to get to the computer because he was injured. The officer allegedly told the complainant that no unit had been sent to the location and that no unit would be dispatched because no crime had been committed. The officer allegedly stated that the complainant should be more concerned about North Korea than the man standing outside her gate. The complainant either subsequently contacted or was transferred to Communications Division (CD), where she again requested that a unit respond to her residence. The complainant asserted a discourtesy allegation against this

² There is no indication that this interview was tape-recorded.

³ I/O Note 3 states, “[The watch commander’s] name was not entered as the accused because there was no evidence to prove that [the watch commander] was the employee [the complainant] complained of.”

officer. The complaint was adjudicated as Insufficient Evidence to Adjudicate against an unknown officer.

Five officers were interviewed because they were identified in corresponding Daily Worksheet reports as working the desk on the date in question. However, they were all ruled out as possible accused. All five appeared to have been given a choice about whether they wanted to be formally interviewed. Only two of the five were formally interviewed, and the other three were merely "questioned" off-tape. We believe these other three should have also been formally interviewed.

CF No. 06-5780

The complainant, who was involved in a traffic collision involving the complainant's vehicle, the accused officer's vehicle, and a third vehicle, alleged that an unknown officer was loud, belligerent, and rude at the scene. The complainant hit the third vehicle, which was pushed forward and hit the officer's vehicle. The accused initially thought that the complainant may have been driving under the influence of alcohol, but later determined that the complainant was not. The accused stated he/she used a loud and authoritative tone of voice because he/she was concerned that the complainant would leave the scene. The discourtesy allegation was adjudicated as "Employee's Actions Did Not Rise to the Level of Misconduct."

The Area submitted a request to IAG that a supplemental investigation be conducted because the driver of the third vehicle was not interviewed. This request was denied by the Captain of IAG because the accused had already been served and the allegation did not rise to the level of misconduct. Although we understand the rationale for not re-opening the case due to the fact that the accused had already been served, we remain concerned that the third party was not interviewed initially. Information from this witness might have substantiated the facts one way or another, including whether the accused was justified in speaking loudly, and/or whether there appeared to be a possibility that the complainant would leave the scene, especially since the complainant was not asked any questions to either validate or discredit this claim.

CF No. 06-2184

The complainant was arrested for robbery. While he was secured to a bench at the station, an officer allegedly said, "f**king immigrants," and displayed his middle finger as he walked by the complainant. The complainant also alleged that this officer stated, "F**k you Mexicanos; f**k you Mojados," and pushed the complainant as he walked by. The complainant indicated that an unknown male Black officer subsequently walked past him, and the complainant told this officer what had happened. The Black officer walked away and then returned with a sergeant. While the complainant was speaking with the sergeant, the complainant caught a glimpse of the accused, and the complainant identified him/her as the employee who had made the discourteous and ethnic remarks to him.

The Ethnic Remark, Discourtesy, and Unauthorized Force allegations were adjudicated as "Not Resolved" based on a rationale that there were no independent witnesses, and the accused officer denied the allegations.

We believe there should have been an effort to identify and interview the unknown male Black officer who walked by after the statement was allegedly made. Although an in-depth physical

description of that officer was not provided, the sergeant, who was only informally interviewed, might have been able to identify this unknown Black officer was, since the Black officer returned with the sergeant to the bench where the complainant was seated.

There was also a problem with the recording of the accused officer's interview, which was recorded using a dictaphone. The recording we were provided lasts only four seconds, and the only audible noise is some shuffling of papers. Thus, it was difficult to corroborate the accused officer's denial of the specific allegations.

CF No. 06-3022

This case arose out of a dispute over whether the complainant owed money to a gas station attendant. The complainant gave her friend five dollars and told him to tell the attendant to put the money toward her pumping station. After the friend paid, they talked for awhile. The complainant then forgot that she had not yet pumped gas into her vehicle and left the premises. She returned and demanded that she be allowed to pump gas into her car. The attendant believed the complainant was not owed any gas because she had not paid.

The attendant called the police initially because the complainant was yelling, kicking, and banging on a window and because the complainant refused to leave the gas station when requested to do so. The officers concluded that the matter was not criminal in nature, but rather a civil dispute, and that there was nothing further they could do. The complainant believed the officers should have examined the gas pump to determine whether or not she received the gasoline she claimed to have paid for. In addition, the complainant maintained she tried to show the officers an injury on her arm from confronting the attendant, but the officers laughed at her.

The complainant subsequently called a watch commander to complain about the service she had received from the responding officers. She alleged that the officers had been discourteous and had failed to conduct a thorough investigation. She also later claimed that the watch commander was discourteous to her and unresponsive to her concerns. Accordingly, the watch commander was added as an accused officer to the investigation. The allegations against the responding officers, who denied they were discourteous in any way and denied laughing, were "Unfounded," and the allegation against the watch commander was adjudicated as "Employee's Actions Did Not Rise to the level of Misconduct." The watch commander said that it was the complainant who acted belligerently toward him and, accordingly, "it would not have been inappropriate to speak with [the complainant] in a firm or raised voice in an effort to keep control[.]"

We would have preferred that the gas station attendant was interviewed, as she could have relayed her perspective about whether the responding officers were rude to the complainant or laughed at her. Since the accused officers all denied the allegations, the attendant's opinion would have been particularly valuable.

2. Incomplete Framing of Allegations

In the following two cases, we believed that the framed allegations did not encompass the entirety of the complainant's concerns:

CF No. 06-5957

The complainant was stopped by an officer and cited for riding a bicycle on the sidewalk and riding the wrong way on the street. The complainant requested a supervisor and filed a complaint, indicating that on four separate occasions the accused had stalked him and made him feel uncomfortable. The complainant also stated that the accused "picks on" him and his family and that the accused questioned him about his probation status and drug use.

The allegation, as framed in the investigation, only covers the issue of the accused asking questions about his probation status and drug use on *one* occasion: "Complainant alleged Discourtesy on November 4, 2006, by [the accused], for asking Complainant if he was on probation or used drugs." The OIG believes the Department should have framed allegations regarding the multiple occasions on which the complainant claimed the accused had stalked him, as well as his allegations that the accused "picks on" him and his family.

CF No. 06-1558

The complainant and her boyfriend passenger were driving down the street when she was asked to pull over. The complainant provided her license and registration, but the officers asked her boyfriend to step outside the vehicle. The complainant alleged that officers searched the vehicle for nearly two hours and allegedly damaged the complainant's glove compartment. After the search, the complainant was cited for having tinted windows. The complainant said that the officers were rude when she asked why her personal items were being thrown around.

The complainant completed a written "Complaint of Employee Misconduct" form (Complaint Form) the following day at the station alleging discourtesy and that the officers damaged her vehicle during the search. Though the only allegations framed in the investigation covered the damage to her vehicle and the officers' alleged Discourtesy, it seemed to us from our review of the Complaint Form that the complainant was equally concerned about the fact that a lengthy search of the her vehicle took place.

Further efforts to contact the complainant or her boyfriend were, according to the investigation, met with "negative results." The officers denied the Discourtesy allegation and the allegations that they damaged her vehicle. Initially, the allegations were adjudicated as "Unfounded," based on the notion that the complainant would have requested a supervisor had something been wrong with the officers' conduct. However, in a Military Endorsement the Bureau opined that all three allegations should be classified as Insufficient Evidence to Adjudicate since the complainant did not attribute the alleged acts to one particular officer.

We believe the investigation failed to reveal a sufficient justification for the search of the complainant's car. To begin with, the accused officers did not articulate the exact reason for initially stopping the complainant. Although they claim that they knew the stop occurred in a rampant narcotics sales area and that they recognized the complainant's boyfriend from prior contacts, this rationale is curious given that the complainant was cited for having tinted windows, and that the stop occurred at 10:45 p.m. Moreover, even if the officers knew the boyfriend was on probation (as one officer indicated), there was no indication that this accused also knew the boyfriend was subject to search and seizure conditions. Though, in fairness to both officers, they were interviewed almost a year after the incident occurred, and, thus, may not have been in a position to remember all the details surrounding this incident, we believe it would have been

more prudent to have framed an allegation of Unlawful Search, especially in light of the length of the traffic stop (65 minutes according to the officers' DFAR) and the complainant's reference thereto.

3. Preliminary Case Screening

Per Special Order No. 1 (SO1), dated January 1, 2003, one of the original intentions behind handling complaints as "Non-Disciplinary" was that more minor issues not requiring significant investigation could be classified accordingly, to "hasten resolution of [such] minor complaints." However, this presupposes a determination in the initial screening process that the involved employee does not have a prior pattern of similar behavior (generally limited to the prior five years), along with five other disqualifying criteria. All six criteria must be satisfied for the investigation to initially proceed as "Non-Disciplinary." However, there is no further guidance in SO1 as to what constitutes a "prior pattern" nor what information should be specifically consulted for purposes of determining whether any such pattern exists.

The following two cases represent examples of where the lack of written guidance made it difficult to conclusively determine whether the employee had a prior pattern of similar misconduct for purposes of evaluating whether the complaint should qualify for initial "Non-Disciplinary" consideration. We have discussed this issue with IAG, and they have indicated that they would be interested in working with us to explore this matter further.

CF No. 06-5978

Officers responded to a radio call involving a dispute between the complainant and her neighbor. The complainant believed her neighbor vandalized a plant between their two apartments. The complainant felt as though one of the officers was rude to her; the complainant was also offended by the manner in which the accused conducted himself and believed he was unfairly biased against her. The complaint was adjudicated as "Employee's Actions Did Not Rise to the Level of Misconduct."

Although all the Preliminary Case Screening boxes were checked, including the one indicating that the employee had no prior pattern of similar behavior, we believe a strong argument could be made that the investigation should not have initially proceeded as "Non-Disciplinary," given the accused officer's extensive complaint history prior to this incident, which included four prior complaints, in addition to the underlying complaint, where Discourtesy was alleged in the past five years. In two of the complaints, the Discourtesy allegations were "Not Resolved." Though we believe the ultimate⁴ adjudication was appropriate, we believe that the accused's complaint history likely should have removed the complaint from initial Non-Disciplinary consideration.

CF No. 06-5957

In the case previously discussed on page 9 of this report, where the complainant was cited for riding his bike on the sidewalk, the accused had four additional Discourtesy allegations over the previous five years, none of which were "Sustained," and only one which was "Not Resolved." Of the three other complaints, one was adjudicated "No Misconduct," and two were

⁴ SO1 allows for a complaint, which was initially handled as a Disciplinary investigation, to be ultimately adjudicated as Non-Disciplinary if the facts adduced during the investigation justify such an adjudication.

“Unfounded.” The Preliminary Case Screening box indicating that the accused had no apparent pattern of similar behavior was checked.

Although the decision to check the box does not appear to us to be wholly unreasonable, our opinion is just that, and is not based on any specific guidance provided by SO1.

4. Efforts to Identify the Accused

In two investigations we reviewed which initially involved unknown officers, it seemed to us that more effort could have been undertaken to identify the accused.

CF No. 06-6071

In the case previously described on page 6 of this report, we believe there could have been better efforts to identify the accused in the case where the complainant was transferred to an unknown watch commander. Because the watch commander on duty denied involvement, the adjudicator opined “there was no way to further identify an accused employee” because the complainant could have been transferred to another Department employee. We believe such reasoning appears premature, given that the identified watch commander was not formally interviewed.

