

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

IN-CUSTODY DEATH – 034-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	7 years, 1 month
Officer B	15 years, 7 months
Officer C	3 years
Officer D	6 years, 5 months
Officer E	18 years, 8 months

Reason for Police Contact

Officers responded to a “screaming man” call. The officers located the Subject, who appeared to be under the influence of narcotics. After overcoming the Subject’s resistance, officers took the Subject into custody.

Subject(s)	Deceased (X) Wounded () Non-Hit ()
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Subject: Male, 49 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 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 BOPC 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.

The following incident was adjudicated by the BOPC on March 4, 2014.

Incident Summary

Officers A and B responded to a radio call of a “screaming man.” According to Officer B, the Subject was yelling incoherently about someone trying to hurt him. Officers A and B exited their police vehicle to initiate contact with the Subject and noted that he was jittery and exhibited excessive sweating, which led them to believe the Subject was under the influence of an unknown narcotic.

Officer B used a calm voice to explain to the Subject that he and Officer A were there to help him. Officer B advised the Subject that he was going to be handcuffed and explained the handcuffing procedure before he proceeded to handcuff him. The Subject provided no resistance as Officer B handcuffed him. According to Officer B, the Subject was cooperative at this point.

As soon as the Subject was handcuffed, he suddenly dropped to his knees. Officer A placed his right hand on the Subject’s left bicep and his left hand on the Subject’s left wrist while Officer B placed his right hand on the Subject’s right bicep and his left hand on the Subject’s right wrist. Officers A and B then guided the Subject into a prone position on the ground. After being prone on the ground, the Subject continued to plead for the officers to help him because of his belief that unknown people were trying to harm him.

Officer B did not believe that the Subject was being combative or verbally abusive. He thought the Subject was just yelling. According to Officer A, the Subject yelled for the officers not to kill him. Officer A told the Subject that they were there to help him and were not going to hurt him. The officers had placed the Subject on his stomach because he became very fidgety and started to move around a lot. Officer B said that once the Subject was on the ground, he moved back and forth and kept yelling for the officers to get him out of there.

Officer A utilized his handheld radio and broadcast a back-up request; however, he never heard an acknowledgement from Communications Division (CD) that it was received. Officer B told Officer A to place a Hobble Restraint Device (HRD) on the Subject’s legs so that the Subject would not injure himself or kick the officers. Officer B obtained his HRD from his uniform pants pocket and handed it to Officer A.

Officers C, D, E and F responded to the back-up request. According to Officer D, he assisted Officer A with placing the HRD on the Subject’s legs below the knee while Officer E lifted the Subject’s legs to facilitate its placement. The officers had to overcome the Subject’s resistance in order to apply the HRD.

The officers told the Subject that they were there to help him, but the Subject continued to yell and thrash his legs back and forth. Officer B stated that as the Subject was prone position, he placed his right knee on the Subject’s back to keep him from moving from side to side and prevent him from injuring himself. Officer B stated that once the Subject was calm, they helped him up but he continued to yell that someone was trying

to kill him. As the HRD restricted the Subject's mobility, the Subject became passive and calm.

According to Officer C, he placed his hands on the back of the Subject's shoulders and slightly applied downward force in an attempt to control the Subject's upper body as Officers A and D placed the HRD on the Subject. The officers continued to verbalize with the Subject, telling him that the officers were there to help him.

According to Officer A, the Subject was carried to the back seat of his police vehicle by the responding back-up units. One officer grabbed the Subject from the right armpit, another officer from the left armpit, while a third officer grabbed his legs so they wouldn't drag on the ground. According to Officer C, he and Officer B maintained control of the Subject's upper body while Officers A and D assisted by grabbing the bottom portion of the Subject's torso as they tried to walk him to the police vehicle.

According to Officer E, when the officers attempted to sit the Subject in the back seat of the police vehicle, the Subject entered the police vehicle and laid down. According to Officer F, the Subject became rigid and would not sit upright in the police vehicle as instructed. Officer F entered the police vehicle through the rear passenger door, placed a grip on the Subject's upper arm and shoulder and pulled him into a seated position. Officer A monitored the Subject while he was in the back seat.

Sergeants A and B arrived at scene. Sergeant A was briefed by the officers and determined that no crime had been committed and there appeared to be no use of force. According to Sergeant A, he oversaw the Subject's placement in the vehicle. He observed the Subject moaning and profusely sweating, which caused him concern. Simultaneously, Officer A saw that the Subject appeared to stop breathing. Sergeant A requested a Rescue Ambulance (RA) to respond.

