

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

K9 CONTACT REQUIRING HOSPITALIZATION – 007-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No (X)
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77 th Street	2/10/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer C	14 years, 10 months
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Reason for Police Contact

77th Street Area Gang Enforcement Detail (GED) officers conducted a traffic stop on a vehicle with three occupants. The driver (Subject) was directed to exit the vehicle, and he subsequently fled on foot. Officers established a perimeter and determined that the Subject was wanted for a felony warrant. Metropolitan Division officers responded to conduct a K9 search. During the search, the Subject was located in a crawl space below a home, which resulted in a K9 contact and the Subject's admission to a hospital.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 26 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 (CUOF) 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 (FID) 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 (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police (Chief) ; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on February 6, 2024.

Incident Summary

On February 10, 2023, at approximately 1653 hours, 77th Street Area GED uniformed Police Officers A and B were in a marked black and white police vehicle. According to Officer A, as he/she drove south past a known gang location, he/she observed a blue sport utility vehicle with no front license plate exit the driveway, stop, and partially block the northbound lane of traffic.

Officer A notified Officer B of his/her observations and conducted a U-turn. The sport utility vehicle reversed into the driveway and came to a stop.

At 1653 hours, Officer A stopped the police vehicle perpendicular to the driveway in front of the location. The sport utility vehicle was stopped in the driveway. Officers A and B exited their vehicle and observed three occupants in the sport utility vehicle, later identified as the Subject [driver] and two passengers.

Officer B approached the vehicle and took a position on the driver side, as Officer A broadcast their location and took a position on the passenger side. Officer B ordered the Subject to lower the windows.

Officer B advised the Subject that he/she observed marijuana on the center console and ordered him to exit the vehicle. As the Subject exited, Officer B ordered him to turn around and put his hands behind his back. The Subject initially complied.

Officer B began to walk the Subject to the rear of the vehicle when he turned and ran up the driveway away from the officers to the rear of the location.

At 1655 hours, the Subject jumped a fence and fled south into the neighboring yard and out of Officer B's view.

While completing the broadcast and as Officer B was east of his/her location, Officer A observed the front passenger reach under the seat. This led Officer A to believe that the front passenger was either arming himself or concealing a gun. Officer A believed that the front passenger had a gun, so he/she unholstered his/her pistol and ordered the front passenger to keep his hand up.

Officer B shouted, "He's running north. He's going to the front," as he/she returned to Officer A's location. Officer A stated, "Watch him, there's a gun under his seat, I'm pretty sure, just watch him." Officer B took a position along the passenger side of the vehicle, unholstered his/her pistol, and broadcast a request for back-up.

Officer B remained with the vehicle and the two occupants as Officer A ran south and stood in front of the location. Officer A broadcast a request for a perimeter before returning to Officer B's position.

At 1657 hours, an Air Support Division [helicopter] unit arrived overhead and began to establish a perimeter with the responding 77th Street GED and patrol units.

Uniformed 77th Street GED Sergeant A, Sergeant B, and numerous other officers responded.

Once additional units arrived at scene, the front and the rear passengers were ordered to exit the vehicle and taken into custody without incident. During a subsequent search of the vehicle, Officer A recovered a loaded 9-millimeter pistol under the front passenger seat.

At 1700 hours, Sergeant A arrived at scene, declared him/herself the incident commander (IC), and established a command post (CP). Officer A informed Sergeant A that the Subject ran "freehand," which led him/her to believe that the Subject was unarmed.

At 1708 hours, the air unit advised that a citizen reported that an unknown individual entered the yard at another location. Sergeant A directed a team of officers to respond and search the location.

At 1718 hours, officers searched the location and located the Subject hiding in the rear of the property. Officers gave the Subject repeated commands to surrender. The officers warned the Subject that the helicopter was overhead, and the K9s would be released, which could result in him being bitten. The Subject ignored the officers' warning, jumped the property fence, and fled on foot.

According to the air unit, the Subject ran west across the street and into the backyard at another location. The air unit last observed the Subject behind the rear house and did not see him exit the property.

At 1725 hours, the air unit used the helicopter public address (PA) system, issued the K9 search announcement, and ordered the Subject to surrender to officers. Officer B's body-worn video (BWV) captured the announcement as he/she stood in front of the location.

While officers held the perimeter, Officers A and B utilized the California Department of Motor Vehicle (DMV) database and determined that the Subject was the registered owner of the vehicle, and he resembled the person who fled on foot. It was also determined that the Subject had an active felony arrest warrant. Officer B confirmed that the warrant was active and valid for in-state pick-up. Sergeant A and the CP were informed that the Subject had an active felony warrant.

