

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

IN-CUSTODY DEATH – 005-07

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
77 th Street	01/13/2007		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Not applicable.	

Reason for Police Contact

Officers responded to an assault with a deadly weapon (ADW) radio call. Upon arrival, the officers determined the situation was not an ADW. While the officers were conducting a vandalism investigation, Subject 1 walked away from the officers and had words with the victim, which led to the arrest of Subject 1 for criminal threats.

<u>Subject(s)</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: Female, 47 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 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 Los Angeles Police Department command staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on August 14, 2007.

Incident Summary

On the night of January 12, 2007, Police Officers A and B were working patrol in full uniform, driving a police vehicle. Officer A was the driver and Officer B was the passenger.

Officers A and B received a radio broadcast from Communications Division (CD) of an ADW incident. While en route to the scene, the officers received additional information

indicating the subjects were three individuals outside the location, several windows to an apartment had been smashed, and the subjects were threatening the victim.

A few minutes later, Officer B advised CD that they were at the scene. As Officers A and B arrived at the scene, they were flagged down by three individuals (Subject 1, Witness A, and Witness B) standing outside an apartment security screen door arguing with a female (Victim A) who was inside the apartment. As both officers exited their vehicle they heard yelling, shouting, and arguing coming from the three individuals who were outside the apartment. Officer A asked the three individuals to walk towards the officers' vehicle. As the individuals approached the officers' vehicle, they were all trying to tell the officers their account of the incident. Officer A told the individuals to, "Place your hands up. Don't put your hands in your pockets. Just rest your hands on my car. Why don't you guys tell me what's going on." The three individuals complied with the Officer A's directions.

Subject 1 and Witnesses A and B told the officers that they were there looking for a relative who was not at the location and they were also there to pick up property belonging to a relative, but the individual inside the residence refused to let them in. When asked about the broken windows, they stated the individual inside broke the windows. Officer A advised Officer B to remain with the three individuals while he would talk to Victim A to obtain Victim A's side of the story.

Victim A informed Officer A that the three individuals outside were relatives of Victim A's partner. Victim A's partner, who was recently incarcerated, gave Victim A instructions not let anybody inside the house. The three individuals had come over to retrieve some property and wanted to see a cousin who used to live at the apartment. Victim A was honoring Victim A's partner's request and would not open the door for the three individuals. Victim A indicated that it was Subject 1 who broke Victim A's windows and the other two had not. Victim A could not tell if Subject 1 broke Victim A's windows with a rock or with her fists.

While Officer A was talking to Victim A, he observed three broken windows to the apartment. Officer A examined the windows to determine whether they were possibly broken from the inside or by someone outside. Officer A observed broken glass on both sides. Officer A noticed that one of the window screens had been cut and it looked like it had been cut going towards the inside. However, he could not determine whether the cuts were new or old.

Note: According to Officer A, Subject 1 did not have any cuts on her hands nor did he see any rocks near the area of the broken windows.

Officer A returned to the police vehicle to interview Subject 1. Subject 1 and the other two individuals reiterated it was Victim A who broke the windows and that they were there to pick up property, which belonged to their relative. When Officer A explained that he was not going to go inside the house to get the property for her, Subject 1

became upset, walked away from the police vehicle, and headed toward Victim A's apartment.

Officer A stated, "Hey, hold on a second, ma'am. Hold on a second," to which Subject 1 responded, "You're going to have to take me to jail." Officer A told Officer B to, "Stay there for a second and watch these two," referring to Witnesses A and B as he walked after Subject 1.

As Subject 1 reached Victim A's doorway, she had words with Victim A through the screen door. At that point, Officer A caught up with Subject 1 and approached her from behind. Subject 1 had her arms down to her side so Officer A was able to reach down and grab each wrist and held them behind her back and walked her back to the police vehicle. Officer A asked Officer B to handcuff Subject 1 while he held her. There was no resistance from Subject 1 at any point and there was no use of force by the officers.

Since Officer A did not hear what Subject 1 said to Victim A, he returned to Victim A's doorway to inquire about what was said. Victim A stated, "Well, she came over here and said if I come out of the house, I'm going to kill you. I'm scared of this lady. I'm leaving. I'm not going to stay here tonight." Officer A returned to the police vehicle and informed Subject 1 that she was under arrest for criminal threats. The officers transported Subject 1 to the police station.

Subject 1 was interviewed by Watch Commander Sergeant A who asked her the following three questions: "Do you understand why you were arrested or detained?" to which Subject 1 responded, "Yes;" "Are you sick, ill or injured?" to which Subject 1 responded, "No;" and "Do you have any questions?" to which Subject 1 responded, "No." According to Sergeant A, Subject 1 did not appear to be in any discomfort.

Officer B escorted Subject 1 to a holding tank and instructed her to have a seat. In the meantime, Officer A requested the assistance of a female officer, Officer C, to conduct a cursory search of Subject 1. Officer C responded to the holding tank, searched Subject 1, and removed currency from Subject 1. According to Officer C, Subject 1's demeanor was calm. Subject 1 remained in the holding tank while Officer B completed forms and reports in an upstairs office.

Officer B returned to the holding tank and escorted Subject 1 downstairs to the booking area while Officer A remained upstairs. While completing a form, Officer B asked Subject 1 if she had any medical problems or conditions that he should know about. Subject 1 informed him that she had hearing problems and that she had high blood pressure.

