

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

**IN-CUSTODY DEATH – 109-06**

<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>
Jail	12/11/2006		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Sergeant B	28 years, 5 months
Detention Officer A	5 years, 9 months
Detention Officer C	4 months
Detention Officer D	5 years, 9 months
Detention Officer E	5 years, 5 months
Detention Officer F	1 year, 1 month

**Reason for Police Contact**

Officers A and B observed Subject 1 acting erratically, believed him to be under the influence of narcotics, and arrested him. While being booked, Subject 1 became violent. When jail staff attempted to transfer him to a padded cell, they observed an injury to his forehead and attempted to provide medical treatment. Subject 1 subsequently went into cardiac arrest and died.

<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, 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 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 10/02/07.

**Incident Summary**

Officers A and B observed an individual (Subject 1) exhibiting erratic behavior and formed the opinion that he could be under the influence of a controlled substance.

Officers A and B approached Subject 1 and asked him to walk over to them. Subject 1 then threw a plastic bag on the ground, ripped it open, threw clothing out of it, and stated that he did not have anything. The officers noted that Subject 1's pupils were dilated and that he was moving his head back and forth. When Officer A asked Subject 1 if he had ingested any narcotics that morning, Subject 1 stated that he had, earlier that day. The officers arrested Subject 1 and transported him to Jail Division to conduct a Drug Recognition Expert (DRE) examination. Based on the results of this exam, the officers determined that Subject 1 was under the influence of a Central Nervous System (CNS) stimulant consistent with the use of cocaine.

Sergeant A then conducted a pre-booking screening and asked Subject 1 if he was sick, ill, or injured. Subject 1 stated that he used an inhaler for asthma. During the booking process, Officer A noted that Subject 1 appeared tense and was grinding his teeth, was having a hard time standing, and was sweating. Because Subject 1 had indicated that he had asthma, Officer A took him to the dispensary for a medical evaluation.

The dispensary doctor assessed Subject 1 and cleared him for booking. Subject 1 was then taken to the processing area where Detention Officers A and B photographed and fingerprinted arrestees. Although Detention Officers A and B repeatedly asked Subject 1 to calm down, he did not comply. Detention Officer A directed Officer A to place Subject 1 into a cell to calm down.

While in his cell, Subject 1 screamed incoherently and banged loudly on the door and window. Detention Officers A and B monitored Subject 1 at 30-minute intervals and repeatedly asked him to calm down so that he could be booked. Subject 1 did not comply with their requests and continued to scream erratically and bang on the cell door.

Sergeant B heard Subject 1 screaming incoherently and attempted to communicate with him to determine if he needed medical assistance. When Subject 1 continued to scream incoherently, Sergeant B decided to place him in a padded cell to prevent him from harming himself. Sergeant B then advised Sergeant A of his intent to form an extraction team. When Sergeant B returned to Subject 1's cell, he noted that Subject 1 was bleeding from a one-inch cut near his eyebrow.

Shortly thereafter, Detention Officers A, C, D, E, and F were assembled as a cell extraction team. Sergeant B held a briefing with the members of the extraction team, formulated a tactical plan, and assigned specific duties to each member of the team. Detention Officers C and D were assigned as shield officers. Detention Officers A and E were assigned as capture officers, and Detention Officer F was assigned to the application of handcuffs and the Hobble Restraint Device (HRD). Detention Officers B and G were assigned the TASER and the videotaping of the extraction, respectively. Senior Detention Officer A was advised to "stand by" while the extraction team entered the cell.

Sergeant B directed Subject 1 to lay on the ground with his legs crossed and hands behind his back. When Subject 1 failed to comply, Sergeant B opened the door to Subject 1's cell and directed the extraction team inside.

Once inside, Detention Officers C and D used protective shields to pin Subject 1 against the cell wall. Once Subject 1 was pinned against the wall, Detention Officers C and D discarded their shields. Detention Officers A and D then grabbed Subject 1's leg and forced Subject 1 onto the floor. Once on the floor, Detention Officer A wrapped his arms around Subject 1's legs in an attempt to maintain control of them.

Detention Officer C applied his body weight and firm grips to hold Subject 1's upper body down. Detention Officer E applied a firm grip to Subject 1's arm and shoulder blade area and prepared to assist in handcuffing Subject 1. Detention Officer F handcuffed Subject 1 while Detention Officers D and E pulled Subject 1's arms together.

