

Incident Summary

Officer A was assigned to work the front desk when two young children walked into the lobby of the station. Officer A learned that their mother had dropped them off and the children believed their grandmother was going to pick them up.

Officer A then met with Lieutenant A and explained the situation. Lieutenant A directed Officer A to try and obtain as much information as possible about their mother and where she lived. Officer A identified the children's mother as the Subject.

Officer A conveyed the information about the Subject to Lieutenant A and he directed Officer A to request a unit to respond to the station so they could conduct a follow-up investigation at the Subject's residence. In the meantime, Officer A was also directed to contact the Department of Children and Family Services (DCFS) and seek their advice about the situation.

Officers B and C were detailed to the station and, upon arrival, briefed by Officer A and Lieutenant A. The officers were directed to respond to make contact with the Subject and investigate why she left her children at the station. In addition, according to Officer C, Lieutenant A told the officers there could be a possibility they would need to detain and arrest the Subject for child endangerment.

Officers B and C drove to the Subject's residence and contacted her. Officer B asked the Subject if they could come into her apartment and she agreed, stepped to the side of the door, and allowed the officers entry. Officer B entered the apartment and Officer C remained at the doorway. Officer B began to obtain information from the Subject as Officer C telephoned Lieutenant A to get an update on the status of DCFS.

Officer B questioned the Subject why she had left her children at the station. According to Officer B, the Subject said she could no longer take care of her children. Officer B noted that the Subject was fidgety, wide eyed, sweating, and appeared to be looking for something. Officer B formed the opinion that the Subject was thinking about leaving and told her she was not going to go anywhere because they were conducting an investigation.

Note: According to Lieutenant A, when he spoke to Officer C, he learned that the Subject had confirmed she had left her children at the station. Lieutenant A then directed Officer C to take the Subject into custody for child abandonment and transport her to the station.

Officer B was on the Subject's left side and tried to get control of her left arm. Officer C then positioned himself on the Subject's right and tried to control her by putting her arms behind her back. Officer C attempted to do this by reaching under the Subject's arm pits and pulling her arms together behind her back. As the two officers continued to struggle with the Subject, her momentum took them to the front door. Officer B then decided they needed to get the Subject to the ground to handcuff her.

Officer B used his right leg, placed it in front of the Subject's legs, and pushed the Subject forward. This caused the Subject to trip and the momentum forced her to her stomach just outside of the apartment. With the Subject now on the floor, the officers continued to struggle with her as they attempted to get her hands behind her back. According to the officers, the Subject continued to resist and when Officer B attempted to handcuff the Subject's left wrist, the handcuff became snagged on her sweater and he was unable to close it. Officer B obtained a second set of handcuffs from Officer C and eventually handcuffed her left wrist.

The officers then tried to handcuff the Subject's right wrist; however, according to the officers, she continued to resist. At one point, the Subject grabbed the handcuff the officers were attempting to place on her right wrist and would not let go. This caused Officer C to remove a third set of handcuffs and handcuff her right wrist. Once that was done, the officers brought the two sets of handcuffs together and secured them. With both of her hands now handcuffed behind her back, the officers rolled the Subject to her side and placed the Subject into a seated position. Officer C requested a supervisor to respond due to the use of force.

As the officers waited for the supervisor, the Subject continually leaned to her right or left. Each time, the officers directed the Subject to sit up and, on some occasions, had to assist her back into the seated position. The officers eventually moved the Subject against a wall in the hallway to support her back.

Meanwhile, the Subject was incoherent and kept asking the officers to let her go and told them on several occasions to kill her. At one point, the Subject asked for an ambulance. Officer B questioned her about the request and asked her why she needed one. The Subject did not respond but instead asked for a glass of water. The officers did not believe the Subject was in need of medical attention and, as a result, they did not request a Rescue Ambulance (RA) for her.

