

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

IN CUSTODY DEATH 041-06

Division	Date	Duty-On (x) Off()	Uniform-Yes(x) No()
77 th Street	05/24/2006		

Officer(s) Involved in Use of Force	Length of Service
Lieutenant A	21 years, 6 months
Officer B	12 years, 0 months
Officer C	9 years, 0 months
Officer D	12 years, 4 months
Officer E	7 years, 3 months
Officer F	4 years, 6 months
Officer G	3 years, 6 months
Officer H	1 year, 2 months

Reason for Police Contact

Officers responded to a radio call of a disturbance involving an individual smoking cocaine. Officers contacted the subject at a residence. The subject was sweating profusely, hallucinating, and told the officers they would have to kill him. An altercation ensued. Following the altercation, a Rescue Ambulance transported the subject to a hospital where he was pronounced dead.

Subject	Deceased (x)	Wounded ()	Non-Hit ()
Subject 1: Male, 43 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 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 February 27, 2007.

Incident Summary

Witness A made two calls to the Los Angeles Police Department's Communication Division (CD) to report that Subject 1 was smoking cocaine and causing a disturbance.

Officers F and I were assigned the call. The officers arrived on scene and notified CD of their status.

Upon their arrival, Officers F and I heard Witness A shout "Help me, help me." The officers approached the house and spoke with Witness A. Witness A told the officers that Subject 1 was in the back of the house, smoking cocaine. Officer I asked Witness A if Subject 1 was armed. Witness A stated that Subject 1 was not armed, but that he was violent.

Officers F and I walked through the house to a rear bedroom where Subject 1 was sitting on the edge of a bed. Subject 1's elderly mother was lying in the bed. As they approached the bedroom, Officers I and F saw that Subject 1 was smoking from a glass pipe and sweating profusely. Subject 1, apparently upon seeing the officers, concealed his lighter and glass pipe inside a clenched fist and then discarded the items.

As the officers stood at the doorway of the bedroom, Officer I told Subject 1 to put his hands on top of his head and turn around. Subject 1 did not comply. Officer I broadcast a request to CD for an additional unit for a combative subject. Subject 1 was given further instructions to stand up and place his hands on his head, but he remained non-compliant. Subject 1, whom Officer F believed was hallucinating, told the officers that he was not going back to jail and that they would have to kill him. Officer I broadcast a further request to CD for a unit with a TASER to respond.

Officers D and J arrived and notified CD of their status. Officer D equipped himself with a TASER and Officer J equipped himself with a less-lethal beanbag shotgun. Having been informed that Officers I and F were at the rear of the location, Officers D and Officer J initially went to the rear yard of the address before realizing that the officers were actually inside the house.

Meanwhile, Officer I drew his PR-24 baton and held it in a power-strike position, and Officer F drew his OC spray.

Officers D and Officer J joined Officers I and F at the bedroom door. Officer D handed the TASER to Officer F. Officer F removed the cartridge from the TASER so that he would be able to use the device in direct-stun mode.

Officer D then stepped forward and told A to stand up, turn around, and put his hands behind his back for handcuffing. Subject 1 complied with this instruction and was handcuffed. However, as Subject 1 stood up, he discarded a second glass pipe.

Meanwhile, Officers B, C, E, G, K and L arrived on the scene in response to the additional unit request.

Officer D broadcast that they were all right and Subject 1 was in custody. Officers F and H then led Subject 1 through the house, toward the front door. Shortly thereafter, Lieutenant A arrived on the scene. Lieutenant A saw that officers were leading Subject 1 through the house and remained in the front yard.

As Subject 1 and the escorting officers approached the front door of the house, Subject 1 became uncooperative. He widened his legs, braced himself against the doorframe, and pushed against the officers in an apparent attempt to stop them from taking him through the doorway. Officer B attempted to push him through the doorway. Officer D lowered his body and pushed Subject 1 at waist-level, causing Subject 1 to go sideways through the doorway and onto the porch.

