

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

IN-CUSTODY DEATH – 119-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Central	12/30/11		

Officer(s) Involved in Use of Force	Length of Service
Officer J	11 years, 4 months
Officer K	12 years, 11 months

Reason for Police Contact

Witnesses called 911 to report that the Subject was on the roof of a church, not wanting to come down. Witnesses suspected that the Subject may have been wanting to kill himself.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject: 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 November 13, 2012.

Incident Summary

Witness A made a food delivery to a church. He parked his delivery van in the church parking lot when he noticed the Subject standing on the roof of a one story building threatening to jump and kill himself. The Subject was standing on the ledge of a parapet that was approximately three feet above the roofline and 14 feet and three inches from the ground. The width of the parapet was 10 inches.¹

Witness A tried to persuade the Subject to come down from the roof but after several requests, it was evident to Witness A that the Subject was not going to come down so he directed the church staff to call 911. Witness B, who was visiting a school next to the church, also observed Subject 1's behavior and called 911, indicating that the Subject was on the roof and threatening to jump. Moments later, Witness C, the church administrator, called 911 and reported there was a male on the roof of the church threatening to jump and commit suicide.

Communications Division (CD) assigned the call to uniformed Officers A and B. The officers acknowledged the call and advised CD they were en route. Seconds later, uniformed Sergeant A notified CD that he would also respond.

Officers A and B notified CD they had arrived at the location and parked in the lot below the building. The Subject was standing on the ledge shirtless and yelling. Officer A advised CD that they had an individual on a ledge and requested the Los Angeles Fire Department (LAFD) to respond.

The officers exited their vehicle, and Officer A immediately tried to initiate a dialogue with Subject 1. Officer A indicated that he started speaking English but then switched to Spanish when he could not "get through" to the Subject. Officer B deployed to one portion of the parking lot and ascended a set of stairs that provided a view of the rooftop.

Officer A then requested additional units and continued to try and negotiate with the Subject. According to Officer A, the Subject was saying incoherent things in Spanish, including making reference to friends telling him that he was going to be arrested, talking to God, and indicating that "guys" were right in front of him and were out to get him. Officer A contacted CD and requested an airbag from LAFD.

Sergeant A arrived, met with Officer A, and assessed the situation. Sergeant A made the decision to allow Officer A to continue to talk with the Subject. Sergeant A indicated it seemed like Officer A had initiated and established a rapport with the Subject and was trying to prevent him from jumping. Sergeant A also noticed that the Subject was starting to sweat and appeared to be agitated, moving his arms up and down towards his face.

¹ A parapet is low protective wall or railing along the edge of a raised structure such as a roof or balcony.

Sergeant A contacted his Area Watch Commander, uniformed Sergeant B, and advised him of the situation. Sergeant B then made notification to specialized units, including the Mental Evaluation Unit (MEU), and the Bureau Assistant Commanding Officer, Commander A.

Six additional units subsequently arrived, along with uniformed Sergeant C, and the LAFD. The LAFD deployed an inflatable airbag at the base of the wall where the Subject was standing, with a ladder along the eastern portion of the wall where it was not covered by the airbag.

When Sergeant A was asked whether he had any discussion with LAFD regarding how to safeguard the uncovered area, he responded that Fire Department personnel tried to drag the bag around the corner, to no avail, and there was talk of putting up another ladder. But when they put the first ladder up, the Subject was very agitated. So Sergeant A told the Fire Department to leave the airbag where it was and continue talking to him. According to Lieutenant A, who works in a specialized unit and later arrived at the scene, he asked an LAFD Battalion Chief if the situation with the airbag not covering the corner could be mitigated. The chief replied "No," and informed Lieutenant A that Fire Department personnel had tried to cover as much area as possible, but did not have an airbag that would have been effective for addressing the gap.

Sergeant A then implemented a plan to have two arrest teams deployed, one on the roof and the other in the parking lot. Sergeant C responded to the rooftop while Sergeant A remained in the parking lot area. As additional officers arrived, they were deployed to secure a perimeter around the location.

