

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

**LAW ENFORCEMENT RELATED INJURY/OFFICER INVOLVED ANIMAL SHOOTING – 078-15**

**Division                      Date                      Duty-On (X) Off ( ) Uniform-Yes (X) No ( )**

Foothill                      9/5/15

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

Sergeant A  
Officer A  
Officer B  
Officer C  
Officer D

**Reason for Police Contact**

Officers attempted to detain the Subject being under the influence of narcotics. The Subject resisted arrest and ordered his K-9 to attack the officers, resulting in a Law Enforcement Related Injury/Officer Involved Animal Shooting (LERI).

**Subject(s)                      Deceased ( )                      Wounded (X)                      Non-Hit ( )**

Subject: Male, 27 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 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 August 16, 2016.

### **Incident Summary**

On the date of this incident, Witness A drove his truck toward his residence accompanied by his wife, Witness B, who sat in the front passenger seat. As Witness A drove at approximately 15 miles per hour, he observed the Subject, wearing a baseball cap, grey shirt and black shorts, jump into a bush adjacent to a residence. As Witness A and B neared their residence, the Subject approached their vehicle. Witness B told Witness A, "Don't stop, don't stop, keep driving." Witness B was concerned that the Subject would observe the truck park at their residence, where her parents also reside and would lead to a potential incident. The Subject then jumped onto the bed of the truck along the passenger side, and banged on the front passenger window and fender with the bottom of his fists.

**Note:** According to Witness A, the Subject banged on the passenger door with his fists. Witness A added that the Subject appeared incoherent and yelled unintelligible words, scaring both him and Witness B.

Witness A stopped the truck and the Subject jumped off. Witness A then continued driving and parked the truck in his driveway. According to Witness A, the Subject then ran across the street to the front yard of his own residence, and began throwing things.

**Note:** According to Witness B, she had known the Subject, who lived across the street with his mother, (Witness C) for approximately one year. During that period, she had observed the Subject under the influence of narcotics on two to three prior occasions.

According to Witness A, Witness C had instructed him to notify the police if he observed the Subject behaving irrational. Witness A added that the Subject's family members became terrified whenever he was under the influence of narcotics because the Subject would behave in an erratic manner. According to Witness A, police had responded at least twice in the past year due to such erratic behavior.

According to Witness C, Witness A had informed her that the Subject had been holding onto a neighbor's tree, then approached his truck as if seeking help.

Witness C was driven to her residence in a truck by an unidentified male friend. As the truck stopped in front of her residence, Witness C observed the Subject sitting near the front door entryway. According to Witness C, the Subject did not appear to recognize the truck, and proceeded to grab a baby walker. The Subject swung the walker around

to intimidate the occupants of the truck. The male friend drove away, accompanied by Witness C, then negotiated a U-turn and parked the truck along the west curb, approximately two houses north of the Subject.

Witness C exited the truck, and walked over to meet with Witness A on the sidewalk, north of her residence. Witness A informed her that the Subject had been outside, was acting erratically, and he was concerned that he would hurt himself.

After conversing with Witness A, Witness C dialed 911 on her cellular phone and informed the 911 operator that the Subject was mentally ill and believed that he was under the influence of narcotics. Witness C added that the Subject was tearing apart the front yard, and that she was concerned about the well-being of Witness D, her 84 year-old mother, who was inside the residence.

**Note:** Witness C stated she was concerned that her mother (Witness D) might become upset and experience anxiety due to her son's (the Subject's) behavior. According to Witness C, although the Subject had exhibited psychotic behavior, he had not been diagnosed as suffering from mental illness.

Gang Enforcement Detail (GED) uniformed Police Officers A and B, in a marked black and white vehicle, responded to the radio call of a male, with mental illness. The call included a description of the Subject and indicated that the Subject was throwing items around; suffered from bipolar disorder; was not on his medicine and possibly on narcotics/crystal meth. The call further indicated that Witness C's mother (Witness D) was inside the residence and Witness C had not been able to check on her.

**Note:** Officers A and B had worked together for approximately four years and while enroute to the incident, they discussed that Officer A would assume the role of a contact officer and Officer B would assume the role of a cover officer. Officer B then attached the TASER holster containing the TASER to the left side of his equipment belt.

According to Officer A, they formulated a plan to stop the police vehicle away from the Subject's location and approach him on foot.

