

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

IN-CUSTODY DEATH – 012-07

| <u>Division</u> | <u>Date</u> | <u>Duty-On (X) Off()</u> | <u>Uniform-Yes(X) No()</u> |
|------------------------|--------------------|---------------------------------|-----------------------------------|
| Hollenbeck | 02/03/2007 | | |

| <u>Officer(s) Involved in Use of Force</u> | <u>Length of Service</u> |
|---|---------------------------------|
| Officer A | 4 years, 8 months |
| Officer B | 7 years, 8 months |
| Officer C | 4 years, 8 months |
| Officer D | 9 years, 8 months |

Reason for Police Contact

Officers A and B conducted a traffic stop of a vehicle that was being driven by Subject 1. After Officers A and B directed Subject 1 to exit his vehicle, Subject 1 fled the location on foot. As Officer A pursued him, Subject 1 repeatedly turned back and advanced toward Officer A. In response to each advance, Officer A struck Subject 1 with his collapsible baton. Eventually, with the assistance of Officers B, C, and D, Subject 1 was taken into custody and transported to the Hollenbeck Area Police Station. Subject 1 died shortly after his arrival at the station. The cause of Subject 1's death was subsequently determined to be the effects of cocaine and methamphetamine use, with coronary artery disease acting as a contributing condition.

| <u>Subject</u> | <u>Deceased (X)</u> | <u>Wounded ()</u> | <u>Non-Hit ()</u> |
|-----------------------------------|----------------------------|--------------------------|--------------------------|
| Subject 1: Male, 31 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 and addenda items); the 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 12/18/07.

Incident Summary

On the evening of February 3, 2007, Officers A and B observed a vehicle that was being driven with a broken right rear brake light. Officers A and B conducted a traffic stop of the vehicle.

Officer A approached the driver (Subject 1), while Officer B approached the passenger side of the vehicle. Officer A asked Subject 1 whether he had a valid California Driver's License. Subject 1 produced a California Identification Card and stated that his driver's license had been lost. Officer A then noticed an open beer container inside the vehicle.

Officer A then asked Subject 1 if he was on parole or probation, and Subject 1 replied that he was not. Around this time, Officer B noticed a tattoo on Subject 1's forearm that appeared to relate to a local street gang. Officer B notified Officer A of this observation. Officer A asked Subject 1 if he was from the street gang, and Subject 1 replied in the affirmative. Officer A asked Subject 1 what his moniker was, and Subject 1 told him. Officer A told Subject 1 that he was aware of a gang member with the same moniker, but that the gang member's real name did not match the one on the California Identification Card provided by Subject 1.

Note: Officer A had been told about Subject 1 approximately three weeks prior to this incident by another officer in the Department who was looking for Subject 1. The other officer told Officer A that Subject 1 was a parolee at large, and he told Officer A what Subject 1's moniker was.

At this point, Officer A asked Subject 1 to step out of his vehicle and put his hands on his head, and Subject 1 complied. Officer A observed that Subject 1's vehicle had dark tinted windows, and he indicated that he could not see whether anyone else was located in the backseat of the vehicle. Officer A directed Subject 1 to walk to the rear of the officers' police vehicle, and then Officer A began to look into Subject 1's vehicle.

While Officer A was looking into Subject 1's vehicle, and as Subject 1 reached the officers' police vehicle, Subject 1 began to run away. Officers A and B pursued Subject 1 on foot and Officer B broadcast a request for backup. While pursuing Subject 1, Officer A told Officer B that he should return to their police vehicle because if it was left unattended it would be stolen or vandalized. Officer A also told Officer B to use the police vehicle to drive parallel with him as he continued to pursue Subject 1 on foot. Officer B returned to the police vehicle, which still had its engine running, and began to drive parallel with Officer A.

Officer A pursued Subject 1 southbound through a residential area. As Officer A turned around the corner of one of the buildings in the area, he saw Subject 1 grab his waistband and throw a metal object to the right. Officer A heard a metal clink and continued running after Subject 1. As Subject 1 reached the end of a building, he fell to the ground. Officer A drew his service pistol and ordered Subject 1 to stay on the

ground. Subject 1 stood up and stared at Officer A. According to Officer A, "He looked like a zombie. He looked disoriented. He looked like he looked right through me."

