

ABRIDGED SUMMARY OF AN IN-CUSTODY DEATH AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

IN-CUSTODY DEATH – 040-09

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Central	06/06/09		

Officer(s) Involved in Use of Force	Length of Service
None	

Reason for Police Contact

During directed patrol for specific violations, Subject 1 was arrested. While in custody, Subject 1 began to experience problems related to his pre-existing medical condition. As the condition became more severe, Subject 1 was transferred by ambulance to an area hospital. Upon his arrival, Subject 1 was released from police custody due to medical reasons. After approximately five weeks from the original date of contact, Subject 1 died while at the hospital.

Subject 1(s)	Deceased (X)	Wounded ()	Non-Hit ()
Male, 60 years			

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 suspect 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 Chief of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission. Because state law prohibits divulging the identity of police officers in public reports, 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 May 18, 2010.

Incident Summary

Officers A and B observed Subject 1 take several sips from a white can concealed in a brown bag. Believing that Subject 1 was drinking alcohol, Officers A and B contacted Officers C and D, and directed them to detain Subject 1.

Officers C and D located Subject 1 standing on the sidewalk holding a brown paper bag with a white can protruding from the top. Officers C and D instructed Subject 1 to put the bag down and he complied. Subject 1 was subsequently handcuffed without incident. The officers determined that the can was half-full of beer and was cold to the touch. Additionally, the officers determined that Subject 1 had the odor of alcohol on his breath. Officers C and D arrested Subject 1.

Officer D conducted a pat down search of Subject 1, placed him in the rear seat of his vehicle and drove Subject 1 to the area police station. At the police station, Officer D presented Subject 1 to Sergeant A, who asked Subject 1 the three standard questions noted on the Adult Detention Log: "Do you understand why you were detained/arrested?" "Are you sick, ill, or injured?" and "Do you have any questions or concerns?" Subject 1 replied that he understood why he was arrested, that he was sick and had a condition of high blood pressure and that he did not have any questions or concerns. Sergeant A signed a booking approval for Subject 1.

Approximately two hours later, Officers E and F transported Subject 1 to Jail Division (JD), Metropolitan Jail Section (MJS). Upon arrival, Subject 1 was taken to the dispensary and examined by jail medical staff prior to booking.

Los Angeles Personnel Department (PD) Medical Services Division (MSD) Nurse Practitioner A examined Subject 1 and determined that he had high blood pressure and an elevated heart rate. Subject 1 informed Nurse Practitioner A that he had not taken his prescribed heart medication for approximately one month. Nurse Practitioner A deemed Subject 1 medically fit for booking.

After being booked and fingerprinted, Subject 1 was examined by Registered Nurse A for high blood pressure and alcohol withdrawal symptoms and then taken to a cell.

The following morning, Subject 1 was taken to the jail dispensary and examined by Doctor A, who noted that Subject 1's blood pressure was elevated. Doctor A ordered medication for Subject 1's high blood pressure and alcohol withdrawal.

Later that morning, Detention Officers A and B conducted a scheduled sick/pill call. During the call, Subject 1 got Detention Officer B's attention by pointing to his throat. Subject 1 told Detention Officer B that he was having trouble talking. Detention Officer B alerted Registered Nurse A to Subject 1's condition. Subject 1 told Registered Nurse A that he was having an adverse medical reaction. Registered Nurse A noted that Subject 1 looked uncomfortable and possibly was having trouble breathing although he did not appear to be in acute distress. As such, Registered Nurse A had Detention

Officer B take Subject 1 to the jail dispensary for further medical evaluation and treatment.

At the jail dispensary, Subject 1 was examined by Nurse Practitioner A and Registered Nurse B, who found Subject 1's blood pressure and heart rate to be elevated and his tonsils and uvula swollen. Nurse Practitioner A recognized Subject 1's symptoms as that of an allergic reaction and directed Registered Nurse B to administer an antihistamine and assist Subject 1's breathing with the use an Ambu bag.

Nurse Practitioner A requested a Rescue Ambulance for Subject 1. Los Angeles Fire Department personnel arrived and due to Subject 1's condition, transported him to an area hospital. On the way to the hospital, Subject 1 went into respiratory arrest and stopped breathing. Upon the arrival at the hospital, Subject 1 was transferred to the care of the Emergency Room staff. Hospital staff advised that Subject 1's condition was critical.

Approximately five weeks later Subject 1 died while still a patient at the hospital.

Los Angeles Board of Police Commissioners' Findings

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

Does not apply.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Lethal Use of Force

Does not apply.

Basis for Findings

Tactics

In their analysis of this incident, the BOPC considered that:

The investigation found that the involved officers acted in compliance with Department policies and procedures. Therefore, the BOPC found that the actions of officers did not influence or cause the death of Subject 1.