According to Officer B, the officers had discussed their intention to immediately handcuff the Subject due to his mental instability.

After speaking with the 911 operator, Witness C entered her male friend's truck and waited for the officers' arrival.

**Note:** According to Witness C, the unidentified male friend drove away as the first responding police officers arrived at the scene. Witness C refused to provide the male's identity to Force Investigation Division (FID) investigators.

Witness A returned to his residence and stood outside. He then observed an unidentified male drive into the driveway of the residence, immediately north of the Subject's home. The unidentified male exited his vehicle, and the Subject, who had stepped out onto the sidewalk, engaged the male in a heated conversation, at which time the unidentified male removed his T-shirt, as if preparing to fight.

**Note:** After exiting the truck, Witness B stood on her driveway and observed the unidentified male push the Subject and state something to the effect of, "Hey man, get out. Get away from me." Witness B added that she had never seen the male before.

Witness A then observed the Subject retrieve his dog by its collar from his residence causing the unidentified male to enter his vehicle and drive away. After the unidentified male drove away, Witness A dialed 911 and informed the 911 operator that the Subject was across the street in the front yard, acting bizarre and under the influence of narcotics, in possession of a mean pit bull. After dialing 911, Witness A observed the Subject holding his dog by the collar, yelling at passing motorists and pedestrians while opening and closing the north driveway gate.

Officer A drove south, at approximately five miles per hour and as Officers A and B approached the Subject's residence, they observed him standing in the front yard of the property holding a dog that they recognized as a pit bull by its collar.

**Note:** The Subject's property was secured by an iron gate with sliding gates at the north and south circular driveway entrances. The front yard contained a circular driveway with a semi-circle lawn contained within it.

Officer A stopped the police vehicle north of the Subject's residence and Officer B updated the officers' status as having arrived at the location (Code Six) on the Mobile Digital Computer (MDC).

Officers A and B exited their vehicle and walked toward the closed north driveway gate. As they stood at the gate, Officer A repeatedly directed the Subject to secure the dog and step outside of the property. The Subject repeatedly replied that he was at his grandmother's residence (Witness D) and refused to comply as he maintained control of the dog, which growled with its teeth exposed and ears flattened.

**Note:** According to Officer A, the Subject was perspiring profusely, his pupils appeared dilated, and he spoke rapidly and paced side to side, causing Officer A to believe that he was under the influence of narcotics.

According to Witness A, he heard Officers A and B direct the Subject to secure the dog so they would not have to shoot it. The Subject repeatedly replied that he had done nothing wrong and refused to secure the dog. Witness A also observed the Subject pump his chest and wave his arms as if gesturing to the officers in an audacious manner.

According to Witness B, she observed the Subject appear to hold the dog up by its collar, causing the dog to stand on its hind legs. The Subject then directed the dog toward the officers in a threatening manner.

After approximately five minutes of attempting to persuade the Subject to step outside of the property, and due to the unavailability of Witness C to obtain additional information and their concern for Witness D, who may have been inside the residence, Officer B broadcast a request for an additional unit.

**Note:** Officer A hoped that the presence of additional police personnel would persuade the Subject to comply and minimize the need to use force.

During Officer A's efforts to have the Subject comply with his directions, Officer A observed the Subject repeatedly reach into his shorts pockets with his left hand. Officer A observed a cylindrical bulge in the Subject's left front shorts pocket and believed that it might be a handle or butt stock of some sort. Officer A directed the Subject to stop reaching into his pockets due to his concern that he may be armed. Due to his belief that the situation could escalate to the use of deadly force, Officer A unholstered his service pistol, pointed it at the Subject, and yelled for him to stop reaching into his shorts pockets. The Subject complied and Officer A holstered his service pistol.

Officer B directed the Subject to put the dog away, at which time he used both of his hands and reached down toward his right thigh area, causing Officer B to believe he was reaching for a possible weapon. Officer B observed a bulge, approximately four inches long, in his front right shorts pocket, at which time he unholstered his service pistol, held it in a low-ready position, and pointed it at the Subject. Officer B then directed the Subject to place his hands up and he complied; therefore, Officer B holstered his service pistol.

In an effort to separate the Subject from the dog and take him into custody, Officer B unholstered his Oleoresin Capsicum (OC) spray. Officer B sprayed the dog, targeting its eyes, with a single burst approximately one second in duration. The dog became disoriented and moved aside momentarily.

