

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

**IN-CUSTODY DEATH – 009-07**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off()</b>	<b>Uniform-Yes(X) No(X)</b>
Central	01/31/2007		

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

**Reason for Police Contact**

Officers were conducting a narcotics operation in the city of Los Angeles. Officer A came in contact with Subject 1 who was selling narcotics. Subject 1 experienced medical distress while in custody and subsequently died.

<b>Subject</b>	<b>Deceased (X)</b>	<b>Wounded ()</b>	<b>Non-Hit ()</b>
Subject 1: male, 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 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 BOPC 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 December 11, 2007.

**Incident Summary**

On evening of January 31, 2007, officers were working a narcotics task force in the city of Los Angeles. During the operation, undercover Officer A made contact with an individual on the street, subsequently identified as Subject 1, who was selling narcotics. Officer A told Subject 1 he wanted twenty dollars worth of narcotics. Subject 1 informed Officer A that he would have the narcotics brought down by an individual who lived in his building located around the corner. Officer A and Subject 1 proceeded to walk toward the building. Subject 1 told Officer A to wait for him. Officer A observed Subject 1 approach a group of males in front of the building. After a few minutes, Subject 1

returned to Officer A and asked him for ten dollars. Subject 1 delivered the currency to one of the individuals he previously spoke with, and they entered the building together.

Approximately 15 minutes later, Subject 1 came out of the building and motioned for Officer A to move southbound. When Subject 1 reached Officer A, he opened a small zip-loc baggie that contained an off-white solid resembling cocaine base, broke a portion of the solid with his teeth and handed it to Officer A. Subject 1 asked Officer A for the rest of the money and stated that he would be there throughout the night in case he wanted more.

As Officer A walked away from the area, he informed the surrounding narcotics units that the transaction was complete. Detectives A and B responded to Subject 1's location. Detective A exited her vehicle, identified herself as a police officer, and instructed Subject 1 to face the wall and place his hands up. A black and white police vehicle, consisting of Officers B and C, also arrived on scene.

Officer C approached Subject 1 while giving him verbal commands to continue facing the wall, spread his legs, place his hands behind his head and interlock his fingers. Officer C handcuffed Subject 1 and conducted a pat down search. After Subject 1 was handcuffed, Officer B started to complete a document while Detectives A and B went to retrieve additional forms from the trunk of their vehicle.

Officer B instructed Subject 1 to open his mouth and show his teeth to which Subject 1 complied. Officer B then instructed Subject 1 to let him see what was under his tongue, but instead Subject 1 closed his mouth and began chewing. Officer B asked Subject 1, "Are you chewing narcotics? Are you chewing dope?" Subject 1 shook his head and stated "huh-uh."

To prevent Subject 1 from swallowing what was in his mouth, Officer B placed his left hand on the back of Subject 1's neck and applied slight pressure while putting Subject 1's head down in a continuous motion. According to Officer B, he was not able to get a good grip on the back of Subject 1's neck which allowed Subject 1 to push off with his legs and lean forward almost falling toward the ground. Officer C had his left hand on Subject 1's left arm and his right hand on the handcuffs and he was able to guide Subject 1 down to the ground. The officers continued to tell Subject 1 to spit out whatever he had in his mouth as Subject 1 continued to chew.

Detective B approached Subject 1 and the officers and said, "Hey it's not worth it. Don't swallow it. You're already gonna go to jail. You're under arrest already. Are you gonna spit it out or you gonna swallow it?" After hesitating for a few seconds, Subject 1 looked up and said, "I'm gonna spit it out" and proceeded to spit out two off-white rock-like items.

Officer C retrieved the substance off the ground and placed it in a zip-loc bag held by Detective A. Officers B and C assisted Subject 1 to his feet. Officer C completed the search and recovered a glass pipe and narcotics from Subject 1's pockets. Officer B

asked Subject 1 if he had anything else in his mouth to which Subject 1 responded, "No."

**Note:** Officers B and C did not state whether they checked Subject 1's mouth after he spat out the narcotics; however, according to Detective B, he believed one of the officers told Subject 1 to open his mouth because he remembered Subject 1 opening his mouth for the officers. Detective B was not in a position to see if there was anything else inside Subject 1's mouth.

