

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

**K-9 CONTACT REQUIRING HOSPITALIZATION – 035-15**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off ( )</u></b>	<b><u>Uniform-Yes (X) No ( )</u></b>
Southwest	5/1/15		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
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Not applicable.

**Reason for Police Contact**

Officers were conducting a K-9 search when Subject 1, who was hiding behind a chair, stood up and pushed the chair, and a K-9 contact occurred.

<b><u>Subject</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-hit ( )</u></b>
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Subject, Male.

**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.

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 April 5, 2016.

## **Incident Summary**

Officers A and B provided extra patrol in the neighborhood of a known gang, due to an ongoing feud between two gangs. The officers were also aware of recent shootings involving the gangs in the area. Officers A and B were stopped in their vehicle when they observed a sedan traveling eastbound. The officers observed the occupants look in their direction and appear to lower their profile in their seats. Officer B conducted a computer inquiry of the license plate number, revealing that the vehicle was reported stolen from an airport parking lot. The driver of the vehicle, subsequently identified as Subject 1, turned south, and the officers began to follow the vehicle as it passed them. Officer B advised Communications Division (CD) via his radio that they were following a stolen vehicle and requested backup, an Air Unit, and a supervisor. Officer B advised CD that there were two occupants in the vehicle. The Air Unit advised they were responding.

Subject 1 turned westbound, at which time Officers C and D joined the following behind Officer A and B's vehicle. Subject 1 began to accelerate his vehicle and turned again. As Subject 1 approached an intersection, he abruptly stopped the vehicle. Subject 1 exited the driver's door and ran, and an unidentified female exited the front passenger side door and ran the opposite direction. The vehicle rolled slowly into the intersection before coming to rest in the intersection. Officer B advised CD that suspects were running from the vehicle and provided their location. CD broadcast the information to all units.

**Note:** The female escaped apprehension after fleeing the stolen vehicle, and investigative efforts have failed to identify her.

Officers A and B exited their vehicle and began to pursue Subject 1 on foot. As the foot pursuit began, Officer A directed Officer B to clear Subject 1's car for additional suspects. Officer C had also just exited his vehicle along with his partner, Officer D, and he advised Officers A and B to pursue the driver and that he and Officer D would clear the vehicle. Officer B advised CD that Subject 1, wearing a blue, jeans jacket and black shorts, was running through the houses. He also requested a perimeter.

Simultaneously, Officer D unholstered his pistol and held it at the low-ready position, and Officer C, who did not unholster his pistol, began to approach Subject 1's vehicle. Officer D approached on the right side of the vehicle, and Officer C approached on the left, and once they confirmed that the vehicle did not contain any additional suspects, Officer D holstered his weapon.

In the meantime, Subject 1 eventually ran into the rear yard of a residence. Officers A and B continued to pursue Subject 1 on foot over the fence into the backyard because they feared civilians were in the backyard and did not want a hostage situation. Once they jumped over the fence into the backyard, the officers could no longer see Subject 1. The officers unholstered their pistols because they believed Subject 1 could be armed and hiding in the backyard. After a brief search, Officers A and B believed Subject 1 had fled through the property and was no longer contained in the backyard.

Officers A and B then holstered their pistols. Officer B notified CD that the subject ran from the residence and requested a perimeter. Additional officers arrived and a perimeter was established.

In the meantime, Witness A, along with other family members including four children, was preparing to leave her residence. Witness A was buckling one of her children into the car seat of her car. Witness B observed a person who she believed to be a friend of the family in the backyard. As Witness B walked down the driveway toward the person, later identified as Subject 1, she realized she did not know who the person was. Subject 1 asked Witness B if he could hide in her house, at which time she screamed for Witness A to lock the doors as she ran back to Witness A's location. Witness A observed Subject 1 emerge from out of her backyard and walk westbound on the driveway toward her. Subject 1 said to Witness A, "Give me a ride," and, "Let me hide." Subject 1 then walked up to the porch where the front door of the residence was open. Witness B ran to close to door and told Subject 1 to leave. Subject 1 then ran and hid behind a vehicle.

While at the intersection, Officers E and F observed Subject 1 walk into the street approximately four to five houses north of their location. Subject 1 looked in the officers' direction and immediately ran between the residences and out of sight.

Officer E advised CD that the suspect was running. Realizing they were the most westerly-positioned unit and Subject 1 had run out of the perimeter, Officer F ran to the corner. Officer E turned off the ignition of the officers' police vehicle and then ran to his partner's location at the corner.

