

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 001-17

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

Hollenbeck	1/7/17		
------------	--------	--	--

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

Officer C	25 years
-----------	----------

Reason for Police Contact

At the termination of a pursuit, the male driver (Subject 1) and a female passenger (Subject 2) fled on foot in different directions. Subject 2 was arrested without incident. Subject 1 hid at an unknown location and a K-9 search was conducted. When Subject 1 was located by a police K-9 dog during the search, the Subject 1 struck the K-9 dog with a piece of metal. As a result, a K-9 contact occurred, and Subject 1 was admitted to the hospital.

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

Subject: Male, 18 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 December 19, 2017.

Incident Summary

Uniformed Police Officers, A, B, and C, were in a marked black and white police vehicle. Officer A was the driver, Officer B was in the front passenger seat, and Officer C was in the right rear passenger seat. The officers were conducting directed patrol due to citizens reporting narcotics activity in the area.

Note: Upon the officers' deployment they did not discuss their roles as contact and cover or specific three-officer unit tactics. There was a mutual understanding based on their prior training that one officer would be designated as the contact officer, and the two remaining officers would be cover officers. The role of which officer would take on the contact role could change depending on the Subject's location at the time of a contact. These officers had worked together over the span of many years, during which time they had discussed the roles of contact and cover in various tactical scenarios.

The officers were in a parking lot when they observed a white vehicle without a front license plate and a paper plate attached to the rear of the vehicle, drive into the parking lot. The vehicle was driven by Subject 1, and Subject 2 was in the front passenger seat. After Subject 1 looked in the direction of the police vehicle, he immediately exited the parking lot driving at a high rate of speed. The officers followed the vehicle. When the vehicle turned southbound, the rear paper license plate momentarily flipped up and revealed a California license plate hidden under the paper plate.

Based on their training and experience, the officers knew that Subjects cover license plates with paper plates in an attempt to hide the fact that a vehicle is stolen and decided to conduct a traffic stop. Officer B activated the solid forward-facing red light in order to stop the vehicle. The vehicle pulled to the curb as if it were stopping, but then sped away. Officer B activated the siren in addition to the forward facing red light of the police vehicle and advised Communications Division (CD) they were in pursuit of a possible stolen vehicle and requested a back-up, airship, and a supervisor.

Note: Officers A, B, and C did not discuss their roles as contact and cover officer when they were following the Subject vehicle or when they were in pursuit of the vehicle. They did not discuss who would be contact or cover when the vehicle pursuit terminated.

The vehicle pursuit ended when the Subject's vehicle collided with another vehicle at an intersection.

Note: The vehicle pursuit lasted approximately 0.83 minutes and covered an approximate distance of one mile. The Digital In-Car Video System (DICVS) recorded the officers in pursuit of the Subject's vehicle. It recorded the officers communicating with each other concerning pursuit safety, i.e. keeping the pursuit speed down and requesting additional

units. The video did not capture the traffic collision because the officers reduced their pursuit speed which allowed the Subject vehicle to drive out of camera view.

Subjects 1 and 2 fled from the wrecked vehicle on foot and ran down an embankment. As the officers exited their vehicle, Officer A told Officer C to go after Subject 2. Officers B and C pursued Subjects 1 and 2 down the embankment on foot. Officer B pursued Subject 1, while Officer C pursued Subject 2. During the foot pursuit, the Officers separated from one another.

Meanwhile, Officer A broadcast over the police radio that officers were in foot pursuit of Subject 1, who ran in a northerly direction, and began setting up the perimeter. Officer A remained at the location of the traffic collision to render aid to the victim of the hit and run collision and maintained an elevated observation point.

As the Subjects split up, Subject 1 ran north and Subject 2 ran west. Officer C continued pursuing Subject 2 and believed that Officer B was behind him. It was not for awhile that Officer C realized he could no longer hear Officer B's footsteps and realized he was by himself. According to Officer C, he believed Subject 2 may have been involved in the theft of the vehicle, which was why he pursued Subject 2.

Subject 2 ran into a driveway, and Officer C momentarily lost sight of her. At that point, Officer C, factoring into account that he was chasing a Subject from a stolen vehicle and fearing that the situation could escalate to a situation where lethal force would be required, unholstered his firearm. Officer C held his firearm in a low-ready position and rounded the corner into the driveway. When Officer C observed Subject 2 again, she was in the driveway, at which time Officer C ordered her to stop. Subject 2 complied with Officer C's command and stopped. Officer C then ordered Subject 2 into a prone position.