Sergeant A arrived at the location and met with the officers in the hallway of the second floor. After obtaining an account of what occurred, Sergeant A directed the officers to take the Subject to the station. The Subject was still non-compliant and had to be physically picked up by the officers. Officers B and C positioned themselves on each side of the Subject and lifted her by her arms to her feet. According to Officer C, when they attempted to lift the Subject up, her body went limp and she did not help herself to stand.

Once she was upright, they walked her to the top of the stairs. At this point, the Subject was still not cooperating with the officers and kept asking to be let go. The officers then physically lifted the Subject by the arms and carried her down the stairs. When they reached the bottom of the stairs, they rested momentarily and then walked her to the passenger's side of their police vehicle.

Sergeant A monitored the officers as they carried the Subject to their vehicle and then he activated their Digital In-Car Video System (DICVS) for the forward-facing camera and the camera in the rear seat. Once activated, a microphone in the back seat and

microphones attached to Officers B and C's uniforms captured the audio portion of the video recording.

Sergeant A then opened the passenger's side rear door and Officers B and C carried the Subject toward the open door. The Subject continued to ask the officers to let her go and started to kick when they attempted to place her in the back seat. The officers decided to wait for an additional unit and Officers D and E arrived at the scene to assist.

Officers D and E met with Officers B and C and developed a plan to put the Subject into the police vehicle. Officer C utilized the hobble restraint device (HRD) and secured the Subject's feet by wrapping the entire length of the HRD around her ankles.

Officers B, E, and C picked the Subject up from a seated position and carried her to the passenger's side of the vehicle. Officer B was on the right, Officer E was on the left and Officer C was holding her feet. The officers initially tried to put the Subject into the back seat feet first, but due to her size and the limited space, the officers turned the Subject around to put her in back first.

Officer D responded to the driver's side rear door, entered the back seat, and moved to the passenger side. Officer D lifted the Subject up by her shoulders and tried to pull her into the car as Officer E tried to lift the Subject's feet to push her in. Officer D used profanity toward the Subject while trying to get the Subject into the vehicle.

The Subject stated, "I can't breathe." According to the officers and sergeant, they did not hear her make this statement.

Officer B then changed positions with Officer D, climbed into the back seat from the driver's side, and moved to the passenger rear door to try and pull the Subject into the vehicle. According to the video, the Subject was still seated just outside of the vehicle. Officer D responded to the passenger side. According to Officer C, although the Subject was hobbled, she still continued to kick. Officer B then grabbed the Subject's shoulders and began to pull her into the vehicle. Officer C joined Officer E and the two helped push the Subject into the vehicle.

Officer B then pulled the Subject into the back seat and Officer C closed the passenger side rear door. However, the Subject was on her back and began to raise her legs and kick toward the window. Officer B told the Subject not to do that and directed her to put her legs down.

According to Officer D, he decided to open the passenger door to adjust the hobble and secure it under the door so the Subject would not hurt herself or kick out a window. Officer B then pushed the Subject's body toward the passenger side and, as Officer D opened the passenger door, the Subject's legs extended out of the open passenger door. The Subject then began to kick. Officer D became concerned the Subject could kick him in the face while he bent down to secure the HRD. Officer D again used profanity toward the Subject, including threatening to kick the Subject if she did not "knock it off."

Meanwhile, Officer D was having difficulties untying the hobble due to the Subject moving closer and moving her legs. Officer D was concerned the Subject could hit him with her knees or head. Officer D then used his left hand and pushed the Subject in the chest and neck area to push her away.

According to Officer D, he intended to push the Subject in the chest to get the Subject away from him. In response to the push, the Subject was now on her back across the back seat with her feet extended out the passenger side door.

Officer D then raised his left foot, pushed it into the Subject's groin area three times, and forced her back into the vehicle. Officer D then used his left foot and pushed the Subject's left knee. The Subject fell back but her feet were still extended out of the vehicle with her legs bent at the knees.

Officer B grabbed the Subject by her sweater near the shoulders and tried to pull her further into the vehicle. According to the video, as that occurred, Officer D used his left foot, placed it near the Subject's groin area, and pushed her towards the driver's side of the vehicle. Officer D then used his left foot and pushed the Subject's feet into the car.