Sergeant A and Officer G arrived, and Sergeant A assumed the role of Incident Commander (IC) and established a Command Post (CP). Sergeant A verified that Subject 1's vehicle was stolen and requested a K-9 unit to respond to assist with the search for the subject.

Once additional resources arrived to the perimeter, Officers A and B were picked up by Lieutenant A and transported to the CP, where they were available to brief the responding K-9 officers.

Metropolitan Division K-9 Platoon uniformed Sergeant B responded to the CP. Upon arrival, he met with Sergeant A, who advised there was an outstanding suspect from a confirmed felony crime. Sergeant A authorized and approved the use of the K-9 Unit to search for the outstanding suspect.

Officer H arrived the CP and met with Sergeants A and B. During the briefing at the CP, Officer H was advised of Subject 1's description and that officers had last observed him jumping the wall and running down the driveway at a specified residence. Officer H formed a tactical plan to initiate a search with the two K-9 dogs at the scene. Officer H decided to begin the search at the residence where Subject 1 was last seen. Prior to beginning the search, Officer H met with Officer J and then Sergeant B to brief him with the tactical search plan and verified that the K-9 search criteria were met. Sergeant B

approved the K-9 deployment. Officer H's search team consisted of Officers A, G and J.

Prior to deploying the K-9 search teams, Officer H ensured that K-9 search announcements were played in both English and Spanish from opposite ends of the perimeter. Officer J played the prerecorded K-9 announcement from the Public Address (PA) system on a police vehicle, which was parked in front of the residence where Officer H was going to begin his search. Officer I ensured the prerecorded K-9 announcement was played in English and Spanish from another police vehicle located at a different section of the perimeter. In addition, Officer H requested the Air Unit make the K-9 announcement.

Once the announcements were completed, Officer H confirmed the announcements were heard at all ends of the perimeter. Officer H advised all the units at scene that the Air Unit and ground units had completed the K-9 announcement, and the K-9 search was going to begin.

**Note:** According to several officers, they were asked if they had heard the K-9 announcement after Subject 1 had been taken into custody.

Due to the tactical operation, which involved a search for a felony subject, and had the likelihood to escalate to the level of deadly force, Officers A, G, H, and J unholstered their service pistols for their protection as well as the protection of the officers who accompanied them on the K-9 search.

Officer H unleashed the K-9 dog, at which time the K-9 dog cleared the majority of the rear yard and worked his way to the southwest corner of the property. The K-9 dog followed a scent along the fence line, which led to the next-door property. Officer H advised Officer I of the K-9 dog's interest along the fence line and requested the Air Unit examine the next yard to the south. The Air Unit advised that it did not see anything obvious on the other side of the fence and advised that there was heavy shrubbery in the yard.

Officer H informed Officer I and the Air Unit that he and his team were going to move their search one residence to the south. Officer H directed Officer G to watch the south fence line while he and Officers A and J proceeded to search the property to the south. Prior to making entry into the rear yard, Officer H observed a dog in the backyard, behind the side gate at the end of the driveway. Officer H made contact with Witness C, who lived at the location. He requested that Witness C secure the dog inside the house so his team could search her backyard, which she did with the assistance of Witness D.

Officer H and his search team deployed along the driveway toward the side gate. While doing so, Officer H was momentarily distracted by a male subject, who was standing on the front porch, yelling obscenities at the officers. Officer A gave several orders for Subject 2 to go back inside of his residence, and eventually Subject 2 complied. Officer H and the search team continued down the driveway until they reached the side gate.

Officer A again heard Subject 2 yelling and observed Subject 2 throw an object that was later determined to be a beer bottle. The beer bottle landed on the ground and broke several feet from where he and Officer H were standing.

Officer A maintained visual contact of Subject 2, and prepared to warn his team if Subject 2 was to throw anything else. Officer H focused his attention to the rear yard and observed the K-9 dog, who was under a tented carport area working a scent along wooden storage shelves. The shelves were propped against the wall of the detached outbuilding. There were several boxes and numerous items on the shelves and an oversized recliner with its back positioned against the shelves.

