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

K-9 CONTACT REQUIRING HOSPITALIZATION – 076-16

<table>
<thead>
<tr>
<th>Division</th>
<th>Date</th>
<th>Duty-On (X) Off ()</th>
<th>Uniform-Yes (X) No ()</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olympic</td>
<td>11/15/16</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Officer(s) Involved in Use of Force**

<table>
<thead>
<tr>
<th>Officer</th>
<th>Length of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer K</td>
<td>24 years, 1 month</td>
</tr>
<tr>
<td>Officer L</td>
<td>22 years, 5 months</td>
</tr>
<tr>
<td>Officer M</td>
<td>22 years, 3 months</td>
</tr>
<tr>
<td>Officer N</td>
<td>20 years, 8 months</td>
</tr>
<tr>
<td>Officer O</td>
<td>6 years</td>
</tr>
<tr>
<td>Officer P</td>
<td>30 years, 4 months</td>
</tr>
<tr>
<td>Officer Q</td>
<td>25 years</td>
</tr>
</tbody>
</table>

**Reason for Police Contact**

Officers encountered a barricaded suspect in a residence, armed with a nail gun and cutting shears. The Subject came out of the residence and refused to comply with the officers’ commands, at which time a K-9 contact requiring hospitalization occurred.

<table>
<thead>
<tr>
<th>Subject</th>
<th>Deceased ()</th>
<th>Wounded (X)</th>
<th>Non-Hit ()</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject: Male, 35 years of age.</td>
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</tbody>
</table>

**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 subject 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, 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 October 31, 2017.

** Incident Summary **

Communications Division (CD) received a 911 call from the victim of an Assault with a Deadly Weapon (ADW). The victim (Victim A) stated there was a male armed with a crowbar refusing to leave a vacant house that Victim A was renovating.

Uniformed Police Officers A and B accepted the call and met with Victim A, a construction worker at the property. Victim A stated that he had found the Subject earlier in the day inside the detached garage at the rear of the property and asked him to leave. The Subject, who had trespassed onto the property in the past, left without incident.

**Note:** The investigation determined there was a current trespass arrest authorization order for the property on file at the police station.

Victim A stated that he later returned to the location and again observed the Subject inside the garage. Victim A asked the Subject to leave once more, at which time the Subject started to talk to himself incoherently. Victim A feared that the Subject’s actions would escalate to physical violence, and he called 911 from his cell phone. According to Victim A, the Subject was upset that he had called the police and threw a crowbar at him. The crowbar ricocheted off the garage wall and struck Victim A on the lower left shin.

Uniformed Police Officers C and D also responded to the location to assist Officers A and B. Officer A relayed the information from Victim A to the other officers. After Officer A confirmed there was a trespass order on file, the officers formulated a plan to enter the residence, remove the Subject from the property, and arrest him for trespassing.

Officer B was assigned as the designated officer using less-lethal force, Officers C and D were assigned as Designated Cover Officers (DCO) and as the arrest team. Officer A assumed the role as the contact officer. At the front entrance to the main property, Officer A made numerous announcements in two languages, ordering the Subject to come out of the residence. There was no response, and the officers made entry into the residence.

The officers searched the main residence and exited to the rear yard through a sliding glass door to continue their search. As they searched the yard, the officers heard metal banging, glass breaking, and yelling from inside the detached garage located at the corner of the yard.

As the officers approached the garage, a security door of the garage swung open. The officers backed away from the door to create distance, and Officer D gave orders to the
Subject to come out with his hands up, as the security door closed. The Subject refused Officer D’s commands and stayed inside the garage. The Subject was yelling incoherently and banging on the metal security door. The officers re-deployed to a position of cover to a stoop attached to the residence near the garage. Utilizing the concrete wall of the stoop as cover, the officers continued to order the Subject to exit the garage and surrender.

Officer A requested additional units to respond to the residence. Uniformed Sergeant A responded to the incident and assumed supervisory control. Upon Sergeant A’s arrival, he met with Officer A inside the main residence, where he was briefed on the Subject’s actions and aggressive demeanor.

Sergeant A directed the officers to move inside the main residence of the property and continue to verbalize with the Subject from the sliding door of the main structure.

Again, the Subject swung the security door open and walked out of the garage. He was holding a crowbar in his left hand, while pushing a bicycle with his right hand. Perched atop the handle bar of the bicycle was a nail gun. The Subject stopped a few feet from the garage door, faced the officers and shouted at them incoherently.

