

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

IN-CUSTODY DEATH – 052-06

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
77 th Street	06/17/2006		

Officer(s) Involved in Use of Force	Length of Service
Officer A	7 years
Officer B	7 years, 6 months
Officer C	6 years
Officer D	4 years
Officer E	4 years, 6 months
Officer G	5 years, 6 months

Reason for Police Contact

Officers responded to a motel to detain Subject 1, who was aggressive toward LAFD paramedics attempting to provide medical treatment. The officers used various methods to detain Subject 1, including application of a Hobble Restraint Device. Once restrained, Subject 1 was transported by ambulance to a hospital. However, Subject 1 died while en route to the hospital.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject 1: Male, 32 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 and addenda items); the 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 04/17/07.

Incident Summary

The managers of a motel checked on the status of a tenant who did not open the door when the motel housekeeper asked to come inside. Once inside, they observed

Subject 1 lying on his bed semi-conscious with blood on his face and blood splattered on the wall adjacent to the bed. The manager called 9-1-1.

The Los Angeles Fire Department (LAFD) received the alarm. Upon arriving at scene, firefighters noted that Subject 1 was lying face up on the bed and that, despite the presence of blood on his face, Subject 1 was breathing. Several firefighters identified themselves and asked Subject 1 if he needed assistance. When Subject 1 failed to respond, Firefighter A approached him and touched his eyelid. As he did so, Subject 1 screamed and violently thrashed his arms and legs about, causing the firefighters to step back. When LAFD personnel determined that they could not control Subject 1, an LAFD supervisor stepped out of the motel room and requested police assistance. Subject 1 then kicked a firefighter in the chest with his right leg, prompting the firefighters to force Subject 1 to the ground and restrain him with their combined body weight.

Officers A and B responded to the LAFD's request for assistance. When they arrived at the motel, the officers observed Subject 1 struggling on the floor with several firefighters who were attempting to keep him down. Noting that Subject 1 was violently resisting the firefighters, Officer B requested back-up while Officer A directed the firefighters to place Subject 1's hands behind his back so that Subject 1 could be handcuffed. When the firefighters did so, Officer A interlocked two sets of handcuffs, secured them to Subject 1's wrists, and held onto the upper left portion of Subject 1's arm. Despite being handcuffed, Subject 1 continued to resist and flailed his legs about, prompting Officer B to apply a firm grip to Subject 1's other arm.

As this was occurring, Officers C and D responded to the motel to render assistance and noted that Subject 1 was actively resisting arrest, despite being handcuffed. However, due to the confined space and the number of police and fire department personnel inside of the room, the officers could not render effective assistance and remained by the door. As the struggle progressed, Officer A directed the firefighters to remove Subject 1 from the motel room because Subject 1 was spitting blood at them and was slippery from perspiration. With the assistance of several firefighters, Officers A and B picked up Subject 1 and placed him face down in the parking lot.

Officers E and F also heard the back up request and responded to the motel. When Subject 1 continued to struggle, Officer B knelt on Subject 1's shoulder and buttocks area while Officer A applied a firm grip to Subject 1's arm. Officer C applied a firm grip to Subject 1's arm while Officer D placed his legs on Subject 1's thigh and calf in an effort to keep him on the ground with his bodyweight. Officer E placed his body weight on Subject 1's leg while Officer F stood by with a TASER and warned Subject 1 in English and in Spanish to stop resisting. However, despite the officers' repeated commands to stop resisting, Subject 1 did not comply, prompting Officer E to request for a Hobble Restraint Device (HRD) as none of the officers was so equipped.

Sergeant A arrived at the motel to render assistance. Upon arrival, Sergeant A noted that, although Subject 1 was handcuffed and placed in a prone position on the ground,

he was violently resisting the officers' attempt to control him. Sergeant B also arrived at scene and provided his HRD to Officer F, who then handed it to Officer E. With the assistance of Officer D, Officer E looped the HRD around Subject 1's legs and held onto the loose clasp of the device. However, Subject 1 continued to resist and twist about on the ground. During the struggle, Subject 1 struck his head against the pavement, causing injuries to his face.

In an effort to keep Subject 1 on the ground and to prevent him from biting and spitting blood at his fellow officers, Officer A placed his foot on Subject 1's back, near his neck.

Officers G and H also responded to the motel to render assistance. When they arrived, the officers noted that Subject 1 was handcuffed, hobbled, and lying face down on the pavement next to a gurney. Believing that his assistance was required, Officer H donned a pair of latex gloves, relieved one of the involved officers, and utilized a firm grip to control Subject 1 hands behind his back, maintaining this position for one to two minutes prior to Subject 1's placement onto a gurney.

To prevent Subject 1 from kicking his legs, Officer E secured the clasp end of the HRD to the foot of the gurney. Officer B used a third set of handcuffs to secure the handcuffs to the rail of the gurney. Subject 1 moved his arms about as if he was trying to free himself from the officers' control.

Officer D searched Subject 1 and discovered a plastic baggy containing a white powder resembling cocaine from his right front pocket.

Once Subject 1 was placed in a rescue ambulance (RA), Sergeant A directed Officers G and H to accompany him to the hospital.

While en route to the hospital, Subject 1's breathing and pulse stopped. Efforts made to revive Subject 1 were unsuccessful and he was subsequently 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 Officers A, B, C, D, E, F and G's tactics to warrant divisional training.

The BOPC found Sergeant A's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC determined that drawing/exhibiting/holstering did not apply.