The Subject appeared to move towards Officer D and as that occurred, Officer D put his left foot near the Subject's groin area and kicked or pushed her twice. The Subject fell on her back and screamed. Officer D again told the Subject to sit back and pushed her in the groin with the heel of his left foot. The Subject repeatedly stated, "I can't." Officer B told the Subject to move back and instructed her to sit back.

In the meantime, Officer B grabbed the Subject's upper body and pulled her toward him, affording Officer D the opportunity to get the Subject's feet into the car. As that occurred, the officers were able to close the passenger door. Officer B grabbed the Subject by her shoulder and pushed her upright so he could close the door but the Subject used her feet to push off of the closed door on the passenger side. After two attempts the officers were able to close the door.

Over the next one minute and 56 seconds, the video captured the Subject in the back seat moving around and trying to sit up. The video then captured the Subject's eyes roll back and her body roll towards the driver's seat.

Thirty three seconds later, Officer C looked into the backseat of the police vehicle and noticed that the Subject appeared unconscious.

Officer C notified Officers B, D, and E and opened the driver's side rear door. Officer D looked into the vehicle. Officer D verified the Subject had a pulse, and notified Officer C that he was going to conduct a "sternum rub" on the Subject. Officer D placed his right hand on the Subject's chest and determined she was breathing. Officer D then conducted a "sternum rub" on the Subject and received no response. After there was no response, Officer C directed Officer B to call for an RA and Officer B did so.

Officer C entered the back seat through the driver's side and Officer E opened the rear passenger's side door. According to Officer C, the Subject was limp and did not appear to be breathing. The Subject was removed from the back seat and sat upright on the sidewalk. Officer E removed the hobble and Officer C held the Subject up until the paramedics arrived.

According to the paramedics on scene, the Subject was non-compliant and not answering their questions. Firefighter/Paramedic A noted a slight breath and movement with her eyelashes. The Subject was placed onto a gurney in the seated position, the handcuffs were removed and she was placed into the RA.

Once inside, Firefighter/Paramedic A assessed the Subject and did not detect a pulse or breathing and immediately began administering CPR. The Subject was transported to the hospital. The Subject arrived at the hospital in full cardiac arrest and a doctor pronounced her dead.

A subsequent autopsy examination determined that cocaine intoxication appeared to be a "major" contributing factor to the Subject's death, and that the struggle with police officers could not be excluded as a contributing factor. The manner of death was recorded as "undetermined."

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 of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). The BOPC does not adjudicate allegations of misconduct, which are reviewed through the personnel complaint process with oversight by the Inspector General. 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 made the following findings.

A. Tactics

The BOPC found Officers B, C, D, and E's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

Does not apply.

C. Non-Lethal Use of Force

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

Basis for Findings

A. Tactics

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

1. Hobble Restraint Device Application

In this instance, Officers B, C, D, and E formulated a plan to place the HRD on the Subject's ankles/legs and place her in the vehicle for transportation. However, the officers did not apply the HRD correctly and were forced to reapply the HRD to gain full control of the Subject's legs.

Although wrapping the HRD around a subject's ankles is an appropriate method of application for a violent suspect, it is not the appropriate application for transportation purposes. The appropriate application is conducted by placing the metal clasp portion of the HRD through the rear and front passenger doors and securing it to the passenger compartment of the police vehicle. This method will ensure that a subject's legs are secured and immobilized.

In evaluating the totality of the circumstances, the BOPC determined that Officers B, C, D, and E's application of the HRD did not substantially deviate from approved Department tactical training. However, Officers B, C, D and E are to be reminded of the proper application of the HRD for transportation purposes.

2. Transporting Injured Suspects/Arrestees

In this instance, the Subject was transported via RA to the hospital. During the transportation, the Subject was not accompanied by an officer inside the RA. Sergeant A requested additional resources but the responding unit did not respond in time to accompany the Subject in the RA. In lieu, the additional unit was requested to follow the RA to the hospital and assume custody of the Subject upon arrival.