Officer B ordered the Subject to put his hands up and turn around. In response, the Subject placed the bicycle, with the nail gun still on the handlebars, against a wall by the open door, turned, and faced the officers. He moved his right hand toward his head, and made a hand gesture of a pistol with his index finger pointed toward his forehead, with his thumb pointed up in the air. The Subject had raised the crowbar with his left hand above his head, yelled at the officers that they would have to kill him, that he was not going back, and that they would not “take him.” The Subject then walked back into the garage and closed the door, still holding the crowbar in his left hand.

Sergeant A requested additional units to the scene. Uniformed Police Officers E and F responded to the incident accordingly.

Sergeant A notified the Watch Commander, Sergeant B, of a barricaded suspect inside the garage with a crowbar. Sergeant B advised Sergeant A to notify Metropolitan Division of the circumstances.

Sergeant A contacted the Special Weapons and Tactics (SWAT) Officer in Charge, Lieutenant A. Sergeant A briefed Lieutenant A about the incident. Lieutenant A confirmed the criteria for a specialized unit response had been met.

Sergeant A requested an additional supervisor to respond to the incident to assist him. Uniformed Sergeant C responded to the scene and established a Command Post (CP).

Operations-West Bureau Deputy Chief A arrived at scene and assumed the role of Incident Commander (IC).
Lieutenant A and SWAT Sergeants D, E, and F arrived at the CP. They were briefed on the incident, formulated a tactical plan, and presented it to the Incident Commander (IC). Deputy Chief A approved the plan.

The officers decided that the Crisis Negotiation Team (CNT) would attempt to negotiate with the Subject to exit the garage. If negotiations failed, the K-9 officer would stand by inside the main residence in the event additional resources would be required.

Sergeant D was the supervisor for CNT. The CNT would attempt to communicate with the Subject to convince him to surrender peacefully. The CNT consisted of Police Officers H and I.

Officer G assumed responsibility as the tactical team leader, supported by Officer J. The rest of the tactical arrest team consisted of Officers K, L, M, N, and O. Sergeant E assumed command and control of the tactical arrest team.

Additional SWAT personnel set a perimeter around the property, replacing patrol assets. The SWAT officers on the inner perimeter were armed with less-lethal weapons, consisting of beanbag shotguns, hand-held TASERs, and 40 millimeter less-lethal launchers. Officer P was positioned near the garage. Officer P deployed his 40 millimeter less-lethal launcher close to the garage, with the tactical arrest team.

Inside the garage, the Subject broke the windows on two sides of the garage with a shovel. The officers could then see the Subject through the broken windows. The Subject set the shovel out of view, picked up the crowbar and began to smash the drywall.

Sergeant F, along with K-9 Police Officers Q, R, and S took a position inside the main residence in the corner of the building. Sergeant F assigned Officer Q and his K-9 dog for directed deployment if the Subject exited the garage again. Officer Q was given autonomy on when he could release his dog if the Subject stepped out again.

Officers R and S were assigned as anchors to the line, once the dog made contact, to prevent the Subject from re-entering the garage and allow the tactical arrest team to take the Subject into custody.

The Subject opened the door, stepped out of the garage, and stood approximately five feet from the doorway. Protruding from his right front pants pocket was a yellow-handled object. The Subject faced the officers and gestured toward them with his middle finger pointed up in the air as he yelled profanities at the officers. Officer J attempted to calm the Subject down and reassure him that they didn’t want to hurt him. The Subject ignored Officer J and walked back into the garage, slamming the door behind him.
Officers H and I attempted to communicate with the Subject by utilizing a bullhorn, and convincing him to surrender. A Behavioral Science Services (BSS) Psychologist Doctor provided negotiation advice to Officers H and I to assist them in communicating with the Subject.

According to Officer I, verbal communication was attempted by CNT for approximately 10 minutes. Although the Subject would shout statements, they were not responses to CNT questions.

The Subject swung the door open and stepped out of the garage, standing approximately five feet from the garage, facing toward the tactical arrest team, approximately 30 feet in front of the tactical arrest team. He took a fighting stance, with clenched fists and his feet apart, with the yellow handled object protruding out from his right front pants pocket. Officer J alerted the SWAT officers, via the SWAT frequency, that the Subject had exited the garage.

Officer Q released his dog and followed the dog out through the window of the residence.

As the K-9 dog ran toward him, the Subject reached for the bicycle and held it by the top tube in front of him. He moved the bicycle toward the dog, causing the nail gun to fall onto the ground. The Subject used the bicycle as a shield. The dog stopped at a distance of approximately four feet, barked, and maneuvered around the bicycle. The Subject mirrored the dog’s movements, preventing it from advancing.