Note: Officer A recalled a previous instance when he had chased an individual who was on the drug Phencyclidine (PCP). He indicated that his encounter with Subject 1 gave him the exact same feeling.

Officer A observed Subject 1 begin to walk toward him. Officer A told Subject 1 not to move, and he advised Subject 1 that he would shoot him. Officer A broadcast a request for backup. Subject 1 continued to walk toward Officer A, who re-holstered his service pistol and transitioned to his collapsible baton. As Subject 1 approached him, Officer A delivered one baton strike to his left elbow and another to his left leg, near his knee. Subject 1 fell to the ground, and Officer A told him to stay on the ground.

Subject 1 immediately got up, looked at Officer A, and started walking away. As Subject 1 moved eastbound through the residential area, Officer A resumed his foot pursuit. Officer A told Subject 1 to stop, triggering Subject 1 to look back at him. Subject 1 then started walking toward Officer A for the second time. As Subject 1 approached him again, Officer A delivered one baton strike to his elbow and another to his leg. Subject 1 fell to the ground again, and then he got back up again. Subject 1 then resumed walking eastbound through the area, away from Officer A.

At one point, when Subject 1 was near a parking lot, he called to a group of approximately five to ten individuals who were outside, saying, "Hey, you guys help me. Help me. Help me." Officer A repeatedly told Subject 1 to get down on the ground. Subject 1 again looked at Officer A and again began to advance toward him. Officer A delivered another baton strike to Subject 1's elbow and another baton strike to his leg. Subject 1 then resumed walking eastbound, away from Officer A.

Officer A indicated that he was getting tired at this point in the foot pursuit and that he drew his service pistol again. Officer A pointed his pistol at Subject 1 and said, "I'm going to kill you." Subject 1 looked directly at Officer A and began to walk toward him again. Officer A used his radio to broadcast a request for help by saying, "I need help. 415¹ man on PCP." Officer A observed that Subject 1 did not have a weapon. Officer A re-holstered his service pistol and re-drew his collapsible baton. Officer A delivered another baton strike to Subject 1's elbow and another baton strike to his leg.

Subject 1 went down to the ground, and then began to walk away again. Around this time, Officer B pulled his police vehicle into a nearby driveway and observed both Officer A and Subject 1. Officer B exited the vehicle approached Officer A and Subject 1. Subject 1 turned toward Officer A again, and Officer A delivered one baton strike to Subject 1's leg.

¹ "415" refers to Section 415 of the California Penal Code, which addresses, among other things, individuals who unlawfully challenge others in a public place to fight.

Note: Officer B indicated that he observed Subject 1 taking a step forward with his fist closed, at which point Officer A struck Subject 1 with his baton two to three times.

As Officer B arrived to assist his partner, Subject 1 moved toward Officer B. Officer B punched Subject 1 three times in the face. Subject 1 then bent at the waist and reached for Officer B's legs. Officer B delivered a knee strike to Subject 1's upper chest area, forcing him down to the ground. At this time, additional units began to arrive at the officers' location in response to the backup and help calls, and Officer A stood back as they approached Subject 1.

Among the officers who responded were Sergeant A and Officers C, D, E, F, and G. Officer D observed Subject 1 fighting with Officer B and attempted to grab Subject 1's left arm. Officer D indicated that Subject 1 pulled his arm away and then refocused his attention toward Officers A and B. Officer D struck Subject 1's left temple area with a closed fist, although he observed no visible reaction from Subject 1.

Meanwhile, Officer C also observed Subject 1 making movements toward some of the officers who were present. Officer C delivered a front kick to Subject 1's front torso. Officer D then verbalized the need to take Subject 1 down to the ground, and he and Officers B and C effected a takedown. Officer D attempted to gain control of Subject 1's left hand, but Subject 1 pulled it away and grabbed at Officer D's equipment belt. In response, Officer D struck Subject 1 in the ribcage/chest area at least two more times with a closed fist.