At approximately 1832 hours, the first air unit was relieved by another air unit.

Sergeant A contacted Metropolitan Division K9 Sergeants C and D and briefed them on the incident. They determined that the incident met the criteria for a K9 search, and Metropolitan Division K9 units were directed to respond.

At approximately 1835 hours, Sergeant D arrived at scene, met with Sergeant A, and verified that the incident met the criteria for a K9 search. A plan was developed to utilize two K9 search teams to locate the Subject. The primary team called for Officer C and his/her K9, along with additional K9 Officers, to search the Subject's last known location. The secondary search team called for additional K9 officers to serve as containment to the west of the location. Sergeant A approved the K9 search plan.

Prior to the start of the search, K9 search announcements were made via a PA system and were reported to Sergeant D.

The team initially searched the exterior of the front house. The search continued along the north walkway and proceeded to an area between the rear house and the rear property wall. Officer C noticed a broken screen which led to a crawl space under the residence.

At 1855:33 hours, at the direction of Officer C, the K9 entered the crawl space and started a systematic search. Officer C laid on the ground and illuminated the crawl space and monitored the K9's search.

Officer C observed a large black tarp in the southwest quadrant of the crawl space. He/she had no indication that there was a person concealed under the tarp. As Officer C observed the K9 near the tarp, the Subject emerged, kicked, and punched the K9.

According to Officer C, he/she estimated that the Subject struck the K9 four times while the Subject was on his right side in a fetal position and facing the dog. Officer C stated, "The actions of the suspect at that moment caused the K9 to take a bite hold of the suspect. It was after seeing this that I began giving commands to the suspect to stop fighting the dog."

At 1856:41 hours, Officer C ordered the Subject to stop fighting the dog. Four seconds later, Officer C yelled the K9's name to verbally recall him. According to Officer C, after the K9 did not return, he/she observed the Subject holding the dog's collar. Officer C activated the K9's electronic collar to provide him with extra compulsion to return.

At 1857:02 hours, Officer C gave the Subject commands to, "Stop moving. Let him go." Officer C observed the Subject release the K9's collar. At 1857:06 hours, the dog disengaged from the Subject and returned. At 1857:13 hours, the K9 exited the crawl space and was placed on a leash. Officer C notified the team that the Subject was in the southwest corner of the residence. Officer D observed the Subject exit the crawl space on the south side of the residence as he attempted to flee toward the rear property wall. Officer D notified the team of the Subject's movement.

Officer E observed the Subject as he moved toward the wall and immediately directed him to get on the ground. The Subject complied. Officer E handcuffed the Subject without further incident.

At 1859 hours, Sergeant C notified the CP that a rescue ambulance (RA) was needed for the Subject's injuries. Sergeant A immediately broadcast the RA request. At 1909 hours, a Los Angeles Fire Department (LAFD) RA staffed with Firefighter Paramedics, arrived at scene. At 1929 hours, LAFD transported the Subject to a hospital where he was treated for his injuries.

At approximately 2305 hours, Sergeant D notified the Department Operations Center (DOC) and on-call FID Lieutenant that the Subject may be admitted to the hospital for injuries sustained during the K9 contact. The FID Lieutenant directed FID detectives to respond to the hospital to conduct an assessment. At approximately 0200 hours, the treating physician advised FID detectives that the Subject was admitted to the hospital due to the intravenous antibiotics he was administered to prevent infection from the K9 bites.

The Orange County Sheriff's Department was notified of the Subject's arrest; however, they declined to take custody of him. The Subject was released to the care of the hospital.

FID detectives reviewed the documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to an FID interview.

BWV and Digital In-Car Video (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer C	Yes	Yes	Yes	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) 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 K9 contact requiring hospitalization, the BOPC makes specific findings regarding tactics, deployment of K9, contact of K9, and post K9 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 the BOPC. Based on the BOPC's review of the instant case, the BOPC found the following:

A. Tactics

Although it was determined that Officer C would not receive formal Tactics findings, the BOPC noted that the Chief directed that he/she would benefit from attending a Tactical Debrief where the identified topics would be covered.

B. K9 Deployment

The BOPC found the K9 deployment to be consistent with established criteria.

C. K9 Contact

The BOPC found the K9 contact to be consistent with established criteria.

D. Post K9 Contact Procedures

The BOPC found the post K9 contact procedures to be consistent with established criteria.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department’s guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,

- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenario, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all

situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation Techniques

Planning

Assessment

Time

Redeployment and/or Containment

Other Resources

Lines of Communication

Tactical de-escalation does not require that an officer compromise his/her/hers/hers 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.