At the same time, the tactical arrest team moved toward the Subject. As they approached, Officer J yelled for the Subject to get on the ground. The Subject failed to comply with his commands. Instead, he let go of the bicycle with his right hand and moved his hand toward his right front pants pocket.

Believing the Subject was attempting to arm himself with the object, Officers K and P simultaneously fired their 40-millimeter less-lethal launchers at him.

According to Officer P, he fired two 40-millimeter sponge rounds from a distance of approximately 20 feet. Officer P’s rounds struck the Subject on the right arm and on the left side of the abdomen. According to Officer K, he fired one 40-millimeter sponge round from a distance of approximately from 15 to 20 feet. Officer K’s round struck the Subject in the abdomen.

When the Subject dropped the bicycle to the ground, the dog ran toward him and bit his left wrist.

With the dog still attached to his wrist, the Subject walked away from the tactical arrest team, toward the corner of the garage.
In an attempt to stop the Subject from dragging the dog to the side of the garage to a small walkway, Officer P fired his third 40-millimeter sponge round from a distance of approximately 20 feet, striking the Subject on his upper left thigh.

The Subject lost his balance and fell, striking his face on the wall. The Subject regained his balance and took a few steps. Officer Q grabbed the lead and used the K-9 dog to pull the Subject back toward the tactical arrest team.

Officer M approached and grabbed the Subject’s right wrist with his left hand. He capped the Subject’s right elbow with his right hand and forced the Subject facedown to the ground with the dog still attached to his left wrist.

Officer Q verbally commanded his K-9 dog to release the bite. The dog complied, and Officer Q then pulled the dog away from the Subject, turned, and walked back to the residence with the dog. The Subject pulled his right arm away from Officer M and rolled onto his back. The Subject raised his right arm and moved it toward his right front pants pocket. Believing that the Subject was attempting to arm himself with the yellow-handled tool, Officer M kicked the Subject on the right side of his chest.

The Subject rapidly rolled onto his stomach and tucked his arms under his body. The Subject then rolled to his left and reached into his right front pants pocket. Believing that the Subject was reaching for a weapon and attempting to arm himself, Officer L kicked the Subject twice on the right shoulder and right forearm with his right foot.

The Subject curled up in a ball on his knees, with his face toward the ground and his limbs tucked under his chest.

Officer M grabbed the Subject’s left arm with his right hand, capped the Subject’s left elbow with his left hand, and straightened out the Subject’s left arm.

Officer O placed his left knee on the Subject’s back and, using his bodyweight, held him face down on the ground. Officer O commanded the Subject to release his hand.

The Subject attempted to buck Officer O off of him by raising his right shoulder, moving his right hand toward his pocket. Believing that the Subject was arming himself, Officer O grabbed the Subject’s right bicep with his left hand and his right forearm with his right hand. Officer O was trying to pull the Subject’s right arm behind his back, but the Subject resisted by pulling his arm back underneath himself.

Believing that the Subject was reaching toward his right front pants pocket, Officer N punched the Subject twice in the right rear shoulder blade.

The Subject stopped resisting, and Officer O was able to place the Subject’s right arm behind his back. Officer M placed the Subject’s left arm behind his back and completed the handcuffing procedure.
As the officers were standing the Subject up, they observed a yellow-handled cutting tool on the ground underneath him.

The SWAT officers cleared the interior of the garage as Officers M and O remained with the Subject. Sergeant E, who observed the officers’ uses of force, including the officers’ use of kicks, punches, and body weight, requested medical assistance.

Los Angeles Fire Department (LAFD) Tactical Emergency Medical Specialists (TEMS) Firefighter/Paramedics who had been staged in the residence treated the Subject.

The Subject was transported to a local hospital. During the medical assessment, it was determined that the Subject sustained a deep laceration and puncture to his left knee, which would require surgery.

**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 of a K-9 contact requiring hospitalization, the BOPC makes specific findings in three areas: Deployment of K-9; Contact of K-9; and Post K-9 Contact Procedures. All incidents are evaluated to identify areas where involved officers can 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 that, Deputy Chief A, Lieutenant A, along with Officers L, M, N, O, P, and R’s tactics warranted a finding of Tactical Debrief.

B. **Drawing/Exhibiting**

   The BOPC found Officers M and P’s drawing and exhibiting of a firearm to be in policy.

