

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

IN-CUSTODY DEATH – 082-07

| Division | Date | Duty-On (X) Off() | Uniform- Yes(X) No() |
|-----------------|-------------|--------------------------|-----------------------------|
| Central | 08/03/2007 | | |

| Officer(s) Involved in Use of Force | Length of Service |
|--|--------------------------|
| Officer A | 9 years, 3 months |
| Officer B | 11 months |
| Officer C | 17 years, 7 months |
| Officer E | 7 years, 2 months |
| Officer F | 9 months |

Reason for Police Contact

Officers received a radio call of a naked woman roaming around a commercial area and responded to the scene.

| Subject | Deceased (X) | Wounded () | Non-Hit () |
|------------------------------|---------------------|-------------------|-------------------|
| Subject 1: Female, 37 years. | | | |

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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.

Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on July 8, 2008.

Incident Summary

Subject 1 entered a commercial building and was confronted by the building's security guard, Witness A. Witness A ordered Subject 1 out of the building and up the stairs to the second floor. Witness A followed as Subject 1 entered a large room filled with sewing equipment. Subject 1 ran in and out of different rooms that were located within a commercial space, and eventually ran inside one of the large rooms where Witness B and Witness C were in.

At this point, Witness C called 911, and Subject 1 completely disrobed herself and escaped from the confines of the office. Subject 1 began running around the equipment area of the room. Subject 1 picked up a knife from one of the tables in the room and waived it in a threatening manner as she told Witness A to stay away. Witness A was carrying a canister of oleoresin capsicum (OC) spray and elected to spray Subject 1, who reacted and ran downstairs and out of the building.

Subject 1 ran to an unoccupied black pick-up truck parked in a red zone and climbed inside. Subject 1 stayed inside the vehicle for a short time until the owner returned and ordered her out. Subject 1 then ran into a retail store as she yelled incoherently and knocked over clothing displays. Subject 1 climbed a 15-foot ladder that led to a balcony where merchandise was displayed. Subject 1 stepped from a ladder and jumped on a metal display rack, which was 10 to 12 feet below from where she jumped. Subject 1 then ran across the street to a shoe store, but the door was closed, and she was unable to enter the store. Subject 1 who was now naked and screaming, ran next door and entered a men's clothing store. Subject 1 was told to leave but instead Subject 1 ran back to the bathroom.

Officer A and Officer B received a radio call of a naked woman in the area. They arrived at the call location and saw people in the street waving at them. Officer A saw Subject 1 run along the sidewalk and into the retail business. Both officers followed Subject 1 into the store. When the officers began to approach Subject 1, she went inside the bathroom and closed the door. Officer A opened the door, and Subject 1 turned on the water and tried to splash both officers. Elected to take Subject 1 into custody Officer A grabbed one of her arms. Subject 1, who appeared to be wet and screaming, began waving her arms and fell to the floor. Subject 1 began to flail and kick, but the officers were able to handcuff her. Subject 1 was scratching and trying to bite the officers so Officer A used his radio and requested a back up unit. Officer A heard the dispatcher broadcast that his transmission was unreadable, but he also heard over the radio frequency that units were en route.

Officer A used a firm grip to try and control Subject 1's legs but, because she was wet and flailing her arms, he was unable to maintain his grasp. Meanwhile, Officer B used his right hand to hold Subject 1's right arm down and his left hand to hold down her left shoulder in order to restrain Subject 1 in a prone position.

Officer C and Officer D arrived on scene approximately two minutes after the request for back-up was made. Less than a minute later, Officer E and Officer F also arrived.

As backup officers reached Subject 1, she was face down and screaming, kicking, thrashing, spitting and scraping her head back and forth over the ground. In order to control Subject 1, Officer B applied body weight with his hands on her shoulders and his knee on her shoulder blade.

As soon as the additional units arrived, Officer A asked for a hobble restraint device (HRD). Officer A crossed Subject 1's legs, placed the HRD around her ankles and tightened it. Officer A took the loose end of the HRD and handed it to Officer C, who held it for a few seconds before he handed it to Officer F. Subject 1 continued to kick, which prompted Officer F to place his left foot against her ankles and to apply body weight to hold her ankles to the ground. Officer A told Officer F to relieve Officer B. Officer F gave the loose end of the HRD to Officer E and relieved Officer B. Officer F placed his right hand on the small of Subject 1's back, his left hand on her upper shoulder area, and his knee in the small of her back. Officer F applied his body weight in order to control Subject 1 and keep her face down on the ground so that she couldn't continue to spit at officers.