CF No. 06-5935

In the case previously described on page 6 of this report, where the complainant believed a stranger dressed in black appeared in her yard, the I/O should have followed-up with the complainant (who was not interviewed subsequent to the filing of her complaint), questioned the five potentially involved officers in greater detail about the phone calls they received. The PSR who created and cleared the call also could have relayed additional information which might have assisted in identifying the accused officers, but this PSR was never interviewed.

One officer, in particular, should have been questioned more extensively, since he/she was one of only two officers assigned to the front desk on the date of the incident, and he/she acknowledged having injury, which is what the complainant alleged the accused indicated to her on the phone. This particular officer also described an incident with a “troublesome caller,” yet the I/O was “unable to determine if the incident described by [the officer] was related to this complaint.” These issues should have been probed in greater detail with respect to this officer. In addition, the I/O should have explored whether the other officers who denied involvement suffered from injuries that could have affected their pace when moving to view a computer.

5. Additional Issues

In one case, we identified concerns with how the interview of the complainant was both conducted and paraphrased.

CF No. 06-2184

In the case on page 7, where the complainant alleged an officer said, “F**k you, Mexicanos, f**k you Mojados,” were also troubled by what we believed to be, at times, a hostile and overly confrontational tone assumed by the interviewer. On tape, the interviewer relied on the fact that the complainant said at varying points that he waited 30, 45 or 60 minutes to have his complaint taken by a Spanish-speaking officer to argue that the complainant changed his story. Indeed, the

interviewer appeared to become defensive in response to this claim of a delay by the complainant. This may have been partially explained by the fact the interviewer was the on-duty complaint supervisor at the time and was involved with a "tactical situation" in the field that prevented him/her from immediately returning to the station. This information was provided by the interviewer on tape in what we perceived as a somewhat defensive tone. Moreover, the interviewer raised his/her voice and talked over the complainant at one point. Finally, we were concerned that the interviewer referred on-tape to the fact that the complainant did not "offer" his earlier claim, made off-tape, that he had been pushed until specifically asked by the interviewer on tape, as well as with the characterization of this alleged discrepancy in the complainant's paraphrased interview as an "inconsistent statement."

During our October 25th meeting with IAG, they indicated they would follow up with the appropriate personnel regarding the potential training issues raised by this investigation.

IV. Discussion of Out of Statute Cases

During the Second Quarter of 2007, seven cases were closed which were determined to be Out of Statute (OOS).⁵ These investigations raised questions about whether appropriate remedial actions were taken to ensure that cases were closed within the statutory period. We reviewed seven Intradepartmental Correspondences (15.2s) related to these cases provided to us by the Department, as well as the full case files of the three cases that did not allege either a PTC or FTA. We determined that, in the majority of the seven cases, more than mere administrative oversight led to the investigations falling out of statute.⁶

A review of 15.2s and related case files revealed that cases closed as OOS during the Second Quarter of 2007 exceeded the statute of limitations for reasons including:

- A failure to adjudicate the complaint once the investigation arrived at the Area. This was an especially troublesome oversight in CF No. 05-3847, where the investigation involved thirteen counts of domestic violence and physical force, all of which were Sustained. Not only were the allegations Sustained, the accused employee was also directed to a Board of Rights (BOR), and there was a specific recommendation that he/she receive a penalty of "removal," pending the outcome of the BOR. However, as a result of the case being classified as OOS, no BOR was conducted.

It appears that the statute lapsed for several reasons. First, the investigation was tolled until September 16, 2006, a month and a half beyond the original date of July 27, 2006, due to a parallel criminal investigation. The Area received the investigation for adjudication on August 29, 2006, but did not complete the Letter of Transmittal (LOT) until December 25, 2006. Furthermore, there was an e-mail sent from a detective to the clerical staff at IAG that erroneously stated the statute date was September 27, 2007, when it should have said September 16, 2006. Subsequently, when Area staff working on the investigation contacted IAG for verification of the statute date, the 2007 date was

⁵ These OOS cases are listed in Table N: Out of Statute Complaints, on page 17.

⁶ All seven cases except one are discussed herein. The one case not discussed, CF No. 99-4625, involves an old Rampart investigation, where all allegations, except two, were Sustained.

again given, which led the Area to mistakenly believe that there was significant time left for completion of the investigation.⁷

The OIG is especially concerned about the sequence of events in this case. Despite the severe nature of the allegations, there still appears to have been a lack of attention-to-detail and effective communication with respect to the statute date. Where an employee's future with the Department has been called into question⁸ by the severity of the allegations, we believe that allowing such a case to fall out of statute is inexcusable.

- The party or parties responsible for processing cases through the proper chain of review failed to do so in a timely manner, if at all. This was especially true for cases alleging a PTC. Inaction or untimely action stalled the complaint investigation until it exceeded the statute of limitations.

For example, CF No. 05-4355, a relatively straightforward PTC investigation, fell out-of-statute primarily because both bureaus where the involved officer was loaned to and from received reminder notices regarding the investigation. Neither bureau adequately followed-up, responded to these notices, or communicated with one another about the investigation. The corresponding 15.2 for this investigation appropriately chastises the responsible parties: “[T]he most evident factor was the failure of both involved bureaus and Major Crimes Division (MCD) to properly review IAG notifications warning that projects were overdue or near statute.” In CF No. 06-4587, which also involved an officer on loan to a joint FBI-LAPD task force, the traffic collision report was never received from the bureau where the accused was permanently assigned.

- The statute date was simply identified incorrectly. In CF Nos. 06-0787 and 06-1993,⁹ both Failure to Qualify cases, it appears that the incorrect date was used in part because PSB notifications had been amended to include the date of the monthly FTQ lists¹⁰ were printed, and this date was erroneously used as the statute date.

In our last report, we expressed concern that the Department did not appear take sufficient remedial or corrective action against those responsible for investigations falling out of statute. The OIG is encouraged that “corrective action,” though not defined, was recommended in CF No. 05-3847; that “training” was recommended in the two FTQ cases; and that copies of the relevant 15.2's were forwarded to the involved bureaus “to handle as they deem appropriate” for: CF Nos. 05-3847, 05-4355, 06-0787, 06-1993, and 06-4587. The OIG will continue to monitor

⁷ The 15.2 for CF No. 05-3847 indicates, “On March 28, 2006, Detective [X], formerly assigned to Criminal Investigation Division, sent an email to [Y], Internal Affairs Group (IAG), that the new statute date for this specific investigation was September 27, 2007. [Y] made the necessary changes to the Complaint Information System. September 16, 2006 was the correct statute date, not September 27, 2007. According to [the C/O of the involved Area], a member of [his/her] staff contacted IAG and was informed that there was plenty of time on statute regarding this specific case.”

⁸ The OIG has learned that the accused has since been directed to a Board of Rights on two separate domestic violence cases, CF Nos. 05-6135 and 06-2591.

⁹ In CF No. 06-1993, the investigation was adjudicated only one day late.

¹⁰ This lists all employees who have not yet qualified for a particular month.

cases that fall out of statute, with a focus on why certain investigations are not completed in a timely manner.

V. CUOFS Adopted Out-of-Policy or Administrative Disapproval by the Commission

During this Second Quarter, ten CUOF incidents were closed in which the Commission adopted a finding of out-of-policy or Administrative Disapproval (AD). Three were Officer Involved Shooting (OIS) cases, three were Headstrikes, two were In Custody Death cases, one was an Accidental Discharge (ACC), and one was a Law Enforcement Related Injury (LERI) case. In all ten cases, the Commission adopted the findings of the Chief of Police (COP). However, in Headstrike 118-05, the findings were adopted, with the exception that the Commission did not require training for one officer.

LERI A039-02

Officers, responding to a radio call of a kidnapping, met with Witness 1 who told them that Witness 2 had been kidnapped by alien smugglers. After arriving in another state, Witness 2 phoned Witness 1 and told him that the smugglers would bring him to Los Angeles for an additional sum of money. Witness 1 made arrangements to meet and exchange the money for Witness 2 in a parking lot. Witness 2 arrived with three other men, one of whom approached Witness 1 and demanded an even larger sum of money. Witness 1 told the man that he only had the amount of money they had previously agreed on. Witness 2 was then pulled back into the vehicle and was driven away. Witness 1 called the police to report the kidnapping. The officers took a Preliminary Investigation Report for Kidnapping and notified Officer A, a supervisor.

Detectives responded to the location and notified the Immigration and Naturalization Service. Officers working under supervisory Officer B identified the address of the registered owner of the suspects' vehicle (Witness 3). Witness 1 was shown four photographs that included a picture of Witness 3. Witness 1 selected Witness 3 as looking most like the driver of the vehicle. Surveillance was set up at Witness 3's address, and two males exited the residence, entered the vehicle and drove off. Officers stopped the vehicle and detained the individuals, one of whom was Witness 3. Other officers responded to Witness 3's address and detained the individuals inside. Witness 3 advised the officers that he was unaware of any kidnapping and had only given three men a ride, two of whom he knew (Witnesses 4 and 5). He stated he took them to pick up some money, and there were angry words exchanged between Witness 4 and the man waiting for them because he did not have enough money. Witness 3 then drove the three males to an apartment building and dropped them off. Witness 3 directed the officers to the building and gave them phone numbers for Witness 5. One of the phone numbers returned to Apartment D in the building Witness 3 led them to.

Believing Witness 2 was being held hostage inside the apartment, officers set up observation posts to monitor the building's entrances. Specially-trained officers under the direction of supervisory officers C and D were called out and assembled at the Incident Command Post (ICP). Officer A and Officer B briefed Officer C. Specially-trained lead Officer E selected a team who entered the rear door of the building, where they saw two males and a female, Witnesses 6, 7 and 8, coming down the stairs from the second floor where Apartment D was located. Officer E spoke to the group and was told they were coming from Apartment C, where they had locked the door and did not have a key. Upon further questioning, Officer E was given

conflicting answers to his questions so the group was detained. Officer E went upstairs to Apartment C and knocked on the door. A young female answered the door and told Officer E that she lived in the apartment with her mother. When the group was questioned again, Witness 8 admitted that they were coming from Apartment D and that there were still four males inside the unit. When asked if anyone was armed, she did not answer but appeared fearful.

The entry team placed tape over the peephole in the locked front door of Apartment D. As the officers evacuated the other apartments, a resident of the building told the officers that 10 to 12 people had been living in Apartment D for the last few months.

The suspects in the original kidnapping contacted Witness 1 on his cell phone and arranged another meeting to exchange Witness 2 for money. Using an undercover vehicle, officers accompanied Witness 1 to the exchange location and saw Witness 2 waiting there alone. Witness 2 told the officers that after Witness 1 could not pay the full amount, he was taken to a nearby apartment and placed in a bedroom. He tried to leave several times but the suspects prevented him from leaving. He did not see any weapons, but reported there were approximately two dozen other people who had also been smuggled being held in the same bedroom. Later, Witness 2 was driven to the exchange location and told to wait. When he got out of the vehicle, the Suspects drove away. He waited for an hour before Witness 1 and the officers arrived.

Officers A and E, who had been given information provided by Witness 2, decided to determine if anyone else was being held hostage inside the apartment. A hostage negotiator telephoned Apartment D, but no one answered. Officer E used the bullhorn and made an announcement in both English and Spanish, identifying him/herself as an LAPD officer and ordering everyone to come out. After a second announcement was made by Officer E to which there was no response, authorization was given by Officer C, a supervisor, to enter and clear the apartment.

