

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

IN-CUSTODY DEATH – 045-06

Division	Date	Duty-On (X) Off()	Uniform-Yes (X) No ()
Van Nuys	06/01/06		

Officer(s) Involved in Use of Force	Length of Service
Officer A	3 years, 11 months
Officer B	9 years, 11 months
Officer C	16 years, 2 months
Officer D	16 years, 8 months

Reason for Police Contact

While on patrol, officers observed a subject kneeling in the roadway, obstructing traffic. The officers contacted the subject and observed that he was acting bizarrely. The subject was handcuffed and removed from the roadway. The subject began to resist and a struggle ensued. The subject was restrained by use of body weight and a Hobble Restraint Device (HRD). Shortly thereafter, the subject stopped breathing. Cardio pulmonary resuscitation was administered to the subject; however, he did not respond and was pronounced dead at a local hospital.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: Male, 44 years old.			

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 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 April 3, 2007.

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.

Incident Summary

On June 1, 2006, Officers A and B were assigned to the Juvenile Detective School Car, wearing standard blue police uniforms and driving a marked police vehicle. While driving southbound, Officers A and B observed that southbound traffic was congested and that several vehicles ahead of them had stopped in the roadway.

Officers A and B advised Communications Division (CD) of their location and status and exited their vehicle. As they did so, Officers A and B were contacted by several bystanders who told them that a male (later identified as Subject 1) was ahead of them in the roadway, acting bizarrely.

Officers A and B walked approximately 30 to 40 feet southbound in the roadway, where they observed Subject 1 in the street. Subject 1 then went down to his knees in the center divider with his hands placed behind his head, as if he were mimicking being handcuffed. Officer A approached Subject 1 from behind, successfully directed him to lie down on the roadway, and handcuffed him without incident. While being handcuffed, Subject 1 spoke loudly in what Officer A believed to be Spanish. Officer B stood nearby, providing cover for Officer A.

Officer A used his left hand to hold onto Subject 1's upper right arm and assisted him to his feet. Officers A and B then walked Subject 1 northbound, toward the west curb. As they approached the curb, Subject 1 began struggling, as if he were attempting to free himself from Officer A's grasp. Officer A maintained his grasp of Subject 1's right arm as Officer B took hold of Subject 1's left arm. Subject 1 continued struggling and a decision to take him to the ground to control his movement was made by Officer A. Officer A directed Subject 1 to lie down on the ground and Subject 1 initially complied. However, Subject 1 then attempted to raise himself up from the ground. Officers A and B held Subject 1's arms and pushed against his back, causing Subject 1 to go to the ground on his stomach.

While on the ground, Subject 1 began kicking his legs and yelling in Spanish. To gain better control of Subject 1, Officers A and B used their body weight to hold him down. Officer A placed his left hand on Subject 1's back, his right hand on Subject 1's right arm, and his left knee against Subject 1's lower back. Officer B leaned against Subject 1's torso, using Officer B's hip to apply bodyweight and holding Subject 1's left shoulder down with Officer B's left forearm.

Officer B gave Subject 1 numerous commands to calm down and stop resisting. However, Subject 1 continued to struggle as he kicked back and forth while yelling in Spanish. Officer B requested a back-up unit.

Officer A moved his left leg and placed it on the back of Subject 1's legs to prevent his continued kicking. Subject 1 attempted to push Officers A and B off him by striking the pavement with his head and violently squirming with his body. At the same time, Officer C, wearing plainclothes and driving an unmarked police vehicle, arrived on scene and

exited his vehicle to assist. Officer C approached Officers A and B, removed his handcuffs, and handed them to Officer A to handcuff Subject 1. Officer A told Officer C that Subject 1 was already handcuffed and asked him to assist them in holding Subject 1 down while they applied the Hobble Restraint Device (HRD) to his feet. Officer C knelt down to Subject 1's left side and assumed Officer B's position, holding Subject 1's left arm. Subject 1 continued squirming as he screamed in Spanish, "I'm choking, I can't breathe!"

Officers E and D heard the back-up request and responded to assist. Upon arrival, Officer D ran over to the right side of Subject 1 and assisted by using a firm grip to hold Subject 1's right arm down. Officer E observed the officers and Subject 1 and opined that the officers had Subject 1 under control. Officer E returned to his police vehicle and removed it from the roadway, where it had been parked at the time of his and Officer D's arrival. Officer B moved down toward Subject 1's legs, removed a HRD from Officer B's duty belt, and applied it to Subject 1's legs.

Officer E returned and, upon seeing the HRD on Subject 1's legs, advised the officers to put Subject 1 in a seated position. Officer E broadcast "suspect in custody." Officer A grabbed Subject 1's left shoulder and rolled him on his right side, at which time his face was visible to Officer E. Officer E immediately observed that Subject 1's face appeared green in color and advised Officers A and B. Officer A observed that Subject 1's eyes were partially opened and that blood was present near his mouth and on the sidewalk. Officer A then checked Subject 1's wrist for a pulse but was unable to locate one.

