

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

IN-CUSTODY DEATH – 108-11

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Central	12/05/11		

Involved Officer(s)	Length of Service
Not applicable.	

Reason for Police Contact

Officers arrested the Subject for his involvement in an armed robbery. Officers transported the Subject to jail, where he later hanged himself in his cell.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
Male, 39 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 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 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 October 23, 2012.

Incident Summary

Officers responded to a location and were advised that the Subject had entered a store and approached the counter. The Subject brandished a knife and demanded money from the cash register. In fear for her safety, the victim removed the money from the register and gave it to the Subject, who then fled from the store.

Officers responded to the location and observed the Subject in a van. Over a period of an hour, the Subject was given numerous verbal commands to exit the van and he refused. The officers determined that the incident met the criteria for a barricaded subject.

A specialized unit team arrived at the scene and negotiated with the Subject for several hours to exit his vehicle, but he still refused. Officers then deployed tear gas into the van at which time the Subject exited the van. The officers gave the Subject several commands to step away from the van and to raise his hands; however, the Subject failed to comply. A TASER was then deployed on the Subject at which time he laid on his back in the van. The Subject was taken into custody by officers without further incident.

The Subject was arrested for robbery. He was transported to the hospital for medical treatment and subsequently taken to the jail dispensary. The Subject told a nurse about his past drug use and also relayed that he was taking medication for depression. According to the Nurse, the Subject denied any suicidal ideations and was cleared to be booked.

During a routine welfare cell check, a Detention Officer knocked on every jail cell and verified each inmate's identity. The Detention Officer arrived at the Subject's cell. The Subject stood at the cell door window and showed the Detention Officer his wristband, and his identity was verified. According to the Detention Officer, the Subject appeared to be physically fine.

During a subsequent routine cell check, the Detention Officer observed that the Subject had positioned himself in front of the payphone in his cell, with his back against the telephone. At some point, the Subject had unhooked the telephone receiver from the cradle and wrapped the 12 inch telephone cord around his neck, placing the receiver back onto the cradle. The Subject's actions were captured on the camera that was affixed to the telephone, but this camera was not regularly monitored by the staff.

The Subject was immediately assisted to the floor and pulled out of the cell. Detention Officers immediately started Cardio Pulmonary Resuscitation (CPR) and requested a Rescue Ambulance. The Subject was transported to the hospital, where he was later pronounced dead.

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 weapon 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 made the following findings.

A. Tactics

The BOPC found that tactics do not apply.

B. Drawing/Exhibiting

The BOPC found that drawing and exhibiting of a firearm does not apply.

C. Use of Force

The BOPC found that there was no use of force.

Basis for Findings

The BOPC noted that the telephone cord was within California state guidelines for telephones within custodial facilities. The BOPC determined that the Department followed all policies and procedures. It was also determined that the actions of the involved personnel did not contribute to the Subject's death. Additionally, there was no use of force involved in the Subject's arrest or detention.