

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 027-09

Division	Date	Duty-On (X) Off ()	Uniform-Yes(X) No()
Newton	04/14/09		

Officer(s) Involved in Use of Force	Length of Service
Officer A	19 years

Reason for Police Contact

Officers observed a robbery in progress being committed by three subjects. Two of the subjects were quickly taken into custody while the third fled and hid from the officers. A K-9 located the third subject and a contact resulted.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 17 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 suspect criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

In accordance with state law divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on 03/23/10.

Incident Summary

Officers B and C were on routine patrol in a black and white police vehicle when they saw Victim A lying prone in the street. Officers B and C further observed two individuals, later identified as Subjects 1 and 2, striking Victim A in the head and a third individual, later identified as Subject 3, standing approximately twenty feet away,

apparently acting as a lookout. As the officers approached, the subjects became aware of their presence and ran through a supermarket parking lot. Still in their police vehicle, Officers B and C pursued the subjects. As they continued through the parking lot, Subject 3 stopped running and was taken into custody without further incident.

Officers B and C saw Subjects 1 and 2 run east into an alley, then jump a fence into a rear yard. Officer C stayed with Subject 3 while Officer B ran to maintain visual coverage of the area and establish a perimeter. Officer B broadcast through Communication Division (CD) that he had been in foot pursuit of possible robbery subjects and requested additional units for a perimeter. In addition, Officer B broadcast the outstanding subjects' descriptions and requested a unit to respond for the injured victim. Meanwhile, Subject 2 climbed a fence that bordered the alley he was last seen in, was observed by Officer D and taken into custody without further incident.

After several units established a perimeter, Subject 1 was seen crawling on the roof of a residence. An Air Unit responded to the location and searched for Subject 1 with negative results. Upon arrival, Sergeant A assumed the role of Incident Commander and established a command post. After being briefed by Officer C, Sergeant A requested a K-9 unit to respond. Several K-9 officers arrived at scene, including Officer A. After receiving a briefing from Officer B, including the fact that Subject 1 was still outstanding and, according to Victim A, possibly armed with a knife, Sergeant A gave authorization to conduct a K-9 search. Air Support Division used the public address (PA) system mounted on the Air Unit to make a K-9 search advisement in English.

Two K-9 search teams were assembled. One of the search teams was comprised of Officer A with his K-9, and Officers E and F. Initially, neither search team was able to locate Subject 1.

After regrouping, the K-9 teams chose to search separate locations simultaneously. As Officer A's team searched, they came to a property enclosed by a wrought-iron gate where they noted two vehicles parked in tandem in the driveway. After opening the gate, Officer A directed his K-9 in a southbound direction into the yard, and onto the driveway. The K-9 moved between the two vehicles (a sedan and a van), while Officers A, E and F moved toward the first parked vehicle. The K-9 showed interest in the van parked on the driveway. As Officer A moved to a position at the rear of the sedan, he crouched down and used his flashlight to illuminate the underside of the parked vehicles; however, due to a large amount of dead leaves around the vehicles, he was unable to see anything underneath. As he continued crouching, Officer A heard his K-9 bark, which indicated to him that the K-9 had located Subject 1. According to Officer A, he saw a "commotion" under the leaves of the van and heard someone yelling. Officer A moved to the passenger side of the van and saw Subject 1 on his stomach and the K-9 with a bite hold on Subject 1's right forearm.

Officer A saw Subject 1 abruptly stand up from a hunched position with the K-9 still in contact with his right forearm. Officer A ordered Subject 1 to get down, but Subject 1 did not comply. Subject 1 moved backwards rapidly towards the back of the van while

Officer A continue to tell him to get down. It appeared to Officer A, based on Subject 1's deliberate movements, that he was going to try to break free and run. Officers A, E and F moved closer to Subject 1 and placed themselves in-between the wall of the neighboring duplex and the van. As the officers approached, the K-9 continued his bite hold on Subject 1's arm. At that time, Officer A ordered the K-9 to his side and the K-9 came off the contact immediately. According to Officer A, the K-9 contact lasted between four and eight seconds. Subject 1 was directed into a prone position and was handcuffed by Officer F. A rescue ambulance (RA) was requested for Subject 1 due to the injuries he had sustained from the K-9 contact. Subject 1 was transported to a nearby hospital where he was subsequently admitted for treatment of his injuries.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to improve their response to future tactical situations. This is an effort to ensure that all officers benefit from the critical analysis that is applied to each incident as it is reviewed by various levels within the Department and by the BOPC. Based on the BOPC's review of the instant case, the BOPC unanimously made the following findings.

A. Deployment of K-9

The BOPC found Officer A's deployment of the K-9 consistent with established criteria.

B. Contact of K-9

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

C. Post Contact Procedures

The BOPC found Officer A's post contact procedures consistent with established criteria.

Basis for Findings

A. Deployment of K-9

The BOPC noted that in this instance, Sergeant A was telephonically contacted prior to his arrival at the scene and upon being advised that there was one outstanding subject who had committed a felony crime, determined that the K-9 search criteria was met.

Prior to initiating the K-9 search, the police helicopter's PA system was utilized to make the required K-9 search announcement in English.

In conclusion, the BOPC determined that the deployment of the K-9 was consistent with established criteria.

B. Contact of K-9

The BOPC noted that in this instance, the K-9 located Subject 1 under a van and barked to alert Officer A of his location. At this point, Officer A was attempting to locate Subject 1 underneath the van. However, due to the large amount of debris underneath the van, Officer A did not see him. Simultaneously, Officer A heard a commotion to the rear of the van and assumed the K-9 made contact with Subject 1. Officer A along with search team officers redeployed further into the driveway in an attempt to confirm the contact. As he moved down the driveway, Officer A observed the K-9 contact with Subject 1's right arm. Subject 1 moved backward toward the back of the van. Officer A ordered Subject 1 to the ground but he did not comply. It appeared from Subject 1's movements that he was going to try and run. After a brief contact, the K-9 was called off and Subject 1 was subsequently taken into custody.

In conclusion, the BOPC determined that the K-9 Contact was consistent with established criteria.

C. Post Contact Procedures

In this instance, upon being advised that Subject 1 would be admitted to the hospital, Sergeant B telephonically notified Officers A, E and F, who were no longer on duty, that the incident was reclassified to a Categorical Use of Force (CUOF) and admonished them not to discuss the incident until interviewed by Force Investigation Division (FID) personnel.

In conclusion, the BOPC determined that the post contact procedures were consistent with established criteria.