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

**IN-CUSTODY DEATH – 053-15**

**Division Date Duty-On (X) Off ( ) Uniform-Yes (X) No ( )**

Van Nuys 6/28/15

**Officer(s) Involved in Use of Force Length of Service**

Does not apply.

**Reason for Police Contact**

The subject was in custody at a jail facility. The subject became ill and was transported to the hospital for treatment, where, approximately 30 hours later, he died.

**Subject(s) Deceased (X) Wounded () Non-Hit ()**

Subject: Male, 42 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 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.

The following incident was adjudicated by the BOPC on June 14, 2016.

## Incident Summary

Uniformed Parole Compliance Unit (PCU) officers assumed responsibility for locating and arresting Subject 1, who was wanted for a robbery.

The PCU officers arrived at the Subject 1's home and advised Communications Division (CD) accordingly. The residence was a single-family, two-story residence with an alley to the rear.

The owner of the house, and grandmother to Subject 1, answered the door. The officers identified themselves as officers from the LAPD's PCU and explained they were at the residence to conduct a parole compliance check on Subject 1. The owner directed the officers upstairs and indicated Subject 1 was sleeping in his bedroom with his girlfriend.

Sergeant A, in the alley to the rear of the house, observed an individual exit the garage from beneath the partially-open garage door. He immediately identified Subject 1 as he walked toward the alley. Sergeant A unholstered his service pistol and held it in a right two-handed, low-ready position as he recognized Subject 1 was wanted for a robbery. He ordered Subject 1 to stop, turn around and place his hands on his head; Subject 1 complied. Sergeant A, via his radio, communicated to the officers in the house that he had detained Subject 1. Sergeant A holstered his weapon and handcuffed Subject 1 without incident.

Sergeant A and Officer A, along with Subject 1, walked back into the house to join Officers B and C. Sergeant A remained in the living room with Subject 1, as the three officers conducted a protective sweep of the house.

Officers A, B, and C proceeded to the second level of the house. On the second level, they encountered a closed bedroom door. As Officer B covered other unchecked rooms on the second level, Officer A knocked on the closed door and verbally identified himself as a police officer. Subject 2 opened the bedroom door and was asked to step outside. Officer C handcuffed Subject 2 and conducted a pat down search before escorting Subject 2 downstairs to the living room.

Officers A and B held their positions on the second level and awaited the return of Officer C. Upon his return, Officers A and C entered Subject 2's room and observed a plastic bindle in plain view on top of the bed. Officer A believed the bindle contained heroin. He recovered it and continued with the protective sweep.

The officers completed the protective sweep of the house and found no additional individuals. The search then moved to a more focused parole compliance search of Subject 1's bedroom and the garage that Subject 1 exited from. Officer A, while conducting the search of the garage, observed a tool chest with a drawer partially open. He fully opened the drawer and observed a .25 caliber blue steel semiautomatic pistol

and a cellular phone. Officer A rendered the pistol safe by removing the magazine from the pistol and ejecting a bullet from the chamber.

Officer A opened the cellular phone and found the Facebook messenger app account was in the name of Subject 2. Subject 2 acknowledged the cellular phone belonged to him. At the direction of Sergeant A, officers called the local police station and confirmed that Subject 2 was a convicted felon.

Subject 2 was initially detained for 11350(a) HS, Possession of Heroin; however, he was arrested for 29800(a)(1) Penal Code (PC) Section, Possession of a Firearm by a Convicted Felon. Subject 1 was arrested for the felony warrant. Both were transported to West Valley Station.

Officers A, B, and C transported Subjects 1 and 2 to the regional jail located at a different police station. Officer C obtained approval from West Valley Patrol Division Watch Commander to conduct a pre-booking strip search on both Subjects 1 and 2. Officer C completed the strip searches and determined neither Subject 2 nor Subject 1 was in possession of any contraband.

Officer C said that prior to conducting the strip search, he asked Subject 2 if he had any medical issues. Officer C recalled, "When he was interviewed, he didn't have any medical issues as well, and I advised him "if you do, you do. We get you checked out and that's it. Quick, you know." He said, "No, I don't have anything wrong." When the nurse later questioned Subject 2 at the dispensary, he admitted to several serious medical issues.

Half an hour later, Subject 1 was booked into custody at the regional jail for the felony warrant. California Department of Corrections State Parole Agent A placed a parole hold on Subject 1.

Officer A walked Subject 2 into the regional jail medical dispensary. Subject 2 was examined by the on-duty Physician Assistant (PA), placed on the appropriate medical protocol and approved for booking. Subject 2 was booked into custody.

According to notes on the Medical Services Division Medical Record for Subject 2, a nurse visited him in his cell on June 25, 2015. At that time, he did not have any symptoms and was not given any medications.

In the middle of the night, during a visit with Subject 2 in his cell, he complained of symptoms and was provided his medications. Four hours later, the nurse documented Subject 2 as not having any complaints.

On June 26, 2015, Subjects 1 and 2 were housed in Cell No. 214, along with approximately 15 additional arrestees. The interior of the cell was under video surveillance via a camera mounted near the ceiling toward the rear of the cell.

