

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

**IN-CUSTODY DEATH – 063-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off(X) Uniform-Yes(X) No(X)</u></b>
Hollywood	06/09/2006	

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Sergeant A	12 years, 7 months
Officer A	2 years, 11 months
Officer B	16 years, 2 months
Officer C	16 years, 8 months
Officer D	13 years, 10 months
Officer E	1 year, 10 months
Officer F	11 years, 9 months

**Reason for Police Contact**

Off-duty Officer A observed Subject 1 running into traffic and acting erratically. Officers B, C, and D arrived and assisted in restraining Subject 1 for his own safety, using several non-lethal control techniques and the Hobble Restraint Device. Subject 1 fell into a coma and subsequently died.

<b><u>Subject</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Subject 1: Male, 39 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 06/05/07.

**Incident Summary**

Off-duty Officer A observed Subject 1 walking in heavy traffic, intermittently laying down on the roadway, and screaming. At one point, Officer A saw a vehicle speed away from

Subject 1 but did not see the vehicle strike Subject 1. Officer A then lost sight of Subject 1.

At approximately the same time, Witnesses 1 and 2, while waiting to turn onto the same street, observed Subject 1 sporadically enter traffic against the light, and then intermittently go down between cars on the street. Witness 1 called 911 on her cell phone.

Meanwhile, Officer B was driving nearby when three unidentified men approached him and stated that Subject 1 was running in the street. One of the men stated that a car had hit Subject 1 and left the scene. Officer B activated his emergency equipment and went toward the location. As he approached the location, he saw Subject 1 running in the middle of the street. Officer B observed Subject 1 diving onto the ground and lunging forward into the ground, hitting the ground with his hands, face, and knees. Officer B stopped his vehicle, exited, and told Subject 1 that he had to get out of the street. Subject 1 dove down again. Officer B then advised Communications Division (CD) of his status and location and requested an additional unit.

Officer A saw Officer B's vehicle pull up to Subject 1, and saw that Subject 1 had laid down on the ground in the street again. Because Officer A saw that Officer B was alone, he approached Officer B, identified himself as an LAPD officer, showed Officer B his LAPD identification, and asked Officer B if he needed assistance. Officer B asked Officer A to assist him in getting Subject 1 out of the street.

Officers A and B approached Subject 1, and Officer B told Subject 1 that they were going to help him get out of the street. The officers helped Subject 1 get up by lifting his arms. Subject 1 walked on his own to the curb in front of a bus bench, with the officers holding his arms. Officer B advised Subject 1 that they were going to place him in handcuffs for safety reasons and asked Subject 1 to put his hands behind his back. Subject 1 complied, and Officer B handcuffed Subject 1 with Officer A's assistance. Officers A and B sat Subject 1 down on the bus bench.

Officer A asked Subject 1 his name, if he was taking drugs, and if he was on any medication. Subject 1 responded with his first name, and informed the officers that he was not taking drugs, but was on medication.

Officer B noticed that Subject 1 had scrapes on his arm and a scrape on his chin. Officer B also noticed that Subject 1 had holes in the knees of his pants that looked like they had been recently made. Officer B noted that Subject 1 emitted a slight odor of alcohol, but did not believe that Subject 1's behavior was consistent with drunkenness.

Officer B formed the opinion that Subject 1 was either mentally ill or under the influence of a substance other than alcohol. Officer B requested an additional unit due to Subject 1's behavior.

Subject 1 then put his feet up and laid down across the bus bench.

Officers C and D responded to Officer B's radio call, and informed CD of their status and location. When Officers C and D arrived, Subject 1 began to thrash around on the bus bench. Officer B placed his hands on Subject 1's legs to hold Subject 1 onto the bench so that he would not fall off. Officer C then put his hands on Subject 1's elbows. Subject 1 kicked as Officer C held onto him. Subject 1 would intermittently stop and then resume his movements. Officer C requested an additional unit for transportation.

Officers E and F arrived at the scene in response to Officer C's transportation request and advised CD of their status and location. Officers E and F observed Subject 1 in handcuffs, lying on his stomach on a bus bench, yelling and resisting Officers C and D, who were attempting to control him. Officer F observed a cut on Subject 1's chin.

As Officer E approached, Officer C requested a Hobble Restraint Device (HRD).