Planning – Officer C developed a plan to utilize two K9 search teams to locate the Subject, which was approved by Sergeant A. The primary team would search the primary location and include Officer C, the K9, Sergeant C, and other K9 officers. The secondary team would contain west of the location and include a mix of K9 and patrol officers.

Assessment – Officer C was briefed by the primary unit and IC, and Officer C was told that the Subject was possibly armed and had an active felony warrant. Officer C assessed the information that he/she was provided and determined that the criteria for K9 deployment were met.

Time, Redeployment/Containment, and Other Resources – When the Subject fled the traffic stop, officers requested a back-up, contained him inside a one-block perimeter, and requested Metropolitan Division K9 units to respond for a search. Before beginning their search, K9 search announcements were made to give the Subject time to reconsider surrendering to officers.

Lines of Communication – Prior to the start of the search, multiple K9 announcements were made via PA systems in English and Spanish, including in front of the location where the Subject was taken into custody, the north and west side of the perimeter, and overhead by the air unit. These announcements were reported to Sergeant D. Residents and officers on the perimeter heard the announcements, as did the Subject, who chose not to surrender because he believed that the officers did not know where he was hiding. Additionally, prior to the initiation of the K9 search, officers who had located the Subject hiding warned him that the helicopter was overhead and the K9s would be released, which could result in him being bitten. The Subject ignored the warning, jumped the property fence, and fled.

After the K9 located the Subject, Officer C observed the Subject kicking, punching, and holding onto the K9's collar. Officer C ordered the Subject to stop fighting the K9, and four seconds later, Officer C yelled the K9's name to verbally recall him. After the K9 did not return, Officer C observed the Subject holding the K9's collar. Officer C activated the K9's electronic collar to provide him with extra compulsion to return. Officer C gave the Subject commands to stop moving and let go of the K9, and he observed the Subject release the K9's collar. The K9 was able to disengage from the Subject and return to Officer C.

During its review of the incident, the BOPC noted no additional Debriefing points.

Command and Control

At 1700 hours, Sergeant A arrived at scene, declared him/herself the IC, and established a CP. At 1708 hours, a citizen reported a trespass and Sergeant A directed a team to search the location. Officers located the Subject at the location; however, he fled. Sergeant A contacted Metropolitan Division K9 Platoon and briefed Sergeants C & D. They determined the criteria for a K9 search were met and directed Metropolitan Division K9 units to respond. At approximately 1835 hours, Sergeant D arrived at scene and verified that the criteria for a K9 search were met. A plan was made to use two K9 search teams, with approval from Sergeant A. Sergeant C oversaw the primary team to ensure that Officer C and the K9 developed a cohesive partnership.

Prior to beginning the search, multiple K9 search announcements were made via PA systems in both English and Spanish and were reported to Sergeant D. Once the Subject was located and handcuffed, Sergeant C notified the CP that an RA was needed for the Subject's injuries, and Sergeant A immediately broadcast the request. After the Subject was taken to the hospital, Sergeant D notified the DOC and FID Lieutenant that the Subject may be admitted for injuries he sustained during the K9 contact. The FID Lieutenant directed FID detectives to respond to the hospital to conduct an assessment. At approximately 0200 hours, the treating physician advised FID detectives that the Subject was being admitted to the hospital. Sergeant D stopped his/her Non-Categorical Use of Force (NCUOF) investigation and began assisting FID in handling the incident as a Categorical Use of Force (CUOF).

The BOPC determined that Sergeants A, C, and D's actions were consistent with Department training.

K9 Deployment

Officer C developed a plan to deploy two K9 search teams, with the primary team calling for him/herself, the K9, and additional officers to search the Subject's last known location. The secondary team would serve as containment west of the location. At the time of this incident, Officer C had been a K9 officer for three years and one month, and the K9 had been assigned to the Department since November of 2020. On that date, Officer C and the K9 had been partners for 26 days. To ensure that they developed a cohesive partnership, Sergeant C, the Chief K9 Trainer, monitored them during the search.

Prior to the start of the search, K9 announcements were made via PA systems in English and Spanish and in the air over the perimeter.

The UOFRB assessed Officer C and Sergeants C and D's adherence to the K9 deployment criteria. The UOFRB noted that they verified that the Subject was possibly armed and a felony warrant suspect. The UOFRB also noted that Officer C developed a search plan, identified search team members, implemented a strategy to locate the Subject, and obtained concurrence from both a K9 supervisor and the IC. The UOFRB

noted that before initiating the search, seven total K9 search announcements were made via PA systems in both English and Spanish in front of the location and around the one-block perimeter surrounding the location. The UOFRB also noted that two K9 announcements were made directly towards the Subject prior to the K9 units even arriving when the officers located the Subject to the rear of the previous location.

