

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

IN-CUSTODY DEATH – 103-06

Division	Date	Duty-On (x) Off()	Uniform-Yes(x) No()
Southwest	11/15/06		

Officer(s) Involved in Use of Force	Length of Service
None.	

Reason for Police Contact

During a traffic stop, Subject 1 placed a baggie of narcotics into his mouth and refused to remove it. Officers A and B transported Subject 1 to the police station, where additional Department personnel unsuccessfully persuaded Subject 1 to spit out the narcotics. Subject 1 subsequently died as a result of narcotics ingestion.

Subject	Deceased (x)	Wounded ()	Non-Hit ()
Subject 1: Male, 27 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 10/02/07.

Incident Summary

Officers A and B were assigned to assist plainclothes Officers C and D in crime suppression.

Officers A and B drove past a vehicle with darkly tinted side windows. The officers observed a male driver and a female passenger (Subject 1 and Witness A, respectively) and decided to initiate a traffic stop for the tinted windows, a violation of the California Vehicle Code.

Officer B was initially unable to read the vehicle's license plate. Officer A made a U-turn so that Officer B could read the license plate. However, the vehicle quickly turned into an alley, and the officers briefly lost sight of it.

Officer A turned into the alley behind the vehicle. Officer B requested a Department of Motor Vehicle (DMV) check on the license plate from Communications Division (CD). Officers A and B illuminated the police vehicle's spotlights and forward-facing red light. At the same time, the vehicle they were following pulled to the side of the alley and stopped.

Subject 1 opened the driver's side door, exited the vehicle, and began walking away from the officers. Subject 1 fumbled with keys and did not acknowledge the officers. Officer A drove the police vehicle past the parked vehicle and up to Subject 1, and asked him to stop. Subject 1 did not comply. Believing Subject 1 was attempting to escape, Officer A stopped the police vehicle and exited.

Officer B focused on Witness A, who was still seated inside the parked vehicle. Once the police vehicle was stopped, Officer B approached Witness A. At this time, CD broadcast the results of the DMV check. Officer B did not hear the registered owner's information, but heard that there were no wants or warrants. Officer B then informed CD of the officers' location and status.

Officer A observed Subject 1 reach for the pocket area of his sweatshirt. Believing Subject 1 might be reaching for a weapon, Officer A drew his service pistol and pointed it at Subject 1, ordering Subject 1 to let him see Subject 1's hands.

Subject 1 was facing away from Officer A. To obtain a better view of Subject 1's hands, Officer A moved so that he was offset from Subject 1. From this position, Officer A observed that Subject 1 held a clear plastic baggie that contained a substance Officer A believed to be rock cocaine. Subject 1 placed the baggie into his mouth.

Officer A directed Subject 1 to place his hands on his head and spread his feet. Subject 1 complied. Officer A holstered his pistol and approached and handcuffed Subject 1. While still standing behind Subject 1, Officer A patted down Subject 1.

Officer A then turned Subject 1's face toward him with his right hand and asked Subject 1 for his name or identification. Subject 1 did not respond. Officer A observed a bulge in Subject 1's cheek that he believed was the baggie of cocaine. Officer A observed that Subject 1 was "swishing around" the bulge, but did not observe Subject 1 chew or swallow. Officer A repeatedly directed Subject 1 to spit out the baggie.

Officer B observed Officer A handcuff Subject 1. Officer B then asked Witness A to exit the car, conducted a pat down search, and requested information on Subject 1. Witness A stated that she was Subject 1's girlfriend, but that she did not know his last name.

Officer B approached Officer A and Subject 1. Officer A told Officer B that Subject 1 had placed a substance resembling cocaine into his mouth. Officer B shined a flashlight at Subject 1's face and observed a large lump on the left side of his mouth, but noticed that Subject 1's lips were sealed and his jaw was still.

Officer B ordered Subject 1 to "spit it out" and advised Subject 1 that if he swallowed, he would die. Officer B conducted an additional search of Subject 1. Officer B observed Subject 1 move the bulge in his mouth towards his front bottom lip and back to his cheek. However, Subject 1 did not appear to chew.

