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

IN-CUSTODY DEATH – 092-15

Division	Date	Duty-On (X) Off ( )	Uniform-Yes (X) No ( )
77th Street	12/4/15		

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 was subsequently found unresponsive by a detention officer during an inmate inspection.

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

Subject: Male, 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 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 November 22, 2016.

Incident Summary

On December 3, 2015, Los Angeles World Airports Police Department (LAWAPD) Officers A and B responded to a radio call for a welfare check at LAX. Upon arrival, Officers A and B met with LAWAPD Officer C. Officer C informed Officers A and B that a male, wearing a grey sweater, blue jeans and black shoes, had crawled up the baggage chute of a carousel and then disappeared out of sight. Officers A and B advised the LAWPD dispatch of this updated information and climbed up the carousel chute to look for the individual, but were unable to locate him. As they searched for the individual, later identified as the Subject, the officers heard a broadcast that the Subject had somehow managed to gain access to the tarmac and was last seen in the area of an airport service road. The officers exited the terminal, entered their police vehicle and responded to the location. As they arrived, they were flagged down by an employee, who informed them that he had observed the Subject run toward a maintenance hangar.

While the officers searched for the Subject, Witness A heard a broadcast of a possible breach in the baggage claim area of Terminal Seven or Eight. Approximately two minutes later, Witness A heard an additional broadcast that the Subject may have breached the physical airport boundary and was now in the airport operations area. Witness A responded to the area of the last broadcast and was flagged down by a another employee, who advised him that the Subject was east of their location. As Witness A responded east, he observed the Subject in the area and ordered the Subject to stop. Witness A stated that the Subject had blood on his face and head. The Subject stopped for a moment, then turned and ran east. Witness A broadcast this information to LAWAPD dispatch and continued to follow the Subject to another maintenance hangar. Witness A again ordered the Subject to stop, and the Subject complied. Witness A exited his vehicle and observed LAWAPD vehicles approaching his location. In an effort to detain the Subject for the approaching officers, Witness A grabbed the Subject's right arm and told him to get on the ground. The Subject immediately lay face down on the ground.

Officers A and B arrived at the maintenance hangar and observed the Subject being detained by Witness A. Together, with the assistance of LAWAPD Officer D, Officers A and B handcuffed and took the Subject into custody without incident. The Subject was then arrested for Trespassing on an Airport Operations Area.

As the officers searched the Subject, they observed blood on his head and face. Officer B asked the Subject why he was bleeding. The Subject stated that he hit his head on the baggage carousel door. Additionally, when officers asked why he had climbed up the baggage chute, the Subject stated that two famous recording srtists were sending people to kill him for writing a bunch of their songs, and he needed to get to a place of safety.

Officer B described the Subject's physical appearance as calm, but with a wide-eyed gaze, as if he were zoning out. Officer B stated that he asked the Subject if he was all right. The Subject nodded his head, but continued his wide-eyed stare.

Officer A described the Subject's demeanor as being reserved, showing no emotion, and was mentally preoccupied with issues other than his arrest. According to Officer A, the Subject did not seem like he was mentally stable.

According to Officer D, the Subject's "…demeanor was highly emotional. I wouldn't say agitated, more like confused and incoherent and, like I said, rambling statements that he was being chased by unknown parties or somebody, a celebrity. Just he was rambling. He, in my opinion on first observation, I thought he might've been off his medication or on some sort of medication or maybe what we would call having a mental health issue, which is, as you said originally, a 5150, Welfare and Institutions [Code]."

Officer D requested a rescue ambulance (RA). An RA responded to the location and conducted an initial assessment of the Subject's condition before transporting him to the hospital. The Subject was examined for a laceration to his head. The Subject refused medical treatment for the injury to his head and was released for booking.

Officers A and B transported the Subject to a Los Angeles Police Department (LAPD) Police Station. He was booked with the approval of the Watch Commander. According to Officers A and B, the Subject did not make any statements during the booking process and no issues were noted.

> **Note:** During his interview, Custody Services Division (CSD) Detention Officer (DO) E could not recall any specific information regarding the Subject's demeanor at the time the Subject was initially booked.

After he was booked, the Subject was transported to another Area Jail for housing.

