

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

IN-CUSTODY DEATH - 004-10

Division	Date	Duty-On (x) Off ()	Uniform-Yes (x) No ()
Central	01/15/10		

Involved Officer(s)	Length of Service
Sergeant A	19 years, 6 months
Officer A	12 years, 3 months
Officer B	10 months
Officer C	2 years, 1 month

Reason for Police Contact

Officers responded to a radio call of a man wandering in the middle of the street, which resulted in a use of force and in-custody death.

Subject(s)	Deceased (x)	Wounded ()	Non-Hit ()
Subject: Male, 39 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, pertinent suspect criminal history, and addenda items); the relevant 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 Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 December 14, 2010.

Incident Summary

Witness A was driving when she witnessed the Subject walking in the middle of the street in front of a vehicle that was stopped at a red light. Witness A approached the intersection, the Subject ran in front of her car. Witness A stopped and noticed that the

Subject was bleeding from his head, covered in blood, and had his pants pulled down to his ankles. According to Witness A, the Subject was walking back and forth with a dazed look on his face. Witness A drove away and immediately called 9-1-1 from her cellular phone.

Witness B was driving when he witnessed the Subject walking in the street. Witness B stopped his vehicle, and the Subject approached the vehicle's passenger side window. According to Witness B, the Subject was weaving from side to side as he walked toward the vehicle and appeared to be intoxicated. Witness B saw that the Subject was bleeding from his forehead and covered in blood so Witness B told the Subject he was going to call an ambulance. The Subject replied that he was fine. As the Subject walked away, Witness B told the Subject to get out of the street and called an ambulance. Witness B then pulled his vehicle over to the side of the road and approached the Subject on foot. Witness B told the Subject to get on the sidewalk and that he had called the Subject an ambulance.

Officers A and B were patrolling when they heard a Communications Division (CD) broadcast regarding the Subject and responded to the call. Officers A and B responded to the scene with their lights and sirens activated. Officer C notified CD that he would also respond and followed Officers A and B to the scene.

Officers A, B and C exited their vehicles and approached the Subject, who was still in the middle of the street. Officer A asked the Subject what happened and told him to stop. At the same time, Officer B instructed the Subject to stop and head toward the sidewalk. The Subject looked at the officers and started to walk toward them, but did not say anything. The Subject walked by Officers A and B, so they followed him. Once Officers A and B caught up with the Subject, Officer A placed his hand on the Subject's chest in order to get the Subject to stop walking away from the officers. The Subject stopped momentarily before continuing to walk away from the officers.

Officer A told Officer B that they were going to have to take the Subject down. Officer A instructed Officer B to grab one of the Subject's arms while Officer C grabbed the Subject's other arm. Officers A gave the Subject a little push forward, which caused the Subject to lose his balance. Officers B and C assisted the Subject to the ground. Officer C placed his knee on the Subject's back and used his hands to hold the Subject down. Officer B helped Officer C hold the Subject in place. The Subject moved his arms under his chest and began kicking his legs. Officer A bent down, grabbed the Subject's ankles, and told the Subject not to kick. The Subject then kicked his legs, refused to give up his arms, and started speaking in a manner that the officers could not understand. Officer A instructed Officer B to request an additional unit, so Officer B sent out a broadcast to CD. The Subject then turned onto his right side, swung his left arm back, and hit Officer B in the ankle. Sergeant A heard Officer B's broadcast and responded to the scene. Sergeant A noticed that the officers were having a hard time handcuffing the Subject, so he approached the officers and put his hands on the Subject's legs to help keep the Subject in place. Sergeant A had his hands on the Subject for only a few seconds when Officer A told Sergeant A that he and the other officers had the Subject under control.

The Subject stopped resisting the officers, so Officers B and C handcuffed him. Officers A, B and C rolled the Subject onto his side and let the Subject fall onto his back.

Los Angeles Fire Department (LAFD) personnel began examining the Subject and at the request of the LAFD, Officer B removed the handcuffs from the Subject. LAFD personnel found that the Subject had stopped breathing and was without a pulse, so they immediately transported him to the hospital, where the Subject was pronounced dead by medical personnel.

