

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

IN-CUSTODY DEATH – 071-05

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Hollywood	08/16/2005		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	1 year, 2 months
Officer B	8 years, 8 months
Officer C	7 years, 5 months
Officer D	7 years, 11 months
Officer E	15 years, 7 months
Officer F	1 year, 6 months

Reason for Police Contact

Officers responded to a report of a fight and detained a male who was screaming and exhibiting bizarre behavior. The male was restrained and subsequently died.

<u>Subject(s)</u>	<u>Deceased (x)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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, 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 August 8, 2006.

Incident Summary

On the evening of Tuesday, August 16, 2005, Communications Division (CD) received a 911 call indicating that two males were fighting in an apartment building. The caller also reported that one of the males was attempting to break in the front door of an apartment.

Police Officers A and B were assigned the call.

As they arrived at the scene, Officers A and B saw a male (Subject 1) crawling out of a doorway, into the driveway of the apartment building. According to Officer A, Subject 1 was screaming and making unintelligible noises. According to Officer B, Subject 1 was speaking Spanish, asking for the police. Subject 1's pants were pulled down around his knees.

Also in the driveway, close to Subject 1, were two males and a female. Officers A and B walked toward the people in the driveway. Officer B asked what was wrong with Subject 1. The three individuals walked away from the officers.

According to Officer B, an unidentified neighbor informed him that he should detain the individuals walking away. Believing they were possibly involved in the reported incident, Officer B followed in order to detain them, leaving Officer A alone with Subject 1.

Officer A looked away from Subject 1 to see where his partner was going. Officer A then looked back toward Subject 1 and saw that Subject 1 had stood up and was walking toward Officer A, staggering from side to side. Officer A gave verbal commands to Subject 1 to "Stop." Subject 1 did not respond to Officer A. Officer A attempted to take hold of Subject 1's right arm. Subject 1 then tripped over a planter and fell to the ground. According to Officer A, Subject 1 did not fall very hard.

Officer A told Subject 1 to give Officer A his hand. Subject 1 screamed unintelligibly and did not comply with Officer A's instruction. Officer A then took hold of Subject 1's left hand, placed a handcuff on Subject 1's left wrist and instructed Subject 1 to give Officer A his right hand. Subject 1 did not comply.

Police Officers C and D responded to the scene of the incident and observed Officer A attempting to handcuff Subject 1. Both officers observed that Subject 1 was resisting Officer A.

Officers C and D approached Officer A to assist. Officer A held Subject 1's right arm and Officer B held Subject 1's left arm. Officer A then applied a handcuff to Subject 1's right wrist. After the handcuffs were applied, Subject 1 continued to move his legs.

Officer C instructed Officer A to apply a Hobble Restraint Device (HRD) to Subject 1's legs. Officer A took out a HRD. While Officer A held Subject 1's legs, Officer C took hold of Subject 1's ankles and applied the HRD.

According to Officer C, once the HRD was applied, four or five attempts were made to sit Subject 1 up. However, according to Officer C, Subject 1 was "thrashing about" and would not sit up, and the officers placed him on his side.

Note: When interviewed, Officers A and D did not report that they had made attempts to place Subject 1 in a seated position.

Meanwhile, Police Officers E and F responded to the incident. According to Officer E, upon arrival he saw Officer B conducting a pat-down search of a male on a landing in front of an apartment building. Officer E approached Officer B and asked him where Officer A was. Officer B pointed across the street. Officer D then went to Subject 1's location and found that officers had just completed handcuffing Subject 1.

Officer E saw that Subject 1's eyes were rolled back, and that Subject 1 was not moving. Officer E checked Subject 1 for a pulse and located one. Officer E then felt Subject 1's chest and noted that his breathing was shallow. Officer E instructed Officer A to request a Rescue Ambulance (RA).

LAFD Paramedics responded and examined Subject 1 at the scene. The paramedics determined that Subject 1 was not breathing and that he had no pulse. Subject 1 was on his right side when the paramedics first observed him.