> **Note:** There was no evidence that the Mental Evaluation Unit (MEU) was contacted at either Area Station.

While en route to that Jail, Officers A and B heard The Subject talking to himself. However, due to the low tone, they were unable to hear what the Subject was saying.

During his intake at the Jail, CSD Senior Detention Officer (SDO) F, observed the Subject mumbling to himself. Additionally, the Subject refused to answer any of the questions SDO F asked. Senior Detention Officer F believed that if he placed the Subject in general population, his behavior could agitate others housed with the Subject and cause the other arrestees to harm him. For this reason, he determined that he should be segregated from the general population and recommended the Subject be housed away from other arrestees.

> **Note:** The Subject was housed in segregated housing. The Subject was the only person in the cell.

On this day, LAPD CSD Police Officer G was assigned to male security. In this assignment, Officer G's responsibilities included monitoring cameras located in the building, allowing access to and from the cell block, booking prisoners and conducting prisoner observation checks at 30-minute intervals.

Officer G entered the upper tier and conducted his mandated 30-minute check. Prior to beginning his cell checks, Officer G initiated contact with his "pipe" to the "wall plate" located just outside of the Subject's call. As Officer G looked through the window of cell the Subject's cell and into the interior, he observed the Subject pacing back and forth in his cell.

Force Investigation Division detectives reviewed the Closed-Circuit Television Camera (CCTV) recording of the interior of the Subject's cell. During the review, investigators noted that at one point during the video footage, the Subject removed his sweatshirt, slid one arm of the sweatshirt through a gap between the bed and the wall, tied it to the right rear metal bar of the upper bunk bed, and tied the arms of the sweatshirt together. Approximately five minutes later, the Subject faced the south wall of the cell, placed his head through the tied arms of the sweatshirt, and turned his head and body so that he was now facing the sink and toilet, causing the arms of the sweatshirt to wrap around his neck. He then proceeded to allow his legs to go limp and drop his body weight toward the floor, asphyxiating himself.

Less than 30 minutes after his last cell check, Officer G conducted another mandated visual check of the Subject's cell. According to Officer G, he stated he observed the Subject standing upright next to the bunk, in between the bunk and the cell door.

> **Note:** A review of the video recording revealed that the Subject's head was positioned below the railing of the top bunk, but above the railing of the lower bunk.

Approximately 30 minutes later, while conducting another check, Officer G observed the Subject in nearly the same position as the previous check. However, the Subject's body was positioned slightly lower than when he last checked. Officer G found it odd that the Subject had not moved in 30 minutes and looked closer. Officer G observed that the Subject's upper body was slightly slumped, with his lower legs and feet straight out, laying on the floor. He then observed the sweatshirt around the Subject's neck. Realizing that the Subject had hung himself, Officer G broadcast with his hand-held radio that he had a man down and needed backup.

Although lifesaving efforts were begun by Jail personnel, the Subject was declared deceased at the location.

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 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 and Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). In this incident, none of the involved officers drew their duty weapons. Therefore, there were no findings for Drawing and Exhibiting of a firearm. 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

Does not apply.

B. Drawing and Exhibiting

Does not apply.

C. Use of Force

Does not apply.

Additional

The investigation revealed several issues, outlined below:

- Inmate Inspection – The investigation identified areas of deficiencies with regard to the quality of the inmate inspections conducted by Officer G.

- Safety Check Training – In response to this incident, CSD updated the Jail Operations Manual to define the purpose of a safety check as well as provide instructions on how to properly conduct a safety check. Additionally, CSD added an inmate inspection module in the core training course taught to detention and police officers assigned to CSD. Further, CSD personnel enhanced the other five modules to include training on how to properly conduct an inmate inspection with emphasis on checking the corners of the cell, ensuring the arrestee is breathing, and entering the cell safely. Inmate inspection training now includes a practical exercise and all police officers assigned to CSD are monitored by Senior Detention Officer staff for the first 30 days of their assignment to CSD.

- Jail Cell Structural Changes – In response to this incident, the bunks inside the jail cells are being modified to prevent inmates from attaching articles of clothing to the bunks by essentially removing the gaps between the bunks and the walls.