

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

**K-9 CONTACT REQUIRING HOSPITALIZATION – 050-15**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Olympic	6/19/2015		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	15 years, 6 months
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**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, 22 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 May 10, 2016.

## **Incident Summary**

Officers A and B were on patrol looking for the Subject, with whom they had prior contacts. They were aware the Subject had an active felony warrant. As they approached an apartment complex, they observed the Subject standing in front of the location. They broadcast they were out with the him and requested a backup unit. As they exited their vehicle, Officer A heard Officer B tell the Subject not to run. In response, the Subject opened the metal security gate to the apartment complex and fled through the complex. The closed security gate prevented the officers from pursuing the Subject. Officer B contacted Communications Division (CD) and requested an Air Unit and additional units for a perimeter.

A perimeter and a Command Post were established. A sergeant responded to the CP and assumed the responsibility of Incident Commander (IC). A K-9 supervisor and several K-9 officers, including Officer C, also responded to the CP to assist in the search for the Subject. An airship responded and provided overhead observation and support.

Uniformed Police Officers A and B responded to the perimeter and parked their black and white police vehicle directly across from the designated apartment complex.

Several other officers responded and secured the perimeter.

K-9 Officer C determined that the criteria for a K-9 search existed by verifying there was an outstanding felony warrant for the Subject. Officer C then advised the sergeants of his tactical plan to conduct a detailed and systematic search of the perimeter by deploying two search teams. Officer C led one search team and the other was led by another K-9 officer. The sergeants reviewed and approved Officer C's plan.

Prior to the deployment of the search teams, pre-programed K-9 search announcements in English and Spanish were broadcast utilizing the Mobile Digital Computer from different black and white police vehicles situated on the perimeter. Numerous officers confirmed hearing the announcements from different positions on the perimeter. Several civilians living in the area also verified hearing the announcements.

The officers on the first search team donned their ballistic helmets.

Prior to initiating the K-9 search, Officer C briefed Officer A on K-9 search tactics and advised him of his role and responsibility as a member of the search team. K-9 Officer C deployed his K-9 dog to search for the Subject. Officer A and two other K-9 officers accompanied K-9 Officer C.

Officer C initiated the search one house south of the Subject's last known location. While in the back yard of the house, the K-9 dog alerted to the area of a fence leading to the residence where the Subject was last seen.

**Note:** Officer C stated K-9 handlers are trained to recognize changes in their dogs' behavior that indicate heightened interest.

The fence was covered with foliage that prevented Officer C from seeing what his K-9 dog was alerting to. However, based on the dog's indications, Officer C requested that another containment officer respond to the location to standby with Officer A while he continued his search next door to the location where the Subject was last seen.

Officer C proceeded to the street where he, along with two other K-9 officers, continued the search at the location. They stood at the street end of the driveway and attempted to gain a visual of the Subject. However, due to the heavy foliage along the fence and the four vehicles parked in the driveway, they were unable to see the Subject.

One of the K-9 officers proceeded to give two K-9 warning announcements one in English and the other in Spanish.

Receiving no response, Officer C informed the Air Unit and the sergeant of his intent to deploy the K-9 dog. Officer C deployed the K-9 dog who went toward the end of the driveway, past the furthest parked vehicle. The K-9 dog then veered south in front of that last vehicle and out of Officer C's view. Moments later, Officer C heard a commotion followed by yelling. The K-9 officers tactically advanced to a position where Officer C observed the Subject under the last vehicle in the driveway. The Subject was holding a cell phone in his right hand, with his left hand tucked behind his waistband. Officer C also observed the Subject repeatedly kick the K-9 dog in the head area with his left foot. Officer C ordered the Subject to show his hands. However, the Subject ignored the commands and continued to kick the K-9 dog. Officer C yelled at the Subject to stop kicking the dog. The Subject then complied with Officer C's commands, stopped kicking the K-9 dog, and displayed his hands. Upon the Subject's compliance, Officer C immediately recalled the K-9 dog to his side and leashed him.

Other officers successfully ordered the Subject out from beneath the parked vehicle and into a felony handcuffing position. Officer C then requested Officer A to respond to his location from next door. Officer A then identified the Subject as the outstanding felony warrant suspect. The Subject was then transported to the hospital and admitted for injuries sustained during the K-9 contact.

### **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. Backup Request

Officers A and B did not initiate a back-up request for a felony warrant suspect that fled on foot when they attempted to make contact with him.

2. Broadcast on Simplex Frequency

The investigation revealed that Officers A and B were communicating with other officers over the simplex radio frequency. In this case, Officer B broadcast his location (Code Six) from the officers' police vehicle over base frequency and then transitioned to his handheld radio to conduct his additional broadcast that was set on the simplex frequency.

3. Situational Awareness

The investigation revealed that Officer B broadcast the officers' Code Six location at one location when they were actually at another location.

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 Patrol sergeant authorized the K-9 search to assist in locating and apprehending a felony suspect. The K-9 sergeant verified that the circumstances met the criteria for a K-9 search. Officer C was briefed by the Patrol sergeant regarding the incident. Officer C 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 four police vehicles located on opposite sides of the perimeter. Additionally, personnel from ASD utilized the air unit PA system to broadcast the K-9 announcement in English over the search location. The K-9 sergeant confirmed the announcement and warning were audible and comprehensible throughout the contained area.

The BOPC determined that the deployment of 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.

Officer C deployed his K-9 dog into the yard where the Subject was last seen and utilized his K-9 dog to search the area for the Subject. The K-9 dog went east in the driveway, which contained four parked vehicles and out of Officer C's sight into the heavy foliage. Officer C heard a commotion followed by yelling. Officer C tactically advanced to a position where he was able to observe the Subject under the last vehicle in the driveway. Officer C observed his K-9 dog making contact with the subject's right foot and the suspect using his left foot to kick the K-9 dog's head area repeatedly. Officer C observed the Subject holding a cell phone in his right hand, with his left hand tucked behind his waistband.

Officer C ordered the Subject to show his hands; however, the Subject ignored his commands and continued to kick the K-9 dog. Officer C also ordered the Subject to stop kicking the dog. The Subject complied with Officer C's orders, stopped kicking the dog, and then revealed his hands.

Officer C then verbally recalled his K-9 dog while simultaneously activating his electronic (E) collar. Once the K-9 dog returned to Officer C's side, he attached the dog to his leash. Other officers ordered the Subject out from underneath the vehicle. The Subject complied and was taken into custody without further incident.

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

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

- Officer C observed visible K-9 bite injuries to the Subject's left foot and requested an RA to respond. The Subject received initial medical treatment from LAFD personnel at the scene and was transported by RA to the hospital.

An officer rode with the Subject to the hospital and monitored his medical status. The Subject was later admitted for observation due to possible infection resulting from the K-9 contact. The K-9 sergeant identified the incident as a Categorical Use of Force (CUOF) and made the proper notifications.

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