

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

**IN-CUSTODY DEATH – 014-18**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Pacific	2/27/18		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Does not apply.

**Reason for Police Contact**

The Subject was arrested for domestic violence and was at the area station when she began to show signs of medical distress. She was transported to the hospital where she did not respond to treatment and was pronounced dead.

<b>Subject(s)</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Subject: Female, 38 years of age.

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent Subject criminal and medical history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

Because State law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

Due to privacy concerns, certain medical information that was presented to the BOPC is not included in this report.

The following incident was adjudicated by the BOPC on January 29, 2019.

## **Incident Summary**

Police Officers A and B were in a marked black and white police vehicle. Officer A was the driver and Officer B was the passenger.

Communications Division (CD) received an emergency call from a Person Reporting (PR), a male. The PR was calling from outside his residence and told the 911 operator that he needed an ambulance because his wife, the Subject, attacked him with a knife, stabbed him in the head, and he was bleeding heavily.

CD broadcast, "...ambulance ADW Domestic Violence..., Code Three, Incident.... [S]uspect is armed with a knife still inside the residence, PR is standing outside.... [S]uspect is a female [...], 38 years, wearing a blue shirt, blue jeans, PR's son is also inside the location...."

CD assigned the call for service to Officers A and B.

Communications Division initiated the Department's edged weapon protocols and asked Officers A and B if they were equipped with a beanbag shotgun.

According to the police radio and Officer B's Body Worn Video (BWV) recordings, he requested an Air Unit to respond while the officers were traveling to the radio call. Officer B advised CD that the officers had arrived at the location (Code Six). Additionally, Officers C and D arrived at the same time and advised CD they were Code Six as well.

According to the CD Incident History, numerous other officers and supervisors arrived on scene. These officers and supervisors activated their BWV. Their actions and contact with the Subject were captured on BWV, therefore, none of these officers were interviewed for the investigation.

According to Officer B's BWV recordings, he exited the patrol vehicle and proceeded to remove the beanbag shotgun from the trunk of his police vehicle. Officers A and B approached the residence as the PR was being treated by a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) outside the residence. Officers A and B approached the porch area leading up to the front door of the residence and met with Officers C and D, who arrived simultaneously. Officer D briefed the other officers that the Subject and a one-year-old child were inside the residence. Officer C identified himself and asked the Subject to step out and talk to him.

According to Officer A, the officers were informed by LAFD personnel that the female Subject was inside of the house with a baby.

According to Officer B, Officer C was the contact officer and kept an open line of communication with the Subject to keep her at the door. Officer A was designated to utilize the lethal option, armed with his pistol, which remained holstered until he entered

the residence. Officers B and D were designated to utilize the less-lethal option. Officer D was armed with the TASER, and Officer B was armed with the beanbag shot-gun.

Officer B's BWV recordings captured Officer C approach the front door and make verbal contact with the Subject through the metal screen door. The Subject can be heard crying and told Officer C that she was trying to protect her baby because the PR was going to take him. Officer C reassured the Subject that the PR was not going to take the baby and requested that she step out. The Subject stated she was scared. Officer C reassured her and told her not to be scared, to calm down, and to open the door.

Per Officer B's BWV recordings, while Officer C spoke with the Subject, he asked if the PR had keys to the house. Officer B walked to the Rescue Ambulance (RA), which was parked in front of the house, obtained the house keys, and returned to the porch area. According to Officer B, he obtained the keys in the event the Subject refused to open the door.

Officer C's BWV recordings captured him communicating with the Subject through the metal screen door. Officer C requested several times that the Subject should open the door. The Subject can be heard crying and stating she needed to call her mother to come take care of the baby because she did not want her baby to go to foster care. Officer C reassured the Subject that the officers would wait for her mother to arrive to take care of the baby. Officer C urged the Subject to open the door. A few minutes later, it appeared the Subject contacted her mother and requested she come to the house to watch over her son. After she contacted her mother, the Subject opened the door and allowed the officers into the house.

Per Officer B's BWV recordings, Officer C entered the house first followed by Officer D. Officer A was the third officer to enter, and Officer B was the fourth. According to Officer A, as he entered the house, he unholstered his pistol and pointed it down because the Subject had stabbed the PR with a knife, the knife was outstanding, Officer A did not know if the Subject was still armed with the knife, and he believed the situation could escalate to the point where the use of deadly force would be justified. Upon seeing that the Subject was not armed, and she was holding her son in her arms, Officer B holstered his pistol.