A team was selected -- Officers E - J. Officer F carried a collapsible extension pole mirror to check around corners as the officers cleared the rooms. The entry team cleared each room of the apartment until they came to the last bedroom. The opening of the bedroom was covered by a drape. As the drape was pulled down, Officer G positioned him/herself next to the bathroom door opposite Officer H who was on the north side of the closed door. After the team was in position, Officer F opened the door slightly and stepped back to use the mirror pole to slowly push the door open. The illumination provided by the lights on the officers' weapons allowed Officer F to see the bodies of several individuals lying on the floor.

Officer G, speaking in Spanish, began ordering the people in the room to place their hands on the back of their heads. Of the 15 males lying on the floor in the room, 12 complied with the officer's commands. Officer G's attention was drawn to Witness 9, who, after being told to show his hands, rolled over into a prone position and hid his hands under his shirt. At the same time, Officer H noticed two individuals who were not following Officer G's directions. Officer H ordered them to put their hands up but neither complied. Officer E asked for the Sage launcher, which he/she then gave to Officer F. Officer F stepped to the doorway of the bedroom as Officer G continued to order Witness 9, who had rolled onto his back, to stop moving and show his hands. Officer F claimed Officer G then shouted, "Sage up! Hit him!" Officer F understood Officer G was concerned that Witness 9 was possibly arming himself and wanted less lethal force employed to prevent the situation from escalating to the use of deadly force. Officer

F assessed the situation, noticed Witness 9's hands were not visible, and ordered Witness 9, in Spanish, to show his hands. When Witness 9 did not comply, Officer F fired one baton round from a distance of approximately 10 feet, aiming for center body mass. Officer F believed he/she hit his/her target but Witness 9 appeared unhurt and continued to ignore the commands to stop moving and show his hands. Officer F fired a second baton round at Witness 9, who then placed his hands behind his head.

Officer F looked over and saw Witness 10 squirming around on his back and then rolling to his side. Witness 10 appeared to be trying to conceal something in his hands. Officer F, in Spanish, ordered Witness 10 to stop moving and to show his hands. Witness 10 failed to comply, so Officer F fired the third baton round at Witness 10, from a distance of approximately 10 feet. Witness 10 immediately placed his hands behind his head.

Witness 11 looked back over his shoulder toward the doorway with his hands balled up near his chest and his head toward the wall. Officers F and H both ordered Witness 11 to show his hands. Officer G ordered him to put his hands up. Witness 11 did not comply with any of these orders, rolled onto his back, and began reaching toward the pocket of the person next to him. Officer F believed Witness 11 was attempting to arm himself and fired a fourth baton round just as Witness 11 sat upright. Witness 11 covered his face with his hands, and the officers saw he did not have a weapon.

Officer H looked over, saw that Witness 11 was bleeding from the face, and advised Officer E that medical attention was required. The officers ordered the other occupants of the room to crawl out into the hallway, one at a time.

Witness 2 was brought to the location for a field show-up of the 14 remaining individuals whom he identified as fellow immigrants who had traveled with him. Witness 11 was also identified as an immigrant being smuggled into the United States.

The COP found that the use of force by Officer F should be classified as out of policy because the actions of the three individuals were uncooperative rather than aggressive/combative. The COP found that it was not reasonable for Officer F to assume the suspects were armed and reaching for weapons. The Department's use of force policy states that the force utilized by an officer should be in direct response to the suspect's actions, which in this case were not aggressive/combative. Therefore, the rounds fired by Officer F were not justified, and the COP determined that Officer F's use of less lethal force warranted administrative disapproval.

The Commission adopted the recommendations of the COP.

As a result of the AD findings, a related complaint investigation, CF No. 03-2100, was initiated. The Department framed one allegation against Officer F for Unauthorized Force, which was Sustained. Officer F originally received a one-day penalty; however, the COP reduced the penalty to an Official Reprimand. The OIG questions the reduction in penalty, especially in light of his/her prior complaint history, which included three Sustained Neglect of Duty complaints and two Not Resolved complaints for Unauthorized Force. Moreover, because there was no rationale for the reduction in penalty, the OIG is unable to determine if there were any mitigating factors not known to the OIG that impacted this decision. In this case, Officer F resorted to less

lethal force without first exhausting the use of other reasonable alternatives. Furthermore, Officer F was a specially trained officer who should have followed Department procedure on the use of less lethal force. Additionally, Officer F was negligent in the use of the Sage by firing rounds aimed toward the Witness's head rather than his center body mass. The OIG believes all of those factors militate against a reduced penalty.

ICD 052-05

Officers A and B observed Suspect 1 strike a window of a vehicle at least two times with a bicycle lock. Officer A stopped the patrol car and yelled at Suspect 1 through the window. Officer A then made a U-turn and approached Suspect 1.

Officer B notified CD of their location. Suspect 1 picked up a bicycle and ran into the middle of the street as if trying to get away. Officer A activated their vehicle's overhead amber warning lights and ordered Suspect 1 to return to the sidewalk.

Suspect 1 dropped his bicycle in the street's center divider and began running in the traffic lanes. As the officers moved towards Suspect 1 in their vehicle, Suspect 1 ran in an opposite direction. The officers stopped their car, exited, and attempted to converse with Suspect 1. Suspect 1 did not respond and ran away. Officer A re-entered the patrol car and directed Officer B to stay on foot and follow Suspect 1. Suspect 1 ran across traffic onto the opposite sidewalk. Officer A made a U-turn and drove past Suspect 1, parking the patrol vehicle at an angle along the curb.

Officer A exited the vehicle, and Suspect 1 ran back towards Officer B. During this entire time, Suspect 1 was holding a bicycle lock. Officers A and B approached Suspect 1 who was holding the bicycle lock up at chest level. Officers A and B ordered Suspect 1 to drop the bicycle lock. Suspect 1 did not comply.

Officer A then drew his/her weapon and again ordered Suspect 1 to drop the lock. Suspect 1 placed it on the ground. Officer A re-holstered the weapon and ordered Suspect 1 to step away from the lock. Suspect 1 moved back slightly. Officer A ordered Suspect 1 to get down on his knees, but Suspect 1 did not comply.

Suspect 1 looked around, then ran back onto the sidewalk. Officer B followed while Officer A ran to the front of the police vehicle to cut Suspect 1 off. As Suspect 1 tried to run past Officer A, Officer A grabbed Suspect 1's arm, but was unable to maintain a hold. Suspect 1 turned around and ran towards Officer B, then spun his body before running into Officer B.

Officer B used a "bear-hug" to hold Suspect 1. The momentum caused Officer B and Suspect 1 to fall to the ground, with Suspect 1 falling on top of Officer B. Officer B fell back into the grassy parkway between the sidewalk and the street. Suspect 1 fell backwards onto Officer B's chest. Officer B rolled Suspect 1 off his/her body and towards his/her right, and turned Suspect 1 over into a face-down (prone) position. Officer B positioned himself on top of Suspect 1, straddling him with one leg on either side of Suspect 1's body. Officer B then grabbed Suspect 1's left arm and handcuffed it.

Meanwhile, Officer A arrived, positioned him/herself on Suspect 1's right side, and assisted in handcuffing Suspect 1. While the officers were handcuffing Suspect 1, Suspect 1 was kicking

Officer B's back in a swimming motion. Given Suspect 1's actions, Officer A determined that the use of the hobble restraint device (HRD) would be appropriate and directed Officer B to apply the HRD to Suspect 1. Officer B applied the HRD to Suspect 1's ankles. Officer B then requested an additional unit and supervisor from CD.

Officer A told Suspect 1 to calm down and asked Suspect 1 for his identification. Officer A pushed Suspect 1 up on his side from the face down position to pat him down for weapons.

Following the pat down, Officer A placed Suspect 1 back down on the ground face down. Suspect 1 calmed down, and Officer A noticed there might be something wrong with him. Officer A checked Suspect 1's pulse and asked him if he was all right. Suspect 1 then let out a breath of air.

Officers C and D responded to the scene. Officer D heard Suspect 1's shallow breathing. Officer A told Officer C that Suspect 1 might be holding his breath in order to convince the officers something was wrong. Officer C then noticed that Suspect 1 was not responsive. Officer C rolled Suspect 1 onto his side and Officer B called for a Rescue Ambulance (RA).

Officer E, a supervisor, arrived at the scene and observed Suspect 1 to be unconscious. The RA arrived and determined that Suspect 1 was in respiratory arrest. Suspect 1 died six days later.

The COP noted that Officers A and B stopped their vehicle and attempted to contact Suspect 1 while still seated in the vehicle. The COP would have preferred the officers had exited their vehicle and taken a position of advantage prior to engaging Suspect 1. The COP also noted that when Suspect 1 ran from the officers, Officer A pursued Suspect 1 in the vehicle while Officer B pursued on foot. The COP would have preferred that the officers had not split up.

The COP determined that Officers A and B should have notified CD that they were in foot pursuit, requested a back-up unit, and broadcast all pertinent information to responding units.

The COP noted that Officer A's decision to drive beyond the fleeing suspect created a crossfire situation. The COP also noted that Officers A and B gave commands to Suspect 1 simultaneously, possibly causing confusion.

Finally, the COP noted that Suspect 1 remained in a prone position for approximately two and one-half minutes until Officer C noticed Suspect 1's skin glistening with sweat and rolled Suspect 1 onto his side. Suspect 1 was conscious but non-responsive. When Officer E arrived, he/she observed Suspect 1 restrained by handcuffs and the HRD, lying on his side in the parkway. The COP determined that Suspect 1 was either in a prone position or on his side for approximately 8 minutes. The COP noted that having suspects in this position was against Department policy.¹¹

¹¹ The Department's policy regarding the HRD was revised on May 4, 2007. The new policy allows for suspects to be placed on their sides when restrained by an HRD, in addition to being sat in an upright position. However, under either policy, a suspect restrained by an HRD is to be immediately sat up or placed on his or her side. Office of Support Services, Training Group, Notice: "Hobble Restraint Procedures – Revised," May 4, 2007.

The COP believed that the failure of Officers A and B to seat Suspect 1 in an upright position immediately following the application of the HRD was a serious concern. Thus, the COP found Officer A and B's tactics to warrant administrative disapproval.

The COP noted that it was reasonable for Officer A to believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified. Suspect 1 was non-compliant, led officers in a foot pursuit, and held a metal bicycle lock at chest level. Notably, Officer A immediately re-holstered his/her weapon as soon as Suspect 1 put the bicycle lock on the ground. Thus, the COP found Officer A's drawing to be in policy.

The COP determined that the non-lethal use of force used by Officers A and B in subduing Suspect 1 was reasonable to control him, and thus was in policy.

The Commission adopted the recommendations of the COP.

As a result of the AD finding, CF No. 06-2538 was initiated. We were unable to review the file, however, as IAG indicated it was unavailable. We did review the TEAMS reports of Officers A and B, and it appears that each officer received a Sustained allegation of Neglect of Duty for this incident. Officer A and B each received a penalty of Official Reprimand. Due to the fact that we cannot review the file, we are unclear as to why the allegations were framed as Neglect of Duty rather than Unauthorized Tactics. However, based upon the limited amount of information we have, the penalties for the officers appear to be within the Department's Guidelines, as neither officer had any similar complaints within the previous five years.