Note: According to Officer A, the restraints were removed from Subject 1 prior to the arrival of the paramedics. According to Officer C, the officers were in the process of removing the restraints as the paramedics arrived. According to the paramedics, handcuffs and the HRD were still applied to Subject 1 upon their arrival at the scene.

The paramedics administered cardiopulmonary resuscitation to Subject 1 at the scene, then transported him to a local hospital. Subject 1 was provided with emergency medical care at the hospital, but failed to respond and was pronounced dead.

A subsequent autopsy determined that Subject 1 had consumed amphetamine, methamphetamine and cocaine. The Department of Coroner deemed the manner of Subject 1's death to be accidental.

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 and E's tactics to warrant administrative disapproval. The BOPC found Officer F's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found that no firearms were drawn during this incident.

C. Non-Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that Officers A and B parked directly across the street from the radio call location, which placed the officers at a tactical disadvantage. The BOPC would have preferred that the officers had parked a safe distance from the call location and had approached on foot.

The BOPC noted that when Officers A and B arrived, they observed Subject 1 crawling on the ground, screaming incoherently, acting erratically and apparently under the influence of drugs. Prior to the officers controlling Subject 1, Officer B made a decision to cross the street to detain two possible suspects, leaving Officer A alone with Subject 1. The separation distance was approximately 60 feet. Subsequently, Officer A became involved in a use of force with Subject 1. Officer A was ultimately assisted by Officers C and D.

The BOPC noted that Officer B was not even aware of the struggle that initially occurred between Officer A and Subject 1 and was critical of Officer B's decision to separate from Officer A. The BOPC noted that Officer B was not in a position to immediately assist Officer A due to the distance and focus on the additional suspects.

The BOPC also noted that Officers E and F were at the location for approximately 10 minutes prior to advising CD of their status and would have preferred that the officers had immediately notified CD of their arrival.

The BOPC noted that Officers A, C, and D were able to control Subject 1 by placing handcuffs and a HRD on his ankles. According to Officer C, the officers made approximately four or five attempts to place Subject 1 in an upright seated position; however, they were unsuccessful due to Subject 1's aggressive behavior. Ultimately, the officers were successful in placing Subject 1 on the ground on his right side. The BOPC further noted that, a short time after placing Subject 1 on his side, Officer E observed that Subject 1 appeared motionless. Officer E monitored Subject 1's breathing and pulse and noted that Subject 1's breathing was shallow, and that he was unconscious and his eyes had rolled back in his head. Officer E directed Officer A to request an RA for Subject 1.

The BOPC was critical of the officers' decision not to make additional attempts to place Subject 1 into an upright seated position. The BOPC was also critical that the HRD was

not removed once it was discovered that Subject 1 was experiencing distress, noting that the time between the officers' recognition of Subject 1's medical distress and the arrival of the RA was approximately four minutes and twenty seconds. The BOPC found that the officers failed to follow Department policy in regard to proper procedures following the application of handcuffs and a HRD.

The BOPC determined that Officers A, B, C, D and E's tactics to warrant administrative disapproval.

The BOPC found Officer F's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC determined that no firearms were drawn during this incident.

C. Non-Lethal Use of Force

The BOPC noted that Officer A monitored Subject 1's erratic actions as he crawled on the driveway and screamed incoherently, and that Subject 1 stood up and walked toward Officer A. As Officer A unsuccessfully attempted to grab Subject 1's right arm in an effort to control him, Subject 1 tripped and fell to the grass in the front yard. The BOPC further noted that Officer A straddled Subject 1, grabbed his left arm and placed one handcuff on his left wrist, and that Officer A attempted to control Subject 1's right arm to complete the handcuffing, but was unable to do so due to Subject 1's resistance.

The BOPC noted that, upon their arrival, Officers C and D observed Officer A struggling with Subject 1 on the ground. Officer C grabbed Subject 1's right arm, while Officer D grabbed his left arm, enabling Officer A to finish the handcuffing. The BOPC further noted that Subject 1 continued to resist and kick his legs violently, and that Officer C applied the HRD to Subject 1's lower legs.

The BOPC determined that Officers A, C and D's non-lethal use of force was reasonable to control Subject 1, and found the officers' non-lethal use of force to be in policy.