Air Support Division (ASD) responded to the termination of the pursuit and assisted with setting up a perimeter. Officer C broadcast his location and stated he had Subject 2 in a prone position and needed a back-up at his location.

In the interim, Subject 1 had run north and out of Officer B's view. Unknown citizens indicated that Subject 1 had run between the residences, and Officer B transitioned into containment mode. From his position, Officer B was able to maintain the northern side of the perimeter. Officer A maintained a line of sight with Officer B. Officer B waited for back up units to arrive. Officer B was separated from his partners, with the nearest officer being a block and a half away, with limited to no visual contact.

Sergeant A arrived at the location of the traffic collision and established a Command Post at this location, declaring himself as the Incident Commander. Officer A conducted a Vehicle Identification Number (VIN) check of the Subject vehicle and determined the vehicle was reported as stolen.

Officer D arrived at Officer C's location and observed the Subject 2 lying in a prone position. Officer D believed the situation could escalate to one involving the use of deadly force since it was a tactical situation and Officer C had his pistol unholstered and pointed at Subject 2. Officer D unholstered his pistol to the low-ready position. Officer C formulated a tactical plan and told Officer D to provide cover as he made contact with Subject 2. Officer C then holstered his pistol, approached Subject 2, and handcuffed her without further incident.

K-9 Sergeant A was contacted and informed that a K-9 search was requested. The search was for a felony Grand Theft Auto Subject, who was also involved in felony Evading and felony Hit and Run. Subject 2, if caught, would be arrested for those crimes.

K-9 Sergeant A notified Police Officer E that there was a search for a Subject that met the requirements for a K-9 Unit response.

In the interim, Police Officer F arrived at the termination of the vehicle pursuit and completed a Traffic Collision Report.

Upon K-9 Sergeant A's arrival, Lieutenant A briefed him on the situation. Officer E devised the search plan which utilized two K-9 search teams. Officer E with his K-9 dog would be the primary search team. Officer E was accompanied by other Metropolitan Division uniformed Police Officers, as well as Officer A.

The secondary K-9 search team was assigned to search a different area. This team would also serve as rear containment should Subject 2 decide to move away from the primary search team's activities. The secondary K-9 team was led by K-9 Officer G and his K-9 dog. K-9 Sergeant A and Lieutenant A were advised and approved the search plan.

Officers made the K-9 search announcement via the public-address system from a black and white police vehicle from multiple locations. Other officers confirmed hearing both announcements. These announcements were prerecorded and played in both English and Spanish. Per K-9 Sergeant A, he heard Air Support read the K-9 search announcement in English via the helicopter's public address system. Multiple officers, including K-9 Officer E heard this announcement. Several citizens also confirmed hearing the announcements. The investigation determined the teams started searching after the K-9 search announcements were completed.

Officer E provided instructions to his team concerning their roles prior to the search and advised the team members that the K-9 search was a fluid event, in which roles and responsibilities could change.

During the search, Officer E unholstered his pistol because the officers were searching for a felony Subject who was concealed, and he believed the situation could escalate to

the use of deadly force. Other officers also unholstered their weapons during this incident for these reasons and because they knew the Subject could possibly be armed.

Officer E searched the yards of several residences and was informed of an open gate to a location that is normally kept closed. Officer E noticed a crawl space underneath the residence and the crawl space wire mesh vents had been moved. Officer E ran his K-9 dog past these entry points. The dog did not alert to a Subject underneath the house.

Officer E's K-9 dog then searched the portion of a backyard which contained stored cars and building construction materials, but no Subject was located. Officer E then directed his K-9 dog to search the corner of the backyard. This area consisted of an approximately three-foot-wide passage with construction materials stacked approximately two stories high on either side of the passage. Officer E let his K-9 dog work his way down the passage while assisting officers stayed at the entrance of the passage behind cover and concealment.

According to Officer E, when his K-9 dog approached the end of the passage, the dog's behavior started to change, which indicated to Officer E that his dog possibly picked up the Subject's scent. Officer E stated his K-9 dog worked his way to the back corner of the shelving unit to a piece of sheet metal. As the dog approached the sheet metal, it (the sheet metal) moved. The K-9 started to weave around the sheet metal, at which time Subject 1 struck the K-9 dog with the sheet metal causing a one-inch laceration above the K-9's right eye. When attacked, the K-9 dog reacted as trained and bit Subject 1 on his left arm.