OIS 058-05

Police Officers A and B were on patrol when they saw a male cross the street outside of a crosswalk and decided to issue a citation for jaywalking. As the officers exited their vehicle, a second male (Suspect 1) began to run away from the officers. As Suspect 1 ran, Officer B saw him throw a black plastic bag, and both officers saw him place his left hand at his waistband. Both officers interpreted Suspect 1's actions as an indication that he could be armed with a gun.

Officer B drove a short distance, opened his/her vehicle door, and looked in the bag Suspect 1 had thrown, which contained an open container of alcohol. As Suspect 1 continued running, the officers began to follow Suspect 1 in their vehicle. Officer A broadcast to CD that their unit was "gonna be in foot pursuit, possible male with a gun," and provided the officers' location.

Suspect 1 crossed the road and went behind a bus, out of sight of the officers. Officer B stopped the police vehicle parallel to the bus. Officer A exited the vehicle and took a position behind the vehicle's trunk. Officer B, still seated in the police vehicle and believing that Suspect 1 could open fire, drew Officer B's service pistol.

The bus drove away, and the officers saw Suspect 1 running through the parking lot of a strip mall. Officer A told Officer B that he/she was "going to the corner to see where Suspect 1 is going," and approached the strip mall on foot. Meanwhile, Officer B drove the police vehicle adjacent to the strip mall. Officer A watched Suspect 1 as he ran toward a residential area. Officer A drew Officer A's service pistol as he/she watched Suspect 1 go over a gate. According to Officer A, Suspect 1 continued to hold his waistband area as he scaled a wall.

Police Officers C, D, E, and F responded to the foot pursuit broadcast.

Ten to 15 minutes later, Officers C and D saw a young female and two adult females at the front of a house. The females and a male came into the street, crying and pointing to the rear of their house. Officer C heard one of them say that there was a man in their back yard who was threatening to hurt them. Officers C and D left their assigned position on the perimeter and approached the group. A young girl came into the street "hysterically crying." Then, the rest of her family came out "hysterically crying," and informed the officers that "the man is in our house." Officer D saw that the front door of the house was ajar.

Officer E, followed by Officer F, joined Officers C and D at the front of the house.

Officers C, D, E, and F did not broadcast that they were leaving their positions on the perimeter, nor did they broadcast an update regarding Suspect 1's possible location.

Officer F entered the house with a witness to retrieve a young child who was still inside the house. Meanwhile, Officers C, D, and E moved along the driveway at the side of the house and drew their service pistols.

According to Officer C, as he/she reached a point approximately halfway down the driveway, he/she saw Suspect 1 under a vehicle. Officer C shouted commands to Suspect 1 not to move and to keep his hands in view. Suspect 1 got out from under the vehicle, and climbed onto a wall at the end of the driveway. As Suspect 1 stood in a crouched position on top of the wall, Officer C saw his right hand go "to the side of his waist" and saw Suspect 1 begin to turn back towards the officers. Officer C saw "what looked like the handle of a gun" in Suspect 1's waistband and saw Suspect 1 place his hand on the "handle." As Suspect 1 turned towards Officer C, Officer C feared that Officer C was going to be shot and fired one round at Suspect 1. Officer C then saw Suspect 1's hands go up and watched as Suspect 1 went over the wall and out of sight. Suspect 1, who was not struck by Officer C's round, fled, and hid in a nearby yard.

According to Suspect 1, he was shot at as he climbed over the wall. Suspect 1 stated that his right hand may have gone to his waist as he "jumped up from the ground." Suspect 1 was carrying a gray cell phone in a black holder, clipped to the pocket of his pants. When later asked whether he had reached for the cell phone as he got up on the wall, Suspect 1 replied that he "thought he had dropped it when he was coming over the wall." Suspect 1 also said that, when he was shot at, he was just reaching up for the wall and did not remember reaching to his waistband or for his phone. Suspect 1 denied having possessed a gun.

Officer D claimed to have broadcast that an officer-involved shooting had occurred. However, the air unit and other officers involved in the perimeter did not receive this information. The perimeter was maintained until Suspect 1 was taken into custody later that evening. Suspect 1's black cell phone holder was attached to his pants when he was taken into custody and his cell phone was found nearby during a subsequent search. No weapons were recovered.

The COP would have preferred that Officer A had not broadcast that they were in foot pursuit, and had instead requested a back-up unit and an air unit.

The COP noted that when Suspect 1 crossed the street and approached a bus, Suspect 1 was out of the officers' view. The COP noted that, during this time, Officer B remained in the police vehicle and drew his service pistol. The COP noted that this tactic is not taught and generally places the officer at a tactical disadvantage.

The COP would have preferred that, as Suspect 1 fled and climbed over a wall, Officer A had given him verbal commands to attempt to take him into custody. The COP determined that Officers A and B's tactics warranted divisional training.

The COP noted that Officers C, D, E, and F responded to the back-up request for a man with a gun and took a position on the perimeter. The COP noted that Officers C, D, E, and F left their respective positions on the perimeter to approach screaming residents who indicated that there was a man in their backyard. The COP would have preferred that the officers had not left their respective positions on the perimeter and had instead advised the Command Post of this information to facilitate the response of an additional unit to interview the residents.

The COP noted that when Officers C and D determined that Suspect 1 was in the backyard hiding underneath a vehicle, Officers C, D and E entered the backyard to search for Suspect 1. The COP would have preferred that the officers had not entered the established perimeter and had instead informed the Command Post of the information they had received regarding Suspect 1's location. The COP would have also preferred that the officers had requested a supervisor, additional units and established a tactical plan before initiating the search.

The COP also noted that Officer F entered the residence with one of the residents to retrieve a child. The COP would have preferred that Officer F communicated his/her intention to remove the child and had maintained the integrity of the search efforts.

The COP would have preferred that the officers had secured a tactical frequency at the onset of the incident and immediately broadcast that an officer-involved shooting had occurred.

The COP found that Officers C, D, E and F's tactics were seriously deficient, warranting administrative disapproval.

The COP determined that Officer C reasonably believed that Suspect 1 was arming himself in an effort to shoot Officer C. However, the COP would have preferred that Officer C had used cover and considered the distance and the immediacy of the threat prior to using lethal force. The COP found Officer C's use of force to be in policy, warranting formal training.

The Commission adopted the recommendations of the COP.

As a result of the AD findings, a related complaint investigation, CF No. 06-2936, was initiated. The investigation resulted in four allegations against Officers C, D, E, and F for Unauthorized Tactics, which were Sustained. The penalty for all four officers was an Official Reprimand. Our review of the complaint histories of the involved officers reveal that none had prior sustained allegations for unauthorized tactics. Therefore, the OIG believes that the penalties for these officers were appropriate.

ICD 065-05

Officers A and B responded to an "ADW suspect there now" call. When they arrived, the officers were directed up the street by the reporting party (RP) to an individual (Suspect 1) who kept attempting to enter the RP's business and fight with the RP's employees. The RP advised the officers that the RP believed Suspect 1 was under the influence of narcotics.

The officers observed Suspect 1 verbally challenging an individual and blocking the path of another. The officers exited their vehicle and instructed Suspect 1 to turn around and put his hands behind his head. Suspect 1 assumed a fighting stance and repeatedly told the officers, "Come on. Come on. What? What?" Officer A removed Officer A's canister of Oleoresin Capsicum (OC) spray and advised Suspect 1 that if he did not comply, Officer A was going to spray him. Officer B broadcast a request for an additional unit. Suspect 1 continued to ignore the officers' commands. Officer A sprayed a burst of OC spray in Suspect 1's face. Suspect 1 turned away and wiped the spray from his face, and then turned back and continued his challenge to the officers. Officer A sprayed a second burst of OC in Suspect 1's face. Suspect 1 appeared unaffected, and continued his challenge to the officers and ignored their commands.

Officer A then returned his/her OC spray to its holder and removed Officer A's collapsible baton. Officer A snapped the baton into its fully extended position and advised Suspect 1 that if Suspect 1 did not comply with the officers' commands, Officer A would strike him with the baton. Suspect 1 ignored Officer A's commands. Officer A then struck Suspect 1 in the left knee with his/her baton, but Suspect 1 still did not comply. Officer A then struck Suspect 1 in his knee a second time. Suspect 1 attempted to grab the baton. Officer A was able to maintain control of the baton, but Suspect 1 continued to ignore the officers' commands.

Officer A instructed Officer B to retrieve the TASER. Officer B retrieved the TASER from their vehicle. Officer A instructed Officer B to hand the TASER to him/her. Officer A advised Suspect 1 that if he did not comply, Officer A would use the TASER. Suspect 1 then advanced toward Officer A. Officer A deployed the TASER at Suspect 1. Suspect 1 then turned, ran away from the officers, and fell to the ground. Officer A instructed Suspect 1 to stay on the ground. Suspect 1 attempted to get up. Officer A activated the TASER a second time. The TASER appeared to be effective. However, when the TASER's charge stopped, Suspect 1 reached down and pulled one of the TASER darts out of his torso. The officers advised Suspect 1 to stay on the ground in both English and Spanish. Suspect 1 then got up and resumed his fighting stance. Officer A handed the TASER to Officer B who discarded it onto the ground.

Suspect 1 then charged the officers and a physical altercation ensued. Suspect 1 punched at Officer A while Officer A administered baton strikes to Suspect 1's knees. Suspect 1 charged Officer A, swinging his fists at Officer A, and Officer A struck Suspect 1 with his/her baton. Suspect 1 then disengaged with Officer A, and Suspect 1 and Officer A moved in a circular fashion while facing each other. During this altercation, Officer A lost control of his/her baton, and it fell to the ground. The altercation continued, and Officer A used fists to engage Suspect 1. Officer B picked up Officer A's baton and returned it to Officer A. Officer A instructed Officer B to strike at Suspect 1's knees. Officer B then began to assist Officer A by striking Suspect 1 in the upper arm and legs with Officer B's baton. Realizing that these baton strikes were not effective, Officer A aimed at Suspect 1's shoulder area. On more than one occasion, Officer A's strikes to the shoulder slid off Suspect 1's shoulder and struck Suspect 1 in the back of the head.

During the altercation, CD broadcast an "assistance call" to the location of the initial radio call. Officer C heard the radio broadcasts and responded to the location. Officer C observed Officers A and B in an altercation with Suspect 1. Officer C grabbed Suspect 1 and was able to take him to the ground. Suspect 1 landed face down on the ground. The three officers then attempted to gain control of Suspect 1 while additional officers responded.

Once Suspect 1 was on the ground, Officer A threw Officer A's baton on the ground, grabbed Suspect 1's arm and attempted to place it on Suspect 1's lower back to be handcuffed. Suspect 1 resisted, and Officer A used a knee strike to Suspect 1's chin, which appeared to be effective. At this point, Suspect 1 had sustained lacerations and was bleeding, making his arms slippery with blood. Officer A's grip on Suspect 1 was slipping. Officer A then placed a foot on Suspect 1's hand. Officer B grabbed Suspect 1's legs and was able to apply a Hobble Restraint Device ("HRD") to Suspect 1's ankles.

Officers D and E responded. Officer D initially took a position on Suspect 1's left side, and Officer E took a position on Suspect 1's right side. Officer D placed a knee on Suspect 1's back and was able to bring Suspect 1's left arm behind Suspect 1's back. Officer E placed a knee on Suspect 1's back and attempted to gain control of Suspect 1's right hand.

