



## **Incident Summary**

Uniformed Police Officers A and B were in a marked black and white police vehicle equipped with lights and siren. Both officers wore Body Worn Video (BWV) cameras. Officers A and B had worked as partners for approximately five years and had prior tactical discussions pertaining to contact, cover, and vehicle pursuits.

The officers were responding to a radio call when Officer B observed a vehicle traveling in the opposite direction and noticed it was the type of older model vehicle that is commonly stolen in that area. Officer B read the vehicle's California License Plate Number to Officer A, who ran it via the Mobile Data Computer (MDC). The vehicle returned stolen.

Officer B negotiated a U-turn, at which time the driver (the Subject) of the stolen vehicle turned down a different street. Officer B attempted to get closer to the vehicle to verify the license plate, but was unable to do so due to heavy traffic. This allowed the driver to increase the distance, which was approximately one street block between him and the officers. Officers A and B maintained a visual on the vehicle, but did not broadcast as the Subject continued. The Subject appeared to gain speed as he swerved back and forth between lanes one and two. The Subject of the vehicle continued driving against a solid red light, and, in doing so, became involved in a traffic collision with two additional vehicles. The officers were not involved in the traffic collision.

As the officers approached the scene of the collision, Officer B observed the Subject climb out of the passenger window of the vehicle. Officer B then observed the Subject run and jump over a gate.

Officer A broadcast a request for a back-up unit and an Air Unit for a felony hit and run suspect and provided a description. Officer A also made a request for a Rescue Ambulance (RA) for the victims of the traffic collision.

Officers A and B checked on the drivers and the occupants of the vehicles that were involved in the traffic collision and advised them they would be right back. Officer B parked the police vehicle on the side of the street where the Subject had jumped over the gate. The officers exited their vehicle and observed the Subject running. Officers A and B re-entered their vehicle and advised the occupants of the traffic collision that another officer would respond to their location.

Officer A requested a traffic unit as Officer B continued driving. Officer A observed the Subject now running along a dirt path. Officer A continued to monitor the Subject's position as he continued and lost sight of the Subject mid-block. At that point, Officer A began setting up a perimeter with the responding units. West Valley Patrol Division uniformed Sergeant A responded and established a Command Post (CP). Tactical channels were utilized for communications on the perimeter.

Air Support Division (ASD) personnel, Pilot Police Officer C and Tactical Flight Officer (TFO) Police Officer D, arrived overhead and assisted with the establishment of the perimeter. They were later relieved by Pilot Police E and TFO Reserve Police Officer F. Officers E and F remained over the incident until officers took the Subject into custody.

ASD contacted Metropolitan Division K-9 uniformed Sergeant B and advised that the incident required a K-9 search for a Grand Theft Auto (GTA) Subject. Sergeant B directed Metropolitan Division K-9 uniformed Police Officers G and H to respond to the CP to conduct an assessment of the situation.

Upon arrival at the CP, Officers G and H met with Sergeant A and Officers A and B. The officers briefed Officer G and advised him that the Subject was wanted for GTA, a Hit and Run Traffic Collision with injuries, that officers had established a perimeter and that they believed the Subject was contained. Officers A and B further advised Officer G they could identify the Subject and, if located, they would arrest him for the above-mentioned felonies. Officer G determined the incident met the Department's criteria for initiating a K-9 deployment. Officer G briefed Sergeant B telephonically and he concurred the criteria had been met.

Shortly thereafter, Sergeant B, along with Metropolitan Division K-9 uniformed Police Officers I and J arrived at the CP and met with the Incident Commander (IC), Sergeant C, the West Valley Patrol Division Watch Commander.

The K-9 personnel formulated a tactical search plan. The plan consisted of four search teams for the eight-block perimeter. Sergeant C approved the search plan, and Sergeant B approved the deployment.

The following West Valley Patrol Division uniformed personnel were assigned to the search teams: Police Officers K, L, M, N, O, and P. These officers were all equipped with BWV cameras.

Officer G provided his team with a tactical briefing and advised them of their roles and responsibilities. Officer M was assigned as the point and contact officer and Officer L was assigned as the rear guard. Officer G ensured that a less-lethal option was available and that basic search team tactics were covered. In addition, Officer G instructed Officers L and M to notify him if they encountered any civilians so he could recall the dog. The officers were also told that if they contacted any residents, to ask them if there were any pets or if anybody lived in their backyard. The officers were also cautioned that in order to avoid being inadvertently bitten by the K-9, they were not to chase the Subject if he was located and attempted to flee. Lastly, the officers were advised that their responsibilities may shift during the search and that they must be flexible and adapt as needed.