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 Officer A, B and C's tactics to warrant a tactical debrief.

B. Non-Lethal Use of Force

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

Basis for Findings

A. Tactics

In its analysis of this incident, the BOPC identified the following tactical considerations:

In this instance, Officers A and B properly advised CD that they were responding to the radio call "Code-Three." While Officers A and B were responding, Officer C advised CD of his response to the radio call, turned on his emergency lights and siren, and joined Officers A and B as the two units proceeded "Code-Three" to the location. Officer C did not advise CD of his "Code-Three" response.

While deployed as a one man unit, Officer C followed directly behind Officers A and B who had advised CD of their "Code-Three" response and starting point. Based on the

manner in which he was deployed and current department policy which allows multiple units to respond "Code-Three" to radio calls, Officer C's decision to follow the primary unit while driving "Code-Three" did not substantially deviate from approved department tactical training.

In this instance, Officers A and B made contact with the Subject and both began giving the Subject commands.

In conclusion, although multiple officers were issuing commands to the Subject, each officer's commands were independent of one another (not simultaneous), thereby ensuring that the contact and cover concept was adhered to and the officers' tactical abilities were not compromised. Therefore, the officers' actions did not substantially deviate from approved department tactical training.

In this instance, when the Subject resisted, the officers utilized non-lethal force to place him into a prone position; however, the blood on the Subject's arms coupled with his resistance prevented the officers from placing the Subject's arms into a position for handcuffing. As the struggle to control the Subject continued, Officer A directed Officer B to broadcast a request for an additional unit. Officer B did as instructed. Based on the circumstances, a back-up request would have been warranted.

In conclusion, Officers A, B and C are reminded to be familiar with when to request an additional unit and a back-up and the importance of providing pertinent information to responding units. The officers' actions did not substantially deviate from approved department tactical training.

Overall, although there were identified areas where improvements could be made, the tactics utilized did not unjustifiably and substantially deviate from approved department tactical training.

B. Non-Lethal Use of Force

Officers A, B and C triangulated on the Subject, with Officer B positioned to the Subject's left, Officer C to the right and Officer A to the rear. The officers effectively contained the Subject, while Officer B placed his right hand on the Subject's back and guided him toward the sidewalk. Prior to reaching the sidewalk, the Subject leaned back into Officer B's hand, resisting Officer B's efforts to direct him to the sidewalk. In response, Officer B applied firm grips on the Subject's left wrist and tricep and Officer C utilized his right hand to apply a firm grip to the Subject's right wrist.

Unable to overcome the Subject's resistance and physically force him to the sidewalk, Officer B assumed a squatting position and lowered his center of gravity, causing the Subject to bend forward. At this point, Officer A pushed the Subject from behind, thereby causing the Subject to lose his footing. Officers A and B proceeded to guide the Subject to the ground in a prone position. The Subject pulled his arms under his body and pushed his forearms against the roadway in an attempt to raise himself off the ground. Officer B bent down adjacent to the Subject and placed both of his hands on

the Subject's back while Officer C placed his left knee on the small of the Subject's back and grabbed the Subject's right wrist with his hand. To prevent the Subject from kicking, Officer A grabbed the Subject's ankles with both hands.

The Subject continued to resist by rolling from side to side and kicking his legs. This coupled with the amount of blood on the Subject's arms proved problematic as Officers B and C attempted to remove the Subject's arms from underneath his body. Sergeant A approached the officers as they struggled to control the Subject. To expedite the handcuffing process and ensure that the Subject received medical treatment in a timely manner, Sergeant A placed both hands on the Subject's calves.

Personnel with similar training and experience as the involved officers and sergeant would reasonably believe that the Subject posed a danger in the roadway and that the application of non-lethal force to detain and overcome resistance and ensure that proper medical treatment was received would be justified. Therefore, the application of non-lethal force by Sergeant A and Officers A, B and C to overcome the resistance of the Subject was objectively reasonable and within department guidelines.

In conclusion, the BOPC found the application of non-lethal force utilized by Sergeant A and Officers A, B and C to be in policy.