

ABRIDGED SUMMARY OF CATERGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOAARD OF POLICE COMMISSIONERS

IN-CUSTODY DEATH - 025-06

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southwest	04/08/06			

<u>Involved Officers</u>	<u>Length of Service</u>
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Officer A	13 years, 2 months
Officer B	11 months, 6 days
Officer C	7 years, 7 months
Detective A	10 years, 6 months

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Subject: Male 46 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.

The following incident was adjudicated by the BOPC on February 27, 2007.

Incident Summary

A citizen, Witness A was seated inside her vehicle at an intersection waiting for a red light to turn green. Witness A observed a male (later identified as the Subject) in the middle of the intersection running in circles. The Subject's actions caused traffic in all directions to come to a stop. The Subject ran over to Witness A's vehicle and began yelling for help.

The Subject then walked away from Witness A's vehicle, ran back into the intersection and sat in the roadway in front of several vehicles preventing them from moving.

The Subject stood up and grabbed onto the door/window frame of a vehicle that was facing northbound. When the light turned green, the vehicle proceeded slowly northbound dragging the Subject approximately 30-40 yards through the intersection. The Subject released his hold of the vehicle, fell to the pavement, and apparently unfazed jumped to his feet. The driver of the vehicle (an unknown male) continued northbound and out of sight. The Subject then ran back into the intersection and again began running in circles.

Moments later, the Subject left the intersection and ran into the parking lot of a nearby store. Witness A drove out of the intersection, pulled over and stopped at the curb to call the police. Prior to calling, Witness A observed the Subject walk through the parking lot and toward the store. Witness A decided to follow The Subject in her vehicle and watched him as he walked inside the store. Witness A exited her vehicle and contacted store employees alerting them of the Subject's behavior. Store security guard, Witness B saw the Subject run into the store where he began yelling that somebody wanted to kill him. The Subject walked throughout the store talking loudly and yelling. Witness C, the store manager, heard the yelling and observed the Subject walking through the store. Witness C summoned Witness B for assistance. Witness C and Witness B confronted the Subject and directed him to leave the store. The Subject fell to the ground and huddled in a fetal position. Witness C and Witness B ordered the Subject to leave the store at which time the Subject got up from the floor and began walking in between check stands. Witness C and Witness B followed behind the Subject who then exited the store, walked through the parking lot and continued yelling. The Subject then walked backed onto the street where he took off his shirt.

Witness A contacted Communications Division (CD) via the 911 operator on her cellular telephone to report her observations of the Subject. While on hold for CD, Witness A observed the Subject board a bus southbound. The bus was somewhat empty and Witness A observed the Subject sit down near the front door. The bus then drove southbound. Witness A contacted CD and gave them the number of the bus and its direction of travel.

Officers A and B were driving a marked police car and were assigned a radio call of a man with a mental illness. The call further advised that the subject of the radio call was male, shirtless, wearing blue jeans, and carrying a blue and red button down shirt. Officers A and B arrived within minutes, and began looking for the Subject, but were met with negative results. While checking the area, CD broadcast an update informing Officers A and B that the Subject had boarded a bus headed southbound. Officers A and B advised CD they would check southbound and requested that 77th Area Division be notified of the radio call. Officers A and B began checking southbound for the bus when an unidentified citizen flagged them down. The citizen told them there was a crazy guy in the middle of the road, south of their location on the street. Before Officers A and B were able to get additional information, the citizen left the location. Based on the information provided by the unknown citizen, Officers A and B opined that the male in the roadway was possibly the Subject and continued southbound.

Officers A and B received additional information from a CD that described the Subject of the call as a shirtless male, walking in and out of traffic. As Officers A and B continued southbound and approached the street, they noticed that the traffic in front of them had stopped and was backed up. Officer A, who was driving, observed that a male, subsequently identified as the Subject, laying in the roadway on his stomach with his arms out to his side approximately 100 yards in front of Officer A and B. Officer A activated his vehicle's emergency lights and continued south in the northbound lanes in an attempt to contact the Subject. As they neared the Subject, they saw that he matched the description of the male referred to in the radio call and subsequent broadcasts.

Officer A called-off Code Six via his radio and Officer B transmitted Code Six on the Mobile Data Terminal. Officer A directed Officer B to arm himself with the TASER as they stopped and exited the police car to approach the Subject. As Officers A and B approached, they noticed that the Subject was somewhat motionless. Officer A positioned himself at the Subject's feet and Officer B stood near the Subject's head. The Subject raised himself up and attempted to get on his hands and knees while speaking incoherently. The Subject then crawled approximately 5-10 feet on his hands and knees, fell to his stomach and stopped moving.

In an effort to keep the Subject as well as he and Officer B from being struck by the vehicles driving around them, Officer A felt it necessary to handcuff the Subject. Officer A grabbed the Subject's wrists and sat on the back of his legs to restrict his movement for handcuffing. Officer B placed his right knee on the Subject's right shoulder blade and applied body weight to prevent his movement and placed a handcuff on his right wrist. Officer A handed Officer B the Subject's left wrist, which allowed the handcuffing to be completed. Officer A told Officer B to monitor and redirect nearby vehicular traffic, which was driving dangerously close to the three of them.