Based on the totality of the circumstances, the BOPC determined that the K9 deployment was consistent with established criteria. To enhance future performance, the BOPC directed this to be a topic of discussion during the Tactical Debrief.

K9 Contact

After multiple K9 search announcements were made, the Subject continued to evade detection and apprehension by officers. The primary team began their search, starting with the exterior of the front house, continuing along the north walkway, and proceeding to an area between the rear house and the rear property wall. Officer C noticed a broken screen that led to a crawl space under the residence. At 1855:33 hours, the K9 entered the crawl space and started a systematic search at Officer C's direction. Officer C laid on the ground, illuminated the crawl space, and monitored the K9's search. Officer C observed a black tarp in the southwest corner of the crawl space and, as the K9 approached it, the Subject emerged from underneath the tarp and kicked and punched the K9. According to Officer C, the Subject struck the K9 approximately four times while the Subject was on his right side in a fetal position. At 1856:40 hours, the K9 began biting the Subject in response. At 1856:41 hours, Officer C directed the Subject to stop fighting the dog and yelled the K9's name to verbally recall him. When the K9 did not return, Officer C observed the Subject holding onto the K9's electronic collar and activated it to provide the K9 with extra compulsion to return. At 1857:02 hours, Officer C ordered the Subject, "Stop moving. Let him go," and the Subject released the K9's collar. At 1857:06 hours, the K9 disengaged from the Subject and returned, exiting the crawl space at 1857:13 hours. The K9 was immediately placed on a leash, and Officer C notified the team of the Subject's location.

The UOFRB assessed Officer C's adherence to the K9 contact criteria. The UOFRB noted that the K9 did not bark before contacting the Subject due to the Subject emerging from underneath a tarp and assaulting the dog first. The Subject's aggressive actions towards the dog resulted in a defensive bite from the K9, which was reasonable. The UOFRB also noted that although Officer C's immediate reaction was to tell the Subject to stop fighting the K9, it was reasonable to do so, and the UOFRB further noted that Officer C began recalling the K9 only four seconds after the contact started.

The UOFRB discussed whether a secondary announcement was necessary before Officer C directed the K9 into the crawl space and opined that it was not. The UOFRB noted that the K9 manual states that a secondary announcement is only necessary when a K9 team encounters a structure that they intend to search. A structure is defined in the K9 manual as any permanent or temporary structure that an officer would

reasonably believe to be inhabited by a person, and the UOFRB opined that it would not have been reasonable to believe that the crawl space was inhabited by a person.

Based on the totality of the circumstances, the BOPC determined that the K9 contact (bite) was consistent with established criteria.

Post K9 Contact Procedures

The UOFRB noted that Officer C immediately leashed the K9 when the dog exited the crawl space, and he/she maintained positive control of the K9 after the contact. The UOFRB also noted that the Subject was handcuffed approximately one minute after the contact started, and the UOFRB further noted that Sergeant C requested an RA only one minute and 40 seconds after the Subject was handcuffed. The UOFRB noted that Officer C immediately reported the contact and the Subject's injuries to Sergeant C, and the UOFRB noted that Sergeant D immediately began his/her investigation of a NCUOF, as he/she opined that the Subject's injuries would not lead to the incident being a CUOF. The UOFRB noted that once Sergeant D was notified that the Subject was potentially going to be admitted to the hospital, he/she immediately notified the DOC and FID. The UOFRB further noted that the Subject was admitted to the hospital due to the intravenous antibiotics he was administered to prevent infection from the K9 bites rather than the injuries themselves.

Based on the totality of the circumstances, the BOPC determined that the Post K9 Contact procedures were consistent with established criteria.

Medical Treatment/Rendering Aid

At 1856:40 hours, the K9 bit the Subject, and the Subject was handcuffed at 1857:41 hours, one minute and one second after the bite occurred. At 1859:21 hours, two minutes and 41 seconds after the bite started, Sergeant C notified the CP that an RA was needed, and Sergeant A immediately broadcast the RA request. At 1909:35 hours, ten minutes and 14 seconds after the RA was requested, it arrived at scene and the Subject was treated for his injuries. The Subject was transported to the hospital at 1929:52 hours, 20 minutes and 17 seconds after the RA arrived at scene. At approximately 0200 hours, the treating physician advised FID investigators that the Subject would be admitted to the hospital due to the intravenous antibiotics he was administered to prevent infection from the K9 bites. The Subject was treated for his physical injuries.

Requirement to Intercede

Based on their review of this incident, the BOPC determined that the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and that the officers did not deviate from the duty to intercede.