

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

IN-CUSTODY DEATH – 066-06

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes() No()</u>
Foothill	08/04/06		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
None.	

Reason for Police Contact

Officers responded to a call at a residence. Once there, they encountered a suspect armed with a potential weapon that officers believed might be under the influence of narcotics. Officers transported the suspect to the station, where he subsequently died.

<u>Suspect</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Subject 1: Male, 57 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 6/12/07. The BOPC unanimously made the following findings.

Incident Summary

Communications Division (CD) broadcast an assault with a deadly weapon call. Officers A and B responded to the call. Officers A and B arrived at the location of the call, parked their marked police vehicle approximately one residence away and approached on foot. When the officers arrived, they found Subject 1 sitting on the ground with his back against the wall of the residence.

As he approached, Officer B noted that Subject 1 had a bottle of beer in his right hand and an eight-inch-long thin metal rod in his left hand. Subject 1 was out of breath and appeared to be disoriented, sweating, and had a blank stare, leading the officers to believe that Subject 1 was possibly under the influence of a stimulant. Officer A also believed that Subject 1 might be mentally ill.

Officer A maintained visual contact with Officer B and Subject 1 and approached the group of residents, who were standing outside of the location. The residents explained to Officer A that Subject 1 ran into their yard, possibly with two subjects chasing him. They noted that Subject 1 was acting strangely.

Officer B asked Subject 1 to put down the bottle of beer and the metal rod. Subject 1 complied. Officer B then asked Subject 1 to stand up, turn around, put his hands behind his head, and spread his legs. Subject 1 again complied. Officer B then approached Subject 1 and handcuffed him without incident.

Officer B indicated that he asked Subject 1 for permission to conduct a pat down search, and Subject 1 agreed to the request. When Officer B reached Subject 1's back pocket, Subject 1 began to turn to his right and then allowed his legs to go limp, causing him to lower to the ground. Officer A believed that Subject 1 was acting and simply did not want Officer B to discover whatever was in his pocket.

Subject 1 began to scream, "There they are. There they are." However, at the time, Subject 1 was facing a solid block wall and had no way of seeing anyone. Subject 1 was also squirming and kicking his legs and moved to a prone position. Officer B took a squatting position with his knee on the small of Subject 1's back to keep him still. Officer A noted that Subject 1's head was bouncing, his body was flailing around, and he was trying to kick Officer B.

Officers C and D arrived at the scene. Officer D approached Officer B to assist with Subject 1, who was still on the ground. According to Officer B, after Subject 1 had been lying on his stomach for approximately 45 seconds, he and Officer D attempted to lift Subject 1 up onto his feet, but Subject 1's legs remained limp, and he refused to stand up.

Officers B and D propped Subject 1 up against the wall of the residence. Officer D continued the search of Subject 1's person and located a crack pipe in one of his pockets.

Officer C noted that Subject 1 was not responsive to his questioning, but he believed that Subject 1 was simply refusing to answer. Officer C noted that Subject 1 had beads of sweat on his face, and had some cracking and discoloration around the inside edges of his lips. He also noted that Subject 1's eyes were bloodshot.

Officers A and C discussed the incident with the residents, who indicated that they wanted Subject 1 to be taken away. Given that Subject 1 was not a suspect in an assault with a deadly weapon crime but would be arrested for possession of drug paraphernalia, Officers B and D got on either side of Subject 1 and walked him to Officer C's police vehicle. Subject 1 walked on his own accord to the police vehicle.

Officers B and D sat Subject 1 in the rear passenger side of the police vehicle, fastened his seatbelt, and shut the car door. Officers C and D entered the police vehicle and departed for the police station.