Officer D was subsequently able to use his body weight and a firm grip to gain control of Subject 1's left hand, which he placed behind Subject 1's back. Officer C gained control of Subject 1's right hand, and Subject 1 was then handcuffed. Officers E and F grabbed hold of Subject 1, and Officer F conducted a quick pat-down search. Officers E and F then walked Subject 1 to Officer E's police vehicle, which was equipped with a cage that separated the front seat from the back seat.

Once there, Officer F conducted a more thorough search of Subject 1 and recovered a dollar bill that was folded in the front right coin pocket of Subject 1's pants. Officer F handed the bill to Officer E, who opened it up and observed what appeared to be "a white [...] powder or crystal meth." As soon as Officer E had opened the folded bill, Subject 1 blew its contents onto Officer E's uniform shirt and onto the trunk of the police vehicle.

Officers E and F then sat Subject 1 in the backseat of the police vehicle, at which point Sergeant A directed Officer F to secure a hobble restraint device (HRD) around Subject 1's ankles. Officer F asked Subject 1 to lift his legs, and Subject 1 complied. Officer F applied the HRD without incident.

Note: Officer E indicated that an HRD was utilized on Subject 1 before he and Officer F walked Subject 1 over to the police vehicle.

Officers E (driver) and G (passenger) then transported Subject 1 to the Hollenbeck Area Police Station (Hollenbeck Station). Before departing, Officer E informed a supervisor at the scene that he would request a rescue ambulance (RA) for Subject 1 as soon as they arrived at the Hollenbeck Station due to the use of force that had occurred.

Note: Subject 1 was not secured with a seatbelt during the ride to the Hollenbeck Station. Officer E later indicated that Subject 1 was too agitated, and would not let officers secure him with a seatbelt.

Note: Some of the officers who responded to the backup and/or help calls made by Officers A and B assisted in retracing the path of the foot pursuit that had occurred. They located and recovered a loaded handgun inside a shopping cart near the area where Officer A saw Subject 1 throw an object and heard a metal clink.

Officers E and G arrived at the back of the Hollenbeck Station with Subject 1. Upon arriving at the station, Officer E observed that Subject 1 remained seated in rear seat on the driver side of the vehicle, and it seemed like Subject 1 was breathing, though he was not answering any of Officers E or G's questions. Officers E and G got Subject 1 out of the police vehicle, and, according to Officer E, Subject 1 took a couple of steps.

Note: Officer E later indicated that Subject 1 did not take a step, but rather stood up for a split second. Then, while Officer E went to adjust the HRD up to Subject 1's knees, Subject 1 went limp.

Officer G indicated that Subject 1 fell down to the floor as soon as he was taken out of the police vehicle.

Note: During a follow-up interview, Officer E indicated that after he had arrived at the Hollenbeck Station, he observed Subject 1 to be laying on his side in the back seat of the police vehicle.

Officer G indicated that as soon as the police vehicle arrived at the Hollenbeck Station, Subject 1 "kind of lean[ed] over to his side."

Officer E loosened the HRD and adjusted it up to Subject 1's knees so that he could walk. Then, Subject 1 went limp, requiring officers to carry him. Officers H and I, who were exiting the Hollenbeck Station at the time that Officers E and G arrived with Subject 1, assisted by grabbing onto Subject 1's legs and right arm, respectively.

Note: Officer I indicated that he assisted in getting Subject 1 out of the police vehicle, and that Subject 1 never stood. Officer I further indicated that when he observed Subject 1 seated inside the police vehicle, Subject 1's head was up enough to indicate that he was coherent, and his eyes were open.

Officer H indicated that Subject 1 was breathing and looking at the officers around him shortly after he was brought out of the police vehicle. He also indicated that Subject 1 was limp from the neck down at that time.

Note: Officer G indicated that Officer E had removed the HRD from Subject 1 before Subject 1 was taken out of the police vehicle.

During a follow-up interview with FID detectives, Officer E stated that he was unable to recall when the HRD was completely removed from Subject 1.

Officer H could not recall whether there was an HRD on Subject 1's legs when he assisted in picking him up.

Meanwhile, Officer E grabbed onto Subject 1's left arm and Officer G assisted Officer H with Subject 1's legs. The officers then carried Subject 1 up a flight of stairs and into the Hollenbeck Station.