Officer A was concerned that the Subject would again assume control of the dog or enter the residence and barricade himself or potentially take Witness D hostage. Therefore, Officer A slid the gate open and stepped onto the property. As Officer A faced the Subject, he grabbed his left wrist with his left hand and placed his right hand on the Subject's left shoulder as Officer B stood to Officer A's rear. The Subject swatted Officer A's hands away and stepped back, causing Officer A to lose his grasp of the Subject.

Officer A unholstered his OC spray with his left hand and sprayed the Subject's face with a single burst, approximately two to three seconds in duration. According to Officer

A, the OC spray was ineffective, because the Subject had looked downward, deflecting the OC spray with the bill of his baseball cap. Officer A then holstered his OC spray as the Subject retreated and again grabbed his dog by its collar.

**Note:** According to Officer B, the Subject became loud, at which time the dog returned toward Officers A and B. The dog growled and tensed up, causing Officers A and B to step outside of the property and close the gate.

According to Witness A, Officer A and B tentatively opened the gate. As the Subject approached them with the dog, the officers closed the gate. As the Subject backed away from the gate, the officers again opened the gate, until the Subject approached them with the dog, causing the officers to close the gate.

Due to the additional unit request, Foothill GED uniformed Police Officers C and D broadcast that they were responding to the incident.

**Note:** Officers C and D had worked off and on together for approximately four years. While en route to the incident, they discussed that Officer C would exit first and contact the Subject.

As they were en route to the incident, Officer C read the comments for the incident from the MDC, which stated that a male who was suffering from mental illness was under the influence of narcotics and standing in the front yard with a pit bull. In addition, the comments indicated that an 85 year-old female was inside the residence, and the person reporting had not been able to contact her.

**Note:** According to Officer D, he also read that the Subject was smashing things and was a danger to himself or to an elderly female.

According to Officer B, the comments indicated that the Subject was possibly bi-polar.

Officers C and D arrived at the location, and Officer C broadcast they were Code Six. As Officer D observed Officers A and B standing near the gate, and the Subject kneeling on the opposite side of the gate with his left arm wrapped around a dog's neck.

Officers C and D exited their police vehicle and approached Officers A and B. Officer D stood behind and to the right of Officer A, who was directing the Subject to calm down and place his hands up. Officer D observed that the Subject had displayed a blank stare, shaky eyeballs, and slurred speech, causing him to believe that the Subject was under the influence of narcotics. Officer D inquired how he could assist, and Officer A advised him to be in possession of a less-lethal device. Officer D noted that Officer B possessed a TASER; therefore, he directed Officer C to check for a beanbag shotgun in the trunk of their police vehicle.

**Note:** According to Officer C, Officer B asked if he possessed a beanbag shotgun, and Officer C replied that he did not. Officer B then directed him to retrieve a fire extinguisher. Officer C added that either Officer A or Officer B stated that the Subject had a bulge in his pants pocket.

Officer C retrieved a fire extinguisher from the trunk of his police vehicle. The Subject then retreated with the dog from the front driveway gate toward a side gate located near the north side of the property. Due to their concern that they could lose sight of the Subject and that he may enter the residence, possibly harming himself or Witness D inside, the officers formulated a plan to detain the Subject. The plan was to have Officers A and D grab onto the Subject, Officer C to provide cover from the dog with the fire extinguisher, and Officer B would provide cover with his pistol.

**Note:** According to Witness C, all the officers had unholstered their service pistols at the front gate.

As Officers A and D opened the gate, Officer C entered onto the front yard and activated the fire extinguisher at the dog. Officers A, B and D followed Officer C into the front yard. As they neared the Subject, Officer A directed him to face away and place his hands behind his back. The Subject complied.

**Note:** According to Witness A, as the officers entered the property, the Subject went toward the officers while holding onto the dog by its collar.

According to Witness C, the officers activated the fire extinguisher prior to entering the property as the Subject was retreating to grab a hold of the dog.

Officer A, with his left hand, grabbed the Subject's right shoulder, and with his right hand, grabbed his right wrist. Officer D, with his left hand, grabbed the Subject's left wrist, and with his right hand, grabbed onto his right elbow, then slid down to the right wrist. Officer A and D placed the Subject's hands behind his back. Officer D maintained control of the Subject's fingers with his left hand as he retrieved his handcuffs from his right rear waist area with his right hand. Suddenly, the Subject screamed, flailed his arms and attempted to pull away from the officers' grasp, gaining the attention of the dog. The Subject turned to his left and faced Officers A and D. The Subject then directed the dog, which was near the side gate, to "Get 'em."

