

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

**IN-CUSTODY DEATH – 093-05**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
West Los Angeles	10/19/2005		

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

**Reason for Police Contact**

While conducting a burglary investigation, officers observed Subject 1, who matched the description of the suspect, lying in a backyard in medical distress. Subject 1 was transported to the hospital where he was pronounced dead.

<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, 33 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 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 09/26/06.

**Incident Summary**

Officers A and B went to a residence to conduct a burglary investigation. When they arrived, the officers were met by private security guards who advised them that a male (Subject 1) had parked a vehicle in front of the location and had scaled a wall to avoid capture. Subject 1 was sweating profusely and appeared under the influence of narcotics.

During the officers' burglary investigation, Communications Division (CD) broadcast a radio call of a trespasser in the backyard of a nearby residence. Realizing that this call could be connected to their investigation, Officers A and B went to that location, met with the person who called 9-1-1, and learned that Subject 1 was in the backyard lying

on his back. Officer A requested an Air Unit and an additional unit.

Sergeant A and Officers C, D, and E responded to the location. Sergeant A had a ride-along in his vehicle at the time of the incident. The Air Unit, piloted by Officers F and G, arrived and illuminated the backyard with their spotlight, and noted that Subject 1 was lying motionless on his back with his arms stretched out. Sergeant A then formed an arrest team that consisted of himself and Officers A, B, and D, who entered the backyard. Officer D, acting as the “cover” officer, drew his weapon when he observed Subject 1.

Sergeant A assumed the role of team leader, Officer B armed himself with a TASER, and Officer A assumed the role of “contact” officer. When the officers reached Subject 1, they noted that he was lying on his back. He did not resist when he was handcuffed, and appeared to be unconscious and not breathing.

Officers A and B then placed Subject 1 into a seated position and positioned his head so that his airway would be clear. Officer A noted the presence of blood, vomit, and excessive saliva in and around Subject 1’s mouth, and minor scratches on his hands and face, but did not see any severe trauma. Officer A checked Subject 1 for vital signs, but did not feel a pulse.

Sergeant A retrieved a medical breathing apparatus from his police car and directed Officer D to request a Rescue Ambulance (RA). The officers performed Cardiopulmonary Resuscitation (CPR) until paramedics arrived at the scene. Subject 1 was transported to the hospital where he 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 Sergeant A and Officers A, B, and D’s tactics to be appropriate.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC found Officer D’s drawing to be in policy.

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Sergeant A and Officers A, B, and D's tactics were prudent and demonstrated that the officers had foresight in their tactical evaluation of the incident.

The BOPC noted that although Subject 1 was never revived, Sergeant A and Officers A, B, D, and E made efforts to save his life.

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

### **B. Drawing/Exhibiting/Holstering**

The BOPC noted that Officer D responded to an additional unit request and was the designated "cover" officer on the arrest team. As Officer D approached Subject 1, he drew his service pistol. The BOPC determined that Officer D was involved in a situation that he reasonably believed might escalate to the point where deadly force may become necessary.

The BOPC found Officer D's drawing to be in policy.