Subject 1 was placed in the back seat of Officers B and C's police vehicle and was transported to the police station.

Upon arriving at the police station, Subject 1 was presented to a Watch Commander who asked Subject 1 several questions. Subject 1 indicated he understood why he was arrested, that he had high blood pressure, and that he did not have any questions.

Officers B and C then strip-searched Subject 1 for any additional narcotics or weapons, and no further evidence was recovered. Officers B and C went back to the field for another operation while Subject 1 stayed at police station for further processing.

Officer C completed a medical screening form, which Subject 1 refused to sign. Officer C prepared the documents required to transfer Subject 1 to the jail. When Officers B and C returned from the field to transport Subject 1, Subject 1 was being "mouthy" and defiant with the officers and was sitting on the bench facing the wrong way. When the officers asked him to turn around so they could handcuff him, he said he did not need to. Subject 1 eventually stood up, and he was handcuffed without further incident. Officers B and C eventually transported Subject 1 to the jail for completion of the booking process and housing.

Upon arrival, Officers B and C escorted Subject 1 to the medical dispensary for a medical assessment because of his reported high blood pressure. Registered Nurse A and Nurse Practitioner A attempted to treat Subject 1 for his high blood pressure; however, Subject 1 was uncooperative, refused to be treated, and would not answer any of the nurses' questions. Subject 1 was dispositioned as "O.K. to book" by the medical staff.

**Note:** According to Registered Nurse A, she asked Subject 1, as she routinely did, if he had any medical problems, any injuries, and if he swallowed any drugs, but Subject 1 did not respond. Registered Nurse A did not observe Subject 1 exhibit any behavior that would indicate he was under the influence of narcotics. Subject 1 was not fidgety and he did not complain of being hot.

**Note:** According to Nurse Practitioner A, she had the impression that Subject 1 was under the influence of narcotics but he was denying it and would not cooperate with the physical examination. Subject 1 appeared

confused but Nurse Practitioner A was unsure if Subject 1 was just being manipulative. Subject 1 refused to sign a medical consent form and stated that he did not want any medical care.

Senior Detention Officer (SDO) A directed Officers B and C to place Subject 1 in a temporary holding cell. After Officers B and C escorted Subject 1 to his cell, they had no further contact with Subject 1.

After 30 minutes, Detention Officers (DOs) A and B took Subject 1 out of his cell to fingerprint him and take his picture. DOs A and B noticed that Subject 1 was acting strangely. Subject 1 was sweaty and was wiping his head, forearms, and hands with a wet sock that he had taken off. DO A asked Subject 1 if he was okay, and Subject 1 stated, "It's hot in here. Let me wipe my hands down before we do this." DO A asked Subject 1 to step forward, and he complied.

During the fingerprinting process, Subject 1 mumbled to himself and kept raising his right hand up. When DO A asked Subject 1 to move in front of the camera for his picture to be taken, Subject 1 would not cooperate and was being loud, which caught the attention of SDO B and DO C. Subject 1 demanded to use a telephone. SDO B and DO C assisted with taking Subject 1's picture.

SDO B directed DOs A, B, and C to take Subject 1 to a cell in A Block, which was equipped with a telephone. While walking Subject 1 to the cell, Subject 1 was rigid and had to be guided as he walked. Once inside the cell, DO C attempted to remove Subject 1's handcuffs; however, Subject 1 started moving his hands back and forth. The detention officers told Subject 1 to relax so they could remove the handcuffs but Subject 1 would not cooperate. Subject 1 began yelling, "I'm the son of Jesus." Based on Subject 1's actions and for the safety of two other inmates who were housed in the cell with the telephone, SDO B directed the detention officers to move Subject 1 to a solitary cell.

As DOs A and B were moving Subject 1 to the solitary cell, Subject 1 stated he was going to faint. DOs A and B assessed Subject 1 and he did not appear to be faint.

**Note:** According to DO A, "I looked at Subject 1's face and he didn't seem like he was about to pass out or anything. I looked at his face and he was just staring back at me. He didn't look faint or anything like that." According to DO B, "[Subject 1] was standing there and he was like moving around. He was just saying -- he goes, 'I'm going to faint.' It didn't appear he was going to faint."