**Note:** Officer A said he maintained his grip of the Subject as the dog growled, showed its teeth, and charged at the officers.

According to Officer A, Officer D and he walked the Subject a few steps toward the gate as Officer C followed the group and monitored the dog.

According to Officer C, as Officers A and B initially grabbed onto the Subject, he stated, "Hey, I like you guys. You guys are cool. I'll walk out with you guys."

The dog charged at the officers, causing them to flee toward the north gate. In an effort to stop the dog's advancement toward them, Officer C sprayed the fire extinguisher at the dog's face continuously, with minimal results, as the dog continued its advancement.

In an effort to avoid the dog's attack, Officer D moved toward the north gate and simultaneously pushed the Subject in the same direction. Officers A, B and D, and the Subject tripped and fell onto two mattresses prior to exiting the front yard through the opened gate.

**Note:** Two mattresses had lain against the north property wall at an angle of approximately 45 degrees.

According to Officer D, they were covered in a cloud of white dust due to the spray from the fire extinguisher, so he could not see what was occurring with the Subject very well.

The Subject fell onto the mattresses, and Officer D fell onto the Subject's left arm. As Officer D looked behind him, he observed the dog nip near his right leg, causing him to kick at the dog to avoid being bitten as he attempted to stand up. Officer D simultaneously attempted to control the Subject, who attempted to push him off. Officer A, who had fallen on his buttocks on top of the mattresses, maintained a grip of the Subject's right forearm. Officer C stood west of the fallen group and continued spraying the dog with the fire extinguisher.

Officers A and D released their grasp of the Subject and stood up, along with Officer B. They continued toward the partially-opened gate and collided into the gate, causing its wheels to derail and fall outward onto the driveway. Officers B and D, along with the Subject, fell onto the gate. Officer D immediately stood up and, with help from Officer A, they hastily dragged the Subject outside of the front yard onto the sidewalk near the north property line.

**Note:** According to Officer D, he stood the Subject up and took him to the sidewalk near the property line.

According to Officer C, he observed Officers A, B and D walking the Subject out the front yard onto the sidewalk. After looking away momentarily to spray the fire extinguisher at the dog, Officer C then observed the Subject on the sidewalk and Officer D attempting to place handcuffs on him.



As Officers A and D, along with the Subject, exited the front yard, Officer B lifted the gate off the ground and held it upright in an effort to close it and contain the dog in the front yard. Officer C continued spraying the dog with the fire extinguisher as he backed away toward the exit; however, he caught his right rear pants sap pocket on the gate. The dog continued forward, past Officer C, then lunged toward Officer B, nicking Officer B's left ring finger with its teeth. The dog then exited the front yard and proceeded north toward Officers A and D and the Subject.

Due to his concern that the dog would bite Officer A or D, Officer C unholstered his service pistol, and held it in his right hand with the index finger along the frame. As Officer C held the fire extinguisher in his left hand, he pointed his service pistol at the dog. Officers A and D were attempting to handcuff the Subject as the Subject, who was on his back, kicked and pushed them away.

**Note:** According to Officer D, as he and the Subject stood on the sidewalk, he attempted to control the Subject by holding onto his left arm.

Officer B alerted the other officers that the dog was approaching them, at which time the dog, which was momentarily blinded by the fire extinguisher, jumped on top of the Subject, who yelled, "Get him boy, sic him, get him boy." Officer A released his grasp of the Subject and stood up. Officer C holstered his service pistol due to the fact that the Subject was now in his line of fire.

Officer A retreated northbound, away from the dog on the sidewalk, then proceeded onto the south driveway of the residence. The dog charged at Officer A, who in response, unholstered his service pistol. As Officer A backpedaled, the dog's teeth made contact with Officer A's right knee, at which time Officer A fired three consecutive rounds in a downward direction, striking the dog. Officer A stopped firing and holstered his service pistol when he observed the dog fall and lay on the sidewalk.

Witness A stated, "The gate broke. The dog came out and was lunging at one of the officers, as which time he drew his service revolver and shot the dog twice."