In the BOPC's consideration of the decision for Officers B, C, D,s and E to allow the LAFD to leave the area without an officer, the BOPC balanced that decision against the officers' belief that the additional unit that was requested and would arrive prior to the departure of the RA. The BOPC determined that the officers' decision did not substantially affect the Subject or LAFD personnel. Although the guidelines were not strictly adhered to, tactical training affords flexibility when the seriousness of the incident takes precedence.

In evaluating the officers' actions, the BOPC determined that based on the totality of the circumstances, although improvement could be made, the officers' actions did not represent a substantial deviation from approved Department tactical training. However, Officers B, C, D, and E are to be reminded of the proper procedures regarding the transportation of arrestees by LAFD personnel.

- The BOPC additionally considered the following:

- Equipment

Neither Officer B nor C was in possession of an HRD. Additional resources arrived, provided the HRD, and applied it around the Subject's ankles.

- Sternum Rub

Officer D completed what he described as a sternum rub on the Subject's breast plate to ensure she was not feigning unconsciousness. The sternum rub is not a Department-approved method to determine a person's level of consciousness.

- In evaluating the facts and circumstances of this incident and all related evidence, the BOPC was disappointed at the apparent indifference displayed by Officer D towards the Subject during the contact, including the nature of the comments made. In the BOPC's opinion, his actions when faced with the Subject were not consistent with the BOPC's expectations of a Los Angeles Police Officer. The Chief of Police has indicated that Officer D's conduct will be addressed through the personnel complaint process.

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, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvements could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officers B, C, D, and E's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

Does not apply.

C. Non-Lethal Use of Force

- **Upstairs**

Officer B – Firm Grip left arm, Bodyweight, Physical Force, Leg Sweep Take Down

Officer C – Firm Grip right arm, Bodyweight, Physical Force, Take Down

Officer C observed Officer B struggling with the Subject and ended his telephone call to Lieutenant A. Officer C utilized a firm grip and grabbed the Subject's right arm to prevent her from leaving the apartment. Officers B and C maintained their firm grip of the Subject's arms as she pulled the officers toward the front door. Officer B, in an attempt to gain control of the Subject, utilized his right leg to conduct a leg sweep take-down.

Once on the ground, Officers B and C struggled to gain control of the Subject as she continued to resist. Officer B attempted to handcuff the Subject but was unable to close it after it snagged on the Subject's sweater. Officer B acquired a second set of handcuffs and cuffed her left wrist. Officer C subsequently removed a third set of handcuffs and applied them to her right wrist. The Subject was successfully taken into custody, and immediately placed in a seated position. Officer C requested a supervisor to respond as a result of the aforementioned use of force.

Sergeant A arrived and directed the officers to escort the Subject downstairs and place her inside their police vehicle. The Subject remained non-compliant and had to be carried by the officers. The Subject remained uncooperative and repeatedly requested to be released. Officers B and C utilized physical force to lift the Subject by the arms and carry her down the stairs.

As Officers B and C attempted to place the Subject inside the police vehicle, she continued to resist by hooking her feet around the outside part of the police vehicle. The Subject was placed on the sidewalk and Sergeant A requested an additional unit to assist with placing the Subject in the police vehicle.

After a thorough review of the involved officers' statements, the BOPC determined that officers with similar training and experience as Officers B and C would reasonably believe that the Subject was resisting. As a result, the use of non-lethal force was reasonable to overcome her resistance in an effort to restrain her.

In conclusion, the BOPC found this portion of Officers B and C's use of non-lethal force to be objectively reasonable and in policy.

- **At the police vehicle**

Officer C – (At the police vehicle) Firm Grip, Physical Force

Officer B – (At the police vehicle) Firm Grip, Physical Force

Officer E – Physical Force (Controlled legs)

Officer D – Physical Force, Firm Grip, Push and Kicks/Push with Legs

Officers D and E arrived and coordinated with Officers B and C to develop a tactical plan to control the Subject and place her in the police vehicle. As a result of the Subject's ability to utilize her legs to resist the officers, an HRD was utilized to safely facilitate placing the Subject in the police vehicle. Officer E provided Officer C with his HRD and applied it by encircling the web portion entirely around the Subject's ankles/legs.