According to Officer B's BWV recordings, upon entering the house, the Subject carried her son in her arms and walked through the living room area. Officers C and D asked the Subject to stay in the living room. The Subject turned to the middle of the living room and knelt while holding her son in her arms. The Subject appeared distraught and continued crying. Officer C reassured the Subject that the officers were not taking her son away and would wait until her mother arrived. The officers convinced the Subject to give up her son, and she ultimately handed him to an officer. Officers A and C proceeded to assist the Subject up from the floor and into a standing position. Officer C grabbed the Subject's right arm, and Officer A grabbed the left arm as they lifted her up. Officer A handcuffed the Subject with her hands behind her back without incident.

According to Officers A and B, no force was used while taking the Subject into custody. Officer B stated that after she was handcuffed, the Subject sat on a chair while the officers conducted their investigation.

The Subject's son was examined by LAFD paramedics and they determined he was not injured. Her son was left in the care of his grandmother.

According to Officer B, he observed an orange medication bottle with a white twist cap at the bottom of the stairway handrail. Officer B stated he observed medication inside the bottle and the Subject told him it was her blood pressure medication.

In addition to this medication bottle, the PR found three additional empty medication bottles in the kitchen of the house when he returned home on the day following the incident. He photographed the bottles and informed the Coroner's Office about what he had found. He subsequently turned the bottles over to FID detectives at the time of his interview. FID then turned the bottles over to the Coroner's Office.

According to Officer B's BWV recordings, he asked the Subject if she had mental or physical problems. The Subject replied she had kidney disease and high blood pressure.

According to BWV recordings, Officer E asked the Subject if she had been checked by paramedics or if she was hurt. Officer D asked the Subject if she needed paramedics. The Subject shook her head and stated "no."

The Subject was arrested for the attempt murder of her husband. Per Officer B's BWV recordings, Officer B Mirandized the Subject and obtained a statement from her regarding the crime. The Subject confessed to the crime.

Officers E and F transported the Subject to the local police station. According to the vehicle's Digital In-Car Vehicle System (DICVS) recordings, the Subject exhibited no signs of illness and made no statements during the transport.

The local police station was equipped with a security camera video system which operated numerous cameras. One of those cameras recorded images of this incident. The camera was mounted on the ceiling at one end of the hallway, facing south, showing the doors leading to the Watch Commander's area and the Report Writing room on one side, and the doors to the Holding Cells and the Pacific Area Jail on the other side, as well as the arrestee holding bench in the middle of the hallway.

According to Pacific Station's security camera video recordings, Officers E and F escorted the Subject into the station. The Subject entered the station via a rear door, which led into a hallway where the arrestee holding bench was located. Officers E and F walked the Subject through the hallway and stopped in front of the door, which led to the Watch Commander's area. Officer F entered the Watch Commander's area and logged the Subject into the Adult Detention Log. Officer E remained in the hallway with

the Subject. Watch Commander Lieutenant A stepped into the hallway holding the Adult Detention Log in his right hand and met the Subject.

According to Lieutenant A, he approached the Subject and asked the three required intake questions. Lieutenant A stated that the Subject answered all three questions, she understood the reason she was arrested, she was not sick, ill or injured, and she did not have any questions or concerns. Lieutenant A checked the appropriate boxes in the Adult Detention Log. Lieutenant A stated he did not observe anything out of the ordinary, no medical or health issues, and no symptoms that the Subject was under the influence as she answered the questions. He also indicated that the Subject appeared coherent.

The investigation confirmed that Lieutenant A completed the entries in the Adult Detention Log as he had indicated.

Per the station's security camera video recordings, Officer E walked the Subject to the arrestee holding bench and sat her at one end of the bench facing the wall. The Subject was secured to the bench utilizing the manacle attached to the cuffing rail with her hands cuffed behind her back.

According to Officers A and B, they completed their investigation at the scene and returned to the station to complete the booking process and arrest report.

Per the police station's security camera video and Officer B's BWV recordings, Officer B approached the Subject at the arrestee holding bench and interviewed her. The Subject confessed to the crime. During the interview, she acknowledged that the PR walked out on her and the baby six weeks earlier for another woman. The Subject stated that she told the PR she could not raise the baby alone and he threatened to take the baby.