C. **Non-Lethal Use of Force**

   The BOPC found Officers L, M, N, and O’s non-lethal use of force to be in policy.

D. **Less-Lethal Use of Force**

   The BOPC found Officers P and R’s less-lethal use of force to be in policy.

E. **Deployment of K-9**
The BOPC found that the deployment of the K-9 was consistent with established criteria.

**F. Contact of K-9**

The BOPC found that the contact by the K-9 was consistent with established criteria.

**G. Post K-9 Contact Procedures**

The BOPC found that the post K-9 contact procedures were consistent with established criteria.

**Basis for Findings**

**Detention**

- Officers responded to a radio call of an Assault with a Deadly Weapon (ADW) suspect armed with a pipe. Upon arrival, the officers identified the Subject and determined that he had committed an ADW with a metal crowbar. When the arrest team approached to take the Subject into custody, he armed himself with the crowbar, retreated into a residential garage and refused to surrender, resulting in a barricaded situation. The officer’s actions were appropriate and within Department policies and procedures.

**A. Tactics**

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

  **Tactical De-Escalation**

  - Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

  During this incident, the officers assessed the situation, developed a tactical plan that included use of verbal communications and use of a Crisis Negotiating Team, staffed with a Department psychologist, in an effort to gain voluntary compliance and resolve the issue without the use of force.

  After several attempts to de-escalate the situation and gain compliance, a directed deployment of a K-9 dog, along with the use of non-lethal and less-lethal force applications were used to affect the arrest. As a result of the officers’ efforts, they were able to maintain control of the situation without the need to use a higher level of force.
In its analysis of this incident, the BOPC identified the following tactical considerations:

1. **Non-Conflicting Simultaneous Commands**

   The investigation revealed that several officers gave simultaneous commands to the Subject during the incident. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance.

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

   In conclusion, the BOPC found Deputy Chief A, Lieutenant A, along with Officers K, L, M, N, O, P, and Q’s tactics to warrant a finding of Tactical Debrief.

B. **Drawing/Exhibiting**

   Officers L and M were designated as the cover officers assigned to the arrest team and drew their respective weapons.

   Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers L and M, while faced with similar circumstances, would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

   Therefore, the BOPC found Officers L and M's drawing and exhibiting of a firearm to be in policy.

C. **Non-Lethal Use of Force**

   **Officer L – (Front Kicks)**

   According to Officer L, the Subject was on his stomach, rolling and thrashing around from side to side. The Subject then rolled toward him and Officer M, while reaching down towards the shears. To keep the Subject from gaining access to the shears,
Officer L utilized a front kick, with his right foot, to kick the Subject one time in the right shoulder and one time in the right forearm.

- **Officer M** – (Firm Grip, Takedown, Front Kick, and Physical Force)

  According to Officer M, he observed the Subject coming back in the officers’ direction, so he grabbed the Subject’s right wrist with his left hand. He then capped the Subject's right elbow with his right hand and used the Subject’s bodyweight and momentum to direct the Subject to the ground.

  Officer M observed the Subject attempting to reach into his right front pants pocket with his right hand and grab the yellow metal cutting shears. Believing that the Subject was attempting to arm himself with the shears, Officer M utilized a front kick, with his right foot to the Subject’s upper right shoulder area, to stop him from retrieving for the shears.

  The Subject's left wrist was flailing around in the air, so Officer M used a firm grip and gained control of the Subject’s left wrist. He then straightened out the Subject’s left arm with his right hand, capped his left elbow with his left hand, and rolled the Subject over onto his stomach.

- **Officer N** – (Bodyweight, Physical Force and Punches)

  According to Officer N, the Subject had his right hand pinned beneath his own body and the ground and was trying to push himself up off the ground. Officer N placed his right knee on the Subject’s upper back area and utilized his bodyweight to keep the Subject down on the ground.

  According to Officer N, he observed Officer O trying to pull the Subject’s right hand out from underneath him and at the same time believed the Subject was trying to arm himself with the shears. In an effort to keep the Subject from arming himself, and allow Officer O to obtain compliance through control of the Subject's arm, he punched the Subject two times in his right shoulder.

- **Officer O** – (Bodyweight, Firm Grips, Wrist Lock, and Physical Force)

  According to Officer O, he observed the Subject face down with both of his hands underneath his body and placed his left knee in the middle of the Subject's back, just above his waistline and applied bodyweight to keep the Subject from moving. He then assisted with removing the Subject’s left hand out from underneath his body.