Witness B stated that she observed the dog on the sidewalk near the property line and observed an unknown number of officers fire their weapons. Witness B added that she heard two gun shots and observed smoke coming from the dog.

**Note:** Officer A stated he observed his first round strike the dog; however, it continued to advance toward him.

**Note:** The positions of the officers, the Subject, and the dog during the OIS were estimated based on the statements of the officers and evidence collected at the scene. According to Officer C, he observed the dog jump at Officer A, at which time Officer A fired two to four rounds.

According to Witness B, as she looked out her south bedroom window, she heard two gunshots.

Due to the additional unit request, uniformed Sergeant A responded to the scene. While en route, Sergeant A read the comments of the call on the MDC, and recalled that he had been at the location several months prior for a criminal threat incident. Sergeant A recalled that the Subject from the incident hid in the attic of the residence and was subsequently arrested in a neighbor's yard as he attempted to flee.

Sergeant A arrived at the location and broadcast accordingly (that he was Code Six). Sergeant A observed Officers B, C, and D, on the sidewalk near the property line of two homes. Sergeant A observed Officer A backing quickly into the driveway of a residence, then firing three rounds from his service pistol in a southwest direction. Sergeant A then observed a dog lying on the sidewalk near the property line between the two homes.

Immediately after Officer A fired his pistol, the Subject freed himself from Officer D's grasp of his left arm and ran down the sidewalk. After determining that Officer A was uninjured and the dog was no longer a threat, Officer D pursued the Subject.

Officer C freed himself from the gate and observed the Subject run past him. After learning that Officer A was uninjured, Officer C pursued the Subject.

As the Subject ran, Officer B pursued him on the street while ordering him to stop. The Subject complied and stopped near the driveway, facing away from the gate. Officers B and D arrived, and Officer D grabbed onto the Subject's right wrist with his right hand, and with his left hand, grabbed onto the Subject's right bicep. Officer D attempted to place the Subject's right arm behind his back; however, the Subject resisted by clenching his fists, stiffening his arms, and bringing them close to his body.

**Note:** According to Officer B, the Subject prevented Officer D and him from grabbing a hold of the Subject because he had placed his hands near his midsection area and swung both arms away from the officers' hands.

According to Witness B, she heard officers state, "Put your hands behind your back. . . We don't want to hurt you."

According to Officer D, Sergeant A arrived and directed the officers to conduct a team take-down.

Officer D stated that Officer A warned several times that the Subject may have a gun in his possession.

As the Subject resisted, Officers B and D leaned the Subject against the gate, causing the gate's wheels to derail and collapse inward onto the driveway. The Subject and

Officers B and D fell onto the gate. The Subject transitioned from lying on his back to his stomach, facing in a southeast direction, while Officer B faced northwest. Officer B physically pried the Subject's right hand off the gate and forced it behind his lower back for handcuffing.

**Note:** According to Witness A, six officers had difficulties controlling the Subject and tackled him, resulting in the gate collapsing.

After holstering his service pistol, Officer A ran south around the injured dog, in search of the Subject. As he arrived at the south driveway, Officer A removed the TASER from his right rear pants pocket and observed both Officers B and D on one knee, attempting to grab ahold of the Subject. As the Subject lay on top of the fallen gate, he resisted and struck Officers B and D with his arms and feet. Officer A heard Officers B and D order the Subject to, "Stop resisting, lie flat, give me your hands, stop resisting." The Subject turned over onto his stomach and placed his hands underneath him.

As the Subject turned over onto his stomach, Officer D maintained ahold of his right arm. Due to his concern with the bulge in the Subject's pocket and Officer A's warning that he may be armed with a gun, Officer D released his grasp of the Subject and warned him that he would use the OC spray if he did not comply. Officer D removed the OC canister with his left hand and sprayed the Subject's eyes with a one-second burst, striking the left side of the Subject's head, without any effect. Officer D then holstered the OC canister, and Sergeant A directed Officer A to activate the TASER.

After observing Officer A fire three rounds, Sergeant A then observed Officers C and D run south. As Sergeant A neared the driveway of the Subject's home, he observed that the driveway gate had fallen. Sergeant A observed the Subject appear to crawl as Officers C and D placed their hands on his shoulders and biceps. Sergeant A exited his vehicle and observed Officers A, C, and D surround the Subject, who sat on his buttocks atop the fallen gate. As Officers C and D placed their hands on him, the Subject appeared to attempt to flee. Due to the fact that Officers C and D were standing on an unstable gate, and because the Subject was being uncooperative, in conjunction with his knowledge of the Subject's history with the police, Sergeant A directed Officers C and D to back up, then directed Officer A to activate the TASER that he had been pointing at the Subject.

