

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

**K-9 CONTACT REQUIRING HOSPITALIZATION – 036-15**

| <b>Division</b> | <b>Date</b> | <b>Duty-On (X) Off ( )</b> | <b>Uniform-Yes (X) No ( )</b> |
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|------------|----------|--|--|
| Hollenbeck | 5/4/2015 |  |  |
|------------|----------|--|--|

| <b>Officer(s) Involved in Use of Force</b> | <b>Length of Service</b> |
|--|--------------------------|
|--|--------------------------|

|           |                    |
|-----------|--------------------|
| Officer A | 20 years, 3 months |
|-----------|--------------------|

**Reason for Police Contact**

Officers were searching for a suspect wanted for a felony, when a K-9 contact requiring hospitalization occurred.

| <b>Subject</b> | <b>Deceased ( ) Wounded (X) Non-Hit ( )</b> |
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|----------------|---|

Subject: Male, 23 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.

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 26, 2016.

## **Incident Summary**

Officers were patrolling in the area of a Recreational Center when they observed the Subject. The officers recognized the Subject from previous contacts and were aware that the Subject was on active probation for narcotics and was a documented gang member.

From a distance of approximately 25 feet, the officers observed the Subject look toward their direction and appear startled. The Subject turned away, hunched over, placed both hands on his front waistband, and ran southbound the north entrance of the recreation center.

Based on their training, experience, knowledge of the gang activity in the area and their prior gun arrests at this location, the officers formed the opinion that the Subject was possibly concealing a firearm. Officer C stopped his vehicle, made a request for a backup and broadcast they were in a foot pursuit of a man with a gun.

The Subject ran onto the recreation center property and continued toward the street. The officers ran behind the Subject from a distance of approximately 30 feet, with Officer C right behind his partner. Both officers then observed the Subject holding a handgun in his right hand. Officer B warned Officer C of the gun; however, he did not see from where the Subject retrieved the gun. As the Subject ran past the gymnasium, he tossed the firearm onto the roof of the gymnasium in the recreational center.

The Subject continued to run, crossing the street bordering the recreational center. Concerned that the Subject had discarded a gun in a recreational center with children present, the officers communicated with each other that Officer C would stay with the gun, while Officer B would follow the Subject on foot at a safe distance and set up a perimeter.

Officer B followed the Subject and continued for approximately one block.

Officer B then stopped, broadcast a description of the Subject, and began establishing a perimeter. According to both officers, they had a direct line of sight to each other throughout this time. As soon as a unit arrived to take Officer B's place on the perimeter, he returned to Officer C's location. An LAPD airship responded and assisted with setting up containment of the area.

A supervising sergeant arrived at scene and established a Command Post (CP) nearby.

At the CP, Officer C provided the sergeant with a description of the Subject and the direction he last saw the Subject run. He also told the sergeant that the Subject had discarded a gun at the recreation center.

The officers also believed the Subject might have been armed with an additional weapon.

The sergeant notified the Watch Commander and requested a K-9 unit.

Several K-9 officers and a K-9 supervisor responded. The K-9 sergeant determined the criteria for a K-9 search was met, and he authorized the Metropolitan K-9 officers to start their search.

The K-9 sergeant arrived at scene and four separate K-9 search teams were formed to search a two-block area. The first team consisted of Officer A, his dog, and several other K-9 and patrol officers.

Multiple K-9 search announcements were made in both English and Spanish over the Public Address (PA) systems from ground units positioned around the perimeter, and from the airship. The officers made the announcements from their respective police vehicles. Their positions on the perimeter and Shop numbers were documented by the K-9 sergeant.

Several civilians corroborated that the announcements were made prior to the start of the search as well.

As Officer A's team conducted their search, a citizen motioned to them from a second-story apartment window to search his apartment building.

The officers walked toward the front of the apartment building and observed that the front security door was locked. There was no access to the rear yard from the east side of the building, so they deployed to the west side of the building and walked north along a walkway.

Officer A sent his K-9 dog to the rear yard to clear the walkway, and had the dog return. The officers then cleared the rear yard along with the east side of the building and observed the rear security door was unlocked. Prior to Officer A entering the rear security door, he observed that another gated security door to his right was ajar, which led to the basement.

Officer A elected to clear the basement first. Officer A instructed another officer to cover the rear security gated door and hallway of the apartment as he opened the basement gated security door. Officer A sent his K-9 dog to clear the descending staircase and then called him to return.