Once the arrest team was in place on the roof, uniformed Officer C, took over negotiating with the Subject.

Officer C began to talk to the Subject and tried to persuade him to get down from the ledge. The Subject, who was delusional, did not follow the officers' advice and continued saying there were imaginary people trying to kill him. Nonetheless, Officer C continued to speak with the Subject. Officer C indicated that the Subject was in fear for his life and safety. He described one of the weapons in front of him as a knife and that he couldn't come down from the ledge because the individuals in front of him would hurt him. Furthermore, Officer C relayed that the Subject repeatedly asked about his mother because he believed she was in danger, and he began to scream, "por el amor de Chuy," which means, "in the love of Jesus," or "for the love of Jesus," in Spanish.

Meanwhile, Lieutenant A was notified of the incident and contacted the Incident Commander (IC), Sergeant A. Lieutenant A was briefed of the situation and, during their conversation, Lieutenant A could hear that personnel from LAFD wanting to approach the Subject. Lieutenant A instructed Sergeant A that this was a police incident and that he was going to activate his team to respond.

Captain A next arrived at the scene and assumed the responsibility of the IC. Moments later, MEU Officer D arrived and notified CD accordingly.

During the next hour, Officer C continued to talk with the Subject. At one point, the Subject removed a knife from his pocket, began to make slashing motions in the air and ultimately started to cut his arms and neck. The Subject paced back and forth on the ledge and, at certain points, made movements suggesting that he was going to jump. The Subject also threatened to jump if the officers approached.

Note: The Subject was armed with a four-inch, black folding knife with a three-inch blade.

Lieutenant A was updated with this information during his response. He then contacted his officers and directed them to relieve patrol officers and establish containment upon their arrival. He also directed them to provide the Subject with as much space as possible.

Commander A arrived and was briefed by Captain A. Commander A did not assume the role of the IC immediately due to a simultaneous, unrelated Officer Involved Shooting (OIS) in a different geographic Area.

Meanwhile, the Subject's demeanor had not changed, and he continued to threaten to kill himself as he held the knife. Shortly thereafter, officers from the specialized unit began to arrive and started to relieve the patrol officers of their assignments. Lieutenant A arrived and took charge of the tactical situation. Upon being briefed, Lieutenant A ensured that his officers had relieved uniformed personnel and then directed all uninvolved officers, fire personnel, and the Command Post (CP) out of the Subject's view. Lieutenant A wanted to minimize police officer presence in an attempt to put the Subject at ease and to calm the situation down as much as possible.

Lieutenant A then met with MEU Officer D and learned the uniformed officers had obtained the Subject's name during their negotiations, and according to Department resources, the Subject had no MEU contacts. No other personal information was obtained.

In the meantime, all of the specialized personnel were deployed, and Officer E was on the roof talking to the Subject from a distance of 37 feet. Also on the roof was Sergeant D, Team Leader Officer F, as well as Officers G, H and I, all members of a specialized unit.

According to Officer E, the Subject was exhibiting signs of a paranoid schizophrenic. The Subject was making gestures, threatening to cut himself and saying in Spanish that he "wanted his liberty" and that he "wanted to go home." Officer E also indicated that the Subject was speaking to three imaginary people below him, one of whom was armed.

Behavioral Science Services (BSS) Doctor A arrived at the location and was briefed by Lieutenant A and Sergeant E. Doctor A made several recommendations but the officers were still unable to convince the Subject to end the standoff. Sergeant E escorted Doctor A to the rooftop to meet with the negotiating officers.

Doctor A assessed the situation and provided negotiators with more suggestions, but the Subject still appeared delusional and unfazed by the presence of the officers. At one point, the officers tried to lure the Subject off the ledge with water, but he remained on the ledge armed with the knife and making a feigning motion with the knife to his neck and arms. After approximately 35 minutes, Doctor A was escorted off the roof and back to the CP.