Around this time, Subject 1 went limp and dropped to his knees. The officers assisted Subject 1 so that his head would not strike the ground, and Subject 1 lay down on his side. Officer A believed that Subject 1 was "faking" illness so that the officers would release him. Officers A and B assisted Subject 1 to his feet. Both officers noted that Subject 1 did not appear to be in medical distress.

Officer A contacted Officers C and D on the tactical frequency the four officers were using for their assignment. Officer A believed that Officers C and D might recognize Subject 1 and successfully persuade him to spit out the narcotics.

While waiting for Officers C and D to arrive, Officers A and B continued to direct Subject 1 to spit out the narcotics. Officer B also asked Witness A to persuade Subject 1 to spit out the narcotics; however, Witness A did not comply.

When Officers C and D arrived, they did not recognize Subject 1 and, despite several attempts, were unable to persuade him to spit out the narcotics. Officers C and D continued to instruct Subject 1 to spit out the narcotics.

Officers A and B placed Subject 1 in the rear of the police vehicle. Officer D sat in the backseat with Subject 1 and continued to attempt to persuade Subject 1 to spit out the narcotics.

The officers decided to impound the vehicle and transport Subject 1 to the police station. Officer A called Sergeant A to inform Sergeant A of the situation. Officer A told Sergeant A that Subject 1 had "put some dope in his mouth" and was "refusing to spit it out," and of the officers' plan to transport Subject 1 to the station. Sergeant A told the officers to bring Subject 1 to the station. Sergeant A also advised the officers to call a rescue ambulance (RA) if Subject 1 began chewing the narcotics.

Officers C and D broadcast that they were in the alley and requested a tow truck. During this time, Officer B searched the vehicle, completed impound paperwork, and completed a Field Interview (FI) card on Witness A. Officers C and D remained at the scene until the car was towed.

Officers A and B transported Subject 1 to the police station. Officer B sat next to Subject 1 in the rear of the police vehicle. During the ride, Officer B continued to talk to

Subject 1 and illuminated Subject 1's mouth with a flashlight so as to ensure he was not chewing the narcotics. The officers observed that Subject 1 was alert during the ride.

Officer A parked the vehicle in the rear parking lot of the police station. Leaving Officer B in the backseat with Subject 1, Officer A approached Officer E, who was nearby, and explained the situation. Officer E spoke to Subject 1 through the open right rear passenger door, but was unable to persuade him to spit out the narcotics.

Officer A then received a telephone call from Sergeant A. Officer A informed Sergeant A that he and Officer B were in the parking lot of the station. Sergeant A and Officer F, who was with Sergeant A at the time of the call, joined the officers in the rear parking lot. Over a period of five to ten minutes, Sergeant A repeatedly directed Subject 1 to spit out the narcotics.

Around this time, Officers G, H, I, and J, who were in the rear parking lot, also moved to Subject 1's location and instructed Subject 1 to spit out the narcotics.

Sergeant A then informed Subject 1 that he would use oleoresin capsicum (OC) spray on Subject 1 if he did not spit out the narcotics. However, Sergeant A did not use OC spray on Subject 1.

Officer A instructed Subject 1 to exit the police vehicle. While exiting, Subject 1 bent his knees and fell to the ground. Sergeant A and Officer G supported Subject 1 as he fell. Officer A then observed that Subject 1 was chewing.

Officer G placed Subject 1 into a seated position and leaned him against the tire of the vehicle. A white, paste-like substance that appeared to be cocaine mixed with saliva began to secrete from Subject 1's mouth and cover his chin. Subject 1 began to gag and cough. Officer G leaned Subject 1 over to the right and tilted Subject 1's head so that Subject 1 would not swallow the secretion.

Sergeant A instructed the officers to call a RA, and Officer A did so.

Officer A observed that Subject 1 became fidgety, his eyes widened, and he began grimacing.

Around this time, Officers K and L, who were inside the station, heard the request for a RA and responded to the parking lot. Officer L observed that Subject 1 was having trouble breathing because Subject 1 was coughing. Officer K broadcast to confirm that a RA was en route to the station. Officers C and D responded from the field.