The K-9 dog continued to work a scent in the area of the recliner, and he climbed up onto the recliner. The K-9 dog lowered his nose to the space between the shelves and the recliner when suddenly, the recliner was pushed away from the shelves. Subject 1 quickly and aggressively stood up between the recliner and shelves. The K-9 dog reacted and took a bite hold on Subject 1's left arm. Once the K-9 dog bit Subject 1's left arm, Subject 1 yelled and moved away from Officer H.

As Subject 1 moved away from Officer H, he continued holding onto the K-9 dog's collar with his right hand. Officer H issued commands for Subject 1 to stop and raise his hands in the air, but Subject 1 did not comply. Officer H formed the opinion, based on his training and experience, that Subject 1 was attempting to escape. Subject 1 kicked the oversized recliner farther away from himself in what appeared to Officer H to be an effort to create an obstacle for the officers.

Officer H continued to give commands to Subject 1 to stop moving and to raise his hands in the air, but Subject 1 did not comply. Officers H and J advanced toward Subject 1. Once they reached the vicinity of the recliner, they moved it out of the way so there would not be an obstruction between them and Subject 1.

Subject 1 was able to move to the fence line near the garage while he held onto the K-9 dog. There was an approximately two to three foot space between the rear fence line of the property and a detached outbuilding. Officer H lost sight of Subject 1 for one to two seconds as he moved north between the outbuilding and the fence line. Subject 1's movement caused Officer H to redeploy in a southwesterly direction where he could view the area between the fence line and the outbuilding. Officer H was able to observe Subject 1 continuing to hold the K-9 dog with one hand while the K-9 dog continued to bite-hold Subject 1's left arm. Officer H ordered Subject 1 to step out into view, toward him. Eventually Subject 1 stepped back out from the space and into view of the officers.

According to Officer H, at different points Subject 1 would release the K-9 dog's collar and hit him on the head. Subject 1 would then grab the K-9 dog by the collar again. Officer H ordered Subject 1 to stop hitting the dog, to get on the ground, and surrender.

Subject 1 lowered his body into a seated position and appeared as if he was going to comply. Officer H recalled the K-9 dog, however Subject 1 reached to grab the K-9 dog's collar and turned his body over to his left side, nearly pinning the K-9 dog against

the fence. After several repeated commands, Subject 1 eventually complied, released the K-9 dog's collar, and lay down. The K-9 dog released his bite hold and returned to Officer H's side, where he was placed on a leash.

Officer J took over commands and ordered Subject 1 into a felony prone search position. Officer J holstered his pistol and transitioned to his TASER. Officer J then communicated with Officer H that they had a rear guard, Officer A, who could handcuff Subject 1. Officer H then removed the K-9 dog from the proximity of Subject 1 and called up Officer A, who placed his right knee on Subject 1's lower back and then handcuffed him without further incident. Once handcuffed, Officer A identified him as the driver of the stolen vehicle, and walked Subject 1 out to the street where he could be treated by the Los Angeles Fire Department (LAFD). Officer H broadcast that they were taking Subject 1 into custody and requested an LAFD Rescue Ambulance (RA) for a K-9 Contact.

Officer H then requested an additional unit to respond to his location for a suspect who had thrown a glass bottle at them, because they were going to take him into custody. Officer H requested that Officer J handle the incident where the suspect threw the bottle, and the Air Unit to watch the rear door of the property. Officer J directed two officers to the rear yard. Once the officers were in position, Officer H advised them that Subject 2 had earlier exited out the side door. It was at this time that Officer H left the backyard where Subject 1 was arrested and deployed to the front of the location with the K-9 dog on the leash.

Officer J proceeded to the front of the residence. He transitioned from his TASER and unholstered his pistol. Officer J's intention was to arrest Subject 2 for Assault with a Deadly Weapon (ADW) on a Police Officer, a felony, and knew that the incident could escalate into a lethal force situation.

Officers E and F responded to Officer J's location to assist. When the officers approached the front door, the door of the residence opened. Subject 2 exited his residence and yelled at the police. When Officer J stepped onto the cement walkway leading up to the porch, Subject 2's wife emerged from the interior of the house, grabbed Subject 2 by the arm, and attempted to pull him back inside.

Officer J observed that Subject 2 had nothing in his hands and decided to approach. Officer J was able to detain Subject 2 just inside the front door without incident. Officer J positioned Subject 2's hands behind his back and handcuffed him.

Officers A and H positively identified Subject 2 as the person they observed throw the bottle at them in the backyard. Subject 2 was placed under arrest for ADW on a Police Officer. Subject 2 was then placed into Officers E and F's police vehicle.