Lieutenant A met with Doctor A and Sergeant E to assess the situation. At this point, the Subject had been on the ledge for approximately four hours. During that time, he had cut his arms, abdominal area, and neck. He refused food or water and the stabbing gestures in the air were becoming more animated. None of the officers had established a rapport with the Subject, and there were no indications he was willing to surrender.

Lieutenant A gave a full briefing at the CP to Commander A, who was now the IC. Lieutenant A suggested that as a last ditch effort, a different negotiator would be utilized. Officer I became the primary negotiator. After approximately 15 minutes, nothing had changed, and an additional briefing was held. During that time, it was suggested that a tactical intervention should be considered to end the standoff. It was the belief of all present, including Doctor A, that the officers were at an impasse with the Subject. Commander A agreed and directed the team to develop a plan.

Note: Dr. A believed the Subject to be psychotic and delusional. Dr. A further indicated that her consultation came to an end because she had provided a number of ideas already that were not helping to progress the situation, and she did not have any more ideas. Dr. A was eventually told that the officers were “going tactical” because the officers’ efforts to try to establish a dialogue were not moving forward.

According to Commander A, the officers tried a wide variety of tactics, including trying to communicate with the Subject in different languages and trying to change the negotiator. The traditional negotiation tools in trying to get through to the Subject were not working.

According to Lieutenant A, when he consulted with Dr. A about her clinical observations, Dr. A indicated that the Subject was “too far gone” to make any further attempts to negotiate. Lieutenant A had also received information that the Subject had cut his arms. Lieutenant A further indicated an unwillingness to continue the standoff throughout the night, so a plan was devised.

Sergeant D and Officer F developed a tactical plan using less than lethal munitions. The tactical plan was to use the less than lethal 40 millimeter direct impact sponge to force the Subject off the ledge and onto the flat portion of the roof. Three officers would deploy the rounds simultaneously from three different angles. It was believed that the 40 mm round was the most accurate and had enough velocity to drive the Subject off the ledge. After the Subject was forced off the ledge, one officer would remotely deploy the "Shockwave" to deliver a set of six TASER darts. The arrest team would then move forward and take him into custody.

The plan was to be implemented when the Subject had his back to the airbag and when he was away from the area of the ledge not covered by the airbag. Officer F would notify the officers when the plan would commence by stating over the radio "standby, three, two, one, initiate."

Lieutenant A met with Commander A and briefed him of the plan. Commander A agreed and directed it be implemented when practical. Commander A thought the plan should be implemented because the Subject was going to kill himself with his knife. Commander A also articulated a comfort level as far as the officers' positioning and didn't recall thinking that the Subject was going to jump off and fall into the gap on one side of the building. Rather, he had confidence that all sides were covered, and that there was a less-lethal plan that would cause the Subject to fall onto the roof or land on the airbag.

Specialized Unit Officers J, K and L were directed to deploy the 40 millimeter direct impact sponge when notified to do so. Officer L was adjacent to the football field of the high school. He was accompanied by specialized unit Officer M.

Photographer A arrived and began to video record the Subject for approximately the next thirty minutes. Meanwhile, the Subject remained on the ledge armed with the knife. He continued to place the knife to his throat, and at one point, walked to the corner of the roof. The Subject remained at that position for the next 20 minutes.

At one point, the Subject walked away from the corner of the roof. The Subject stood on the parapet with his hands down to his sides with the knife in his right hand. At that point, Officer F gave the countdown for the officers to deploy the 40 millimeter direct impact sponge. Upon the command, Officers J and K each fired one round simultaneously. The Subject was struck once in the buttocks but remained on the ledge.

Note: The initial plan was to have three officers deploy the 40 millimeter less-lethal launcher simultaneously. However, Officer L was not in position to deploy the 40 millimeter direct impact sponge round when the plan was implemented. Officer L was changing his position to a better point of advantage when the countdown began.

The Subject then walked to the corner of the roof, paused, and jumped head first with his hands down to his side to the pavement below. The Subject landed 11 feet, eight inches from the wall and died immediately.² The Subject was pronounced dead by LAFD personnel.