During the course of this investigation, Force Investigation Division (FID) detectives reviewed video from Cell No. 214. At one point, Subject 1 was observed standing near a bunk unfolding a paper bindle. He leaned forward and appeared to ingest an unknown substance believed to be narcotics. Approximately twenty minutes later, Subject 2 joined Subject 1 at the same bunk. Subject 2 also appeared to ingest an unknown substance believed to be narcotics. Shortly after ingesting the possible narcotics, Subject 2 was moved to Cell No. 212.

According to notes on the Medical Services Division Medical Record for Subject 2, a nurse visited him in his cell that morning, and noted he had a steady gait and denied any complaints. Four hours later, during a cell check, a nurse noted Subject 2 had a steady gait. Medications were not given during either of these visits.

That afternoon, Medical Services Division Registered Nurse (RN) A, accompanied by Custody Services Division (CSD) uniformed Officer D, went to Cell 212 to check on Subject 2 and dispense his medications. RN A called for Subject 2 to approach the jail cell door. He approached the door. RN A read his wristband to verify his identity and gave him his medications. While at the jail cell door, Subject 2 appeared unstable and slowly slid to the floor. Officer D broadcast a request for backup for a man down.

Other Custody Services Division officers responded to Cell No. 212. Officer D opened the jail cell door, and he and Officer E entered the cell. Officer E assisted Subject 2 to his feet and together with Officer D walked Subject 2 to the dispensary.

Medical Services Division RN B and RN A evaluated Subject 2. At the time of this incident, a doctor was not on duty at the dispensary. The nurses faxed Subject 2's medical history and vital signs to the on-duty PA for analysis. The Physician Assistant directed RN's A and B continue with the appropriate medical protocol and monitoring. Officer D escorted Subject 2 back to Cell No. 212.

That evening, Medical Services Division RN C and CSD Detention Officer A, approached Cell No. 212. It was their intention to conduct the scheduled four hour check on Subject 2 and provide him with his medications. Subject 2 was again called to the jail cell door. He approached the door and displayed his wristband for identification. Registered Nurse C noticed Subject 2 was shaking and attempted to hold him by the arm as he fell to the floor.

As additional personnel arrived, Detention Officer B opened the cell door and entered with Detention Officer A. Detention Officer B talked with Subject 2 as he assisted him to a seated position. Detention Officers B and A helped Subject 2 to his feet and together they walked him to the dispensary. Detention Officer A completed a Prisoner Injury or Illness Report.

Subject 2 was examined by the on-duty physician, Doctor A. Doctor A completed his assessment and determined Subject 2 would be transported to a contract hospital for further evaluation. According to Doctor A, Subject 2's only complaint was cramping,

chills and withdrawal symptoms; however, believed his condition required further analysis at the hospital.

At approximately 2025 hours, a Los Angeles Fire Department (LAFD) Engine, and Rescue Ambulance (RA), received the alarm and responded to Valley Regional Jail Medical Dispensary. Van Nuys Patrol uniformed officers also responded to the Valley Regional Jail Medical Dispensary. Subject 2 was transported by RA to the Hospital, where he was admitted. One of the Van Nuys officers rode in the RA with Subject 2.

On June 28, 2015, early in the morning, after being hospitalized for more than 30 hours, Subject 2 succumbed to his medical conditions and was pronounced dead.

Later that morning, a Los Angeles County Forensic Science Center (LACFSC) forensic attendant transported Subject 2's remains to LACFSC.

On July 17, 2015, a Medical Examiner with the Los Angeles County Department of Coroner performed a post-mortem examination of Subject 2's remains. The doctor concluded Subject 2 suffered from several life threatening conditions, and had a history of ethanol (alcohol) and drug abuse. He determined the death to be a result of Subject 2's medical conditions and ruled the death accidental.

## 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 most cases, 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). In this incident, there were no tactical issues identified, none of the involved officers drew their duty weapons, and there was no use of force. Therefore, there were no findings applicable. 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 of a Firearm

Does not apply.

### C. Use of Force

Does not apply.

### D. Additional

The investigation revealed several issues, outlined below:

- Narcotics Use – The possible ingestion of narcotics by Subjects 1 and 2 was brought to the attention of the Commanding Officer, CSD. He advised the Use of Force Review Board (UOFRB) that as a result of this incident he has implemented the use of Tactical Search Mirrors to look for contraband within CSD and is writing a proposal for a body scanner into the next fiscal budget, as well as plans to initiate more frequent cell searches for contraband. The BOPC determined that the actions undertaken by the division commander in this matter are appropriate and deem no further action necessary.

- Lighting – The investigation revealed that the lights in the jail cells that housed Subject 2 may have possibly been turned off at different times throughout his incarceration in violation of Jail Operations Manual, Inmate Inspections, Section 1/150, which states, "lights shall be left on at all times." The Commanding Officer, CSD, advised the UOFRB that he spoke with his staff and was advised they will sometimes dim the lights in the cells, but do not turn them off completely.

Audio/Video Recordings

- Van Nuys Regional Jail was equipped with security cameras in various locations including the booking area, livescan machine area, hallways, and cells. Cells 212 and 214, had cameras that were affixed to the ceiling towards the rear of the cells and captured the interior of the cell. The video showed arrestees' movements within the cell in both infrared (black & white appearance) and color footage.

Command and Control

- There were no command and control issues identified pursuant to the investigation.