

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

IN-CUSTODY DEATH – 030-10

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Rampart	04/03/10		

Involved Officers	Length of Service
Officer A	2 years, 7 months
Officer B	1 year, 9 months

Reason for Police Contact
Officers responded to a vandalism radio call, which resulted in an in custody death.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Subject: Male, 33 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 BOPC 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 March 3, 2011.

Incident Summary

Witness A called 911 and advised the emergency operator that a person, later identified as the Subject, had slashed the tires of a parked vehicle. Witness A described the Subject as a male wearing a black sweatshirt, brown pants and indicated that he had a knife.

Communications Division (CD) broadcast a vandalism subject call with a description of the subject and comments indicating that the subject was slashing tires with a knife. Prior to any ground units arriving, Air Support Division officers arrived over the scene and observed a person that matched the suspect description holding onto a wrought iron fence. The person appeared to be intoxicated, as he staggered and swayed back and forth. Air Support officers broadcast to responding ground units that they had located a possible subject; however, prior to any ground units arriving, the Air Support officers left the scene to respond to a higher priority call.

CD dispatched Officers A and B to the vandalism call, advising them that the Air unit was over the scene. Officers C and D advised CD that they would respond as back up.

Meanwhile, according to Witness B, he was upstairs in his residence, when he heard the gate to his front yard open. He went downstairs to investigate and observed a person, later identified as the Subject lying on the steps of his front porch. Witness B, who was standing inside his house, behind a security screen door, told the Subject that he could not stay there. In response, the Subject stood up and started walking toward the driveway, then tripped and fell to the ground. Witness B went outside to check on the Subject and noticed that he had blood on his face. According to Witness B, he was reaching for his phone to call for help when the police (Officers A and B) arrived. Witness B estimated the officers arrived approximately 30 seconds after the Subject had fallen down.

Officers A and B advised CD that they were Code Six at the scene. The officers observed a Subject sitting on the driveway, who matched the description of the vandalism subject. According to Officer B, as they approached the Subject, he noticed that the Subject was bleeding from the head. Witness B, who was standing nearby, told Officer B that the Subject had been trying to sleep in his yard and he told him to leave. As the Subject walked toward the front gate, he fell onto the fence and cut his head.

According to Officer A, when he saw that the Subject was bleeding from the head, he immediately requested CD to dispatch a Rescue Ambulance (RA). Both officers noted that the Subject had an odor of alcohol, and slurred speech, and they formed the opinion that he was under the influence of alcohol.

Officers C and D advised CD that they were Code Six at the scene. The officers contacted the victim of the vandalism (Victim A), and Witness C. Witness C identified the Subject as the vandalism suspect, and Victim A made a private persons arrest of the Subject for vandalism.

According to Officer B, upon being advised that the Subject had been identified as the suspect in the vandalism, he conducted a pat-down search of the Subject and removed a switchblade from his right rear pocket.

LAFD personnel arrived at the scene, and the paramedics treated the Subject for the laceration on his head. Evidence at the scene indicated that a laceration to the Subject's head was possibly caused when he hit his head on a bolt that held the latch of a chain link fence gate. Witnesses D and E stated that they observed the Subject in the driveway of Witness B's residence, and noticed that he was bleeding from his head. Witness D and E then observed a police vehicle and two officers approach the Subject and started talking to him. Shortly thereafter, the Subject was taken away in an RA.

Officers A and B handcuffed the Subject to the gurney and LAFD used soft restraints to secure the Subject to the backboard. The Subject was subsequently transported to the hospital. Officer A accompanied the Subject to the hospital in the RA, and Officer B followed in the police vehicle. During the ride to the hospital, the Subject started kicking against the bottom of the gurney and was trying to lift himself up.

According to LAFD personnel, the Subject was intoxicated, shouting profanities and generally uncooperative. Officers A and B both indicated that the Subject cooperated with them, and it was not until the Subject was in the RA and at the hospital that he was uncooperative. Officers A and B stated that throughout the entire incident, they did not use any force on the Subject.

At the hospital, medical personnel noted that the Subject was verbally abusive and at one point an unknown person from the medical staff placed a "spit guard" on the Subject and sedated him in order to provide medical treatment. According to Officer A, upon returning to the Subject's room after the Subject had been taken for a CAT scan, he noticed that the Subject had apparently stopped breathing. Officer A alerted medical personnel, who performed CPR and were eventually able to revive the Subject. The Subject was subsequently transferred to the Intensive Care Unit. Officer A notified the Watch Commander Sergeant A of the circumstances. At Sergeant A's direction, Sergeant B responded to the hospital and subsequently updated Sergeant A regarding the condition of the Subject. Sergeant A advised Force Investigation Division of the incident and the condition of the Subject.

Several days later, the Subject was pronounced dead. The incident was subsequently classified as an in-custody death.

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

B. Drawing/Exhibiting/Holstering

Does not apply.

C. Use of Force

Does not apply.

Basis for Finding

A. Tactics

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

In this instance, Officers A and B responded to a radio call of a vandalism suspect slashing vehicle tires with a knife. As the officers drove northbound and they observed the Subject sitting in the driveway, just inside the residential gate. The officers noted the Subject matched the description of the perpetrator and they initiated verbal contact with him, observed that he was injured and requested personnel from the LAFD to respond to the scene to treat the Subject for a head injury. While awaiting the response of LAFD personnel, Officer A questioned the Subject and completed a Field Interview Card. After LAFD arrived at the scene, Officer B recovered a spring loaded switchblade knife with a 2 ½ inch blade and an overall length of 5 ¾ inches from the Subject's right rear pant pocket. From the inception of the officers' contact to the Subject's placement on the gurney, he remained unhandcuffed.

In conclusion, Officers A and B are reminded that even when a possible suspect is injured, a propensity for violence against officers remains. Therefore, handcuffing is a tool which may nullify a potential threat. Though the BOPC would have preferred that Officers A and B handcuff the Subject soon after making contact with him, the FID investigation shows that the officers closely monitored the Subject throughout his medical treatment. Furthermore, the officers did handcuff the Subject to the gurney prior to him being transported to the hospital. Although there is area for improvement, Officers A and B' tactics did not substantially deviate from approved Department tactical training.

In this instance, it appears Officers A and B did not search the Subject until after personnel from the LAFD arrived at the scene.

In conclusion, although the Subject was injured and offered no resistance throughout the contact in the driveway, based on the comments of the radio call that the subject was armed with a knife, the BOPC would have preferred that the officers conduct a search of his person during their initial contact. As a pat down search was ultimately conducted by Officer B, Officers A and B' tactics did not substantially deviate from approved Department tactical training.

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific. Each tactical incident inherently results in considerations for improvement. Each incident must be looked at objectively and the areas of concern must be evaluated based on the totality of the circumstances. In this case, although there were identified areas where improvement could be made, the tactics utilized did not *“unjustifiably and substantially deviate from approved Department tactical training.”*

In conclusion, a Tactical Debrief is the appropriate mechanism for Officers A and B to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better handle a similar incident in the future.