As Officers C and D drove to the police station, Officer C noticed that Subject 1 leaned forward slightly and his head went down, up, and down again. Officer C noted that Subject 1's eyes were open. Officer C asked Officer D to open the plastic partition between the front and rear seats of the police vehicle to monitor Subject 1. Officer C noted that when Officer D rubbed Subject 1's chest and shook his shirt, Subject 1 moaned, as if Officer D was being a nuisance to him. Officer C instructed Officer D to continue to monitor Subject 1, but did not believe that Subject 1 needed medical treatment because he was showing no signs of breathing difficulties. Officer C instead believed that Subject 1 was coming down from being under the influence of something. Officer D indicated that he observed Subject 1's chest moving up and down and believed that he was sleeping.

Upon arriving at the station, Officer C parked their police vehicle and the officers exited their vehicle. Officer D opened the rear passenger-side door and unfastened Subject 1's safety belt. However, Subject 1 was not responsive. Sergeant A was sitting in a police vehicle, which was parked nearby. Sergeant A approached Officer C to see what was happening.

Officer C leaned into the back seat of the police vehicle and noted that Subject 1's eyes were open and fixed. Officer D determined that Subject 1 was not breathing but believed that he felt a faint carotid pulse.

Officer C requested a Rescue Ambulance (RA). Officer D again checked Subject 1 for a carotid pulse and was unable to find one.

Lieutenant A responded to the parking lot. When he arrived, Lieutenant A and Sergeant A instructed Officers C and D to remove Subject 1 from the police vehicle. Officers C and D carried Subject 1 to a shady area. The officers set Subject 1 down on the ground and Sergeant A removed the handcuffs. Subject 1 was placed in a supine position.

Officers A, B, D and E responded to the parking lot.

Lieutenant A and Officers C and D began cardiopulmonary resuscitation (CPR) on Subject 1. Having been notified of the emergency in the parking lot, Sergeant B obtained an Automated External Defibrillator (AED) from the Watch Commander's office and responded to the parking lot with Sergeant C.

Upon their arrival, the AED was attached to Subject 1. Once the machine was in place, it was activated. CPR was temporarily paused while the AED assessed Subject 1's condition. A short time later, the machine reported that a shock was not advisable and that CPR should be continued.

Officers continued administering CPR to Subject 1 until the arrival of Los Angeles Fire Department paramedics. However, Subject 1 was pronounced dead in the station parking lot.

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 and B's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Use of Force

Does not apply.

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B believed that Subject 1 was feigning convulsions in an attempt to keep Officer B from recovering a cocaine pipe from his front pants pocket. Because of this, Officers A and B did not request a RA while at the scene of the radio call. The BOPC noted that Subject 1 exhibited several symptoms that, in retrospect, would necessitate the request for a RA, such as appearing delusional with a blank stare, bizarre behavior, possible hallucinations, and appearance of being under the influence of narcotics. When all of these symptoms are combined together, it would be in the best interest of the suspect and the Department to request medical evaluation/treatment via a RA.

The BOPC would have preferred that Officer A had accompanied Officer B when Officer B contacted Subject 1. Although the BOPC acknowledges that Officer A maintained visual contact with Officer B and Subject 1 when she approached the residents, Officer A was separated from Officer B by a short distance and was preoccupied by her conversation with the residents. Given that Subject 1 was armed with the eight inch metal rod and given that the call was reported to be an assault with a deadly weapon, the BOPC would have preferred that Officers A and B had approached Subject 1 together and stayed together until such time as Subject 1 was disarmed and no longer a potential threat to the officers.

Officer D indicated that when he arrived at the scene, he observed Subject 1 lying face down on the ground. He also noticed that Officer B was squatting over Subject 1, with Subject 1 between his legs. Officer B was also holding onto Subject 1's handcuffs to control him. The BOPC is concerned that this position placed Officer B at a tactical disadvantage. Subject 1 was displaying resistant behavior, including squirming and kicking. If Subject 1 had rolled to either side, he could have knocked Officer B over, given that Subject 1's body was between Officer B's legs and Officer B was in a squatting position. The BOPC would have preferred that Officer B had controlled Subject 1's body movements from a position to the side of Subject 1's body.

The BOPC found Officers A and B's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Use of Force

Does not apply.