Officer F removed his TASER and performed a spark check by pressing the trigger. Officer F held the TASER such that Subject 1 could see and hear it activate and asked Subject 1 if he heard the TASER. Subject 1 responded in the affirmative. Officer F then asked Subject 1 if he wanted to know what the TASER felt like. Subject 1 responded "no," and Officer F stated that he had to lay still and cooperate with the officers. Subject 1 responded that he would.

Officer F then instructed Officer E to apply an HRD as a preventative measure in case Subject 1 began to resist again. When the HRD was being applied, Subject 1 began tensing up and making jerking movements, and his upper body began to slide off of the bench.

Officer E grabbed Subject 1's legs and applied the HRD on Subject 1's ankles. Officers C and D then placed Subject 1 on the ground on his stomach, in front of the bus bench.

While Subject 1 was on the ground, Officer E observed Subject 1 shake, as if he was having a convulsion. Subject 1 was on the ground approximately 30 seconds before Officer D and other officers helped Subject 1 sit up against the bus bench. Subject 1's head was tilted back, his eyes were shut, and he was unresponsive. Officer E then noticed blood on Subject 1's face and shirt. Officer F broadcast a request for a Rescue Ambulance (RA).

Sergeant A arrived on-scene and observed Subject 1 sitting on the sidewalk and leaning against the bus bench, restrained with handcuffs and an HRD. Sergeant A instructed the officers present to remove the HRD due to Subject 1's apparent condition.

An RA responded to the scene of the incident. Paramedics examined Subject 1 and noted that there were black stains on Subject 1's abdomen that could have been tire marks. Subject 1 was transported to a hospital where he remained in a coma for almost one month and ultimately died.

A subsequent autopsy examination by the Department of Coroner (DOC) determined the cause of Subject 1's death to be "sequelae of anoxic/ischemic encephalopathy with pneumonia, due to status post cardiopulmonary arrest (clinical), due to neck/facial trauma (clinical) resulting from bizarre behavior needing restraint." The manner of Subject 1's death was deemed by the DOC to be "undetermined."

### **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, and D's tactics to be appropriate.

#### **B. Non-Lethal Use of Force**

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC was satisfied with the actions of all of the officers involved in this incident. The BOPC noted that Officer A was off-duty, recognized that a fellow officer was in need of assistance and took the initiative to assist Officer B. The BOPC further noted that Officer B communicated effectively with Officers C and D upon their arrival that Officer A was an off-duty officer. This eliminated any possible confusion among Officers C and D. The BOPC determined that, as is appropriate, Subject 1 was immediately placed into an upright seated position after the HRD had been applied. The BOPC also noted that a non-lethal use of force investigation was initiated and the situation was recognized as a possible In-Custody Death incident and handled according to proper protocol from the onset.

The BOPC found Officers A, B, C, and D's tactics to be appropriate.

## **B. Non-Lethal Use of Force**

The BOPC determined that all of the involved officers used the minimal force necessary to overcome Subject 1's resistance in order to control him and apply the HRD to his legs. The HRD was applied to prevent Subject 1 from further injuring himself. Once Subject 1 was effectively controlled and the HRD was applied, no additional force was used. The use of force was determined to have not been attributable to Subject 1's demise.

Subject 1 moved about violently while lying on the bus bench. Officer B applied bodyweight to Subject 1's legs to prevent him from falling off the bench. Simultaneously, Officer A applied a firm grip to Subject 1's forearm. Officers C and D arrived and assisted the other officers as they attempted to keep Subject 1 from falling from the bus bench. Officer C assumed Officer A's position and Officer A stepped back, allowing the uniformed officers to perform their duties. Officer C applied a firm grip on Subject 1's hand with his hand and a firm grip on Subject 1's elbow with his other hand.

Subject 1 continued to move about violently and kick his legs. Officer D stepped next to Subject 1 and applied a firm grip to his shoulder with his hand and placed his other hand on the middle of Subject 1's shoulders.

Additional officers arrived and the HRD was applied to Subject 1's legs without any further force necessary to control his actions.

The BOPC determined that Officers A, B, C, and D's non-lethal use of force was reasonable to overcome Subject 1's resistance to prevent him from further injuring himself. The BOPC found Officers A, B, C, and D's non-lethal use of force to be in policy.

The BOPC determined that no action by any member of the Los Angeles Police Department contributed to Subject 1's death.