Officer A yelled out, "Stand by, Taser, stand by," and Officers B, C, and D stepped back. Officer A targeted the Subject's front, lower center body mass and activated the TASER for a full five-second cycle. Officer A heard the Subject moaning and groaning; however, did not observe where the TASER probes contacted him. Officer A directed the Subject to place his hands out to the side of his body, and he failed to comply. In an effort to avoid further confrontation or injury to the officers, Officer A activated the TASER again for three seconds.

**Note:** Although Officer A recalled activating the TASER twice with approximately five to 10 seconds between activations, the investigation

determined that a third TASER activation occurred for a five-second duration.

The TASER probes struck the Subject's right elbow region and right chest wall.

According to Officer A, he did not provide a warning prior to activating the TASER due to his concern that the Subject would assault Officers C or D and/or flee.

According to Officer B, he was fairly certain a warning was given prior to the activation of the TASER.

According to Officer D, the officers issued a quick warning prior to the activation of the TASER.

According to Officer C, after the Subject was tased, he stated, "Okay, I'm going to comply, I'm going to comply."

According to Witnesses A and C, the Subject was tased as he ran on the sidewalk.

According to Sergeant A, Officer A activated the TASER for five seconds as both probes struck the Subject as he lay on the fallen gate. After being tased, the Subject sat up and attempted to stand. Sergeant A warned the Subject not to stand or he would be tased again. According to Sergeant A, Officer A stated that Subject may have something in his pocket; therefore, Sergeant A directed Officers B and C to grab onto the Subject's arms and for Officer D to grab onto the Subject's feet, as Officer A stood by, holding the TASER.

According to Officer D, as the TASER activations ceased, Officer D used both of his hands, grabbed onto the Subject's left wrist, and attempted to place it behind his back. The Subject attempted to roll and kick his left leg, at which time Officer D placed his left knee onto the Subject's left shoulder blade area to prevent him from rolling. Officer D then used his left hand and removed a pair of handcuffs, which he dropped onto the ground. Officer D then removed a second pair of handcuffs and placed them onto the Subject's left wrist.

According to Officer C, he placed his left hand on top of the Subject's right shoulder and grabbed onto his right wrist with his right hand. Officer C placed the Subject's right wrist onto his back, and Officer D then placed the handcuff onto the Subject's right wrist.

In his effort to prevent the Subject from kicking and rolling, Sergeant A grabbed onto the Subject's left leg with both hands. The Subject continued to kick, at which time Sergeant A directed a hobble be placed around his legs. Sergeant A then used his hands to push the Subject's legs together and placed his right foot near the Subject's

right foot. After obtaining a hobble from Officer A, Officer C placed the hobble above the Subject's ankles. Sergeant A removed his foot from the Subject, who was then immediately placed in a seated position. Officer D searched the Subject and recovered a body deodorant spray can from an unknown shorts pocket.

Sergeant A directed Officers A, B, C and D to monitor the Subject, then requested a supervisor, a Rescue Ambulance (RA), and Department of Animal Services for the dog. Upon the RA's arrival, the Subject continued to be uncooperative, resulting in his being strapped down on the gurney prior to transportation.

Uniformed Sergeant B then arrived at scene. Sergeant B observed other uniformed officers assisting the RA personnel in placing the Subject, who appeared to be combative, onto a gurney. Sergeant A informed Sergeant B that Officer A had shot a dog. Sergeants A and B separated the involved personnel and admonished them not to discuss the incident. Sergeant B obtained a Public Safety Statement (PSS) from Officer A.

Los Angeles Fire Department (LAFD) responded to treat the Subject and transported him to a nearby medical center, where he was later admitted.

### **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). 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 Officer A and B's tactics to warrant Administrative Disapproval. The BOPC found Sergeant A, and Officers C and D's tactics to warrant a Tactical Debrief.

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

The BOPC found Officers A, B, and C's drawing and exhibiting of a firearm to be in policy.

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

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

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

The BOPC found Officer A's less-lethal use of force to be in policy.

