

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

IN-CUSTODY DEATH – 034-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Central	04/10/11		
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Officer(s) Involved in Use of Force	Length of Service
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Does not apply.

Reason for Police Contact

While in custody at the jail, the Subject was found unresponsive with a shirt knotted around his mouth and nose. Following attempts to revive him, the Subject was pronounced dead.

Subject(s)	Deceased (X) Wounded () Non-Hit ()
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Subject: Male, 44 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 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 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.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on March 20, 2012.

Incident Summary

Officers A and B developed information that a crime had been committed. Subsequently, the Subject was arrested and booked into the jail. At the time the Subject was booked into the jail, no medical issues were noted for the Subject. The Subject was housed alone in a cell.

The following day, a cell check was conducted approximately every 30 minutes throughout the day in the housing block where the Subject was housed. During the cell checks conducted at approximately 12:15 p.m., a Detention Officer had verbal contact with each arrestee in the housing block, although he did not remember the Subject specifically.

Another cell check was conducted at 12:20p.m. A Sergeant recalled that all inmates responded at that time. Further, no inmate said anything that would indicate he was in need of medical attention.

At approximately 4:00 p.m., Officer C entered the housing unit with two nurses to distribute medication to arrestees and to conduct the required cell checks.

Upon arrival at the Subject's cell, Officer C observed the Subject lying on his back on the lower bunk bed with his feet pointed towards the cell door and his head facing north. The Subject's face was completely covered with a black jacket which was zipped up over his face. The Subject's hands were at his sides; the left hand was hanging off the bed.

Officer C attempted to get a response from the Subject, but the Subject did not move.

Meanwhile, the nurses, who were at other cells, observed Officer C attempting to get a response from the Subject. Officer C had the pod controller open the cell door and Officer C and the nurses entered the cell. They could not get the Subject to respond, so Officer C broadcast a "man down" call and Officer C and the nurses began to remove the clothing from the Subject's face. The Subject had a white shirt tied around his head and knotted over his mouth and nose. A 9-1-1 call was made. The nurses and responding staff, including the jail doctor, initiated CPR and continued to attempt to revive the Subject until they were relieved by Los Angeles Fire Department personnel.

Ultimately, the Subject was pronounced dead by the paramedics at the direction of an off-site hospital doctor (by telephone).

Witness 1 was housed in a cell in the same cell block as the Subject. He indicated that officers had some kind of conversation with the person in the Subject's cell; however, he was unable to identify the officers in question and indicated that he did not see the Subject engaged in that conversation. Witness 1 observed jail and fire department personnel administering treatment to the Subject.

Witness 2 was housed in a cell in the same cell block as the Subject. Sometime after lunch and a few hours before “medication time,” Witness 2 heard knocking on a cell door for a couple minutes, which then stopped. Officers were not present when this occurred. Witness 2 also witnessed jail personnel attempting to get the Subject’s attention, bring him out of his cell, and subsequently try to revive him.

Witness 3 was housed in a cell in the same cell block as the Subject. Witness 3 was asleep and was awakened by a commotion in the cell block. He observed that officers ran into the Subject’s cell, pulled him out, placed him on the ground, and tried to help him.

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 firearm 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 made the following findings.

A. Tactics

The BOPC found that Tactics did not apply.

B. Drawing/Exhibiting

The BOPC found that Drawing/Exhibiting did not apply.

C. Use of Force

The BOPC found that Use of Force did not apply.

Basis for Findings

The BOPC determined that the actions of the involved personnel did not contribute to the Subject’s death. Additionally, there was no use of force involved in the Subject’s arrest or detention. Therefore, individual findings are not required.