Officer B completed the form but Subject 1 refused to sign the form. As a result, Officer B wrote "refused" on the arrestee signature line. Subject 1 was brought to the jail dispensary for a pre-booking medical evaluation. Registered Nurses A and B attempted to speak with Subject 1 regarding her medical condition; however, Subject 1 remained unresponsive and did not answer any of their questions. As a result, Registered Nurse

A documented, "Uncooperative. Will not talk to medical staff," on the medical screening form, checked the disposition section as "o.k. to book," and was escorted out by Officer B.

Note: Nurses A and B did not observe Subject 1 to be in any type of medical distress. Both nurses mentioned observing Subject 1 complying with Officer B's directions without Officer B having to raise his voice.

Note: According to Nurse B, after Subject 1 was escorted out of the dispensary and placed on a holding bench in the hallway, Nurse B told Subject 1, "You know, if you change your mind and you want to be reevaluated or if you have any problems, feel free to come back. You may refuse now, but if you have any problems at all, feel free to come back. It's not a problem at all."

Detention Officer A booked Subject 1 into the booking system. Detention Officer A asked Subject 1 several questions from the booking form; however, she ignored him and refused to sign any of the forms.

Officer B then escorted Subject 1 to the fingerprint processing area. Officer B informed Subject 1 that he was going to remove her handcuffs to fingerprint her. Subject 1 used profane language towards the officer, grabbed the fingerprint booking forms with her right hand and crumpled them. Officer B immediately took a hold of Subject 1's wrist and put her handcuffs back on. Subject 1 did not resist and there was no use force.

After obtaining approval from Senior Detention Officer A, Detention Officer A placed Subject 1 in a segregation tank. Detention Officer A held the door to the tank open while Officer B walked Subject 1 inside the holding tank, uncuffed her, and closed the door.

Note: The segregation tank is primarily used for inmates who are being uncooperative or are under the influence of alcohol or narcotics in order to detoxify them or allow them time to calm down. The room is equipped with padded flooring, a water fountain, a wash basin and a toilet. There are no beds inside.

According to the Jail Inspection Record, nine detention officers conducted a total of 27 welfare checks every 30 minutes during the time Subject 1 was inside the segregation tank. None of the detention officers noticed anything unusual during the welfare checks. Subject 1 did not ask for anything and she was mainly observed sleeping on the floor.

Sometime in the afternoon, Principal Detention Officer A was conducting a visual inspection of the cells and respective jail logs. He observed Subject 1 lying on the padded floor with a blanket covering her upper torso and assumed she was sleeping. After reviewing Subject 1's paperwork, Principal Detention Officer A determined he

needed to enter the cell to see if she was ready to be fingerprinted. Prior to doing so, he requested a female detention officer, Detention Officer B, to accompany him.

Upon entering the cell, Principal Detention Officer A walked in and made some noise by clapping his hands in an attempt to get Subject 1's attention. There was no response from Subject 1. Detention Officer B got down and checked for a pulse but she could not detect one. Principal Detention Officer A instructed Detention Officer B to alert the dispensary. Within seconds, three nurses from the dispensary arrived. After failed attempts to awaken Subject 1 with verbal and tactile stimuli, they began administering emergency medical treatment in the form of cardio pulmonary resuscitation (CPR). Paramedics were requested around the same time.

After a few minutes, a Los Angeles Fire Department Rescue Ambulance received the alarm and responded to the scene. The responding fire personnel assumed CPR responsibilities and transported Subject 1 to the hospital.

Police Officers D and E, responded to the police station and were instructed to follow the rescue ambulance to the hospital. Upon arriving at the hospital, the officers observed hospital personnel unsuccessfully attempt to revive Subject 1. A doctor pronounced the death of Subject 1.

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 make specific findings in the following areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a pistol by any involved officer(s); the Use of Force by any involved officer(s) and any additional pertinent issues. All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve the 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 that tactics does not apply.

B. Drawing/Exhibiting/Holstering

The BOPC found that drawing does not apply.

C. Use of Force

The BOPC found that use of force does not apply.

Analysis

The BOPC determined that Officers A and B tactics were consistent with acceptable standards. It was established that there was no use of force involved in the detention or arrest of Subject 1. Subject 1's medical condition did not deteriorate to a medical emergency until several hours after she was booked into the jail. Furthermore, the coroner's report noted that there were no observable injuries, and the cause of death was a result of a right ventricular cardiac dysplasia, with cocaine use and a fatty liver being contributing factors. A thorough review of these facts substantiates that there was no correlation between the officers' actions and the death of Subject 1.

Subject 1 reported suffering from hypertension and hearing problems at the time of booking. The conditions were appropriately documented on the medical screening form, which Subject 1 refused to sign. Subject 1 was provided with a pre-booking medical evaluation and was deemed "uncooperative" with her refusal to speak to the medical staff. Subsequently, Subject 1 was approved for regular booking.

The BOPC noted that Subject 1 was segregated from the general jail population. The decision to separate her from general population was prudent. Subject 1 demonstrated behavior consistent with the disruption of jail operations and exposed her, other inmates and Department personnel to a potential risk of injury. It was determined that the inmate segregation and mandatory checks were in accordance with Jail Section policies and procedures.

The BOPC determined that sworn and civilian personnel adhered to all codified Department policies and procedures. The actions of Department personnel did not, in any way, contribute to the death of Subject 1. All reasonable efforts were taken in response to the medical emergency.

Additional

An amendment to procedures for dealing with uncooperative inmates refusing medical treatment was put into place shortly after this incident, which directs that uncooperative patients will be rechecked by medical personnel every hour until the patient is more cooperative. These checks will also be documented on the patient's chart.