The Subject told Officer B she was not injured during the altercation, but her head hurt because she tussled with the PR, fell on the bathroom floor, and might have hit her head on the floor. Officer B asked the Subject about the medication she took and informed her that she would be taken to jail and would be seen by a Doctor to provide her medication if she needed.

Approximately eight minutes into the interview, Officer B asked the Subject if she had thoughts of hurting herself or if she was suicidal. The Subject nodded her head up and down to gesture "yes." Officer B asked if she had attempted suicide, the Subject shook her head from left to right to gesture "no." The Subject also acknowledged having thoughts of hurting the baby, the PR, and herself. She told Officer B she had seen a Psychologist for three sessions since the PR moved out of the house, but she had not been diagnosed and had not been prescribed medication. Officer B asked the Subject if she had physically tried to hurt herself, cut her veins, or if she had taken any pills. The Subject shook her head to gesture "no." Officer B advised the Subject if she ever felt suicidal, she could call the police for help, go to a hospital, and offered to put her in contact with counselors. At the end of this interview, Officer B told the Subject if she

needed anything to let him know. During this interview, the Subject exhibited no signs of medical distress.

When asked about following-up on his concerns about the Subject's mental health issues, Officer B told FID that the info was in his report and that he contacted MEU. While reviewing the addenda to this investigation, the OIG noted that the Arrestee Medical Screening Form completed by Officer A indicated that MEU was contacted. The OIG also noted that Officer B had documented in his crime/arrest report that he had contacted MEU, and they took an incident report.

According to the security camera video at the station and Officer B's BWV recordings, Officer B approached the Subject at the arrestee holding bench and asked her to clarify how she approached the PR to stab him. The Subject clarified the sequence of events and answered Officer B's questions. This interview lasted approximately one and a half minutes. The Subject exhibited no signs of medical distress during this short interview.

Per Pacific Station's security camera video and Officer A's BWV recordings, Officer A approached the Subject at the arrestee holding bench. Officer A unlocked the manacle that secured the Subject to the bench and escorted her into an interview room inside the station's jail. Night Watch Detective A interviewed the Subject for approximately 7 minutes. Officer A escorted the Subject back to the arrestee holding bench and sat her at one end of the bench facing the wall. The Subject was secured to the bench utilizing the manacle attached to the cuffing rail with her hands cuffed behind her back. The Subject exhibited no signs of medical distress during this interview with Detective A.

Detective A was asked if, in his experience, it was unusual for a female arrestee to spend three or four hours at the police station before being transported to another location, and he indicated that it was not unusual. Detective A was also asked about the Subject's appearance, specifically as to whether she looked sick or ill. He indicated that, other than being sad, there was nothing unusual about her appearance.

According to security camera video at the station and Officer B's BWV recordings, Officer B approached the Subject at the arrestee holding bench. Officer B summarized the incident for the Subject, and she clarified and corrected a few facts. This interview was approximately three and a half minutes in duration. The Subject appeared tired and sleepy but answered Officer B's questions and did not exhibit signs of medical distress.

The station's surveillance video recordings, Officer A approached the Subject at the holding bench. She moved around in the bench while Officer A stood close to her. According to Officer A, he was going over the Arrestee Medical Screen Form and Inmate Classification Questionnaire with the Subject while she sat at the arrestee holding bench.

Upon reviewing the Arrestee Medical Screen Form and Inmate Classification Questionnaire, the investigation revealed that Question 3 ("Do you require any medical

attention? If yes, why:") and Question 4 ("Do you have any injuries? If yes, what:") did not have any answers recorded on the form.

Per the station's surveillance video recordings, Detective A approached the Subject at the arrestee holding bench and sat next to her. According to Detective A, he advised the Subject there was no bail enhancement for her arrest. The Subject asked Detective A for water. Detective A obtained a water cup and gave her water without removing the handcuffs. Detective A stated the Subject appeared sad and depressed about the consequences of her actions but showed no signs of medical distress, was cognizant, and wanted to call her mother.

Per the station's surveillance video recordings, the Subject lay on the holding bench. She then she sat up from the bench. Approximately five seconds after she sat up, the Subject fell backward and hit the back of her head on the floor.

According to Officer B, he was in the report writing room and was unaware that the Subject had fallen from the arrestee holding bench but was advised that she was sleeping on the floor. Officer B stated he walked to the arrestee holding bench, and it appeared the Subject was sleeping. Officer B advised the Subject that she was not allowed to sleep on the floor and assisted her to sit back on the bench. Officer B asked the Subject if she was okay, and she responded that she was fine, she was tired, and asked for water.