### **E. Lethal Use of Force**

The BOPC found Officer A's lethal use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

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

#### **1. Approaching Armed Subjects/Weapons Other Than Firearm**

Officers A and B approached and attempted to take the Subject into custody, who they believed was possibly armed with a weapon.

Containment of an armed subject demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution. Generally, officers are discouraged from approaching possibly armed subjects, however officers must be afforded a level of discretion regarding the appropriateness of their decision to do so.

In this case, Officers A and B both stated they believed that the Subject was possibly armed with a weapon. However, the officers still approached the Subject and attempted to take him into custody. As a result, the officers unnecessarily jeopardized their own safety and placed themselves at a significant tactical disadvantage.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's decision to approach the Subject, who they reasonably believed may be armed, was a substantial deviation, without justification, from approved Department tactical training.

## 2. Force Options – Bean Bag Shotgun

Officers A, B, C and D did not have a bean bag shotgun or request the response of an officer with a bean bag shotgun during the incident.

In this case, the officers were faced with a rapidly unfolding tactical situation involving an individual using his dog as a weapon. Officers are reminded that having additional force options available can give them a tactical advantage when dealing with a possibly armed subject.

The BOPC concluded that the officers not having a bean bag shotgun was a not substantial deviation from approved Department tactical training.

- The BOPC additionally considered the following:
  1. Tactical Vehicle Deployment – The investigation revealed that Officers A, B, C and D parked their police vehicles in front of the location. The officers are reminded that upon arrival on an investigation, it is tactically advantageous to park away from the target location to give the officers an element of surprise if needed.
  2. Effective Encounters with the Mentally Ill Persons – The investigation revealed that the Subject displayed behavior that was consistent with a person suffering from a mental illness, and/or being under the influence of drugs or alcohol.
  3. Dog Encounter – The investigation revealed that the officers observed the Subject holding an aggressive pit bull dog by its collar when they arrived on scene. The officers are reminded that contacting the Department of Animal Control may have been beneficial to assist the officers with their investigation.
  4. Holding Equipment In Support Hand and Service Pistol In Primary Hand – Officer C drew his service pistol in his right hand while holding a fire extinguisher in his left hand. The officers are reminded of the tactical disadvantage of having a service pistol in one hand and an additional piece of equipment in the other hand.
  5. Simultaneous Commands – The investigation revealed that several officers issued 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.
  6. Stepping on Subject's Limbs – The investigation revealed that Sergeant A stepped on the Subject's right foot to prevent him from kicking the other officers while they were taking him into custody. Sergeant A is reminded that stepping on the Subject's limbs can cause an officer to become off balance and may also reflect unfavorably to the general public in doing so.

7. Required Equipment – The investigation revealed that Sergeant A, along with Officers A, B, C and D did not have their baton on their persons at the time of the incident. Sergeant A and the officers are reminded to have all required equipment on their persons while performing field patrol duties.
  8. Checking Equipment (TASER) - The investigation revealed that Officers A and B did not conduct an inspection of their TASERs at the beginning of their shift. The officers are reminded to inspect all their required equipment at the beginning of their shift.
- 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 improvement 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 Officer A and B's tactics to warrant a finding of Administrative Disapproval. The BOPC found Sergeant A and Officers C and D's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- According to Officer A, he observed an enlarged, cylindrical shaped object in one of the Subject's short pockets. Believing the object could be a weapon; he alerted his partner of his observations and drew his service pistol. Officer stated that that the Subject he was dealing with and the situation at hand could possibly escalate to use of deadly force based on his actions and the comments of the call. Later, Officer A heard the Subject giving his dog commands to attack the officers.

According to Officer B, he observed the Subject reaching down towards the bottom of his shorts and observed a bulge inside his shorts pocket. Believing that the Subject could possibly be armed, he drew his service pistol.

According to Officer C, he observed the dog approaching Officer D and drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A, B and C, 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 Officer A, B and C's drawing and exhibiting of a firearm to be in policy.

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

#### Along the North Gate

- **Officer A** – OC spray, Firm Grip, and Physical Force
- **Officer D** – Firm Grip and Physical Force

According to Officer A, the Subject swatted his hands out of the way as he attempted to grab him. Officer A then deployed a one second burst of OC spray at the Subject's face.

#### Inside the Front Yard

According to Officer A, he grabbed the Subject's right shoulder and right hand, and, with assistance of Officer D, they attempted to walk the Subject out of the front yard.