**Note:** According to Officer F, Subject 2 appeared intoxicated and fell asleep or passed out in the backseat. An RA was requested and Subject 2 was transported by LAFD RA to a hospital. Subject 2 was examined by a doctor who cleared him for booking.

An LAFD RA arrived at the scene and provided medical treatment to Subject 1. He was subsequently transported to a hospital where he was treated for his injuries. Officer K accompanied Subject 1 in the RA to the hospital. Subject 1 made no statements to the officer while being transported.

At the hospital, Officers K and L monitored Subject 1 in the emergency room. Officer K recognized that Subject 1 was a juvenile, and advised him of his Miranda rights. Subject 1 waived his Miranda rights and provided a statement, which Officer K memorialized in a report that he later provided to Force Investigation Division (FID) detectives.

**Note:** When Officer K read Subject 1 his Miranda admonition, the incident was not a K-9 Contact requiring hospitalization. The determination that FID would assume the investigative responsibility occurred after Officer K had interviewed Subject 1.

When Officer L learned that Subject 1 was going to be admitted for his injuries, he contacted Sergeant B who then responded to hospital. After having confirmed Subject 1's admittance into the hospital was due to the dog bite, Sergeant B notified FID.

### **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. Deployment of K-9**

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

#### **B. Contact of K-9**

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

## **C. Post K-9 Contact Procedures**

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

### **Basis for Findings**

#### **A. Deployment of K-9**

- Sergeant A authorized the K-9 search to assist in locating and apprehending a felony suspect. Sergeant B, a Metropolitan Division K-9 Platoon supervisor, responded to the scene and verified that the circumstances met the criteria for a K-9 search. Officer H, a Metropolitan Division K-9 handler, arrived and was briefed by Sergeant A regarding the incident. Officer H formulated a tactical plan and initiated the K-9 search.

A K-9 search announcement was given in both English and Spanish via the PA system from two police vehicles located on opposite sides of the perimeter. Additionally, personnel from the Air Unit broadcast the K-9 announcement in English over the search location. Sergeant A heard the announcement at the CP and confirmed that it was also heard on the opposite side of the perimeter. Multiple witnesses who were inside their residences in the immediate area of the search location also reported hearing the K-9 announcement.

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

#### **B. Contact of K-9**

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

Officers H and J entered the rear yard and utilized the K-9 dog to search the area for Subject 1. The K-9 dog jumped onto a sofa chair located toward the rear of the yard and alerted to the presence of a possible suspect hiding behind the chair.

As the K-9 dog lowered his nose to pinpoint the source of the scent, Subject 1 pushed the chair away and immediately popped into view. Due to the manner quickness of Subject 1's movement, the K-9 dog reacted as trained and took a bite hold on Subject 1's left arm.

Officer H gave Subject 1 commands to stop resisting. Subject 1 refused to comply and backed away from the officers toward the rear fence line. Subject 1 then used his right hand to alternately grab the K-9 dog's collar and then strike the K-9 dog in the head. Officer H continued to give Subject 1 commands to stop hitting the dog and to get on the ground.



Subject 1 then released his hold on the K-9 dog's collar, at which time the K-9 dog released his bite and Officer H attempted to verbally recall the K-9 dog. However, Subject 1 once again grabbed the K-9 dog's collar and attempted to pin the K-9 dog against the rear fence, at which time the K-9 dog took a second bite hold on Subject 1's left arm.

Officer H repeatedly ordered Subject 1 to stop resisting and made several attempts to recall the K-9 dog. Subject 1 eventually complied with the commands and released his hold on the K-9 dog. Officer H recalled the K-9 dog to his side and attached the leash to his collar.

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

### **C. Post K-9 Contact Procedures**

- Officer H observed visible K-9 bite injuries to Subject 1's left arm and requested that an RA to respond. Subject 1 received initial medical treatment from LAFD personnel at the scene and was subsequently transported by RA to a local hospital for further treatment.

Officer K rode with Subject 1 to the hospital and monitored Subject 1's medical status. Officer K and L monitored Subject 1 in the emergency room. Subject 1 was later admitted for observation due to possible infection resulting from the K-9 contact.

Officer L contacted Sergeant B regarding Subject 1's admission into the hospital. Sergeant B identified the incident as a Categorical Use of Force (CUOF) and made proper notifications.

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