Subject 1 complained that she could not breathe, at which point Officer F released his hold and stood up. Once the hold was released, Subject 1 once again started to spit at officers and attempted to bite then Officer F placed both knees on Subject 1's back and applied a portion of his body weight, and maintained this position until Fire Department personnel arrived.

Sergeant A heard a request for a back-up unit over the radio and responded to the scene. Upon arrival, Sergeant A entered the business and could hear Subject 1 screaming incoherently. He observed Subject 1 face down, but partially on her side trying to lift herself up. Sergeant A was told that the officers had struggled with Subject 1 before he arrived. He felt that placing Subject 1 in an upright position would not be good for her safety. Subject 1 was hobbled around her ankles and Officer B used his hand to hold down Subject 1's shoulders and back area.

Subject 1 was lifted onto a gurney, still struggling, and taken to a rescue ambulance (RA). She was placed on her back, strapped to the gurney, and handcuffed to the rails. Once placed on the gurney, she was still kicking, and asked for God and the devil. Firefighters placed Subject 1 inside the RA. The firefighters decided to reassess her condition because she was no longer screaming. The firefighters discovered that Subject 1 had no pulse and was not breathing. The firefighters immediately started Cardio Pulmonary Resuscitation (CPR) on Subject 1. Subject 1 responded and regained her pulse and began to breathe on her own. Subject 1 was then transported to a local hospital, where she was subsequently admitted.

Sergeant A was notified by one of the firefighters that Subject 1 had stopped breathing during the incident so he notified the Watch Commander and a categorical use of force investigation was initiated. Two days later, Subject 1 went into cardiac arrest and was 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, E and F's tactics to warrant divisional training.

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Non-Lethal Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that when Officers A and B arrived at the scene, they informed CD they were at the radio call location. Unfortunately, they did not realize they were entering a business at a different address than that of the radio call. Officer A should have updated their location to ensure responding units could locate them. As a result, CD assigned a unit to locate the officers at a different location. This caused some confusion for the responding officers who had to depend on the individuals in the street to direct them to Officers A and B's location.

The investigation also revealed Officers A, B, and C were not equipped with a Hobble Restraint Device. Necessary field equipment should be readily available.

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

B. Non-lethal Use of Force

The BOPC noted that Officer A opened the bathroom door and observed Subject 1 nude and wet. Subject 1 attempted to throw water at Officer A, who attempted to control her left arm as Officer B attempted to grab Subject 1's right arm. Subject 1 lost her balance and fell forward with her body partially out of the bathroom. Despite the officers' verbal commands, Subject 1 refused to comply and continued to resist the officers. Officers A and B overcame Subject 1's resistance and applied handcuffs on her wrists.

As the responding officers arrived, Officer A requested a HRD from Officer C, who obtained one from Officer F. Officer A then crossed Subject 1's ankles and secured the HRD around them. Due to the OC exposure, Officer C relieved Officer A and attempted to secure Subject 1's legs to prevent her from kicking. Officer F then stepped in to relieve Officer C by controlling her legs.

Simultaneously, Officer B applied bodyweight to Subject 1's arms, shoulders and back. Officer B began to feel the effects of the OC and requested Officer F relieve him and control Subject 1's upper body. Officer F moved to Subject 1's upper body as Officer E took over controlling Subject 1's legs and the HRD.

The investigation revealed Subject 1 was handcuffed, hobbled and left in a supine¹ position with officers applying intermittent bodyweight on her back. Subject 1 was monitored throughout the incident, and when she stated she was having difficulty breathing, Officer F removed his bodyweight. Unfortunately, Subject 1 immediately became combative, forcing Officer F to reapply his bodyweight on her back. In this case Subject 1's combative behavior dictated the officers' reasonable actions and prevented the officers from safely placing her in a seated position or on her side.

The BOPC determined that Officers A, B, C, E, and F's use of force was reasonable to control Subject 1.

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

¹ There were conflicting reports as to whether Subject 1 was in a supine position or not.