Officer A removed the handcuffs from Subject 1's wrists and Officer B removed the HRD and laid Subject 1 flat on his back. Officer A observed that Subject 1 was unconscious. Officer A then attempted Cardio Pulmonary Resuscitation (CPR) by doing chest compressions.

Officer B contacted CD and requested a Rescue Ambulance (RA), advising that Subject 1 was unconscious and not breathing.

As Officer A continued chest compressions, Emergency Medical Technicians (EMT) A and B were transporting a patient in a private ambulance to a nearby medical facility. As EMT A observed Officers B, C, D, and E standing over Subject 1 as Officer A did chest compressions, EMT A stopped to provide assistance.

Officer E contacted CD and requested that a supervisor respond to their location. Sergeant A arrived on scene.

Los Angeles City Fire Department (LAFD) personnel arrived on scene and provided medical treatment to Subject 1. A LAFD RA transported Subject 1 to the hospital.

Sergeant A, having observed that Subject 1 appeared in grave condition and believing the incident might result in an in-custody death, separated Officers B, A, C, and D.

Sergeant A then contacted CD and requested additional supervisors to assist with separation and monitoring of the involved officers.

Subject 1 failed to respond to medical treatment and was pronounced dead.

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 the officers' tactics were appropriate.

B. Non-Lethal Use of Force

The BOPC determined that Officers A, B, C, and D's use of non-lethal force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that, although Officers A and B did not hear the radio call regarding Subject 1, their actions upon arrival were appropriate. The officers positioned their vehicle in a manner to protect pedestrians in the roadway and notified CD of their status prior to conducting their investigation.

Officers A and B observed Subject 1 kneeling in the roadway with his hands behind his head while facing away from them. Officer B assumed the role of cover officer as Officer A approached Subject 1, directed him to lie prone on the pavement, and handcuffed him without incident. Officer A assisted Subject 1 to a standing position and, along with Officer B, walked Subject 1 to the sidewalk to continue their investigation. Subject 1 began to resist the officers' efforts and became combative which resulted in the officers taking him to the ground to better control him. Officer B then broadcast a back-up request to CD.

Officer C, hearing the request for back up, responded and assisted by helping to hold Subject 1 down while Officer B applied the HRD. Officers E and D also responded to the back-up request. Officer E noticed that the officers appeared to have control of Subject 1 and parked his vehicle to assist with the flow of traffic.

After Officer E parked the police vehicle, he returned to assist the officers with Subject 1. Officer E observed the HRD applied to Subject 1's legs and advised the officers to place Subject 1 in a seated position. Officer A rolled Subject 1 over and observed blood on the sidewalk where Subject 1's face had been. Officer A ordered Subject 1 to sit up but he did not respond. Officer A then checked Subject 1 for a pulse but could not locate one. Officer A removed the handcuffs as Officers B and D removed the HRD from Subject 1's legs. Officer A rolled Subject 1 over and began CPR in an attempt to revive him. Officer B requested an RA and, within 40 seconds, Officer E requested a supervisor to respond to their location.

Overall, the BOPC was pleased with the tactics of the officers involved in this incident and found that they were appropriate and require no action.

B. Non-Lethal Use of Force

The BOPC noted that Officers A and B utilized firm grips to control Subject 1 when he began to resist their efforts to control him. Officer A grasped Subject 1's right arm, while Officer B grasped his left arm.

Subject 1 continued to resist the officers' efforts to control him by flailing about, which resulted in the decision to take him to the ground. Officers A and B successfully took Subject 1 to the sidewalk. However, Subject 1 continued to resist by kicking his legs at the officers. Officer C arrived and assisted Officers A and B with the application of the HRD to Subject 1's legs. Officer A utilized his bodyweight upon Subject 1, placing his left hand on Subject 1's back, his right hand on Subject 1's right arm, and his left knee on Subject 1's lower back. Officer B used his bodyweight on Subject 1, holding Subject 1's left shoulder down with his left forearm. Officer B issued numerous commands for Subject 1 to stop resisting, with negative results. Subject 1 continued kicking and began striking his head against the sidewalk. Officer A then moved his left leg to the rear of Subject 1's legs, to prevent him from kicking the officers.

Officer C arrived to assist the officers with the application of the HRD. Officer C knelt down at Subject 1's left side and assumed Officer B's position, holding down Subject 1's left arm. Officer B moved downward toward Subject 1's legs, retrieved his HRD, and began to apply it to Subject 1's legs.

Officer D arrived and observed Officers A, B, and C struggling to maintain control of Subject 1 as they attempted to apply the HRD. Officer D held Subject 1's right arm down, utilizing a firm grip during the application of the HRD.

The BOPC determined that Officers A, B, C, and D reasonably believed that Subject 1 presented an immediate threat of bodily injury to them as he resisted their efforts to detain and control him and found their use of non-lethal force in policy, requiring no action.