Officer B was asked by investigators if it was not uncommon to find somebody sleeping or resting on the ground. Officer B indicated that it was not uncommon.

According to the station's surveillance video recordings, Officer B walked to the station jail, obtained a water cup, walked over to the Subject, and provided her with water. Officer B returned to the report writing room.

According to Officer A, he was unaware that the Subject had fallen from the holding bench or that she was found on the ground.

The station's surveillance video recordings showed the Subject laying on the holding bench. A short time later she sat back on the bench, but then returned to laying on the bench once again. Officer G exited the Report Writing Room and approached the Subject at the arrestee holding bench area. According to Officer G, he completed an Emergency Protective Order (EPO) for the PR and served the Subject with the restraining order. Officer G stated that the Subject acknowledged and understood the EPO, she was coherent when he spoke to her, and did not have any medical complaints.

According to the station's surveillance video recordings, Officer B exited the Report Writing Room and looked into the hallway. As he looked into the hallway, the Subject lay on the holding bench again. Officer B peeked into the Watch Commander area and returned to the Report Writing Room.

Per the station's surveillance video recordings, Officers A and H approached the Subject at the arrestee holding bench. According to Officer A, Officer H was going to take the Subject to the bathroom to change from her bloody clothes into a jail gown.

According to Officer A, he observed that the Subject's face was pale, she was lethargic, and her eyes appeared tired. Officer A stated that he began to communicate with the Subject and observed her right arm and right shoulder twitching. Officer A believed the Subject was having a seizure, and he immediately requested an ambulance for her. Officer A broadcast a request for a Rescue Ambulance (RA).

Per the station's surveillance video and Officer A's BWV recordings, an LAFD RA arrived at the station. Officer A briefed paramedics of his observations. The Subject was conscious, she answered questions by paramedics such as her name, age, and medical issues. The Subject was placed in the gurney in a seated position and was transported to the hospital. Officers A and B followed the RA to the hospital. The Subject was treated by on duty emergency room personnel.

According to Officer A, they were relieved from the hospital by other officers, returned to the station, and completed the absentee booking and the arrest report.

The Subject's medical condition worsened, and she did not respond to medical treatment. Approximately six hours after initially being taken into custody, the doctor at the hospital pronounced death.

### **Los Angeles Board of Police Commissioner's Findings**

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

#### **A. Tactics**

Does not apply.

#### **B. Drawing/Exhibiting of a Firearm**

Does not apply.

#### **C. Use of Force**

Does not apply.



In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in Graham v. Connor, 490 U.S. 386 (1989), that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

### **Additional/Equipment**

- **Edged Weapon Protocol** – The investigation revealed that CD did not dispatch a supervisor to the radio call of an *Ambulance ADW Domestic Violence* where a knife was reported to have been utilized, per Divisional Order No. 3, dated April 25, 2017. This was brought to the attention of Captain B, who handled the matter as a divisional training issue. The commanding officers of the Administrative Services Bureau and the Office of Support Services concurred with this action. As such, the BOPC deemed no further action to be necessary.

### **Audio/Video Recordings**

- **Digital In-Car Video System (DICVS) / Body Worn Video (BWV)** – Pacific Patrol Division vehicles were equipped with DICVS at the time of the incident. Responding officers activated their DICVS, but the Subject's arrest was not captured via DICVS because the arrest occurred inside a residence. Officers E and F activated the rear camera of their DICVS during the transport of the Subject to the local police station.

Area Patrol Division personnel were equipped with BWV at the time of the incident. Responding officers activated their BWV, which captured the arrest of the Subject. The BWV depicted that the Subject was taken into custody without incident.

Additionally, Officers A and B activated their BWV and interviewed the Subject at Pacific Community Police Station on multiple occasions. Officer A's BWV included the Subject's custody inside of the police station and the response of LAFD personnel who treated the Subject inside of the station.

- **Other Video** – The station's closed-circuit television (CCTV) captured the Subject's movement throughout the station upon her arrival. The footage revealed that the

Subject, who was seated and handcuffed to a holding bench, fell backward onto the floor. Within seconds, an uninvolved officer discovered the Subject on the floor and advised the primary officers, who checked on the Subject and assisted her back to a seated position.