**Note:** According to Witness A, one of the other inmates, Subject 1 told the detention officers that he didn't feel good and that he was feeling faint.

DOs A, B, C, and SDO B escorted Subject 1 to the solitary cell. DO B controlled Subject 1's left arm, and DO A controlled Subject 1's right arm.

DO C entered the cell first and placed a mattress on the floor. DO D, who had just completed transporting another inmate nearby, observed SDO B holding his TASER down to his side and went to the cell to assist the other detention officers.

**Note:** According to DO D, inmates who are housed in A Block are usually combative or uncooperative subjects. TASERs are deployed on standby as a precautionary measure.

DOs A and B guided Subject 1 down onto the mattress on his stomach. DO B maintained control of Subject 1's left arm, DO D controlled Subject 1's right arm, and DO A controlled Subject 1's legs.

SDO C responded to the cell and observed DO C removing the handcuffs from Subject 1. After the handcuffs were removed, SDO B directed the detention officers to back out of the cell one by one. The door was closed without further incident.

As the detention officers proceeded to head back to their respective work areas, SDO C continued to monitor Subject 1 and observed he was not moving on the mattress but was breathing. SDO C asked, "Sir, are you alright?" but Subject 1 did not respond. SDO C asked SDO B, who was nearby, and the other detention officers, over the radio, to return to the cell. SDO C stated, "Let's make sure that he's all right before you leave. Let's turn him around just to make sure he's okay."

DOs A and B re-entered the cell, checked Subject 1's wrist and neck, and felt a faint pulse. DOs A and B rolled Subject 1 to his side. SDO B observed Subject 1 as having "labored" breathing and was unconscious. SDO B broadcast, "man down" over his radio. Subject 1 was placed on a gurney. Prior to transporting Subject 1 to the dispensary, SDO B directed DO C to handcuff Subject 1 to the gurney for officer safety.

**Note:** Sergeant A heard the broadcast and responded to the cell. Upon his arrival, he observed Subject 1 on a gurney as detention officers were taking him to the elevator and down to the dispensary.

The detention officers brought Subject 1 inside the dispensary and transferred him to a dispensary bed. According to Nurse Practitioner A, who evaluated Subject 1 upon his arrival at the dispensary, Subject 1 did not have a pulse and was not responsive. Nurse Practitioner A observed that Subject 1 had some secretion coming out of his mouth and checked Subject 1's mouth to ensure his airway was not blocked prior to administering Cardio Pulmonary Resuscitation (CPR) with the assistance of DOs A, C, and Registered Nurse A. Meanwhile, SDO B called 911 and requested a rescue ambulance.

A Los Angeles Fire Department Rescue Ambulance (RA) received the alarm and responded to the jail. Paramedics A and B observed jail personnel administering CPR

on Subject 1. Paramedic A continued with the CPR and noticed that Subject 1 had a faint pulse.

The RA transported Subject 1 to the hospital. When the RA arrived at the hospital, Subject 1 was transported to the emergency room. After 30 minutes, a doctor pronounced Subject 1 dead. The autopsy, which was conducted at a later date, determined Subject 1's death occurred due to cocaine intoxication.

### **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.

#### **Tactics**

- The BOPC found that tactics does not apply.

#### **Drawing/Exhibiting/Holstering**

- The BOPC found that drawing and exhibiting does not apply.

#### **Use of Force**

- The BOPC found that use of force does not apply.

#### **Analysis**

- The BOPC examined this incident and determined that the tactics of Detectives A and B, and Officers B and C as well as those of the involved jail personnel were appropriate during this incident. Drawing and exhibiting and use of force were not applicable throughout this incident, as no weapons were drawn and no force was used.

#### **Additional**

- The BOPC evaluated the actions as well as the inaction of all involved personnel. It was determined that the number of the Department personnel who were unfamiliar

with the proper procedure for handling a subject who had ingested narcotics warranted additional training on the subject. It was determined that it would be beneficial for the officers involved in this incident, as well as the entire Department, to receive additional training regarding the policy for handling subjects who have ingested or attempted to ingest narcotics.

The BOPC directed the Department to incorporate relevant training into its Department-wide roll call training schedule.