

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

**IN-CUSTODY DEATH – 102-06**

<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>
Central	11/15/2006		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Not applicable	

**Reason for Police Contact**

Subject 1 was arrested for sales of heroin and was incarcerated in the jail facility. The following day, Subject 1 was found in medical distress and was subsequently 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, 53 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 10/23/07.

**Incident Summary**

Subject 1 sold heroin to undercover Officer A. Detectives monitored this transaction via a one-way audio wire. Detectives A and B then detained Subject 1, and Officer A positively identified him as the individual who had sold him heroin. Subject 1 was arrested without incident. Subject 1 was searched and then transported by Officers B and C to the police station.

At the station, Lieutenant A completed the Adult Detention Log, reflecting that Subject 1 understood why he had been arrested, was not sick, ill or injured and did not have any questions or concerns.

Officer D booked Subject 1. Officers E and F strip-searched Subject 1 for additional contraband or weapons, but none were recovered. Officers E and F then transported Subject 1 to Jail Division for the completion of the booking process and housing.

Officer F completed the officer's section of the Arrestee Medical Screening Form, which he reviewed with Subject 1, who subsequently signed the form. Detention Officer A completed the Jailer's Assessment section of the form and Subject 1 was placed in a temporary holding cell. The following morning, Subject 1 was taken to the second floor of the jail and placed in a dormitory-style cell.

**Note:** Various witnesses who shared a cell with Subject 1 stated that they observed Subject 1 take medication or heard him advise a detention officer he was sick.

Later that evening, Detention Officers B and C began to escort prisoners out of the cell for dinner. They heard an inmate state, "man down." Officers B and C entered the cell, where their attention was directed to Subject 1 who was lying across a bunk with his arms draped over the bunk and his feet dangling over the side. Subject 1 was face down in what appeared to be a pool of vomit.

Detention Officer C tried to awaken Subject 1; however, he was unresponsive. Detention Officer C checked Subject 1 for a pulse, but Subject 1 did not appear to have one. Detention Officer B used her radio to summon medical assistance.

Subject 1 was placed on a gurney and taken to the dispensary. CPR was administered and the Automatic External Defibrillator was used in an attempt to resuscitate Subject 1. A Rescue Ambulance (RA) was requested, and Subject 1 was transported to the hospital, where he was subsequently pronounced dead.

Subject 1 sustained no known external or internal physical injuries during his time in the custody of Department personnel, and no physical injuries were found during the autopsy. His death was classified as the result of a hemorrhage due to probable hypertension associated with cocaine use. The mode of death was deemed 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 determined that no findings be assigned to any Department personnel as a result of this incident.

### **Basis for Findings**

The BOPC examined the policies and procedures involved in this incident. The BOPC also reviewed the circumstances of Subject 1's detention and determined that the detectives, officers and detention officers' tactics and actions associated with Subject 1's detention, processing and housing were consistent with acceptable standards. It was established that there was no use of force involved in the detention or arrest of Subject 1.

There were several witnesses who indicated Subject 1 had informed an unknown detention officer(s) he was sick and did not receive treatment. In addition, Subject 1's name was not on either the Dispensary Sick Call Logs or Dispensary Sick Call List for the relevant period during which he was in the Department's custody.

Department personnel conducted an extensive and thorough investigation into this issue. The investigation concluded that jail personnel addressed Subject 1's complaint of illness.

First, according to Nurse Manager A, if an inmate is experiencing heroin withdrawal and the inmate advises the medical staff, the inmate will be given over-the-counter medication, referred to as the "kicking setup." Nurse Manager A stated that the jail medical staff might dispense such over-the-counter medicine when they are conducting sick calls to inmates' cells with Detention Officers; that is, the inmate may receive medication without visiting the jail dispensary. The "kicking setup" consists of Benadryl, Motrin or Tylenol and a salt tablet.

Secondly, the Coroner's Officer conducted additional toxicology tests on the original blood samples collected from Subject 1. These tests indicated that Subject 1 had ingested ibuprofen, the active ingredient in one of several over-the-counter medications that jail personnel would dispense in the event of a complaint of illness for drug withdrawal (e.g., the "kicking setup"). The ingredients are only detectable for approximately 24 hours after the medication is ingested.

Thirdly, a small paper cup used exclusively by jail personnel to dispense medication to inmates was found on the ground adjacent to Subject 1's bunk bed. A Deoxyribonucleic Acid (DNA) test of the cup was positive for Subject 1's DNA.

The BOPC determined that sworn and civilian personnel adhered to all codified Department policies and procedures. The actions of Department personnel did not, in any way, contribute to the death of Subject 1 and all reasonable efforts were taken in

response to the medical emergency. The BOPC determined that no findings be assigned to any Department personnel as a result of this incident.