Note: Officer I stated that he was "almost positive" that Subject 1 was breathing as he was being carried up the stairs.

Officer H noted that he was uncertain whether Subject 1 continued to look around as the officers reached the top of the stairs.

The officers took Subject 1 directly to a booking cell inside the Hollenbeck Station, at which point Officer H departed. Officer E indicated that the officers sat Subject 1 up on the floor of the booking cell. He also indicated that Subject 1 was still breathing at this time, but that his breathing was "kind of getting low."

Note: During a follow-up interview, Officer E indicated that when Subject 1 was taken into the booking cell, he was sat up on the bench inside the cell. He then indicated that Subject 1 laid on his left side and fell to the floor of the cell.

Officer G indicated that Subject 1 was brought into the booking cell and put on the floor. When officers then tried to pick him up and sit him on the bench inside the cell, Subject 1 did not cooperate and was put back down on the floor. At this time, Subject 1 was still breathing, and his eyes were "not closed but kind of closed." During a follow-up interview, Officer G indicated that Subject 1's head was down at the time that officers attempted to seat him on the bench.

Officer I indicated that he helped to sit Subject 1 on the bench inside the booking cell. Subject 1 sat there with a blank stare on his face and his head over to the side. Officer I shook Subject 1 a little bit and observed

no response. Officer I also indicated that he was “almost positive” that Subject 1 was breathing at that time.

At this point, Officer I left the cell. Then, four minutes after Officers E and G had initially arrived at the back of the Hollenbeck Station with Subject 1, Sergeant B entered Subject 1’s booking cell. He saw that Subject 1 had his head slumped forward, with his chin to his chest. Sergeant B bent down to look at Subject 1’s face and observed that he was drooling. He also observed that Subject 1 was non-responsive and was breathing fairly shallowly. Sergeant B stepped away from Subject 1 momentarily to address another arrestee and, when he returned, he noticed that Subject 1’s breathing appeared to be somewhat shallower than it had been before.

Sergeant B spoke to Officer E and told him that they were going to get an RA for Subject 1. Officer E told Officer G to request an RA and Officer G used his radio to broadcast the request. The broadcast was made four minutes after Officers E and G arrived at the back of the Hollenbeck Station with Subject 1.

Note: Officer G indicated that just before requesting an RA, he asked Officer E whether Subject 1 was still breathing. Officer E responded by saying, “Yeah. He’s still breathing a little bit. But you know what? Go request an RA because I think he’s unconscious.” At that point, Officer G broadcast the RA request.

Note: Witness A was located inside of a booking cell that was diagonally across from Subject 1’s booking cell during this incident. She indicated that she saw Department officers enter Subject 1’s cell and then leave it. Subsequently, she heard an unidentified individual say that Subject 1 “really needed attention.” Department officers then reentered Subject 1’s cell.

Around this time, Officer E observed that Subject 1 had his head down. Officer E lifted Subject 1’s head to try to make sure that he was okay, and he saw that Subject 1’s pupils “were probably about the size of his whole [sic] eye ball.”

Six minutes after Officer G requested an RA, personnel from the Los Angeles Fire Department (LAFD) arrived at the Hollenbeck Station. LAFD Firefighters A and B made their way to Subject 1’s booking cell, and Firefighter B observed that Subject 1 was unconscious. Firefighter B observed that Subject 1 was not breathing. Firefighter B asked to have Subject 1’s handcuffs removed, and Officer G removed them. Firefighter B then saw that Subject 1 had a blank stare in his eyes and confirmed that he was not breathing. Firefighter B checked Subject 1 for a pulse but did not find one. Firefighter B also noticed that Subject 1’s body felt cold.

Firefighter B laid Subject 1 down on the floor and continued administering medical treatment. Moments later, additional LAFD personnel arrived, including Firefighter/Paramedics A and B. Firefighter/Paramedic A noticed that Subject 1’s skin

was a little mottled, that his pupils were dilated, that his eyes were slightly glassed over, that his body was pale and very cold to the touch, and that he had a bloody nose and an abrasion to the mid-forehead. An EKG monitor indicated that there was no activity in Subject 1's heart. Subject 1 was turned over, and Firefighter/Paramedic A observed the presence of lividity² in his lower back and buttocks. LAFD personnel were unable to resuscitate Subject 1 and, nine minutes after the first LAFD personnel had arrived at the Hollenbeck Station, Firefighter/Paramedic A determined that Subject 1 was dead.

