

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

IN-CUSTODY DEATH – 018-06

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Central	03/08/2006		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	16 years, 1 month
Officer B	10 years, 5 months
Officer C	9 years, 5 months
Officer D	12 years, 3 months

Reason for Police Contact

Police officers arrested Subject 1 after observing him engage in a narcotics transaction. Subject 1 fell ill and subsequently died.

<u>Subject(s)</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Subject 1: Male, 43 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 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 January 30, 2007.

Incident Summary

On Wednesday, March 8, 2006, late afternoon, Officers A and B observed Subject 1 conducting a possible hand-to-hand narcotics transaction near an intersection in the street. Subject 1 handed an unidentified amount of money to another individual, and Subject 1 received a substance that Officer B thought was cocaine.

Officer A then used his radio to broadcast Subject 1's description to Police Officers C and D, who were located nearby. Once Officers C and D heard Subject 1's description, they drove towards Subject 1's location, and observed Subject 1 walking towards them. Officer D saw Subject 1 drop a small object.

Officer D, the driver officer, then maneuvered the police vehicle almost parallel to Subject 1's location. Officers C and D both exited the vehicle and told Subject 1 to turn around and move towards a nearby fence. Subject 1 complied, and Officer C placed handcuffs on Subject 1. Officers C and D searched Subject 1's pockets, but did not find any contraband.

Officer D then walked back to the patrol car in order to retrieve his cellular telephone. As Officer D prepared to call Officers A and B, Officer D turned back toward Subject 1's location and observed Subject 1 fall down to the ground and begin to convulse.

Officer D walked back toward Subject 1, removed the handcuffs from Subject 1's wrists, and together with Officer C, attempted to place Subject 1 on his side. Officer C broadcast a request for a rescue ambulance. Then, while awaiting the arrival of the rescue ambulance, Officer D walked approximately seven feet from Subject 1's location and recovered a glass pipe and a small rock of cocaine.

When Officers A and B heard Officers C and D's request for a rescue ambulance, they decided to move to Officers C and D's location to see if they could be of any assistance. Officers A and B drove to Officers C and D's location and observed Subject 1 lying on the sidewalk.

Units from the Los Angeles Fire Department (LAFD) responded to the scene. The LAFD personnel treated Subject 1 at the scene and then transported him to a nearby hospital for further treatment. Officer A rode to the hospital with the rescue ambulance. Subject 1 was pronounced dead at the hospital. The Department of Coroner subsequently classified the manner of Subject 1's death to be accidental, due to ischemic cardiomyopathy as a consequence of atherosclerosis and cocaine intake.

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 case, the BOPC unanimously made the following findings.

A. Tactics

The BOPC found Officers A, B, C and D's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found that no officers drew firearms in the course of this incident.

C. Use of Force

The BOPC found that no force was used in the course of this incident.

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B placed themselves in an unconcealed location in a parking lot in order to monitor possible narcotics activity in that area. Officer B indicated that Officer B and Officer A might have been partially shielded from view by a wrought iron fence. Officers A and B were on foot when they were monitoring possible narcotics activity, and had parked their marked police vehicle on the street.

The BOPC noted that, by placing themselves in a location that was only partially concealed at best, Officers A and B placed themselves at an unnecessary risk of being discovered and possibly attacked. The BOPC would have preferred that Officers A and B had placed themselves in a more concealed location.

The BOPC found Officers A and B's tactics to warrant divisional training.

The BOPC noted that Officer D stopped the vehicle almost parallel to Subject 1's position, which placed the officers at a tactical disadvantage by increasing the chance that Subject 1 could have attacked the officers while they were attempting to exit their vehicle. The BOPC would have preferred that Officer D had stopped the vehicle before reaching Subject 1's position.

The BOPC noted that Officers C and D simultaneously ordered the suspect to turn around and go towards the fence, which increased the chance of confusing him.

The BOPC found Officers C and D's tactics to warrant divisional training.