

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

**IN-CUSTODY DEATH 099-08**

<b>Division</b>	<b>Date</b>	<b>Time</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
77 <sup>th</sup> Street	11/18/08	7:30 p.m.		

**Officer(s) Involved in Use of Force      Length of Service**  
Not applicable.

**Reason for Police Contact**

Officers were clearing a call when they were approached by Victim A, who told them he had been assaulted by his boyfriend. Officers initiated an investigation by approaching Subject 1 in the couple's apartment complex.

<b>Subject</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
Subject 1: Male, 36 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 Chief 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 09/22/09.

**Incident Summary**

Uniformed Police Officers A and B were clearing a call when they were approached by Victim A. Victim A told the officers that his boyfriend, subsequently identified as Subject 1, had just punched and choked him. The officers observed abrasions on Victim A's neck and arm.

Officers A and B believed that a domestic violence crime had occurred and decided to investigate further. Victim A directed the officers to a nearby apartment complex where he was living with Subject 1.

**Note:** The officers did not notify, or receive permission from a supervisor to conduct a follow-up investigation.

The officers used their radio to advise Communications Division (CD) of their location. Victim A accompanied the officers inside the apartment building and pointed out Subject 1, who was sitting in a chair in an outside courtyard.

Officer A directed Subject 1 to stand, turn around and put his hands behind his back. Subject 1 complied. Officer A handcuffed Subject 1 without incident.

Officer B escorted Subject 1 to the police vehicle and placed him in the rear seat while Officer A gathered additional information from Victim A. Officers A and B determined that there was sufficient evidence to place Subject 1 under arrest for domestic violence.

The officers notified CD that they were en route to the station with Subject 1. While en route, Subject 1 advised the officers that he took medication for a heart condition and schizophrenia. Subject 1 said that he had taken a dose of his medication earlier that morning.

Officers arrived at the station and presented Subject 1 to the Assistant Watch Commander, Sergeant A, who asked Subject 1 various screening questions.

Sergeant A documented on the Adult Detention Log that Subject 1 knew why he was arrested, that he had a heart problem and that he did not have any questions or concerns. Sergeant A indicated that Subject 1 did not show any signs of being in medical distress while he was being interviewed.

After 20 minutes, Officer A removed Subject 1 from the holding tank for photographs and then took him downstairs to the jail for booking.

When Officer A arrived inside the jail, there were four to five arrestees waiting in line to receive medical clearance. One of the Detention Officers asked Officer A if he wanted Subject 1 processed before his medical clearance. Officer A proceeded with the booking process.

Officer A placed Subject 1 in the booking stall and Detention Officer (DO) A started the booking process. According to DO A, Subject 1 was standing on his own feet without assistance, was not sweating and did not appear to be in pain. As Officer A stood next to Subject 1, Subject 1 grabbed his right shoulder and told Officer A that he had pain in his shoulder area.

Officer A took Subject 1 to Jail Doctor A for medical treatment. When Officer A told Doctor A that Subject 1 was having chest pains, Doctor A called for a Rescue Ambulance (RA).

Subject 1 lost consciousness, had no pulse and stopped breathing. Doctor A and two nurses began cardio pulmonary resuscitation (CPR) and used an Automatic External Defibrillator (AED) on Subject 1 in an effort to revive him.

Subject 1 was transported by RA to a local hospital where he was 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 Officers A and B and DO A's tactics to warrant a tactical debrief.

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

Does not apply.

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

Does not apply.

### **Basis for Findings**

#### **A. Tactics**

In adjudicating this incident, the BOPC considered that:

1. Officers A and B were stopped by Victim A who advised them that he had been assaulted by his boyfriend. After gathering preliminary information and observing an abrasion on Victim A's neck, the officers inquired as to the whereabouts of Subject 1 and conducted a follow-up investigation.

It would have been prudent for Officers A and B to have obtained supervisory approval prior to conducting a follow-up investigation.

The BOPC found that Officers A and B and DO A's tactics warrant a Tactical Debrief.

**B. Drawing/Exhibiting**

Does not apply.

**C. Use of Force**

Does not apply.