Once handcuffed, Subject 1 continued to resist and struggled violently. While Subject 1 lay on his stomach, Detention Officers D and E used body weight to hold Subject 1's legs down while Detention Officer F attempted to place a HRD around Subject 1's ankles. However, because Subject 1 was still struggling and kicking, Detention Officer F was unable to maneuver the HRD around Subject 1's ankles. Detention Officer A assisted Detention Officer F and finished securing the HRD around Subject 1's ankles while several members of the extraction team continued to apply their body weight onto Subject 1's back as he lay in a prone restraint position.

Sergeant B noted that Subject 1 was bleeding heavily and directed a detention officer to place a Spit Sock around Subject 1's head. Senior Detention Officer A placed the Spit Sock over Subject 1's head. Four members of the extraction team then lifted Subject 1 off of the ground and secured him to a gurney with restraining straps.

Subject 1 was then taken to the dispensary for medical treatment. Because Subject 1 continued to struggle and scream loudly while still strapped to the gurney, medical staff was unable to provide him with care and determined that Subject 1 should be taken to a hospital for medical treatment.

Senior Detention Officer A contacted Communications Division and requested a Rescue Ambulance (RA). An RA unit arrived and noted that Subject 1 was extremely violent. Upon a paramedic's request, Doctor A administered a tranquilizer to calm Subject 1 down.

Extraction team members transferred Subject 1 from the jail gurney to the RA gurney, transported him to the RA unit, and placed him inside. A video recording showed Subject 1 laying on his stomach with his ankles hobbled while being transported to the RA unit.

Once inside the RA, Subject 1 went into cardiac arrest and was taken to the hospital, where he was subsequently 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 B and Detention Officers A, C, D, E and F's tactics to be appropriate.

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

Does not apply.

### **C. Non-Lethal Use of Force**

The BOPC found Sergeant B's direction of the detention officers' use of non-lethal force to be in policy.

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Sergeant B decided that Subject 1 needed to be transferred to a padded holding cell due to his erratic and violent behavior. Sergeant B organized a cell extraction team and held a detailed briefing with the team members. During the briefing, Sergeant B ensured that the team members were properly equipped and understood their assigned duties. Finally, Sergeant B assigned an additional detention officer the duty of video taping the entire extraction. The BOPC was pleased with the level of command and control exhibited by Sergeant B during this incident. The clear and concise directions as well as detailed briefing ensured that all of the extraction team members were aware of their responsibilities and resulted in an exemplary cell extraction.

Detention Officers A, C, D, E, and F attended the briefing conducted by Sergeant B. Once the extraction was initiated, the detention officers properly fulfilled their assigned roles.

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

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

Does not apply.

### **C. Non-Lethal Use of Force**

The BOPC noted that, once Sergeant B initiated the cell extraction, the cell door was opened and Detention Officers D and C entered the cell, followed by the remaining extraction team. Detention Officers C and D utilized protective shields to pin Subject 1 against the cell wall. Once pinned against the wall, Detention Officers C and D discarded their shields. Detention Officers A and D grabbed Subject 1's leg and forced Subject 1 onto the floor. Once on the floor, Detention Officer A wrapped his arms around Subject 1's legs in an attempt to maintain control of them. Detention Officer C used his body weight and firm grips to hold Subject 1's upper body down. Detention Officer E applied a firm grip to Subject 1's arm and shoulder blade area and prepared to assist in handcuffing Subject 1. Detention Officer F handcuffed Subject 1 while Detention Officers D and E pulled Subject 1's arms together.

Once handcuffed, Subject 1 continued to resist and struggled violently. Detention Officers D and E used body weight and held Subject 1's legs down while Detention Officer F attempted to place a HRD around Subject 1's ankles. However, because Subject 1 was still struggling and kicking, Detention Officer F was unable to place the HRD around Subject 1's ankles. Detention Officer A assisted Detention Officer F and finished securing the HRD around Subject 1's ankles.

The BOPC was pleased with the direction provided by Sergeant B as well as the restraint and professionalism demonstrated by the extraction team members involved in this incident. Although Subject 1 was actively resisting and appeared to be in an altered state of mind during the extraction, the detention officers followed orders issued by Sergeant B and used the minimal amount of force necessary to detain Subject 1.

The BOPC found Sergeant B's direction of the detention officers' use of non-lethal force to be in policy.

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