Note: Firefighter/Paramedic A later indicated that Subject 1's mottling was an indicator that he had "been down for at least over 15, 20 minutes." He also indicated that the lividity he observed would take longer than four to five minutes to occur.

Firefighter/Paramedic B also indicated that he observed Subject 1's eyes to be very glazed over, that there was some mottling around Subject 1's neck, and that lividity was present toward Subject 1's buttocks.

Firefighter B also observed mottling around Subject 1's back. According to Firefighter B, "It didn't look like your average deceased body that's been laying supine in a bed for five hours where it's just completely pooled to the bottom of their back because, you know. But it did look like there was bloody patches of mottled skin where blood had been starting to pool."

Note: Officer I indicated that, at the time he left Subject 1's booking cell, he did not see any fluids coming out of Subject 1's mouth or nose.

Sergeant B indicated that he observed drool coming from Subject 1's mouth, but that he did not see any blood coming from Subject 1's nose, or from anywhere else on Subject 1's body.

Firefighter A indicated that he recalled seeing Subject 1's nose bleeding.

Firefighter/Paramedic B indicated that he recalled seeing a little blood around Subject 1's mouth/nose area.

LAFD Captain A, who arrived at the scene after Subject 1 was determined to have died, observed his body and noted that he had a bloody nose. She also indicated that Subject 1's skin was room temperature, and not cold as if he had been sitting for a long period of time.

Note: Firefighter A recalled hearing Firefighter/Paramedic A ask a Department officer who was present whether Subject 1 was breathing shallowly when he was at the scene and when he was in the police car.

² When discussing his observation of the presence of lividity in Subject 1's lower back and buttocks, Firefighter/Paramedic A indicated that he was referring to a discoloration that is usually caused when the blood pools down to an area of the body.

The Department officer replied that Subject 1 was breathing shallowly in the police vehicle.

Note: The cause of Subject 1's death was determined by the Department of Coroner (DOC) to be the effects of cocaine and methamphetamine use, with coronary artery disease acting as a contributing condition. The manner of Subject 1's death was determined to be accidental. No fatal traumatic injuries were noted by the DOC.

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/Holstering 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 Officers A and B's tactics to warrant administrative disapproval.

The BOPC found Officers E and G's tactics to warrant divisional training.

The BOPC found Officers C and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing to be in policy.

C. Use of Force

The BOPC found Officers B and D's use of force to be in policy, warranting divisional training.

The BOPC found Officers A and C's use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that, as Officers A and B were driving, they observed a vehicle with an inoperative right rear light. The officers subsequently stopped the vehicle for the aforementioned vehicle code violation, notifying Communications Division (CD) of their status and location.

Officer A questioned Subject 1 through the open driver's side window and requested his California Drivers License. Unbeknownst to Officer A, Subject 1 falsely identified himself and produced a California Identification Card with someone else's name on it. Upon further questioning, the officers learned that Subject 1 was a gang member with a specific moniker.

Note: Officer A received information approximately two weeks prior that a gang member with the same moniker and actual name as Subject 1 was wanted for a parole violation.

Officer A, while questioning Subject 1, revealed to him that there was a gang member who went by the same moniker, but had a different name. By informing Subject 1 of the aforementioned information, Officer A quite possibly alerted Subject 1 that the officers knew what his true identity was, and thus set the stage for Subject 1's ultimate flight from the officers.

Officer A ordered Subject 1 out of the vehicle, instructed him to place his hands on his head and directed him to the rear of the vehicle. As Subject 1 was walking to the rear of the vehicle, Officer A turned his attention away from Subject 1 to momentarily look in the interior of the vehicle. Subject 1 seized this opportunity and ran from the officers.

Both officers pursued Subject 1 on foot. After running approximately 25 feet from their police vehicle, Officer A directed Officer B to return to the police vehicle and drive parallel to the foot pursuit.

Note: Officer A believed their police vehicle, and/or its contents, would be stolen or vandalized if left unattended.