Officers A and C, in addition to the K-9 dog, descended the stairs together and stopped at the bottom. Officer A directed the K-9 dog to lay on the ground as he made an announcement that they were the police and they had a dog. When the officers did not receive a response, Officer A used his flashlight affixed to his firearm to illuminate the dark basement. The team continued into a room that was located on the south end of

the building with a dirt elevation that became a crawl space, which had access to the side of the building.

Officer A sent the K-9 dog to clear this area. The K-9 dog first cleared the bottom floor and then jumped into the elevated crawl space. Officer A used his light to direct the K-9 dog to conduct a side-to-side search. The K-9 dog responded by walking in a zigzag pattern between the frames and to the edge of the apartment building. As the K-9 dog worked his way to the front of the building, Officer A stepped farther into the basement area behind a wooden frame for cover so he could get a better view of the K-9.

According to Officer A, he heard the K-9 dog alert and simultaneously heard the sound of movement. When the K-9 dog moved toward the direction of the movement, Officer A heard screaming. Within a second and a half, Officer A recalled the K-9 dog, who returned to Officer A's position.

Officer A called for an assisting officer to come down to the basement and to take a position to his right, behind a water heater, for cover. Officer A holstered his firearm to put a leash on the K-9 dog and once the leash was on, he unholstered his firearm to a low-ready position to prepare to give the Subject commands.

Officer A and the assisting officer were unable to see the Subject at this time because he was behind a mound of dirt; however, they heard him yelling. They kept the area illuminated while Officer A coordinated with other units monitoring the radio to respond and contain the apartment building. Officer A also called for an assisting officer to respond down to the basement with the beanbag shotgun. The Subject did not comply with orders given to him by Officer A to crawl toward him. As a ruse, Officer A had the K-9 bark, which caused the Subject to comply and crawl toward the crawl space opening on the west side of the building.

The Subject was then apprehended without further incident and transported to a local hospital. He was admitted and treated for injuries received during the K-9 contact. The handgun he discarded was recovered, and he admitted to its possession.

### **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**

The BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

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

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

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

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

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

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

## **Basis for Findings**

### **A. Tactics**

#### 1. Separation/Pursuing Possible Armed Suspects

Officers B and C pursued an armed suspect and then separated after observing the suspect throw his handgun onto the roof of a building.

In this case, Officer B observed the Subject throw the handgun onto the roof of the Recreation Center and wanted to remain in the area where the weapon was thrown because there were kids and adults in the area, and he was concerned for their safety, while his partner continued his pursuit of the Subject from an estimated distance of approximately 25 feet away to monitor his location and establish a perimeter.

According to the investigation, the distance between the officers at the termination of the foot pursuit was determined to be approximately 204 feet and the officers were able to maintain a line of sight of each other.

Based on the totality of the circumstances, the BOPC found that Officers B and C's actions were reasonable.

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

- The supervising sergeant authorized the K-9 search to assist in locating and apprehending a felony suspect. The K-9 sergeant responded to the scene and verified that the circumstances met the criteria for a K-9 search. Officer A, a K-9

handler, arrived and was briefed by the supervising sergeant regarding the incident. Officer A formulated a tactical plan and initiated the K-9 search.

A K-9 search announcement was given in English and Spanish via the PA system from three black and white police vehicles located on opposite sides of the perimeter. Additionally, the Air Unit utilized their PA system to broadcast the K-9 announcement in English over the search location. The supervising sergeant confirmed that the K-9 announcements were heard by officers on the perimeter.

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

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

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

Officers A and B entered the basement of the apartment complex and utilized the K-9 dog to search the area for the Subject. The K-9 dog searched the crawl space underneath the apartment complex. Officer A observed the K-9 slow and then stop for a brief second. The K-9 then barked, alerting to the presence of the Subject who was hiding behind debris in the crawl space.

After the K-9 barked Officer A heard movement from behind the debris. The K-9 dog then reacted as trained and moved towards the sound. Officer A then heard the Subject screaming. Believing that a K-9 contact had occurred, Officer A immediately recalled the K-9 dog to his side and attached the leash to his collar. After the Subject was taken into custody, Officer A discovered that the K-9 dog had taken a bite hold of the Subject's left shoulder and forearm.

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

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

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

The Subject was admitted for observation due to possible nerve damage resulting from the K-9 contact.

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