Officer A contacted CD advised them the Subject was being detained in the roadway and requested an additional unit to assist with traffic control. CD contacted Officers A and B to determine if a Rescue Ambulance (RA) was needed. Officer A advised CD to have an RA respond to their location for a male, 40 years of age, conscious and breathing, suffering from a cut to his right hand and possibly under the influence of narcotics.

Detective A and Officer C responded to the additional unit request. Upon arrival, Detective A observed Officer A and the Subject in the middle of the roadway. Detective A went to the aid of Officer A, saw that the Subject was on his stomach and suggested that the Subject be placed in an upright position. Officer A grabbed onto the Subject's right arm and Detective A grabbed his left arm. Officer A and Detective A attempted to aid the Subject to his feet and while doing so the Subject became agitated and leaned toward Detective A and attempted to bite him in the area of his chest. Detective A backed away before the Subject could bite him. Detective A and Officer A then placed the Subject back on the ground and laid him on his right side.

According to Witness D and Witness E, who were standing nearby on opposite sides of the street, the officers were aiding the Subject by holding his head off the ground and standing at his side. While the Subject was on his side, he stopped moving and became motionless. The Subject's eyes closed, his mouth opened, and he appeared to have stopped breathing. Detective A then stood to the side of the Subject's upper body, used his hands to hold the Subject's head back in an attempt to keep his airway open. Officer A placed his hand on the side of the Subject's neck to see if he had a pulse, but did not detect one. Officer A contacted CD and advised them that the Subject was not breathing and requested an update on the RA. The Subject began to emit a white/gray colored matter from his mouth, which was visible on his lips. Detective A continued to hold the Subject's head up until the RA arrived on scene.

Sergeant A arrived on scene and observed the Subject lying in the roadway on his side. Officer A advised Sergeant A that upon arrival, the Subject was located in the middle of the roadway. Simultaneously, Los Angeles Fire Department (LAFD) personnel arrived on scene and began to administer Cardiopulmonary Resuscitation (CPR) to the Subject.

Lieutenant A, Police Officer D and Police Officer E arrived on scene. Detective B arrived on scene. It was this time that Officers A, B, C and Detective A were separated and monitored.

Officer E accompanied LAFD paramedics and rode in the RA as they transported The Subject to California Medical Center (CMC). The Subject, Officer E and LAFD paramedics arrived at CMC. The Subject did not respond to CPR and was pronounced dead by the attending physician.

Lieutenant A was advised of the passing of the Subject and caused the necessary notifications related to an In Custody Death to be made. Los Angeles County Coroner Medical Examiner staff conducted an autopsy of the Subject's remains. The Coroner's Office determined the Subject's death to be "Accidental" and attributed to excited delirium due to or as a consequence of cocaine intake (related to toxicological tests, which identified cocaine and benzoyllecgonine in the Subject's blood).

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 divisional training.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Use of Force

Does not apply.

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B discussed tactics and had a plan to detain the possible male with a mental illness.

Unable to initially locate the Subject, Officers A and B requested additional information and learned that he had boarded a bus. Once they received this additional information, the officers continued their search. Within a short period of time, the Subject was located in the roadway of a busy intersection and they advised CD of the same. Officer A, based on his training and experience, the information contained within the call and his observations, should have opined that the Subject might have been a narcotics user. Due to the circumstances and heavy traffic nearby, it would have been prudent to request additional assistance once he and Officer B arrived on scene.

It is noted that Officer A did not have his Hobble Restraint Device (HRD) in his possession when he exited his vehicle and he is reminded that equipment requirements exist so that officers are best prepared to address any tactical circumstance that might arise.

Officers A and B approached the Subject and attempted to get his attention verbally. The Subject rose to his hands and knees and crawled approximately five feet before lying back on the ground. Officers A and B quickly approached and handcuffed the Subject without incident. Officer A remained with the Subject, who was lying in the street and directed Officer B to direct traffic around them. Officer A then requested an additional unit to assist with traffic control. CD acknowledged the request and asked Officer A if there was a need for an RA. Officer A determined an RA was needed to treat the Subject's pre-existing injuries. After handcuffing the Subject, it would have been tactically safer for Officer A to conduct a pat-down search of the Subject's outer clothing for weapons, based on the Subject's mental and possible narcotic influenced state.

Detective A and Officer C responded to the additional unit request to assist the officers. Detective A approached Officer A and suggested the Subject be placed in a seated upright position. Detective A took hold of the Subject, who suddenly turned his head and attempted to bite Detective A on the chest. The Subject was then placed back on the ground, on his side, and monitored.

A short time later, Detective A noticed the Subject was not breathing and quickly supported the Subject's head to keep his airway clear. Approximately seven minutes after the initial request for the RA, LAFD Paramedics arrived on scene and began to treat the Subject.

The BOPC determined that Officers A and B will benefit from additional tactical training.