Officer B returned to the police vehicle and drove in search of Officer A and Subject 1. Officer safety should never be sacrificed at the expense of property. Officers are taught to discuss tactical issues when working together and pre-plan responses. When faced with the decision to pursue a suspect on foot and abandon an unsecured police vehicle, or remain with the vehicle, officers must assess the seriousness of the crime and the inherent danger to the public, among other things. Regardless of the officers' decision, it should be based on pre-planning, communication and sound tactics. In this case, the officers' actions, although well intentioned, resulted in a substantial separation and a one-on-one confrontation between a suspect and officer.

As the foot pursuit continued, Subject 1 lost his footing and fell to the ground. Officer A ordered Subject 1 to remain on the ground; however, Subject 1 ignored the commands, stood up and walked toward Officer A. Officer A deployed his collapsible baton and delivered two strikes to Subject 1. Subject 1 fell to the ground, immediately regained his footing and walked away from Officer A. Officer A continued to follow Subject 1 and ordered him to stop four additional times. Subject 1 would stop, turn around and advance toward Officer A, necessitating the delivery of additional baton strikes.

As the fifth confrontation was unfolding between Officer A and Subject 1, Officer B arrived at the location and provided assistance. Officer B arrived at that location after the foot pursuit had traversed approximately 903 feet. Officer B was unable to assist Officer A during the four proceeding encounters when he was confronted by Subject 1. This separation was not only problematic from an officer safety perspective, but it also limited the options that were available to Officer A, such as a team takedown.

Officer A made a conscious decision to pursue Subject 1 while alone. Officer A clearly initiated the foot pursuit with the intent to apprehend Subject 1, as he followed from a close distance and repeatedly ordered him to stop. Once the foot pursuit crossed a nearby street and proceeded in-between buildings, Officer A should have increased the distance between Subject 1 and himself and waited for responding officers. Instead, Officer A pursued Subject 1 believing that Subject 1 had possibly discarded a handgun.

Note: A loaded handgun was recovered from the area where Officer A believed an object had been discarded by Subject 1.

Additionally, Subject 1 had exhibited signs of being under the influence of PCP, the foot pursuit took place in a residential area that Officer A indicated was frequented by gang members, and Officer A was becoming increasingly fatigued.

At the termination of the foot pursuit, Officer A broadcast a help call to CD. This broadcast was preceded by two back-up requests made by Officer A. The totality of the circumstances surrounding this incident warranted an assistance or help call.

Moments later, Officers B, C and D arrived at the scene and took Subject 1 into custody. Once handcuffed, Subject 1 was assisted to a standing position and escorted to a police vehicle. As a preventative measure, the HRD was applied around Subject 1's ankles. Officers E and G transported Subject 1 approximately two miles to the Hollenbeck Station. Officer E appropriately removed the HRD and additional Hollenbeck Patrol Division personnel assisted with carrying Subject 1, who was conscious, from the police vehicle to a holding cell. Upon placing Subject 1 into a holding cell, the officers noted he appeared to be unconscious, but breathing, and Officer G broadcast a request to CD for a rescue ambulance. Los Angeles Fire Department paramedics responded to the scene, noted Subject 1 was pulseless and not breathing, initiated CPR and attached an Automatic External Defibrillator to Subject

1. Subject 1 failed to respond to medical treatment and LAFD personnel determined Subject 1 to be dead.

Officers E and G did not secure Subject 1 with a seatbelt when they transported him to the Hollenbeck Station in their police vehicle. According to Officer E, Subject 1 "was too agitated and he wouldn't let us." Properly securing Subject 1 with a seatbelt was an important safeguard that should have been applied.

In the event of a traffic collision during transportation, the failure to use a seatbelt could have potentially cost Subject 1 his life. Even if Subject 1, who was handcuffed and secured with an HRD during transportation, was agitated and uncooperative, Officers E and G should have obtained whatever assistance was necessary to seatbelt him into the back seat of the police vehicle.

Additionally, the Department Training Bulletin regarding Restraining Procedures and Devices advises, "The Hobble Restraint Device is designed to allow officers to transport violent arrestees in an upright, seated position, while maintaining an acceptable level of restraint. To secure a hobbled arrestee in the rear seat of the vehicle, first utilize the seat belts to hold the arrestee in place."