As Subject 1 chewed, pieces of a rock-like substance, which the officers believed was cocaine, began falling out of Subject 1's mouth onto the pavement. Subject 1 leaned forward and licked the ground. Officer B held Subject 1's head and shoulders to prevent him from leaning over, and moved his body to prevent him from licking the ground. Officer I used a FI card to push the cocaine pieces out of Subject 1's reach.

Sergeant B responded to the rear parking lot with the Adult Detention Log. He and Sergeant A then asked Subject 1 the pre-screening questions on the log, but Subject 1 did not respond. Sergeant B then left the scene. Around this time, Officer B took photographs of Subject 1 at the instruction of Sergeant A.

An RA arrived to the front of the police station. Los Angeles Fire Department (LAFD) paramedics were escorted to the parking lot. Officers A and B assisted Subject 1 to his feet. Officers A and E picked up Subject 1 and placed him onto a gurney. Officers E and K then handcuffed Subject 1 to the gurney.

The paramedics rolled the gurney to the RA, where they confirmed that Subject 1 was in full cardiac arrest. While administering emergency medical treatment, the paramedics removed a plastic baggie containing a white powdery substance from Subject 1's throat. Officer K recovered the baggie, placed it in a latex glove, and called Sergeant A, who responded to the front of the station and took the latex glove.

The paramedics then transported Subject 1 to a hospital, where Subject 1 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 and B's tactics to warrant formal training.

B. Drawing/Exhibiting/Holstering

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

C. Other Issues

The BOPC directed that training regarding the proper procedure of handling a suspect who has ingested narcotics be provided in the Department-wide roll call training schedule.

Basis for Findings

A. Tactics

The BOPC noted that the personnel involved in this incident were working a specified assignment that consisted of a supervisor and plainclothes and uniform components. Officers A and B were the uniformed component and were assigned to support plainclothes officers. The BOPC noted that Officers A and B deviated from the mission by initiating a traffic stop on their own. This decision created the circumstance where the plainclothes component was working without the active support of the uniform personnel assigned to the detail.

Officer A initiated a traffic stop and deployed from a position adjacent to the driver's side of Subject 1's vehicle. Although Subject 1 immediately exited his vehicle, the tactical considerations associated with the second occupant warranted a traditional traffic stop, wherein the police vehicle is positioned to the rear of the violator's vehicle to facilitate a safe approach. The placement of the police vehicle alongside the driver's side of Subject 1's vehicle placed the officers at a tactical disadvantage. A second occupant remained in the vehicle that had yet to be cleared.

The BOPC noted that Officer B initially focused on Subject 1, but shifted back to the vehicle after realizing that the passenger was still in the vehicle. The officers' attention was now split between Subject 1, who was attempting to leave, and the passenger, who remained in the vehicle.

Officer A observed Subject 1 reach into his sweatshirt pocket, remove a plastic baggie containing what he believed to be cocaine and place it in his mouth. Officer A was unable to obtain Subject 1's compliance to remove the baggie from his mouth. Officer A contacted Sergeant A and advised him of the situation. Sergeant A directed the officers to transport the suspect to the station.

The BOPC noted that Sergeant A had no sense of urgency in managing this incident. In accordance with appropriate protocols, Sergeant A should have responded to the scene to personally evaluate the circumstances and then had Subject 1 immediately transported to a contract hospital by rescue ambulance.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A observed Subject 1 reach into the front pockets of his sweatshirt. Fearing that Subject 1 might be retrieving a weapon, Officer A drew his service pistol.

The BOPC determined that Officer A had sufficient information to believe the situation may escalate to the point where deadly force may become necessary. The BOPC found Officer A's drawing to be in policy.

C. Other Issues

The BOPC evaluated the actions as much as the inaction of all involved personnel. It was determined that the number of the Department personnel who were unfamiliar with the proper procedure of handling a suspect who has ingested narcotics warranted additional training on the subject.

Note: Department policy requires that, when an officer believes that an arrestee has ingested narcotics, the officer shall immediately transport the arrestee to the nearest available hospital for medical assistance.

The BOPC determined that it would be beneficial for the division, as well as the Department, to receive additional training regarding the policy for handling suspects who have ingested or attempt to ingest narcotics. The BOPC directed that this training be provided in the Department-wide roll call training schedule.