Working collectively, Officers B and C utilized physical force to control the Subject's upper body as Officer E utilized physical force to control the Subject's legs. The officers lifted and moved the Subject to the rear passenger side of the police vehicle. Simultaneously, Officer D moved into the back seat of the police vehicle and utilized physical force and firm grip to pull her into the vehicle. Due to the Subject's large stature, Officer D was unsuccessful in his efforts to pull her into the vehicle. As a result, Officer B assumed Officer D's position in the rear portion of the police vehicle. Officer B successfully pulled the Subject into the vehicle allowing Officer C to close the rear passenger door. The Subject flailed her legs while lying on her back.

Officer D opened the rear passenger door to control the Subject's legs with the HRD. Officer D adjusted the HRD while the Subject continued to kick her legs. Officer D continued to adjust the HRD when the Subject moved in the direction of the open door. To prevent the Subject from moving toward the door, Officer D placed his left hand on the Subject's chest and utilized a push to force her back into the vehicle. Officer D subsequently continued to readjust the HRD.

After a thorough review of the involved officers' statements, the BOPC determined that officers with similar training and experience as Officers B, C, D and E would reasonably believe that the Subject's actions created a situation wherein the officers' application of non-lethal force was reasonable.

In conclusion, the BOPC found that this portion of Officers B, C, D, and E's use of non-lethal force to be objectively reasonable and in policy.

- **Officer D – Kicks/Pushes with Legs**

Officer D secured the HRD and instructed Officer E to secure the loose end to the front passenger floorboard. Simultaneously, the Subject began to slide toward the open passenger door. Officer D raised his left foot and pushed/kicked the Subject's knee in an attempt to push her feet into a position such that her feet could be secured with the HRD.

Officer D continued to struggle in securing the Subject's feet in the police vehicle. Additionally, Officer D continued to have difficulty moving the Subject into the police

vehicle. Subsequently, Officer D utilized his feet seven times on three separate occasions to push or kick the Subject, in the upper thigh, groin and abdomen area. According to Officer D the kicks/pushes were administered in an attempt to move the Subject into the police vehicle.

Meanwhile, Officer B entered the rear passenger compartment area via the driver's side passenger door and utilized physical force to pull the Subject into the vehicle. Officer B's actions afforded Officer D the opportunity to secure the HRD and close the rear passenger side door. Officer B used physical force to move the Subject into a seated upright position when he suddenly injured his left knee. Officer B stepped away from the vehicle and Officer C assumed his position and secured the driver's side rear door.

Officer D emphasized that he did not kick the Subject. The BOPC was unable to definitively determine if Officer D delivered kicks or utilized his foot/leg to push the Subject. What remains clear is that Officer D's intent was to utilize his foot/leg to move the Subject into the police vehicle. The BOPC determined that Officer D's decision to utilize his foot/leg to move the Subject was ineffective and inappropriate.

Given the totality of the circumstances, the BOPC found that an officer with similar training and experience would not reasonably believe that the Subject's actions presented a level of threat or resistance warranting the use of Officer D's feet to apply force, or that the use of the feet would accomplish their goal of securing the Subject inside the police vehicle.

In conclusion, the BOPC found this portion of Officer D's use of non-lethal force to be out of policy.

Additional

- The BOPC noted that the actions of the involved personnel in this case potentially involved misconduct, including Officers B and C not initially requesting an RA when the Subject asked for one; Sergeant A not exercising supervisory control of the situation; the apparent indifference displayed by Officer D towards the Subject during the contact, including the nature of the comments made by Officer D; and possible false statements made to investigators by Officer E. As the BOPC does not adjudicate personnel complaints, these issues will be handled through the Department's personnel complaint process. The BOPC's Inspector General will monitor the progress of the personnel complaints to their final adjudications.