According to Officer D, as he grabbed the Subject's left arm and attempted to retrieve his handcuffs, the Subject spun around, looked at the dog and said, "get em."

The dog continued to approach as the officers attempted to move out of the front yard. Officer D stood up and pulled the Subject out of the yard with the assistance of Officer A, as Officer B attempted to prop up the gate to contain the dog in the yard.

Officer A recalled that with one hand, he was able to maintain the Subject's right forearm and that he and Officer D were on top of the Subject.

Officer D recalled that he managed to pull the Subject out of the gate and to the north side of the house. Officer D was holding the Subject's left arm, but was unable to take control of his right arm at that point.

#### Along the South Gate

- **Sergeant A** – Firm Grip and Body Weight
- **Officer B** – Firm Grip and Physical Force
- **Officer C** – Firm Grip and Hobble Restraint Device
- **Officer D** – OC spray, Firm Grip, and Body Weight

According to Sergeant A, he observed the Subject kicking his feet and stepped on the heel of the Subject's right foot to pin his right leg against the gate. Sergeant A then grabbed the Subject's left leg with both of his hands to prevent him from kicking at the officers. Sergeant A also directed the officers to secure the Subject's legs with a Hobble Restraint Device (HRD). Officer C obtained an HRD from Officer A and secured it around the Subject's legs without further incident.

According to Officer B, the Subject grabbed onto the gate with his right hand and continued to resist their efforts to take him into custody. Officer B grabbed onto the Subject's right arm in an attempt to pull his arm behind his back.

According to Officer C, he placed his left hand on the Subject's right shoulder, then grabbed the Subject's right wrist with his right hand and guided his right arm behind his back so Officer D could complete the handcuffing.

According to Officer D, he grabbed the Subject's right bicep area with his left hand and the Subject's right lower wrist with his right hand and attempted to place the Subject's arm behind his back. The Subject stiffened his arms and prevented him from being able to place his arm behind his back. Officer D retrieved his OC spray and warned the Subject that he would be sprayed if he kept resisting and the Subject failed to comply. Officer D then sprayed a one second burst of his OC spray at the Subject's face. In addition, Officer D placed his left knee on the Subject's upper back and utilized his body weight to hold the Subject down in an effort to prevent him from turning around.

The BOPC determined that a sergeant and officers with similar training and experience as Sergeant A, and Officers A, B, C and D would reasonably believe the applications of non-lethal force to overcome the Subject's resistance and effect an arrest was reasonable and would have acted in a similar manner.

Therefore, the BOPC found Sergeant A and Officers A, B, C and D's non-lethal use of force to be objectively reasonable and in policy.

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

- **Officer A** – Three TASER activations in probe mode

##### First TASER Activation

According to Officer A, he observed the officers struggling with the Subject. Officer A holstered his service pistol and retrieved his TASER from his right rear pant pocket. As he approached the officers, Sergeant A directed Officer A to deploy the TASER on the Subject. Officer A discharged a five-second activation at the Subject in probe mode and then ordered to the Subject to get down on the ground. The Subject ignored his commands.

## Second TASER Activation

Officer A recalled that the Subject was still flailing his body in different directions, and he thought the Subject was trying to get up again. Officer A discharged the TASER once again and gave the Subject another five-second burst, since he saw that the first burst appeared to be ineffective, and the Subject was still not complying with his commands.

**Note:** According to Officer A, he only activated the TASER two times in probe mode for approximately five seconds each time. However, a review of the TASER activation log for his TASER revealed that the TASER had been activated a total of three times during this incident.

The BOPC determined that an officer with similar training and experience as Officer A, would reasonably believe the application of less-lethal force to overcome the Subject's resistance and effect an arrest was reasonable and would have acted in a similar manner.

Therefore, the BOPC found that Officer A's less-lethal use of force to be objectively reasonable and in policy.

## **E. Lethal Use of Force**

- **Officer A** – (pistol, three rounds)

According to Officer A, the dog charged toward him and bit him on his right knee cap. Fearing for his safety, he fired three rounds from his service pistol at the dog to stop the attack.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the dog's actions of biting Officer A presented an imminent threat of death or serious bodily injury and the use of lethal force would be objectively reasonable.

Therefore, the BOPC found Officer A's use of lethal force to be objectively reasonable and in policy.