Responding Officers F and G approached Suspect 1's left side. Officer F grabbed Suspect 1's left arm, but Suspect 1 was able to pull it away. Officer F was then bumped away from Suspect 1 by other officers attempting to control Suspect 1. Officer G delivered four or five knee strikes to Suspect 1's rib area and then placed body weight on Suspect 1's waistline to control him.

Responding Officers H and I took positions on Suspect 1's right side. Officer I assisted other officers with getting Suspect 1's right arm behind his back so that it could be handcuffed, and held down Suspect 1's right shoulder to control Suspect 1.

During the struggle with Suspect 1 on the ground, Suspect 1 grabbed the baton that Officer A had thrown on the ground. Officers C and E were able to wrestle the baton away from Suspect 1.

Supervisory Officer J responded to the scene, observed that the HRD was being applied to Suspect 1, and moved toward his head area. Officer J observed Suspect 1 resisting the officers and placed a foot on Suspect 1's upper back/neck area to assist the officers in controlling him.

Once officers had applied one handcuff to Suspect 1's left arm and put it behind his back, Suspect 1 grabbed onto Officer E's left hand. Officer E advised the other officers that Suspect 1 had grabbed Officer E's left hand and ordered Suspect 1 to let go. Seeing that Suspect 1 had grabbed Officer E's hand, Officer H delivered a kick to Suspect 1's right rib cage. Officer H then placed a foot on Suspect 1's right shoulder blade/back to control Suspect 1.

Officer E applied a handcuff to Suspect 1's right wrist. However, there was already a set of handcuffs on Suspect 1's left wrist, which were used to handcuff his right arm. Officer J then requested an RA.

Once Suspect 1 was handcuffed, most of the officers Officer J stepped back from Suspect 1. Officers E, G, and I continued to monitor Suspect 1 to keep him from becoming combative

again. Officer J instructed the officers to keep Suspect 1 facedown on the ground to limit his ability to again become a threat to the officers.

Officer F placed a knee on Suspect 1's lower back and advised Suspect 1 that Officer F would take his/her knee off of Suspect 1, if Suspect 1 would stop resisting. Suspect 1 initially grabbed onto Officer F's gloved hand, but then let go and stopped resisting. Once Suspect 1 stopped resisting, Officer F removed the knee from Suspect 1. Officer G observed that Suspect 1 was still moving his legs. Officer G thus placed Officer G's knees on the back of Suspect 1's thighs.

Officer E placed his/her body weight on Suspect 1's right elbow to assist with keeping him under control. Officer I held Suspect 1's right shoulder down. As the paramedics approached, Officer I observed Suspect 1 "all of a sudden kind of just settle down."

Los Angeles Fire Department personnel responded, and, at the handcuffs were removed from Suspect 1's arms to facilitate the administration of medical treatment. The firefighters found that Suspect 1 was pulseless and not breathing. Suspect 1 was transported to the hospital. At the hospital, Suspect 1 underwent surgery to repair a laceration to his liver. However, at the conclusion of the surgery, Suspect 1 went into cardiac arrest and was pronounced dead.

The COP would have preferred that either Officer A or B had holstered the TASER before searching for Suspect 1. The COP noted that Officers A and B did not update their location with CD when they located Suspect 1, and that Officers C, D, E, F, G, I, and J did not update their location when they arrived at the scene. The COP would have preferred that Officer A had requested "backup" instead of an "additional unit" when Suspect 1 failed to comply with verbal commands and assumed a fighting stance. The COP noted that, pursuant to Officer A's request for a TASER, Officer B left Officer A when Officer A was actively engaged with Suspect 1. The COP would have preferred that the officers had requested a TASER or beanbag over their radio and had remained together. The COP noted that Officer A deployed the TASER with Officer A's right hand while holding a collapsible baton in Officer A's left hand. The COP would have preferred that Officer A had secured the baton before deploying the TASER. After the TASER proved ineffective, Officer A handed it to Officer B, who discarded it onto the roadway. The TASER was subsequently run over by the RA. The COP would have preferred that Officer B had properly secured the TASER. During the team takedown, Officer A threw the collapsible baton to the ground. The COP would have preferred that Officer A had properly secured the baton to prevent it from possibly being used against the officers. The COP found Officer A's tactics to warrant formal training.

The COP noted that Officer B did not assist Officer A during the initial altercation, and reverted to verbalization instead of deploying the TASER when Suspect 1 continued his combative/aggressive behavior. Officer B did not engage Suspect 1 until Officer A instructed Officer B to target Suspect 1's knees with a collapsible baton. The COP noted that Officer B appeared hesitant to engage Suspect 1 and lacked decisiveness. Based on these assessments, the COP found Officers B's tactics to warrant formal training to specifically emphasize Department expectations regarding the proper assessment of and response to aggressive/combative suspects.

Officer J observed the application of the HRD to Suspect 1, but made a conscious decision not to place him in an upright seated position because Officer J still viewed him as a threat. The COP

reasoned that the fact that the officers were in a prolonged, violent struggle with Suspect 1 did not excuse Officer J from responsibility for ensuring that Suspect 1 was placed upright after the application of the HRD, in accordance with Department standards. The COP determined that Officer J's failure to ensure that Suspect 1 was placed in an upright position immediately following the application of the HRD required administrative disapproval.

The COP also noted that, although Officer J directed that Suspect 1 be kept in a prone position after the application of the HRD, the other officers needed to be reminded through training that they have a responsibility to ensure that Department policies and guidelines are followed; thus, the COP found Officers C, D, E, F, G, H and I's tactics to warrant divisional training.

The COP determined that Officer A's baton strikes to Suspect 1's head were inadvertent. The COP found Officer A's use of force to be in policy.

The Commission adopted the recommendations of the COP.

As a result of the AD finding, a related complaint investigation, CF No. 06-3096, was initiated. The investigation resulted in one allegation against Officer J for Unauthorized Tactics, which was Sustained. The penalty for Officer J was a five-day suspension, which we believe was appropriate given the officer's prior complaint history, which included Sustained complaints for unbecoming conduct and neglect of duty.

ACC 109-05

Officers A and B responded to a radio call of a prowler. As the officers approached the rear of the house, they observed that the pedestrian gate to the rear yard was ajar. They unholstered their service pistols, proceeded through the gate and began a search of the dimly lit yard area.

Officer B was completing his/her search of the rear wall of the yard, when Officer A, believing the search was completed, holstered his/her service pistol. Officer A did not feel the pistol was seated correctly in his/her holster so he/she withdrew the pistol and attempted to reseat the pistol in the holster. During this effort, Officer A's service pistol discharged, and the round struck him/her in the right thigh area.

The round entered Officer A's upper right thigh and exited above the knee. Officer A dropped his/her pistol to the ground and clutched his/her leg. Officer B, who was standing approximately 29 feet away, turned to see Officer A holding his/her right thigh. Officer A then stated that he/she had shot himself/herself. Officer B holstered his/her pistol and radioed for an RA and a supervisor. Officer B assisted Officer A to a chair while awaiting the RA and supervisor.

Officer A was transported to Northridge Hospital where he/she was treated for the through-and-through gunshot wound to his/her right thigh and released.

The COP determined the officers' tactics were appropriate, warranting no action.

The COP was critical of Officer A due to his/her failure to adhere to basic firearm safety rules while handling his/her service pistol. The COP determined Officer A's discharge to be

negligent, warranting administrative disapproval. Further, the COP directed Officer A to additional firearms training at TD.

The Commission adopted the recommendations of the COP.

As a result of the AD findings, CF No. 06-2804 was initiated. The investigation resulted in one allegation against Officer A for an Accidental Discharge, which was Sustained. The penalty was a four-day suspension. The OIG believes that this penalty was appropriate for Officer A because he/she had a prior Sustained complaint for "Neglect of Duty" involving a firearm.

OIS 110-05

Officers A and B met with Detective A who informed them of a suspect (Suspect 1) with an outstanding burglary warrant. Based on the information provided by Detective A, the officers learned that Suspect 1 was approximately six feet, eight inches tall, possibly mentally disturbed or suicidal, and frequented a storage facility. Detective A told the officers to make sure they had equipment such as their Oleoresin Capsicum (OC) spray, TASER and collapsible baton with them when they made contact with the suspect.

The officers, dressed in plainclothes, proceeded to the storage facility Suspect 1 frequented and asked the employees if they had seen Suspect 1. The officers were informed that Suspect 1 had left about 15 minutes prior to their arrival. Three hours later, Officer A received a call that Suspect 1 had returned, so they responded back to the storage facility.

Officer A carried a service pistol, a pair of handcuffs, a TASER and his/her ASTRO radio. Officer B carried a service pistol, two spare magazines of ammunition and a pair of handcuffs on his/her person. Both officers wore their badges on metal chains around their necks.

Suspect 1 was located inside of his storage unit. Officer A wanted to pass Suspect 1 to get in position to effect his arrest, so Officer A tucked his/her badge into his/her shirt and walked past Suspect 1. Once Officer A had passed Suspect 1, Officer A pulled the badge back out of his/her shirt. The officers then informed Suspect 1 that they were police officers and that he was under arrest. Suspect 1 began shouting at the officers. The officers saw that Suspect 1 had a chain in his hand. The officers instructed Suspect 1 to put the chain down. Suspect 1 ignored their instructions. Officer B warned Suspect 1 that if he did not put the chain down, he would be "tased." Suspect 1 then swung the chain at Officer B, which was 2 feet 9 ½ inches long and weighed approximately 6.1 ounces. Officer B retreated, avoiding being hit with the chain. Suspect 1 then ran down the corridor, away from the officers to an open elevator. Officer A broadcast that they had a "415 man," and the officers pursued Suspect 1 down the corridor. CD broadcast a request for backup at the location.

Once inside the elevator, Suspect 1 turned around and faced the officers with the chain still in his hand. Officer B had drawn his/her service pistol by this time. Officer B again ordered Suspect 1 to drop the chain. Officer A warned Suspect 1 that if he did not drop the chain, he would be "tased." Suspect 1 did not comply. Officer A discharged the TASER at Suspect 1 from a distance of six feet. The TASER did not have any effect on Suspect 1. Suspect 1 advanced toward the officers, and Officer B warned Suspect 1 to drop the chain or Officer B would shoot him. Suspect 1 ignored the warning and swung the chain at Officer B's face. In response,

Officer B fired one round from his/her service pistol in Suspect 1's direction. Suspect 1 retreated back into the elevator. The officers continued to order Suspect 1 to drop the chain.

The elevator door began to close. Officer B stepped up and used his/her foot to trigger the door safety mechanism. The door reversed direction and began to open. Suspect 1 emerged from the elevator and again swung the chain at Officer B. Officer B then fired a second round from his/her service pistol at Suspect 1, and Suspect 1 again retreated back into the elevator. The elevator door began to close again, and Officer B again used his/her foot to stop the elevator from closing, prompting Suspect 1 to again swing the chain at Officer B. In response, Officer B fired a third round from his/her service pistol at Suspect 1. This sequence of events repeated five more times with Officer B firing a total of eight rounds from his/her service pistol at Suspect 1.

In the meantime, Officer A put the TASER down on the ground and drew Officer A's service pistol. However, Officer A initially did not have a clear line of fire. Officer A broadcast a request to upgrade their "backup" request to a "help call." Approximately 20 seconds later, Officer A broadcast Suspect 1's description and "shots fired." Once Officer B had fired his/her eighth round, he/she stepped back and Suspect 1 then emerged in the doorway of the elevator, again swinging the chain. Officer A fired one round from his/her service pistol at Suspect 1. Suspect 1 then retreated back into the elevator and collapsed onto the floor of the elevator, still holding the chain. Pursuant to the officers' orders, Suspect 1 subsequently released the chain.