Once on the porch, Subject 1 continued to resist the officers. As characterized by Lieutenant A, Subject 1 used himself as a "ram," pushing and pulling on the officers, exhibiting significant strength and placing the officers at risk of being hurt.

According to Officer F, Subject 1 kicked him once or twice as Officer F attempted to maintain a grip on Subject 1's arm. Officer F heard a request for a TASER, drew the TASER he was carrying in his pocket, stated he had a TASER and told Subject 1 to stop resisting. Officer F then placed his TASER against Subject 1's back and activated the TASER in direct-stun mode. Officer F did not discern any effect from the discharge of the TASER.

Meanwhile, from his position inside the doorway, Officer G saw Subject 1 kicking, trying to get away, flailing his arms, and trying to head butt officers. Officer G heard a request for a TASER. Officer G removed the cartridge from his TASER, dropped the cartridge on the floor, and went out onto the porch. Officer G approached Subject 1, placed the TASER against the region of Subject 1's sternum, and activated the TASER. Officer G was unsure whether the TASER actually discharged, as he did not hear anything. Officer G then flipped the switch a couple more times to make sure the TASER was on.

Officer G then heard the TASER discharging, although the device was not in contact with Subject 1 at that time. As Subject 1 continued his resistive behavior, Officer G made further attempts to use the TASER. However, it did not seem to Officer G that the TASER discharges to Subject 1's sternum area were proving effective. Officer G then moved to the rear of Subject 1 and discharged the TASER multiple times against Subject 1's back. As described by Officer G, Subject 1 would tense up with each application of the TASER, but would become irate again as each five-second cycle of the device concluded.

Lieutenant A, believing that the best thing to do was to get Subject 1 off the porch before an officer or Subject 1 was hurt, gave the direction to get Subject 1 off the porch and onto the front lawn.

Officer D attempted to grab Subject 1 by the waist, pick Subject 1 up and take him down the steps leading to the front yard. However, Subject 1 pulled away from Officer D and fell, face-first, towards the lawn in the front yard. Officer D attempted to break Subject 1's fall by grabbing at his shirt, but the shirt ripped out of the officer's hand.

Subject 1 landed facedown on the lawn, where he started kicking and flailing. Officers C and E positioned themselves on Subject 1's left side. Officer C placed his left knee in the small of Subject 1's back, his right hand on Subject 1's back, and his left hand on Subject 1's hands. Meanwhile, Officer E placed his left hand on Subject 1's head and used his right hand to hold Subject 1's left hand.

Officer H held Subject 1's legs in an attempt to stop him from kicking. Officer K asked Officer H for his Hobble Restraint Device (HRD). Officer H gave his HRD to Officer K as he continued to hold Subject 1's legs. Officer H then applied the HRD to Subject 1's ankles. According to Officer K, he had a difficult time applying the HRD as Subject 1 continued to kick. During the struggle on the lawn, which lasted 30 to 40 seconds, officers told Subject 1 to stop resisting.

According to Officer G, as Officers C, E, H, and Officer K struggled with Subject 1 on the lawn, he (Officer G) held his TASER to Subject 1's back. However, Officer G did not indicate that he activated the TASER during this portion of the incident.

Once the HRD was applied, Lieutenant A directed the officers to place Subject 1 in a seated position. The officers did as directed. Officer E used his legs to support Subject 1's back in an upright position.

Officer B broadcast a request for a Rescue Ambulance (RA), indicating that Subject 1 was conscious and breathing. According to Officer B, he made the request for a RA because a TASER had been used on Subject 1 and because Subject 1 was under the influence of a controlled substance.

A Los Angeles Fire Department (LAFD) RA arrived and LAFD personnel administered emergency aid to Subject 1. Subject 1 appeared non-responsive and LAFD personnel began cardio-pulmonary resuscitation. Subject 1 was then transported to Daniel Freeman Memorial Hospital, where he was pronounced dead.

A subsequent autopsy examination determined the cause of Subject 1's death to be "cocaine intoxication with delirium needing restraining and other undetermined factors."