Officer E gave Subject 1 verbal commands to not strike the K-9 and to show his hands. Subject 1 continued to try to push the K-9 dog away with the sheet metal. Officer E had a partially obscured view of Subject 1 and the K-9's actions. After a short period of time, Subject 1 complied and showed both his hands. At this point, Officer E verbally recalled his K-9, who returned promptly, and was leashed. Officer E moved out of the way with his K-9 dog to give officers space to arrest Subject 1, who was taken into custody without further incident.

Officer E requested a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) for Subject 1's injuries. Subject 1 was transported to a nearby hospital, where he was 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 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

It was determined that the tactics of the involved officers were not related to the K-9 contact; accordingly, there was no finding related to tactics issued by the BOPC.

B. Drawing/Exhibiting

The BOPC found that the drawing and exhibiting of Officer C's weapon was in policy.

C. Deployment of K-9

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

D. Contact of K-9

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

E. Post K-9 Contact Procedures

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

Basis for Findings

Detention

- Officers observed a driver operating a vehicle with a front paper plate and a paper plate concealing a license plate in the rear in violation of California Vehicle Code (CVC), Section 5200(a). When the officers attempted to conduct a traffic stop on the vehicle, the driver fled, resulting in a vehicle pursuit. The officers' actions were appropriate and within Department policies and procedures.

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.

In this case, the Subjects fled from the vehicle at the termination of a vehicle pursuit. The officers established a perimeter and contained Subject 1. The officers made

several announcements in an effort get Subject 1 to surrender before deploying the K-9 dog to assist with the search and apprehension of the Subject 1.

A. Tactics

N/A

B. Drawing and Exhibiting

- According to Officer C, as Subject 2 ran between the houses, he drew his service pistol as he proceeded around the end of a building.

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

Therefore, the BOPC found Officer C's drawing and exhibiting of a firearm to be in policy.

C. Deployment of K-9

- K-9 Sergeant A met with Lieutenant A and confirmed that the situation met the criteria for K-9 deployment. Officer E then formulated a search plan that was reviewed and approved by Lieutenant Sergeant A and Lieutenant A.

According to Officer E, the search plan consisted of two K-9 search teams. Officer E was designated to lead one search team with his K-9 dog, along with other officers.

Prior to initiating the K-9 search, a pre-recorded K-9 search announcement was played in English and Spanish via the Public Address (PA) system of a black and white police vehicle near the perimeter.

Additionally, an Air Unit utilized its PA system to broadcast the K-9 announcement in English over the search location. Confirmation was obtained from officers on the perimeter that they heard the K-9 announcements. Subject 1 failed to respond to the K-9 search announcements.

Note: The investigation identified four citizens who also reported hearing the K-9 search announcements in the area of the search.

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

D. Contact of K-9

- Multiple K-9 announcements were made via the PA systems; however, Subject 1 failed to respond to the K-9 announcements.

According to Officer E, the search team proceeded down the driveway and into the backyard of a residence. Officer E observed that there was a three-foot-wide opening that was stacked with junk and debris on both sides. Officer E sent his K-9 dog to run down and along the opening. As his K-9 dog was getting towards the very back, he observed his K-9's body language change and he believed his K-9 may have been starting to pick up a scent.

According to Officer E, his K-9 dog made his way to a piece of metal in the back of the opening and the metal started to move. Officer E was unsure if his K-9 dog bumped into the metal, so he redeployed to get a better look to see what the dog was doing. Officer E then observed that Subject 1 was moving the piece of metal. As the K-9 went around the back of the metal, he observed Subject 1 hit his K-9 dog with the piece of metal to try to knock him away.

Note: The investigation revealed the piece of sheet metal measured approximately 56 inches wide and 36 inches tall and was rusted with jagged edges.

Officer E notified other officers of Subject 1's location. Officer E heard Subject 1 yelling that the K-9 dog was biting him as he simultaneously gave Subject 1 commands to show his hands, drop the sheet metal and stop hitting the dog. Subject 1 ignored his commands and continued to push the K-9 away with the piece of metal into a little cubby area around the side.

According to Officer E, after issuing commands for approximately five to ten seconds, Subject 1 showed both hands and pushed the metal away from him. Officer E observed that the K-9 had a bite hold of Subject 1's left arm. Officer E promptly recalled his K-9 back to his side, leashed him up, and moved out of the way. The search team called Subject 1 out, and he was handcuffed without further incident.

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

E. Post K-9 Contact Procedures

- After Subject 1 was taken into custody, Officer E requested a Rescue Ambulance (RA) to respond for a dog bite. Subject 1 received initial medical treatment from LAFD personnel at the scene and was transported by RA to a nearby hospital for further treatment.

The attending physician assessed Subject 1's injuries and ultimately admitted him.

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