Multiple K-9 search announcements and warnings were broadcast in English and Spanish from a Public Address (PA) system, from ASD, and from multiple locations. These announcements were confirmed to be audible and intelligible. The Subject did

not comply nor respond to the K-9 announcements. As a result, Sergeant B authorized the search to commence.

Based upon the Subject being a felony suspect, and the belief that the situation could rise to the level where deadly force might be necessary, the officers on the search teams unholstered and holstered their service pistols at various times during the search.

As the search progressed, Officer I's search team entered the gate of a residence and began searching the property. Officer I told his team that his K-9 was alerting him, and that the Subject was possibly hiding underneath a raised wooden deck that surrounded an above ground swimming pool. Officer I positioned the other K-9 search teams in the surrounding residences so if the Subject ran, he would be apprehended. Officer I gave numerous commands for the Subject to surrender without success.

Officer G moved his team to a location, one residence away from Officer I's team. Officer G noticed the front door to the residence was ajar and presumed the residents were home.

Officer G directed Officer L to knock on the door of the location, ask if the residents heard or saw anything, and try to gain access to the side door. Officer G directed Officer M to the side of the property in case the Subject jumped over to the officers' side of the fence while Officer L was completing his task.

At that point, Officer I broadcast he needed the officers posted in the surrounding residences rather quickly because he was fairly certain that he had located the Subject.

Officer J's team was positioned at a residence nearby.

Officer G stopped Officers L and M from completing their tasks and immediately called them to his location. Officer G breached the wooden gate to get his team into the backyard and once inside, Officer G's team used the side of the residence as cover in case Officer I's team became involved in an officer-involved shooting in the adjacent yard. Officer G had his K-9 dog clear the yard for any suspects and then called his K-9 dog to his side. Officer G advised his team that Officer I's search team had possibly located the Subject and that they were now in containment mode. Officer G discussed that a less-lethal option, the TASER, was available and that he needed to designate a cover officer. Additionally, Officer G advised his team that if the Subject tried to get into the house, he would deploy the K-9 and told the officers not to move forward.

At Officer I's request, Sergeant B responded to his location for a possible gas deployment. Sergeant B made contact with Officer I in the backyard of the location and was advised that Officer I's K-9 dog was alerting him that the Subject was possibly on one side of the property hiding underneath the raised wooden deck. Multiple commands were given to the Subject to exit, which included warnings that the K-9 dog was going to be sent in and the Subject could suffer a K9 bite. Due to the Subject's refusal to comply, gas was to be deployed to force the Subject from his hiding spot.

Officer I issued a gas announcement warning to the Subject and informed him he had one minute to surrender. The Subject did not respond. Sergeant B went back to his police vehicle to obtain the gas and notified Metropolitan Division, Lieutenant A, Officer in Charge of the K-9 Unit, of the Subject's position and the plan for gas deployment. Lieutenant A approved the plan, Sergeant B notified Sergeant C who also concurred with its deployment; Sergeant B then broadcast that gas was being deployed.

Based on where the Subject was hiding and where the gas was going to be deployed, Sergeant B determined there would be no residual effect on the officers at the scene. Sergeant B returned to the backyard with two hand-held gas canisters and directed Officer H to put his K-9 dog away so he could be his designated cover officer when he deployed the gas.

Sergeant B and Officer H moved to one corner of the deck next to bushes along the fence line where a wooden slat on the side of the deck was missing. Sergeant B stated the missing slat created an opening where the gas could be deployed. Sergeant B deployed one of the canisters under the deck, but the canister hit a plank and did not go underneath the deck completely.

Officer I then gave an additional gas announcement and warned the Subject the K-9 dog would also be deployed if he did not surrender. Officer I told the Subject to say something, crawl out slowly, and to be loud so they could hear him.

Sergeant B deployed the second gas canister and noted that it went deep underneath the deck as he could see the gas seeping up through the wooden planks. Officer I continued to give commands to the Subject to come out. Officer N announced he saw the bushes move. Officer I continued to issue commands for the Subject to crawl out to the light and advised him that there was a K-9 in every yard, and there was a possibility that he could suffer a K9 bite.

According to Sergeant B, the Subject crawled out from underneath the wooden deck, stood up, looked toward the officers, looked away, looked again toward the officers and ran. The Subject jumped over the fence to where Officer J's team was deployed. The Subject then jumped the fence to the residence where Officer G's team was deployed.

According to Officer G, after hearing the two gas canisters deploy, he heard an announcement over the police radio that the Subject was showing himself. A short time later, Officer G heard over the radio that the Subject ran and encountered Officer J's team. Officer J's team broadcast the Subject was going back. Officer G said his team remained on the side of the residence behind garden furniture and a barbecue. Officer G saw the Subject crashing through the wooden trellis fence and land in the backyard in what Officer G described as a sprinter's stance. According to Officer G, the Subject was observed to look at the back door of the residence. Officer G assessed that the Subject was going to try to get to the residence and deployed his K-9 dog in a direct deployment to prevent the Subject from entering into the residence and harming any

residents that may be present. The K-9 left Officer G's side, encountered the Subject, and took a bite hold of Subject's right arm, knocking him to the ground.