Officer A broadcast that the officers were on the second floor and that Suspect 1 was contained, but they needed officers to take Suspect 1 into custody and get him away from the chain.

Hearing Officer A's broadcasts, Officers C, D, E and F, as well as supervisory Officer G, responded to the storage facility. As they were attempting to find their way upstairs, the officers heard what sounded like gunfire. The officers drew their weapons as they were responding based on hearing shots and the prior "shots fired" broadcast.

As the responding officers approached Suspect 1 in the elevator, Officer D put his/her finger on the trigger of his/her service pistol because he/she could not see Suspect 1's hand and knew there had been gunfire. Officers C, D, E and F holstered their service pistols and entered the elevator to take Suspect 1 into custody. Suspect 1 resisted the officers' efforts to put his hands behind his back and failed to comply with the officers' verbal commands. To assist the officers in getting control of Suspect 1, Officer B put a foot on Suspect 1's leg to keep Suspect 1 from kicking. Based on Suspect 1's failure to comply with the officers' commands, Officer E used a closed fist to strike Suspect 1 in the face. Suspect 1 continued to resist. Officer E administered two more closed-fist strikes to Suspect 1's face. The officers were then able to handcuff Suspect 1.

Suspect 1 complained that he was having trouble breathing, so the officers positioned him on his side. Suspect 1 continued to complain that he was having trouble breathing so the officers allowed Suspect 1 to roll from one side to the other in an attempt to find a comfortable position.

Paramedics responded to the scene. Suspect 1 was provided with medical treatment and then transported to the hospital where he underwent surgery for multiple gunshot wounds.

The COP noted that Officers A and B put themselves at a tactical disadvantage by not utilizing the Department's Mental Evaluation Unit (MEU) prior to making contact with Suspect 1, considering that the officers' prior knowledge of Suspect 1's mental history. The COP noted that Officers A and B should have donned their raid jackets and ballistic vests, and availed themselves of all of their required equipment, including batons and additional magazines, prior to approaching Suspect 1. The COP determined that the officers also should have requested uniformed units to assist with the arrest of Suspect 1. The COP was critical of Officers A and B's lack of planning, which placed the officers in unnecessary danger and at a tactical disadvantage with Suspect 1. The COP determined that Officers A and B's tactics were seriously deficient and required administrative disapproval. The COP determined that Officers C, D, E, F and G's tactics were appropriate.

The COP determined that Officers A-G had sufficient information to believe the situation might escalate to the point where deadly force might become necessary when they drew their pistols. Accordingly, the COP found their drawing to be in policy. However, the COP noted that it would have been tactically safer for Officer B to have holstered his/her pistol prior to proceeding down the corridor after Suspect 1. The COP also noted that Officer D placed a finger on the trigger of his/her pistol as he/she approached Suspect 1, which is contrary to Department training that officers are to keep their finger off the trigger until they intend to shoot. Accordingly, the COP determined that Officers B and D would benefit from additional divisional training.

The COP noted that Officer E utilized bodyweight and three punches to the right side of Suspect 1's face. The COP noted that it would have been safer for Officer E to strike Suspect 1 in a soft muscle tissue area to avoid injury to Officer E's hand. The COP also noted that Officer B placed his/her foot on Suspect 1's leg in an attempt to control Suspect 1. The COP noted that it would have been tactically safer for Officer B to use hands to control Suspect 1. The COP determined that the officers' non-lethal use of force was reasonable to overcome Suspect 1's resistance and effect his arrest. The COP found Officers B and E's non-lethal use of force to be in policy, warranting divisional training. The COP found Officers C, E and F's actions to be in policy.

The COP determined that Officer A's less lethal use of force was reasonable, and, thus, in policy.

The COP determined that Officers A and B reasonably believed Suspect 1 presented an immediate threat of serious bodily injury or death when the officers fired at Suspect 1. Accordingly, the COP found Officers A and B's use of deadly force to be in policy.

The Commission adopted the recommendations of the COP.

As a result of the AD findings for tactics against Officers A and B, CF No. 06-5246 was initiated. Officers A and B each had an allegation of Unauthorized Tactics framed against them, which were Sustained. Officer A received an Official Reprimand. The OIG believes that the penalty assessed Officer A was appropriate, as Officer A had no previous Sustained allegations of a similar nature. Due to Officer B having had a previous AD finding for tactics, Officer B received a one-day suspension. However, since the complaint involving Officer B's prior AD finding had not been officially adjudicated prior to the occurrence of this second incident, the OIG does not believe that the penalty for Officer B in connection with this later AD finding was unreasonable.

Headstrike 118-05

Officers A and B observed a vehicle traveling at a high rate of speed. Officer A negotiated a U-turn and followed the vehicle, eventually losing sight of it. Later, the officers observed the vehicle parked in front of a residence. Officer A then positioned their car behind the vehicle while Officer B sought a "wants/warrants" inquiry on the vehicle's license plate from CD.

When the officers approached the vehicle, they observed two occupants: Suspect 1 (driver) and Suspect 2 (passenger). The officers noted that Suspect 1 used his side view mirror to monitor their approach. Suspect 1 then negotiated a U-turn and sped past the officers. The officers believed they might have observed an "unreported stolen" vehicle, causing Officer B to broadcast that they were in pursuit and request back-up and an airship.

The vehicle eventually collided with a vehicle driven by Victim 1. Suspect 1 and Suspect 2 fled on foot in opposite directions. Officer B chased Suspect 2 while Officer A chased Suspect 1. Officer B placed Suspect 2 into custody after a short foot pursuit. However, Suspect 1 ignored Officer A's order to stop.

Officers C and D responded to the scene of the traffic collision. Officer B directed Officers C and D toward Officer A's last known direction of travel. The three officers heard Officer A's foot pursuit broadcast. Officers C and D remained at the scene while Officer B returned to his/her vehicle to search for Officer A. Officer C then returned to his/her police car to search for Officer A, with Suspect 2 in the back seat, leaving Officer D alone to maintain the scene.

During the foot pursuit, Officer A lost sight of Suspect 1 when Suspect 1 ran into an apartment. Officer A drew his/her weapon, established a perimeter, and requested additional units. Officer C located Officer A in front of the apartment complex and requested assistance. Officers E and F arrived at the apartment complex. After establishing a tactical plan, Officers A, C, E, and F entered the apartment complex to search for Suspect 1 while Officer B remained in front with Suspect 2. Once inside, the officers split into two separate teams.

An airship observed Suspect 1 run along the walkway of the apartment complex and advised the officers on the ground who chased Suspect 1 into the apartment complex where they lost sight of him. The officers then walked up a stairwell where Officer C drew his/her weapon. While the officers walked up the stairway, Witness 1 directed Officer F to the rear of the apartment complex where Witness 1 believed Suspect 1 was hiding. Following Witness 1's direction, Officer F separated from Officers A, C and E.

Officers A, C, and E continued to search for Suspect 1 and gave chase when they saw him on the third floor. Suspect 1 disregarded their commands to stop. Officer F heard the officers' commands and drew his/her weapon when he/she neared the rear stairwell, where Officer F immediately confronted Suspect 1, causing a struggle to ensue while Officer F held a service pistol in his/her right hand. During the struggle, Suspect 1 reached for Officer F's holster several times and then reached for Officer F's right hand. The momentum of the struggle caused them to fall down the steps of the rear walkway. Suspect 1 again attempted to gain control of Officer F's pistol. Officer F and Suspect 1 broke apart momentarily, and Officer F attempted to holster his/her weapon. Suspect 1 then re-engaged the struggle, causing Officer F to believe that he/she

would lose control of the service pistol if he/she re-holstered. Officer F then intentionally struck Suspect 1 on his shoulder and head area with the butt of the service pistol two to three times.

Suspect 1 broke free from Officer F's grasp and attempted to climb a fence. Officer F wrapped his/her arms around Suspect 1's waist. When Officers A, C, and E responded to the rear of the apartment complex and observed the struggle between Officer F and Suspect 1, Officer A applied a firm grip to Suspect 1's right arm while Officer C grabbed Suspect 1's left wrist. The three officers then forced Suspect 1 to the ground. Officer E placed his/her right leg on Suspect 1's back to prevent him from standing. Officer C then handcuffed him without further incident. Suspect 1 was taken into custody and treated for his injuries.

When the officers first observed the speeding vehicle, the COP would have preferred that they had notified CD of their observations, provided a vehicle description, and requested an additional unit and airship to assist with locating the vehicle. During the foot pursuit, the COP would have preferred that Officers A and B did not separate, as this placed them at a severe tactical disadvantage and was a violation of standard Department practices and concepts. The COP also found that the officers did not ensure that Suspect 1's vehicle was clear of additional suspects.

The COP would have preferred that, rather than leave the vehicle pursuit termination scene to locate his/her partner, Officer B had directed responding units to his/her partner's location so that he/she could have monitored Suspect 2. The COP further determined that Officers C and D should have remained together at the scene.

While pursuing Suspect 1, the COP noted that Officers A, C, E, and F should have contained the apartment complex and coordinated their efforts to locate Suspect 1. The COP determined that these officers did not use available Department resources to effectively control this situation, thus placing themselves in unnecessary peril.

The COP found Officers A, B, E and F's tactics to warrant AD. The COP found Officers C's tactics to warrant formal training, and Officer D's tactics to warrant divisional training.

The COP determined that Officers A, C and F had sufficient information to believe the situation may escalate to the point where deadly force may become necessary and found the drawing of their weapons to be in policy.

The COP found that Officer F's striking of Suspect 1 with the butt of his/her service weapon was reasonable to overcome Suspect 1's resistance and prevent him from inflicting serious bodily injury to Officer F. The COP found Officer F's use of force to be in policy, warranting formal training. However, the Commission found that training was not necessary. The COP also found Officers A, C, E and F's use of non-lethal use of force to be in policy.

The Commission adopted the recommendations of the COP, with the exception of their finding that training was not required for Officer F's use of force.

As a result of the Commission's AD findings, CF No. 06-5750 was initiated. Officers A, B, E and F each had an allegation of Unauthorized Tactics framed against them. The allegations were Sustained, and the officers each received a penalty of an Official Reprimand. The OIG believes

the assessed penalties were reasonable, as all of the officers, except for Officer F, had no previous Sustained allegations in their disciplinary histories. Although Officer F had previous Sustained complaints, they involved discourtesy issues, not tactics or force allegations.

Headstrike 007-06

Officer A received an anonymous call indicating that narcotics activity was occurring at a specific location. Officer B also received anonymous telephone call, indicating that a Suspect (Suspect 1) who was on parole was currently at the location preparing to move out. Officer B called Officer A and informed him/her about the additional information. Officer A and his/her partner, Officer C, subsequently proceeded to the location to conduct an investigation. Officers A and C were both wearing plainclothes and were armed with their service pistols.

The location contained three structures, aligned one behind the other. As Officers A and C walked toward the structures, they heard voices coming from the courtyard area between the second and third structures. Officers A and C walked to the courtyard and encountered five suspects, one of whom they believed to be Suspect 1. Officer C noticed that Suspect 1 was holding a jar containing a residue resembling methamphetamine or cocaine in his left hand.