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 F and I's tactics to warrant divisional training.

The BOPC found Officers D, G, C, E, K, H, and Lieutenant A's tactics to be appropriate

B. Non-lethal Use of Force

The BOPC found Lieutenant A and Officers B, C, D, E, F and H's non-lethal use of force to be in policy.

C. Less-Lethal Use of Force

The BOPC found Officers F and G's less-lethal use of force to be in policy.

Basis for Findings

The BOPC noted that Officers F and I arrived at the location, updated their status via CD, and, after obtaining information from Witness A that Subject 1 had been smoking cocaine for several hours and had a history of violence, entered the residence and located A. Based on Witness A's description of Subject 1's history and drug use, the officers should have considered requesting an additional unit prior to contacting Subject 1.

Subject 1 refused to comply with Officer I's commands, at which time Officer I requested an additional unit, and that Subject 1 informed the officers he would not return to jail and they would have to kill him. Officer I requested a unit to respond with a TASER to the rear of the location, but did not specify that the request was for the rear room within the location. Consequently, responding officers arrived and deployed to the rear yard, causing some initial confusion. Officer I should have requested a back-up after realizing the situation could escalate to a physical confrontation, and should have specified his location. Based on the comments of the call, it would have been prudent for the officers to deploy the TASER when they first responded to the location.

Officers D and J arrived on scene equipped with a TASER, Officer D handed Officer F the TASER with a cartridge inserted, and Officer F removed the cartridge and handed the TASER to Officer I. By removing the cartridge from the TASER, Officer F not only limit the TASER's effective range, but also reduced its overall electro-muscular disruption capability.

The BOPC found Officers F and I's tactics to warrant divisional training.

The BOPC found Officers D, G, C, E, K, H, and Lieutenant A's tactics to be appropriate

B. Non-Lethal Use of Force

The BOPC noted that, as officers approached the doorway, Subject 1 began to resist and braced his feet against the doorframe, prompting Officers B and D to use their combined bodyweight to physically force Subject 1 out of the residence and onto a small front porch. Once on the porch, Subject 1 swayed his body from side to side, throwing the officers off-balance, kicked Officer F on the leg and attempted to bite Officer D.

Following the TASER activation on the porch, Lieutenant A ordered the officers to remove Subject 1 from the porch and place him onto the lawn. Officer D wrapped his arms around Subject 1's waist and lifted Subject 1 off his feet in order to remove him from the porch, and Officer D lost his grip on Subject 1 and grabbed onto Subject 1's shirt in order to control him. Subject 1's shirt tore, causing Officer D to momentarily lose control of Subject 1, and Subject 1 fell off the porch and onto the front lawn.

Once Subject 1 was on the ground, Lieutenant A directed the officers to control Subject 1 and apply the hobble restraint device. Officers F, C and E controlled Subject 1's upper torso and Officer H used his bodyweight to control Subject 1's legs, allowing Officer K to apply the hobble restraint device, without resistance, around Subject 1's ankles. Subject 1 was then placed in a seated upright position and held upright against Officer E's right leg.

The BOPC found Lieutenant A and Officers B, C, D, E, F and H's non-lethal use of force to be in policy.

C. Less-Lethal Use of Force

The BOPC noted that, subsequent to Subject 1 attempting to bite Officer D, Officer F removed the TASER from his rear pocket and provided Subject 1 with a verbal warning regarding the application of the TASER. When Subject 1 refused to comply, Officer F applied a direct contact stun to Subject 1's back, but the TASER had no effect and Subject 1 continued to resist.

Officer G applied a direct contact stun to Subject 1's sternum area; however, Subject 1 pulled away and no contact was made. Officer G then applied three additional cycles to Subject 1's front torso, which also had no effect. Officer G re-positioned himself and applied a final direct contact stun to Subject 1's back causing him to stop resisting and allowed the officers to regain control.

The BOPC determined that Officers F and G's less-lethal use of force was reasonable to overcome Subject 1's resistance.

The BOPC found Officers F and G's less-lethal use of force to be in policy.