  Officer O pulled the Subject’s right hand behind his back and used a firm grip and wrist lock to assist Officer M with handcuffing the Subject.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers L, M, N, and O, when faced with similar
circumstances, would believe that this same application of non-lethal force would be reasonable to overcome the Subject’s resistance.

In conclusion, the BOPC found Officers L, M, N, and O’s non-lethal use of force to be objectively reasonable and in policy.

D. Less-Lethal Use of Force

• Officer P – (40mm Less-Lethal Launcher, three sponge rounds)

According to Officer P, the Subject picked up the bicycle and began hitting the K-9 dog with the bicycle. Officer P then observed the Subject reach into his right front pocket and start to produce a yellow handled tool. Based upon his observations, he discharged one 40mm sponge round at the Subject, striking him on his right arm.

The Subject dropped the tool but was still holding the bicycle. Officer P then discharged a second 40mm sponge round at the Subject, striking him on the left side of his body. After firing the second round, the Subject dropped the bicycle and went into a crouched position. He then discharged a third 40mm sponge round, striking the Subject on his upper left leg area.

• Officer K – (40mm Less-Lethal Launcher, one sponge round)

According to Officer K, as the arrest team moved forward, the Subject was bashing the dog with the bicycle and then started to reach for the metal shears in his pant pocket. Believing the Subject was attempting to arm himself, Officer K discharged one 40mm sponge round, striking the Subject on the abdomen.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers K and P, when faced with similar circumstances, would believe that this same application of less-lethal force would be reasonable to overcome the Subject’s resistance.

In conclusion, the BOPC found Officer K and P’s less-lethal use of force to be objectively reasonable and in policy.

E. Deployment of K-9

• Lieutenant A, Sergeants D and E, and Officer G formulated a tactical plan to take the Subject into custody, which Deputy Chief A approved. If the Subject exited the garage unarmed, but would not voluntarily submit to arrest, then a directed deployment of a K-9, using a specialized tactic, without warning, would be employed to take the Subject into custody.

Lieutenant A discussed giving the warning with his supervisors and together they believed that due to the Subject’s agitated state of mind, alerting him that they were
going to deploy the dog, would have escalated the situation even further. Consequently, Lieutenant A made the decision not to give the directed bite-warning and received approval from the IC not to give the warning.

The BOPC determined that deployment of the K-9 resources was consistent with established criteria.

F. Contact of K-9

- In this case, personnel were aware there were tools and other items in the garage that could have been used as weapons. As a result, they formulated a tactical plan to use a directed deployment of a K-9, using a specialized tactic to take the Subject into custody if he exited the garage unarmed, but would not voluntarily submit to arrest. This tactic would prevent the Subject from re-entering the garage and having access to potential weapons that could be used to harm himself or the officers.

Lieutenant A discussed giving the warning with his supervisors and together they believed that due to the Subject's agitated state of mind, alerting him that they were going to set the dog on him would have escalated the situation even further. Consequently, Lieutenant A made the decision not to give the directed bite-warning and received approval from the IC not to give the warning.

Officer Q observed the Subject exit the garage and approach the bicycle where the nail gun was located. The Subject was not complying with the officers' commands to surrender. Officer Q then observed that the Subject had some sort of yellow tool sticking out of his pocket but did not have anything in his hands. Based on his observations and the approved tactical plan, Officer Q made the decision to deploy the K-9 dog.

As the K-9 dog ran towards the Subject, the Subject picked up the bike and began striking the K-9 dog with the bike. Officers discharged sponge rounds from their 40mm less-lethal launchers at the Subject, which caused him to drop the bike and enable the K-9 dog to take a bite hold on the Subject's left wrist.

Officers R and S exited the residence and pulled on the line to keep the Subject from re-entering the garage. According to Officer Q, he moved up and grabbed the K-9 dog by the collar, then provided him with a command to let go of the Subject's arm. The K-9 dog immediately released the bite. Officer Q then physically removed the K-9 dog and backed away from the Subject.

The BOPC determined that the K-9 Contact was consistent with established criteria.

G. Post K-9 Contact Procedures

- Sergeant F observed several scratches and blood on the Subject’s arm that he believed were the result of a dog bite. Los Angeles Fire Department personnel
treated the Subject at the scene for his injuries and then transported him to the hospital, where he was subsequently admitted.

Upon being informed the Subject had been admitted to the hospital, Lieutenant A identified the incident as a Categorical Use of Force, and made the proper notifications.

The BOPC determined that the post K-9 contact procedures were consistent with established criteria.