

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

IN-CUSTODY DEATH – 102-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Rampart	12/31/15		
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Officer(s) Involved in Use of Force	Length of Service
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Does not apply.

Reason for Police Contact

Officers responded to a call of a “415 male” who had unlawfully entered the victim’s apartment and was being detained by members of the public. Upon the officers’ arrival, they observed that the Subject was not breathing. Officers requested a Rescue Ambulance (RA) and commenced CPR. The Subject was transferred to hospital, where he later died.

Suspect	Deceased (X)	Wounded ()	Non-Hit ()
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Subject: Male, 51 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 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 December 13, 2015.

Incident Summary

Witness A was in the master bedroom of her apartment, when she heard a loud noise and observed the Subject inside the living room of her apartment. Witness A stated she had not seen the Subject before and he did not have permission to enter her apartment.

The Subject grabbed Witness A by her neck; Witness A then struggled to free herself from the Subject and punched him once in the stomach. A further struggle then ensued between the Subject and Witness A.

The Subject moved toward Witness A's daughter, Witness B, who was standing in her bedroom. Witness A pulled the Subject back away from her daughter and positioned herself between the Subject and Witness B as she screamed for help.

As Witness A continued to struggle, Witness C entered the apartment followed by Witness D. Both Witness C and D had observed the Subject's erratic behavior outside on the street prior to him entering the apartment and had heard Witness A screaming.

Witness C grabbed the Subject by the back of the shirt collar and pulled him away from Witness A. Witness C and the Subject struggled with each other before falling to the floor. Witness C was able to pin the Subject to the floor. Witness C laid on top of the Subject, diagonally across his back.

Witness C stated that throughout the incident he and the Subject struggled, but he continued to hold the Subject in the same basic position and did not believe he placed his hand or arm around the Subject's neck.

Once inside the apartment, Witness D saw the Subject face down on the floor of the kitchen, with Witness C on top of him. Witness D assisted Witness C by using his left hand to pin the Subject's left forearm to the ground. Witness D maintained his position on the Subject's arm while Witness C maintained a position on the right side of the Subject.

Witness E entered the apartment a short time later and stated that when he entered the apartment, he saw the Subject face down on the floor. Witness E also observed Witness C on the floor at the Subject's right side with his left arm around the Subject's neck at the collar area.

Witness A called 911 and requested the police. Witness A reported that the Subject had entered her apartment and was being detained by witnesses.

Communications Division (CD) initially broadcast a call that there was a burglary in progress at the apartment and subsequently updated the call with a description of the Subject, stating that the Subject was being detained.

Officers A and B arrived on scene and were directed to the apartment. Officers A and B observed the Subject face-down on his stomach with Witness C on top of the Subject's left side, while Witness A was on top of the Subject's right side.

Officer A directed Witnesses A and C to get off the Subject. Officer A ordered the Subject to place his hands behind his back. When the Subject failed to comply, Officer A repeated the command two more times. The Subject did not move.

Officer A approached the Subject and handcuffed him. According to Officer A, the Subject was limp and he initially thought he may have passed out or been knocked out while fighting with the civilians.

Officers C and D arrived shortly after Officers A and B. After the Subject had already been handcuffed, Officers C and D observed that the Subject's mouth was open and his eyes were half open.

Officer D directed Officers A and B to roll the Subject onto his right side to facilitate breathing. When Officers A and B independently checked the Subject's wrist and carotid artery for a pulse, they did not detect a pulse. Officer C then requested a Rescue Ambulance (RA) for the Subject.

Officer B removed the handcuffs from the Subject and began chest compressions. Sergeant A, a certified Emergency Medical Technician, arrived at scene. Sergeant A directed Officer B to continue compressions until the RA arrived.

Upon arrival at the scene, LAFD personnel noted that the Subject was not breathing and did not have a pulse. During the course of treatment, a pulse was established and the Subject was transported to the hospital.

On January 3, 2016, doctors determined the Subject to be brain dead. On January 5, 2016, doctors determined the cardiac death of the Subject. A subsequent autopsy examination determined that the Subject died as the result of neck compression, and the Department of Coroner found the manner of his death to be homicide.

The investigation revealed that no force was used by officers during this incident.

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. 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.

A. Tactics

- Does Not Apply (No "substantially involved" personnel).

B. Drawing/Exhibiting

- Does Not Apply.

C. Less-Lethal Use of Force

- Does Not Apply.

D. Lethal Use of Force

- Does Not Apply.