Officer G recalled his K-9 dog to his side. As his K-9 dog was returning back to Officer G, the Subject began to sit up and rolled to his right. The K-9 reacted as trained and ran back to the Subject. As the K-9 barked at the Subject, Officer G recalled his K-9 back to his side and leashed him up.

Officers L and M approached the Subject, who was handcuffed and taken into custody without further incident. Officer G broadcast that the Subject was taken into custody and requested a Rescue Ambulance (RA) for a K-9 contact. Officer G notified Sergeant B of the K-9 contact.

Officers A and B identified the Subject as the person who fled from the scene of the traffic collision and was driving the stolen vehicle.

Los Angeles Fire Department responded and provided medical treatment to the Subject, who was transported by RA to a nearby hospital, where he was admitted for a laceration to the right forearm.

### **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 did not make a finding regarding the K-9 contact.<sup>1</sup>

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<sup>1</sup> The BOPC did not reach a majority decision as to whether the K-9 contact was either consistent or inconsistent 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**

#### **Detention**

- While on patrol, the officers observed a vehicle, conducted a license plate inquiry, and discovered the vehicle was stolen. As they conducted a U-turn to verify that the license plate was correct, the Subject became involved in a traffic collision and then fled from the scene. The officers' actions were appropriate and within Department policies and procedures.

#### **A. Tactics**

##### **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 Subject fled from a stolen vehicle at the scene of a traffic collision. The officers established a perimeter and contained the Subject. The officers made several announcements and gave the Subject ample opportunity to surrender before finally deploying the K-9 to assist with the search.

Upon locating the Subject, the officers developed a tactical plan that included the use of verbal communications in an effort to gain voluntary compliance and resolve the issue without the use of force. After several attempts to de-escalate the situation and gain compliance, the Subject fled from the officers, and deployment of a K-9 dog was used to affect the arrest. The officers were able to maintain control of the situation without the need to use a higher level of force.

- In its analysis of this incident, the BOPC did not identify any tactical considerations, however, the BOPC found that Officer G's tactics warranted a Tactical Debrief.

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

- Sergeant B met with Sergeant C and confirmed the search met the criteria for K-9 deployment. Officers G and H developed a search plan that was reviewed and approved by Sergeants B and C.

The K-9 officers developed a search plan that consisted of four K-9 search teams. Officer G was designated to lead one search team with his K-9 dog, along with

Officers M and L. Officers H, I, and J were designated to lead the remaining three search teams.

A K-9 search announcement was made in both English and Spanish over the PA system from black and white patrol vehicles, located at various locations throughout the perimeter. Additionally, ASD personnel utilized their PA system to broadcast the K-9 announcement in English over the search location. Prior to the search, Sergeant B and Officer G also confirmed that officers on the perimeter heard the K-9 announcements. The Subject failed to respond to the K-9 search announcements.

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

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

- In this case, multiple K-9 announcements were made via the PA systems; however, the Subject failed to respond to the K-9 announcements.

Upon locating the Subject, the officers assessed the situation and developed a tactical plan in an effort to gain voluntary compliance. Additionally, the Subject was verbally warned there was a K-9 dog in every yard and that if he ran, one of the dogs might bite him. After several attempts to gain compliance, the Subject ignored the officers' warnings and fled.

According to Officer G, he observed the Subject come crashing through the fence into the yard where his team was positioned. The Subject landed in what looked to be a sprinting stance, then looked up and eyeballed the back door of the residence.

According to Officer G, he made a quick assessment, and based upon his observations, believed that the Subject was going to try to get into the residence. Officer G deployed his K-9 dog in a direct deployment to prevent the Subject from entering the residence and harming anyone possibly inside. The K-9 dog left his side, applied a bite hold of the Subject's left arm and knocked him to the ground. Officer G then recalled the K-9 dog to his side, while Officers L and M approached the Subject and handcuffed him without further incident.

The BOPC did not issue a finding for the K-9 contact.

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

- Officer G immediately requested a Rescue Ambulance (RA) for the Subject and notified Sergeant B of the K-9 Contact.

The Subject received initial medical treatment from LAFD personnel at the scene and was then transported by RA to a nearby hospital where he was admitted for a laceration to the right forearm.



Sergeant B responded to the hospital and was present when the Subject was admitted. Sergeant B identified the incident as a Categorical Use of Force (CUOF) and then made the proper notifications.

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