The Los Angeles County Department of Coroner determined the Subject's cause of death to be "multiple blunt traumatic injuries." The Subject suffered multiple external blunt force traumas to the scalp and cranial cavity; multiple internal blunt force traumas to the skull and brain (including a lacerated brain); dislocation of the upper spine; as well as non-fatal, superficial incisions and puncture wounds to the sides of his neck, middle chest, right abdomen and forearms. Also according to the Coroner, these superficial wounds did not appear to contribute significantly to the decedent's death. All injuries were determined to be self-inflicted by the Subject. The Subject was also found to have relatively high levels of methamphetamine in his system at the time of death.

Lieutenant A then initiated the protocol for a Categorical Use of Force (CUOF) incident and ensured all involved officers were separated. The scene was secured and a list of all the officers present during the incident was completed.

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 unanimously made the following findings.

A. Tactics

The BOPC found Lieutenant A, Sergeant D and Officers F, J, K and L's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

Does not apply.

² In the event the airbag was positioned to cover the gap, it would have only covered seven feet three inches from the wall.

C. Less-Lethal Use of Force

The BOPC found Officers J and K's less-lethal uses of force to be in policy.

Basis for Findings

A. Tactics

- In adjudicating this incident, the BOPC considered that:

In this instance, Officer L noticed that the Rescue Ambulance (RA) was in the process of relocating, and he believed that the tactical plan would not commence until the RA was stationary at its new position. Officer L decided to move from his current location to obtain a better shooting position. As Officer L was in the process of changing his position, Officer F started the countdown to deploy the less-lethal munitions. As a result, Officer L was not in a position to fire, and did not fire his 40 millimeter less-lethal launcher.

Although it's unknown if the outcome of the incident would have been different had Officer L fired his 40 millimeter less-lethal launcher, it would have been beneficial for Officers L or M to notify the command post that they were changing positions. Had Officers L or M notified the command post that they were relocating, Officer F may have elected to delay the countdown for the discharge of the less-lethal munitions.

In reviewing Officers L and M's actions, the BOPC determined that their decision to move to a more tactically advantageous position without notifying the command post substantially deviated from approved Department tactical training, however it was justified. Officers L and M believed that the initiation of the less-lethal force countdown would not commence while the RA was relocating and seized the opportunity to relocate. However, in an effort to enhance future performance if faced with a similar situation and to stress the importance of effective tactical communications, the BOPC directed that this topic be discussed during the Tactical Debrief.

B. Drawing and Exhibiting

- Does not apply.

C. Less-Lethal Use of Force

• Officer J

Officers responded to a subject threatening to jump off of the roof of a building. The Subject was armed with a folding knife, was cutting himself, and was making slashing motions in the air with the knife. After approximately four hours of

negotiations with various personnel, including trained negotiators, the IC made the decision to tactically intervene and take the Subject into custody for 5150 Welfare and Institutions Code (Danger to Self). A tactical plan was formulated by Sergeant D and Officer F. The plan was communicated to the team members, wherein Officer F would give the countdown, and Officers J, K and L would simultaneously fire their respective 40 millimeter less-lethal launchers at the Subject.

Officer J was positioned approximately 40 feet south of the Subject's location using a specialized vehicle as cover. Officer F announced the countdown via his radio and Officer J fired one less-lethal direct impact sponge round at the Subject in an effort to force him onto the rooftop.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the Subject's actions presented a threat to himself, and would have reasonably reacted in the same manner.

In conclusion, the BOPC found Officer J's use of less-lethal force to be in policy.

- **Officer K**

Officer K was presented with the same situation as Officer J and was positioned southeast of the Subject's location taking cover behind a police vehicle. Officer F announced the countdown via his radio and Officer K fired one less-lethal direct impact sponge round at the Subject in an effort to force him onto the rooftop.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the Subject's actions presented a threat to himself and would have reasonably reacted in the same manner.

In conclusion, the BOPC found Officer K's use of less-lethal Force to be in policy.