

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

IN-CUSTODY DEATH 053-06

Division **Date** **Duty-On (x) Off() Uniform-Yes(x) No()**
77TH Street 06/23/2006

Officer(s) Involved in Use of Force **Length of Service**
Not applicable.

Reason for Police Contact

Officers observed Subject 1 engage in a narcotics transaction with Subject 2. Subject 1 was arrested for sales of a controlled substance. Subject 2 was arrested for possession of a controlled substance and an outstanding warrant. Both arrests occurred without incident.

Subject **Deceased (x)** **Wounded ()** **Non-Hit ()**
Subject 1: Male, 57 years.

Board of Police Commissioners

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 April 24, 2007

Incident Summary

Officer A observed two males (Subjects 1 and 2) engage in an apparent narcotics transaction. Officer A's partner, Officer B, broadcast this information to Officers C and D. Officers C and D then took Subjects 1 and 2 into custody without incident.

The subjects were transported to Central Area Community Police Station. Sergeant A approved the subjects' booking. Sergeant B asked Subject 1 the questions required for

completion of the booking log. Subject 1 responded “yes” when asked whether he was sick, ill, or injured, and indicated that he had pain to his lower back.

Subject 1 was subsequently transported to the 77th Street Regional Jail facility. According to the documentation completed relative to Subject 1’s booking, Subject 1 indicated that he had no injuries or medical problems. The documentation also indicates a “no” response to the question, “Is any person in your agency aware of any medical or mental condition [...] or any other medical problem or injury regarding this arrestee?”

Subject 1 was subsequently placed in a cell. The cell was occupied by a number of inmates, and contained multiple bunks with mattresses.

Jail Inspection Record documents indicate that cell inspections were conducted at intervals of approximately 30 minutes from the evening of June 22, when Subject 1 arrived at the jail, through to 10:33 p.m. on June 23. The inspection records completed for this period of time do not include any notes to indicate that staff had concerns regarding Subject 1.

According to Witnesses A, B, C and D, all of whom were inmates housed in the cell with Subject 1, Subject 1 vomited repeatedly throughout the day on June 23. These witnesses also indicated that Subject 1 did not respond when spoken to by jail staff. Further, Witnesses A and D indicated that the “buzzer” in the cell was pressed to alert jail staff regarding Subject 1’s condition, but that this did not elicit a response.

Inmates in the cell also indicated that a nurse came into the cell and looked at Subject 1 during the day, and that jail staff cleaned up vomit and moved Subject 1’s mattress across the floor.

At some time between 11:30 p.m. and 11:50 p.m. on June 23, Detention Officer A assisted Detention Officer B in escorting several inmates from their cells in order to process their bail out from the facility. As they did so, one of the witnesses, Witness A, stated that someone was vomiting, and that he thought the person was dead. Detention Officers A and B secured the inmates they were escorting in another cell, then responded to the cell where Subject 1 was located.

Upon arrival at the cell, Detention Officer A entered the cell, saw Subject 1 laying on his side and saw vomit on the floor. Detention Officer A shook Subject 1. Subject 1 moved a little, but was otherwise non-responsive. Detention Officer A then used his radio to broadcast that there was a “man down.”

Within two minutes of the alarm being raised, Nurses A and B and Doctor C responded to the cell. A number of additional Detention Officers also responded to the cell and moved the remaining inmates to other cells. Meanwhile, at 11:50 p.m., Detention Officer C contacted Communications Division via 911 and requested that paramedics respond to the jail.

The jail medical staff who responded to the cell found Subject 1 to be pulseless and not breathing. Although they had an Automatic External Defibrillator, the device indicated that Subject 1 did not have a shockable pulse. Oxygen and chest compressions were administered until paramedics arrived at approximately 11:59 p.m.

Paramedics administered additional emergency aid to Subject 1, but noted no heart activity and no breathing. At 12:17 a.m. on June 24, Subject 1 was pronounced dead.

A subsequent autopsy examination revealed that Subject 1 had no traumatic injuries. The Department of Coroner determined the cause of Subject 1's death to be cardiovascular disease, with cocaine use as a contributing factor.

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 that tactics does not apply.

B. Drawing/Exhibiting/Holstering

The BOPC found that drawing and exhibition does not apply.

C. Use of Force

The BOPC found that use of force does not apply.