Officer C identified him/herself as a Los Angeles Police Officer and also displayed his/her badge. In response, Suspect 1 said something to the effect of, "You're not the police." Officer A also displayed his/her badge and confirmed to the group that they were police officers. Officer C told Suspect 1 to stand up. Suspect 1 immediately "tensed up." Based upon Suspect 1's reaction, as well as Officer C's belief that Suspect 1 may be a gang member, Officer C drew his/her pistol. Officer C ordered Suspect 1 to keep his hands where Officer C could see them. About this time, Suspect 1 stood up and "became very vocal" with the officers, possibly creating a distraction. Suspect 1 also began to place his hands near his waistband, and Officer A noticed that Suspect 1 had a black nylon pouch near his waist.

Suspect 1 then abruptly turned around, ran through the courtyard, and entered the third structure via a door. Suspect 1 shut a metal security door behind him and then shut the interior door. Officer A ordered Suspect 1 out, to no avail. Officer A then forced his/her way into the structure by pulling open the security gate and then kicking in the wooden door.

Officer A entered the structure and drew his/her duty pistol, believing that Suspect 1 may have entered the structure to arm himself. Officer A entered a laundry room and then "pied" the corner towards the kitchen area. Officer A could see Suspect 1 in the living room area and heard Suspect 1 yell, "shoot him, shoot him, shoot him!" Also in the living room was a female who was crying and telling Suspect 1, "just listen to him, just listen to him." Suspect 1 then entered another room and Officer A lost sight of Suspect 1.

Officer A took a position where he/she could watch the rear of the structure and observed a window at the rear of the structure out of which Suspect 1 stuck his head. Officer A observed white powder begin to disperse in the air and believed that Suspect 1 was discarding/destroying methamphetamines. In response, Officer A pointed his/her pistol at Suspect 1 and ordered Suspect 1 to stop. Suspect 1 disappeared back inside the structure.

Suspect 1 then emerged from the structure and ran along the walkway. Officer A holstered his/her pistol and began a foot pursuit of Suspect 1. Officer C paralleled the pursuit on the opposite side of the structures. As Suspect 1 ran in front of the first structure, Suspect 1 collided with Officer C, then ran away. Officer C took the lead in the foot pursuit, chasing Suspect 1 with Officer C's gun in his/her right hand and his/her radio in his/her left hand.

Suspect 1 ran into an alley and attempted, unsuccessfully, to open a gate. Suspect 1 then turned and faced Officer C. Suspect 1 used his left hand to grab Officer C's left arm. In response, Officer C tucked his/her pistol, which was in his/her right hand, to his/her right side. Officer C then observed Suspect 1 reaching for a black pouch at his waist. Believing that Suspect 1 may be reaching for a weapon, Officer C struck Suspect 1 two times in the head with his/her pistol.

Officer A observed Suspect 1 attempt to climb a fence, pause, and then turn towards the officers and take a fighting stance. Officer A observed Officer C administer a strike. Officer A assisted by grabbing Suspect 1's left arm and giving it a firm tug, pulling Suspect 1 to the ground into a prone position. While on the ground, Suspect 1 began to struggle. As such, Officer A placed his/her knee on Suspect 1's back and used his/her body weight to control Suspect 1 while he/she attempted to place Suspect 1's left arm behind his back.

Responding Officer D joined the struggle and used a wristlock to gain control of Suspect 1's right arm, allowing Suspect 1 to be handcuffed. Suspect 1 was transported to a hospital where he was treated for a two-centimeter laceration to his head and a sprained right elbow.

The COP determined that it would have been tactically prudent for the officers to discuss tactics prior to their arrival to solidify the purpose of the investigation and define appropriate actions in response to potential eventualities associated with their investigation.

The COP was also concerned with the decision to confront Suspect 1 in plainclothes, without the support of additional uniformed personnel. The officers were clearly at a disadvantage with the number of persons in the courtyard and were not sufficiently equipped to address various tactical concerns. The COP noted that it would have been safer to request additional units upon making their initial observations. A uniform presence would have increased the likelihood that Suspect 1 would have been compelled to comply with the asserted police authority.

Additionally, the COP noted that the officers were equipped with only their service pistols and additional ammunition. Although not required by Department policy, the officers would have benefited from carrying OC and collapsible batons, which provides officers with additional use of force options and can assist with controlling unruly or combative suspects.

The COP noted that officers A and C were concerned that Suspect 1 entered the bungalow with the intent to destroy narcotics evidence or arm himself with a firearm. The COP determined that the decision to forcefully enter the residence placed the officers at a significant tactical disadvantage. The preservation of potential narcotics evidence did not warrant discarding generally acceptable tactical practices. Furthermore, the belief that Suspect 1 was attempting to arm himself inside the residence strongly supported establishing containment on the bungalow and requesting specialized personnel to handle the situation as a potential barricaded suspect.

After the suspect exited the residence, Officer A pursued him on foot as Officer C paralleled the foot pursuit from the opposite side of the residence. The COP was critical of the officers' decision to separate during the foot pursuit, as they were not in a position to come to one another's immediate aide should either be confronted by Suspect 1 or any other potential Suspect. Additionally, the investigation revealed neither officer broadcast the foot pursuit.

The COP noted that, after colliding with Suspect 1, Officer C's force options were limited because of his/her decision to engage in a foot pursuit with his/her service pistol drawn in his/her right hand and his/her Astro radio in his/her left hand.

The COP determined that Officers A and C's tactics were seriously deficient, requiring administrative disapproval. The COP directed the CO for the area to schedule Officers A and C for training at TD.

The COP found that it was objectively reasonable for Officer C to believe that Suspect 1 was attempting to arm himself and to use his/her pistol as an impact device when Suspect 1's free hand moved toward a pouch that was affixed around Suspect 1's waist. With Suspect 1 in control of Officer C's left hand, Officer C had no other option than to strike Suspect 1 on the head with his/her pistol to prevent escalation to a potentially deadly force incident.

Although the COP determined that the intentional head strike was reasonable, the COP was concerned that the use of a firearm as an impact device increased the likelihood of a negligent discharge and placed the firearm in close proximity to the Suspect, increasing the potential that the Suspect could gain control of it. The COP determined that Officer C would benefit from additional weapon retention training. Accordingly, the COP found Officer C's use of lethal force to be in policy, warranting formal training at TD.

The Commission adopted the recommendations of the COP.

As a result of the AD findings, CF No. 06-006811 was initiated. The investigation resulted in three allegations. Two of the allegations were against Officer C: first, for Unauthorized Tactics, which was Sustained; and second, for Unauthorized Force, which was Exonerated. The penalty for Officer C was an Admonishment. One allegation against Officer A for Unauthorized Tactics was also Sustained. Officer A's penalty was also an Admonishment. Our review of the complaint histories of the Officers reveal that neither had prior sustained allegations for Unauthorized Tactics or Unauthorized Force, and, thus, we believe their penalties were appropriate.

OIS 010-06

Officers A and B were approached by Victim A who informed Officer B that he had just been the victim of an attempted carjacking by a male displaying a firearm.

Officers A and B began to search the area for the suspect, but did not broadcast to CD that they were investigating the matter. The officers observed an individual who they believed matched the description of the suspect. Officers A and B approached this person and received some identifying information from him (Witness A). Victim A then approached Officers A and B and advised them that they had the wrong person.

As Officers A and B continued to search for Suspect 1, they noticed a man (Suspect 1), who matched the description of the suspect. Officer B remained seated in the driver's seat of the vehicle and used the door frame as cover. Officer A exited the vehicle and took a position outside of the passenger door of the vehicle. Both officers drew their service pistols. Officer A ordered Suspect 1 to face the wall of a building, away from the officers, spread his legs, put his hands above his head, and not move.

Officer A then moved to a standing position behind the front tire of the police vehicle. Officer B noted that Suspect 1 continued to turn his head towards the officers. Officer B responded by issuing additional commands. Officers A and B then began to approach Suspect 1 on foot. Suspect 1 then began to run on the sidewalk. Officer A ran parallel to him in a traffic lane.

As Suspect 1 was running, he removed a blue steel handgun from his waistband with his right hand and then turned towards Officer A who slowed down and fired two shots at Suspect 1. It did not appear to Officer A that Suspect 1 was affected by the first round, which struck a building. The second round struck Suspect 1 in the left flank. Officer A heard Suspect 1 scream. However, Suspect 1 continued to run away from the officers.

Officer A continued to run parallel to Suspect 1 on the street, using parked vehicles as cover. Officer A re-holstered his/her pistol as Officer A ran. Suspect 1 then ran down a driveway, as Officer A followed. Meanwhile, Officer B parked their vehicle in the roadway near the driveway, exited, re-drew his/her service pistol, and followed behind Officer A. As Officer B ran down the driveway, he/she made their first broadcast to CD regarding their location.

Suspect 1 ran into in a confined area between a fence and a carport. Suspect 1 then jumped over two trashcans blocking his path. Officer A drew his/her service pistol again. As Officer A was chasing Suspect 1, Officer A ordered Suspect 1 to drop the gun and to stop. According to Officer A, as Suspect 1 began climbing the fence, Suspect 1's head and gun turned towards Officer A. Officer A fired one round at Suspect 1, missing Suspect 1.

Suspect 1 scaled a fence and ran through the backyard of a residence. Officer A looked over the fence, saw Suspect 1 running through the backyard, re-holstered his/her pistol, and followed Suspect 1 over the fence. Officer B also re-holstered his/her pistol and climbed over the fence. However, the officers lost sight of Suspect 1. Suspect 1 was eventually taken into custody following a search by assisting officers, and his gun was later found discarded in the area.

Although the officers were contacted by Victim A and provided with a detailed description of Suspect 1, the COP noted that Officers A and B did not advise CD of their location or broadcast Suspect 1's description to units in the area who could assist in the search for him.

Additionally, the COP noted that Officers A and B did not use sufficient resources before initiating their search to locate and confront a potentially armed suspect. Officers A and B should have requested an additional patrol unit and air unit to assist with locating Suspect 1 and provided CD with a description of Suspect 1.

The COP further noted that Officers A and B drove around and located a possible suspect. The officers exited their vehicle, but did not advise CD of their location and status with the possible

suspect. Although the circumstances of the detention warranted the use of the customary practice of searching/detaining an armed suspect, Officers A and B approached Witness A with a conversational demeanor and conducted their questioning of him without taking the desired tactical measures to enhance officer safety.

The COP noted that, as the officers drove on another street and observed Suspect 1 walking on the sidewalk, they once again failed to advise CD of their location and status with Suspect 1. The COP also noted that Officers A and B both proceeded to issue verbal commands to Suspect 1. Officers are trained that when multiple officers give commands, it may create confusion in the mind of a suspect.

The COP noted that Suspect 1 initially complied with the officers' directive to turn around and place his hands above his head; however, they again did not use the customary practice of a high-risk search. Additionally, the COP noted that Officer B holstered his/her weapon and left cover to handcuff Suspect 1, even after noting that Suspect 1 was continuously looking around as if he was considering an escape route or an assault on the officers. The officers should have maintained their positions of cover and ordered Suspect 1 into a high-risk prone position and considered waiting for sufficient backup before initiating contact.

The COP noted that as Officers A and B made their approach, Suspect 1 ran. Officers A and B initiated a foot pursuit without broadcasting their location, direction of travel, Suspect 1's description, or type of crime.