According to Sergeant B, he was next to Sergeant A when an unidentified officer advised him that a female citizen had told him that the Subject had been smoking phencyclidine (PCP) all day.

The RA arrived and attended to the Subject. Fire Department personnel's initial assessment determined the Subject was not breathing. The Subject was removed from the rear seat of the police car and placed on the ground. The Subject did not have a pulse, and Cardio-Pulmonary Resuscitation (CPR) was initiated. The Subject was then transported to the hospital, where he died several days later. The Subject's death was determined by the Coroner to be an accident due to heart disease and multiple drug effects.

Los Angeles Board of Police Commissioners' Findings

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

by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers' benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

A. Tactics

The BOPC found Officers A, B, C, D and E's tactics to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

The BOPC found Officers A, B, C, D and E's use of non-lethal force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical consideration:

1. Narcotics Ingestion - Rescue Ambulance Request

The BOPC noted that once the Subject was placed inside the police vehicle, Sergeant A recognized the potential need for medical treatment and requested an RA for him within three minutes of his arrival. The BOPC also noted that Officers A and B believed the Subject was possibly under the influence of PCP upon their initial observations of his behavior. However, Officers A and B were faced with an ongoing tactical situation that was not yet resolved and a request for an RA would not have been reasonable nor expected at this time. Once the Subject was detained and secured in the police vehicle, the officers recognized that he may require medical attention and the request was made.

Accordingly, the BOPC determined that the actions of on-scene personnel did not substantially deviate from approved Department tactical training without justification and the delay in requesting an RA was not unreasonable in this instance. Additionally, the BOPC appreciated that Sergeant A identified the exigency of the Subject's condition and ensured that an RA was enroute in a timely fashion.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be

evaluated based on the totality of the circumstances.

The BOPC evaluated the facts and circumstances of this case and understands that handling incidents regarding persons under the influence of narcotics can be challenging and potentially volatile. After a thorough review of the incident, the BOPC determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training.

In conclusion, a Tactical Debrief will occur, to include tactical issues surrounding persons under the influence of narcotics. A Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during the incident and assess the identified tactical considerations to better handle a similar incident in the future. The BOPC will direct the involved personnel to attend a Tactical Debrief.

In conclusion, the BOPC found the tactics of Officers A, B, C, D and E to warrant a Tactical Debrief.

B. Non-Lethal Use of Force

- **Officer A** - Firm Grip and Physical Force.
- **Officer B** - Firm Grip, Physical Force, and Bodyweight.
- **Officer C** - Bodyweight.
- **Officer D** - Firm Grip and Bodyweight.
- **Officer E** - Physical Force.
- Officers A and B received a radio call of a “screaming man.” Officers A and B approached the location and observed the Subject running on the street while yelling and sweating profusely. Officers A and B believed the Subject was under the influence of an unknown narcotic. Believing the Subject would injure himself, Officer B handcuffed the Subject without incident.

Officer B completed the handcuffing process, at which time the Subject became limp and dropped to his knees. Officers A and B guided the Subject to the ground and placed him into a prone position. The Subject continuously moved back and forth while on the ground.

Officers A and B utilized firm grips and physical force to overcome the Subject’s resistance while attempting to apply the HRD. Officer A requested back-up and soon thereafter Officers C, D, E and F responded. Officer D observed Officers A and B involved in a struggle with the Subject while on the ground. Officer D utilized firm grips and bodyweight to overcome the Subject’s resistance, while Officers A and

B applied the HRD.

At the same time, Officer A used a firm grip to overcome the Subject's resistance and placed the HRD around the Subject's legs with assistance from Officer D. Officer E assisted Officers A and D with controlling the Subject's legs while placing the HRD on the Subject. Officer E held both of the Subject's legs to prevent his continued movement.

As the officers placed the HRD on the Subject, Officer C placed his hands on the back of the Subject's shoulders and applied bodyweight to control his movements. The Subject continued to struggle with the officers while on the ground. Consequently, Officer B placed his right knee on the Subject's back and applied bodyweight to prevent him from moving from side to side. Moments later, the Subject became passive and calm. Sergeants A and B arrived and assumed control of the incident.

Based on the totality of the circumstances, officers with similar training and experience as Officers A, B, C, D and E would reasonably believe that the use of non-lethal force in order to overcome the Subject's resistance and take him into custody would be justified.

In conclusion, the BOPC found Officers A, B, C, D and E's use of non-lethal force to be in policy.