C. Non-Lethal Use of Force

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

D. Other

The BOPC found Sergeants B and C's actions to warrant divisional training.

Basis for Findings

A. Tactics

The BOPC noted that the analysis of the incident identified several instances of prudent tactical decisions and proper actions. Officers A and B had a quick response to the back-up request and advised Communication Division (CD) of their status and location. Officers A and B observed that Subject 1 was visibly sweaty and screaming as he resisted the firefighters that were attempting to restrain him. Rather than immediately engaging in the attempt to restrain Subject 1, Officer B appropriately requested a back up through CD.

In addition, Officer A observed that the firefighters were in positions that would allow them to assist him in handcuffing Subject 1. Officer A directed the firefighters to bring Subject 1's hands to the small of his back, which provided Officer A with the ability to handcuff Subject 1.

Additionally, Officer A demonstrated good judgement when he recommended that Subject 1 be removed from the motel room. The BOPC noted that this tactic allowed the officers and firefighters to restrain Subject 1 in the open and not have to overcome the obstacles present in the room. Officers A and B worked with the firefighters and coordinated their efforts to remove Subject 1 from the room.

As in most rapidly unfolding tactical incidents, areas where improvements could be made were identified. In this incident, the BOPC noted that Officers A and B did not have a TASER readily available. There are several tools available to officers in the field, TASER being one, which affords them additional force options when aggressive and/or combative suspects confront them. Although not required equipment, Officers A and B limited their force options by not deploying a TASER. Additionally, the

investigation revealed that the involved officers did not carry a HRD, as required. By not carrying a HRD, the involved officers limited their force and restraint options and caused a delay in their ability to control Subject 1.

Officer G was in possession of latex gloves and recognized the need to relieve officers that did not have them. This conscious decision minimized level of exposure to less protected personnel and minimized their potential for contamination. The involved officers are reminded of the benefits of carrying latex gloves on their person. If presented with a similar situation in the future, the latex gloves would provide the officers with an increased level of protection from the blood borne pathogens.

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

Sergeant A quickly responded to the scene and assumed command and control of the incident. It was a result of his direct oversight that the incident was handled in a coordinated, controlled and disciplined manner.

The BOPC noted that Sergeant A appropriately assessed the circumstances and provided appropriate direction regarding the applied tactics at the incident. As such, the BOPC found Sergeant A's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC determined that drawing/exhibiting/holstering did not apply.

C. Non-Lethal Use of Force

The BOPC noted that upon arriving at scene, Officers A and B observed several firefighters attempting to restrain Subject 1. Officer A recognized that the firefighters had limited control of Subject 1 and appropriately directed the firefighters to guide Subject 1's hands behind his back, which allowed Officer A to handcuff him. Once handcuffed, Subject 1 continued to twist his torso and attempt to bite and spit at the firefighters who were attempting to control him. Officer B observed the firefighters struggling to maintain control of Subject 1 and applied a firm grip to Subject 1's arm to assist them in controlling him. Officer A announced that Subject 1 should be moved out of the room. With the assistance of several firefighters, Officers A and B picked up Subject 1, carried him out of the room and placed him in a face down prone position in the parking lot.

Sergeant A as well as Officers C, D, E, F, and G responded to the scene. Subject 1 continued to scream and struggle strenuously against the handcuffs and repeatedly struck his face against the pavement. In order to restrain Subject 1 and prevent him from striking his head on the pavement and causing further injury to himself, Officer B knelt on Subject 1's shoulder and buttock area, while Officer A held a firm grip on Subject 1's arm. Additionally, Officer C placed a firm grip on Subject 1's arm while Officer D knelt and with one leg on Subject 1's thigh and the other on his calf, attempted

to utilize body weight to keep him down on the pavement. After observing that Subject 1 was still struggling, Officer E placed his body weight on Subject 1's leg.

Realizing that Subject 1 was continually resisting and kicking his legs, Officer E requested that a unit respond with a HRD. Sergeant B responded and supplied Officer E with the HRD he had requested. Officer E, while still controlling Subject 1's leg, applied the HRD around Subject 1's ankles. Officer G, who was wearing latex gloves, relieved Officer C and applied a firm grip to Subject 1's wrist.

Officer A indicated that he initially used his hands while assisting the effort to restrain Subject 1. However, Subject 1 was wet with perspiration and attempting to bite and spit at the officers and firefighters as he thrashed about. This prompted Officer A to stand and place his foot, which was protected by his boot, on Subject 1's shoulder near his neck and utilize body weight to restrict his movements. Sergeant A observed the placement of Officer A's foot and directed him to reposition it away from the neck area. Officer A immediately repositioned his foot to Subject 1's shoulder area. The BOPC evaluated Officer A's foot placement near Subject 1's neck and found that, although generally discouraged, it was reasonable considering the potential risk of contamination from blood borne pathogens.

The BOPC determined that Sergeant A appropriately directed the officers' utilization of force and that Officers A, B, C, D, E and G's non-lethal use of force was reasonable to overcome Subject 1's resistance and effect his arrest.

The BOPC found Sergeant A's directing and Officers A, B, C, D, E and G's use of force to be in policy.

D. Other

The BOPC noted that the investigation revealed that Sergeants B and C were percipient witnesses to the use of force incident; however, they were initially assigned transportation and monitoring duties of the involved officers. In order to maintain the integrity of the investigation, it is necessary to ensure that all involved officers and witness officers be separated immediately after a categorical use of force incident.

The BOPC found Sergeants B and C's actions to warrant divisional training.