The COP noted that as the officers ran after Suspect 1, he turned his head, extended his right arm, and pointed a handgun toward Officer A. In immediate defense of Officer's A life, Officer A fired two rounds at Suspect 1. Suspect 1 appeared to be unaffected by the rounds and continued to run eastbound on the street.

The COP then noted that Officer A de-cocked and holstered his service pistol, and while using the parked vehicles as cover, pursued Suspect 1 on foot. Simultaneously, Officer B returned to the police vehicle and followed Suspect 1 and Officer A. The COP noted that Officer B, regardless of his proximity to the police vehicle, should have remained on foot with Officer A.

The COP noted that Officer B intended to use the vehicle to drive past Suspect 1 and cut him off. This is a highly discouraged tactic because it places the officers at a significant disadvantage by increasing the likelihood of a cross-fire situation and restricting the movement of the officer in the event the suspect deliberately converges on the officer while still seated in the police vehicle.

The COP further noted that as Suspect 1 ran down a residential driveway, Officer A placed himself/herself at a tactical disadvantage, as he/she had neither cover nor concealment as he/she closed the distance between Suspect 1 and himself/herself.

The COP noted that, during the foot pursuit, once a reasonable amount of cover became unavailable, Officers A and B should have established a perimeter by directing responding units to specific perimeter positions to contain Suspect 1.

The COP held that the cumulative tactical errors and decisions by Officers A and B rendered

their performance seriously deficient, warranting administrative disapproval.

The COP noted that as Officers A and B confronted a person who matched the description of Suspect 1, they had sufficient information to believe the situation may escalate to the point where deadly force may become necessary. The COP further noted that Officer C was on the perimeter positioned in front of a residence, the last known location of Suspect 1. Officer C heard a broadcast that Suspect 1 was "coming out" and Officer C drew Officer C's service pistol. The COP determined that Officer C had sufficient information to believe the situation may escalate to the point where deadly force may become necessary. Accordingly, the COP found Officers A, B, and C's drawing of their firearms to be in policy.

The COP noted that as Officer A ran, Suspect 1 pointed a handgun at Officer A. Officer A, fearing that he/she was about to be shot by Suspect 1, fired one round at Suspect 1. Suspect 1 appeared unaffected and continued running with his right arm still extended toward Officer A. Officer A assessed, then fired a second round at Suspect 1. When Officers A and B followed Suspect 1 down the driveway, Suspect 1 began to climb a fence. When Suspect 1 reached the top of the fence, he turned to his right and pointed his handgun at Officer A. Officer A, fearing that Officer A may be shot, fired a third and final round at Suspect 1. Thus, the COP determined that Officer A reasonably believed that Suspect 1 presented an immediate threat of serious bodily injury or death and that Officer A's use of lethal force was in policy.

The Commission adopted the recommendations of the COP.

As a result of the AD findings for tactics, CF No. 07-000041 was initiated. Officers A and B each had an allegation framed against them for Unauthorized Tactics, which were Sustained. Each officer received an Official Reprimand. Given the lack of similar complaints in the officers' disciplinary histories, the OIG does not find these penalties unreasonable.

Headstrike 017-06

While driving on the freeway, Officers A and B observed a vehicle pass to their vehicle at a high rate of speed and cross several lanes of traffic, nearly colliding with the center divider. Driver Officer B sped up to catch the vehicle and shined a spot lamp toward the vehicle in an attempt to get the driver to slow down. This resulted in the vehicle speeding up, swerving into another lane, and nearly colliding with another vehicle. The driver (Suspect 1) straddled two lanes and continued travelling at speeds between approximately 80-105 miles per hour. Officers A and B opined that Suspect 1 was under the influence and broadcast their observations to CD.

Officer B pulled up behind Suspect 1 and activated the emergency lights and sirens in an attempt to get his attention, but was met with negative results. They continued following Suspect 1 with their lights and siren on for approximately six or seven miles, but Suspect 1 would not yield.

Officers A and B provided CD with an update of their location, advised they had a failure to yield, and requested a back-up unit and an airship. Officers C and D responded and followed behind to assist as a secondary unit. Officers E and F also joined in following Suspect 1.

At one point, Officer E used his/her cellular telephone to contact their Watch Commander, Officer G, who authorized Officers E and F to remain in the pursuit and provide assistance.

While at the station, supervisory Officer H overheard the officers' broadcast and advised the Assistant Watch Commander that he/she would join the officers in a field supervision capacity. Officer H entered the freeway in an attempt to catch up with the pursuit. Officer I, a supervisor who was riding a police motorcycle, also heard the broadcast while riding on the freeway. Officer I followed the pursuit in a supervisory role.

Around that time, Officer A broadcast to CD that they were ending the following of Suspect 1 and were initiating a vehicular pursuit. At some point, Officers J and K joined the pursuit. Suspect 1 continued driving erratically with Officers A, B, C, D, E, F, J and K in pursuit. Officer I remained behind the pursuit at a safe distance.

As the pursuit neared the area of Dodger Stadium, Air Unit officers broadcast to CD that the pursuing units should close the distance between themselves and Suspect 1 due to tunnels which would limit the airship's ability to maintain a visual image of the pursuit.

The Air Unit broadcast to CD and requested if any of the pursuing units were qualified in the application of the Pursuit Intervention Technique (PIT). Officers C and D advised they were PIT qualified at which time Officers A and B relinquished their primary unit position to Officers C and D. Officers E and F were now secondary, and Officers A and B assumed the third position. Officers J and K remained in the fourth position.

Suspect 1 then exited the freeway and then re-entered the freeway, with Officers A, B, C, D, E, F, J and K in pursuit. Officer H relieved Officer I and was now supervising the pursuit. After approximately one hour, Suspect 1 attempted to drive in opposing traffic on the freeway, nearly colliding head-on with a vehicle driven by Witness 1. Suspect 1, unable to avoid a collision, struck the driver's side of Witness 1's vehicle, collided with a vehicle driven by Witness 2, and came to rest between both vehicles.

Officers C and D stopped 20 yards to the right of Witness 2's vehicle, exited their vehicle, took cover on the right side of Witness 2's vehicle and drew their service pistols. Officers E and F stopped behind Suspect 1, exited their vehicle, drew their service pistols, and took cover behind the doors of their car. Officers A and B stopped several feet behind Officers E and F, and Witness 2's vehicle, drew their pistols and positioned themselves behind E and F's car.

Officers C and D began issuing commands to Suspect 1, as did Officers E and F. Officer E then yelled to Officers C and D to reposition themselves. Simultaneously, Officer E saw Suspect 1's reverse lights come on and yelled to Officer F to watch out. Attempts to get Suspect 1 to exit the vehicle were met with negative results. Officer E re-holstered his/her duty pistol and yelled that he/she was approaching Suspect 1's car. Only one of the officers present heard Officer E state that he/she was going to approach the vehicle.

Officer E drew a baton, approached Suspect 1's driver's side door, and struck the center of the window, causing the glass to break. According to Suspect 1, while Officer E broke the glass with the baton, the baton hit Suspect 1 in the face. Officer E dropped the baton to the ground below, reached through the open window frame and began pulling Suspect 1 from the vehicle by his shoulder. Officer B assisted with pulling Suspect 1 out of the vehicle.

Officer K observed Suspect 1 being pulled from the vehicle, re-holstered his/her weapon and ran up to assist in taking him into custody. Officer A saw that Suspect 1's foot was caught in the area of the steering wheel and freed it, allowing Suspect 1 to be removed from the vehicle. Officers B and E placed Suspect 1 face down on the glass-covered pavement, and Officer E placed his/her knee on Suspect 1's left shoulder. Officers D and K used their body weight to control Suspect 1's legs and back. Officer F handcuffed Suspect 1. Suspect 1 was treated for cuts to his face and a complaint of pain to his foot.

The COP determined that the primary unit, Officers C and D, did not utilize proper tactics at the termination of the pursuit when they drove approximately 20 yards beyond the collision, and stopped and exited their vehicle. This placed Officers C and D in a tactically disadvantaged position, limited the ability of the other officers on scene to maintain a visual of their location, and creating a potential cross-fire situation.

Officers E, F, C and D issued multiple commands to Suspect 1 with no response. The COP noted that Officers are taught that issuing multiple commands may result in confusion in the mind of the suspect(s), and runs contrary to standard cover and concealment techniques.

The COP noted that Suspect 1 did not comply with the officers' orders to exit his vehicle and, according to Officer E, placed the vehicle in reverse. Seeing this, Officer E opined that Suspect 1 was a danger to the public and did not want Suspect 1 to back up and continue the pursuit. Officer E yelled out that he/she was going to approach the vehicle, removed a baton, approached the driver's side door and broke the window. Officer E's announcement was not heard by the other officers nor were they aware of Officer E's intentions. It should be noted that the orbiting airship made it difficult to hear the officers' commands.

The COP noted that the officers at the scene would have been better served had they communicated at the conclusion of the pursuit. The officers did not develop a safe plan to take Suspect 1 into custody. Officer E did not properly communicate with the officers present and unilaterally rushed Suspect 1's vehicle. This action forced the other officers to leave their positions of cover to assist Officer E and exposed all of the officers to multiple potential threats within Suspect 1's vehicle.

The COP determined that Officer E's use of the baton to break the window was a deficient response to this situation. Other options such as checking to see if the doors of Suspect 1's vehicle were unlocked or if a window not directly adjacent to Suspect 1 could have been broken instead were not tried. Once the window was broken, Officer E could have unlocked the door and extracted Suspect 1. Instead, Officer E unnecessarily created a chaotic situation and eliminated the tactics of time, and command and control of the incident.

The COP determined that Officer E's tactics were seriously deficient and required administrative disapproval. The COP directed Officer E to training.

The COP determined that Officers C and D would benefit from additional tactical training and directed their CO to discuss these issues and provide the appropriate training.

The COP further determined that Officers K, B, A and F's tactics were appropriate and required no further action.

The Commission adopted the recommendations of the COP.

As a result of the AD finding, CF No. 06-5336 was initiated. Two allegations were framed against Officer E for unnecessarily striking Suspect 1 on the head with a baton, and Unauthorized Tactics. The first allegation was adjudicated as Not Resolved based on the fact that Suspect 1's statement that the baton struck him in the face contradicted Witness 2's statement that he saw blood on Suspect 1's face prior to the window being smashed. The adjudicator determined that the injury to Suspect 1's face might have occurred prior to the vehicle window being smashed due to the traffic collision. The adjudicator also pointed to the fact that Suspect 1 was deported shortly after his arrest, making it impossible to re-interview him to clarify his statement.

The second allegation was Sustained. Officer E received an Official Reprimand, and the COP referred Officer E to training. Given the fact that Officer E had no prior Sustained Unauthorized Tactics complaints, the OIG believes that the penalty was not entirely unreasonable. However, the OIG is concerned that the rash tactics employed by Officer E in pulling Suspect 1 out of a broken vehicle window without first checking whether other vehicle doors were open, or unlocking the driver's side door after the glass was broken, were inconsistent with what one would expect from a training officer, such as Officer E.

VI. Conclusion

Overall, we identified some common investigative concerns in our review of Discourtesy complaints that are inconsistent with the investigatory standards we have come to expect from the Department. In addition, the OIG noted that the Department does not appear to have any established written criteria for determining what an "apparent pattern of similar behavior" is for purposes of deciding whether to initially classify a complaint as "Non-Disciplinary." Fortunately, the Department appears receptive to the issues we have raised, and we look forward to working with them to address the issues mentioned in this report.