The BOPC found Officers A and B's tactics to warrant administrative disapproval.

The BOPC found Officers E and G's tactics to warrant divisional training.

The BOPC found Officers C and D's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC noted that, during the foot pursuit, Officer A observed Subject 1 reach for his waistband, remove an unknown object and throw it to his right. Officer A heard a sound consistent with a heavy or metallic object striking a hard surface. Moments later, Subject 1 lost his footing and fell to the ground. Believing Subject 1 had discarded a handgun and may still be armed, Officer A stopped and drew his service pistol. Subject 1 ignored Officer A's commands, and Officer A holstered his service pistol and transitioned to his collapsible baton.

After repeated attempts to stop Subject 1 with baton strikes failed, Officer A was at the point of physical exhaustion. Officer A drew his service pistol as Subject 1 again advanced toward him. The BOPC determined that Officer A had sufficient information to believe the incident might escalate to the point where deadly force may become necessary.

The BOPC found Officer A's drawing to be in policy.

C. Use of Force

The BOPC noted that, as Officer A pursued Subject 1 on foot, he issued verbal commands on five separate occasions. After each instance, Subject 1 advanced toward him and Officer A used his collapsible baton. During the first four confrontations, he delivered one baton strike to Subject 1's left elbow and one to the left knee. During the fifth and final confrontation, Officer A delivered one baton strike to Subject 1's left leg.

Note: The Autopsy Report and photographs taken by Scientific Investigation Division documented injuries to Subject 1's right arm and back, showing patterned rectangular bruising consistent with baton blows. According to Officer A's statement, all baton strikes were delivered to the left side of Subject 1's body. The BOPC noted this discrepancy; however, absent evidence to support the contrary, the BOPC deemed it reasonable that during any one of the five confrontations, Officer A may have struck Subject 1 in the right arm and back. Baton strikes are a reasonable force option when faced with an aggressive and/or combative suspect, and the injuries did not appear to be excessive nor were they deemed by the Coroner to be fatal. All baton strikes were reasonable and appropriate.

As Officer B approached the termination of the foot pursuit, he observed the final confrontation between Officer A and Subject 1. Subject 1 walked toward the officers with a clenched fist and Officer B delivered three punches to Subject 1's nose and mouth area. Subject 1 appeared unaffected as he bent over at the waist and reached for Officer B's legs. Believing Subject 1 was attempting to wrap both arms around his legs, Officer B delivered one knee strike to Subject 1's upper torso.

Officers C and D arrived at the scene and observed the confrontation between Subject 1 and Officers A and B taking place. Officer C utilized a firm grip to the right arm, a team takedown and a front kick to Subject 1's left torso. Officer D utilized a firm grip to the left arm, a team takedown, one punch to the left temple and two punches to Subject 1's right torso.

After Subject 1 was taken into custody, he was assisted to a standing position and escorted to a police vehicle. As a preventative measure, the HRD was applied to his ankles; however, force was not utilized in its application.

The BOPC found Officers B and D's use of force to be in policy, warranting divisional training.

The BOPC found Officers A and C's use of force to be in policy.

Additional

Numerous LAFD personnel indicated that they believed Subject 1 had been deceased for a longer period of time than that indicated by the Department officers who had contact with him at the Hollenbeck Station. Their beliefs were largely based on their observations of the presence of mottling and/or lividity in Subject 1's body, as these conditions generally take a particular amount of time to arise in conjunction with someone's death.

As one example, Firefighter/Paramedic A indicated that Subject 1's mottling was an indicator that he had "been down for at least over 15, 20 minutes." Counting back from the time that Firefighter/Paramedic A first arrived at Subject 1, this would indicate that Subject 1 might have already expired prior to his arrival at the Hollenbeck Station with Officers E and G.

Although the discrepancies between the impressions of the LAFD personnel and the indications made by the Department officers who had contact with Subject 1 at the Hollenbeck Station are somewhat difficult to fully reconcile, the BOPC found that the preponderance of the evidence established that the involved officers appropriately requested medical assistance when it became apparent that Subject 1 was experiencing medical distress.