

**ABRIDGED SUMMARY OF AN IN-CUSTODY DEATH AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

**IN-CUSTODY DEATH – 014-08**

<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>
North Hollywood	02/16/08		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer B	9 years, 3 months
Officer C	10 years, 11 months
Officer D	1 year, 2 months
Officer F	7 months

**Reason for Police Contact**

Subject was found on the floor of a methadone clinic in physical distress. Officers responded to the location to provide back-up for the LAFD. Upon transport to an area hospital, the subject went into cardiac arrest and died.

<b><u>Subject(s)</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
Male, 53 years.			

**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 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. Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on November 18, 2008.

**Incident Summary**

Witness 1 was working at a methadone clinic when she observed the subject, a patient of the clinic, enter the clinic and walk directly to the bathroom. After a few minutes, Witness 1 heard noises coming from the bathroom. Witness 1 knocked on the door and

asked the subject if he was okay. The subject did not respond. Witness 1 opened the bathroom door and observed the subject on the ground with his pants around his ankles and feces throughout the bathroom. Witness 1 called 911.

The Los Angeles Fire Department (LAFD) contacted the Los Angeles Police Department (LAPD) Communications Division (CD) and requested LAPD officers to back up LAFD personnel who were responding to a call involving a violent male at the methadone clinic. LAFD Firefighters arrived at the methadone clinic and observed the subject lying on his back, thrashing around and rolling in his feces.

Officers A and B were the primary unit assigned by CD to back up LAFD personnel at the methadone clinic. Officers C and D were assigned to back up. Officers C and D arrived first and spoke to the LAFD firefighters in the parking lot. The LAFD firefighter informed Officer C that the subject was combative.

Officer C and D entered the location and observed the subject inside the bathroom, kicking and screaming. Officer D saw several knives on the floor of the bathroom, recovered the knives, and placed them on the secretary's desk in another room out of the reach of the subject. Based on the actions of the subject, Officers C and D decided to wait inside the clinic for additional officers to arrive before taking further action.

Officers A and B arrived at the location. Based on the information provided by CD, Officer A decided to deploy a TASER. Officers E and F also arrived at the location.

Officer C, the senior officer present, developed a tactical plan with the other officers to remove the subject from the bathroom and place him on the gurney. Officer C designated Officers D and F to be the contact officers. Officer C decided to try and remove the subject's pants so they would not get caught on anything when the officers brought him out of the bathroom. Officers D and F were instructed to grab the subject and pull him out of the bathroom toward the lobby where the gurney was located. Prior to approaching the subject, LAFD personnel provided latex gloves to all of the officers.

As Officers C, D and F approached the subject in the bathroom, he was still kicking his arms and leg.

Officers D and F pulled the subject into the hallway. As the officers pulled the subject out of the bathroom, Officer C stepped on the subject's pants, which became entangled around the subject's shoe and would not come off.

Officers B and C held the subject's leg to keep it from kicking as the subject was dragged toward the gurney in the lobby. The gurney was in a collapsed position close to the floor. The officers and LAFD personnel picked up the subject and placed him on his back.

After being placed on the gurney, the subject continued his movements as the officers and firefighters continued their attempts to restrain his arms and legs. An LAFD firefighter used a soft restraint to tie the subject to the gurney, but it did not stop the

subject's arm from moving around. LAFD firefighters then requested that the officers handcuff the subject to the gurney. Officer F then handcuffed the subject's wrist to the rail of the gurney. Officer A handcuffed the subject's other wrist to the rail of the gurney. An LAFD firefighter then placed a spit mask over the subject's mouth. LAFD personnel placed restraints on the subject's leg to keep it from moving.

Sergeant A arrived at the scene.

The subject was transported by Rescue Ambulance (RA) to a hospital. Officers A and F rode in the ambulance to provide security. Upon arrival at the hospital, the subject was determined to be in cardiac arrest and was taken into the emergency room.

Officers B and E followed the RA to the hospital so they could pick up their respective partners.

The subject was later 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, C, D, E, and F's tactics to warrant a Tactical Debrief.

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

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

## **Basis for Findings**

### **Tactics**

In their analysis of this incident, the BOPC did not identify any specific tactical considerations.

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

Officers B, C, D, and F were confronted with a subject who was under the influence of drugs, was having uncontrolled movements, was not responsive and needed immediate medical treatment. The officers used the necessary and reasonable physical force to control the subject as they removed him from the bathroom and placed him onto the gurney in anticipation of his transportation to a hospital.