

Incident Summary

Officers A (driver) and B (passenger) were assigned to a detail directed toward crime suppression. At the beginning of their work shift, the officers discussed traffic and pedestrian stops, foot pursuits, containment, and apprehension. The officers discussed contact and cover and understood their roles could change depending on the circumstances.

As Officer A drove, he observed a vehicle travelling in the opposite direction without its headlights on during hours of darkness (a Vehicle Code violation). The driver of the vehicle, Subject 1, immediately pulled to the curb and stopped. As the vehicle came to rest, the front passenger, Subject 2, exited the vehicle. Officer A noticed the vehicle did not have an affixed front license plate (another Vehicle Code violation).

Officer A was familiar with the area, and knew it was frequented by criminal street gangs. Officer A activated the driver's side-mounted spotlight as he stopped his police vehicle near the parked vehicle. Officers A and B exited their police vehicle, and Officer A ordered Subject 1 to exit the vehicle.

Officer A directed Subjects 1 and 2 to face the wall closest to them and to put their hands behind their heads. Based on Officer A's knowledge of gang activity in that area, Subject 1's driving pattern (being blacked out and parking as soon as he saw the police vehicle), and Subject 2's exiting abruptly without prompting (as if startled by the police presence), Officer A believed there may be a weapon in the car or some kind of criminal gang activity afoot.

Subjects 1 and 2 cooperated with the directions given by Officer A, who approached and handcuffed them. Officer A conducted a pat down search for weapons but found none. No additional unit request was made because Subjects 1 and 2 were already in handcuffs. Officer B then advised Communications Division (CD) of the officers' location (Code Six).

During the detention of Subjects 1 and 2, Officer A observed three people walking from a residence close by. Officer A recognized two of the men as members of a gang and observed them quickly walk away. Officer A believed the men were attempting to leave the area with contraband. Officer A had Officer B monitor Subjects 1 and 2 while he conducted a consensual contact of the three individuals. Officer A requested consent to search their backpack and the three individuals gave consent. The search revealed nothing, and Officer A returned to his partner.

Officer A indicated he completed Field Interview (FI) cards for Subjects 1 and 2 and believed that Subject 1 had provided him with false information regarding his identity. Officer B conducted a visual inspection and search of the vehicle's interior for any weapons but found none. Officer A utilized the Mobile Digital Computer (MDC) to conduct an inquiry and determined Subject 2 was on probation for robbery.

Officer A was unable to locate information on Subject 1 with the information he had been given. Subject 1 then advised the officers that he resided in the back of a residence nearby and that the residents at that location could verify his identity. At that point, Officer A observed a group of people at the front of a residence nearby. Officer A walked over to those individuals and asked if anyone knew Subjects 1 or 2, but they responded they did not know the Subjects.

Officer A was parked on a residential street close to a supermarket lot used by semi-trucks to deliver merchandise. Officer A observed one truck attempting to exit the parking lot and one truck waiting to enter. Officer A did not want to impede the flow of vehicle traffic so he moved his police vehicle to accommodate the trucks exiting and entering. Officer A eventually parked his police vehicle close to the parking lot entrance on the side of the street.

Officer A stated he told Subject 1 about an electronic fingerprint device (Blue Check fingerprint reader) that is used to assist law enforcement in identifying a person's identity. Officer A then obtained a fingerprint from each of Subject 1's hands.

Officer A walked approximately sixty feet back toward his police vehicle to upload the fingerprint data. As Officer A looked back, he observed Subject 1, who was still handcuffed, running and being chased by his partner. Officer A followed his partner and initiated a broadcast that he was in a foot pursuit. The broadcast included the direction of the pursuit as well as Subject 1's physical description.

Officer A was aware that Subject 2 was still handcuffed at the scene, but his immediate reaction was to assist his partner in quickly capturing Subject 1. When Officer A eventually returned to the initial traffic stop location, Subject 2 was still there.

At one point the officers stopped pursuing Subject 1 and began to set up a perimeter, with Officer B broadcasting additional information about the location where he was last seen running. Air Support (police helicopter) arrived and assisted in setting up the perimeter.

Supervisory and additional personnel arrived at the scene and assisted in the establishment of a perimeter and command post (CP). Once Officer A returned to his police vehicle, he was able to verify Subject 1's identity via the Blue Check and discovered Subject 1 had a burglary warrant for his arrest. Officer A provided this information to responding units and a K-9 Unit was notified to assist with the search.

K-9 handler Officer C and other units arrived to assist. Officer C was briefed by supervisory personnel who informed him that a two-block perimeter had been established, that Subject 1 was wanted for a valid felony burglary warrant, and that he had been handcuffed when he fled from the officers. Officer C informed the incident commander that the information provided met the K-9 Unit search criteria and that a K-9 search would be conducted within the perimeter. Officer C met with Officer B who provided additional details of the incident. Officer C advised the Incident Commander of

the search plan, and that the search would start mid-block where Subject 1 was last seen. The Incident Commander then approved the search plan.

Officer C with his police dog, along with Officers B and D, were to conduct the search for Subject 1. Officer C met with Officers B and D, provided them a K-9 tactical briefing, and advised them of their roles and responsibilities if Subject 1 was located and fled. Officer D was the point officer, and Officer B was to provide rear and flank security.

Prior to the K-9 search, Officer C parked his police vehicle and ensured that the Department-mandated pre-recorded K-9 search announcement and warnings were broadcast in English and Spanish from the Public Address (PA) system of his police vehicle. Other officers provided additional K-9 announcements as did the Air Support unit that flew overhead. Officer C confirmed with the CP that the K-9 announcement was heard and broadcast over the frequency that the search was about to commence. Officer C indicated the search began five minutes after the announcement.

Officer C, unsure if Subject 1 had removed his handcuffs, had placed them in front of his torso, or possibly armed himself, unholstered his service pistol and held it in a downward position with his right hand and placed his finger along the frame. In Officer C's left hand he carried a flashlight to direct his dog. During the search, and while providing cover, both Officers B and D had unholstered their service pistols and holstered when appropriate. Officer C directed the dog into the front yard of a residence and checked the front and exterior sides. Officer C's K-9 dog gave no indication that he had picked up a scent for Subject 1.

Officer C observed a crawl space covered by a wooden lattice grate on the front of the residence. The grate was approximately 18 inches wide and 12 inches high. It led underneath the residence and was operated by using a spring mechanism. Officer C lifted the lattice grate, and the dog entered the crawl space underneath the residence to check for Subject 1. Officer C illuminated the crawl space with his flashlight and indicated the area was large and difficult to see in its entirety.

Officer C heard some banging and was not sure if the K-9 dog had located Subject 1, had exited, or was chasing something. Officers C and D moved toward the rear of the residence via the driveway on the side of the residence. Officer C heard yelling and believed the K-9 dog may have contacted Subject 1. Officer C then ran back toward the front of the residence with Officer D.

Officer C opened the lattice grate to the crawl space, placed himself in a prone position, and illuminated the dark crawl space with his flashlight. In the far-right corner of the residence, Officer C could vaguely see someone in a white t-shirt moving around and heard Subject 1 yell as if he was being bit. Officer C could not see the dog, so he stimulated the K-9 dog with the E-collar to release the bite and simultaneously recalled the dog with a verbal command.

Officer C observed his dog returning, however, prior to that, he could not see where his K-9 dog was biting Subject 1, where he had a bite hold, or what Subject 1 was doing to the K-9. Officer C did not know what caused his dog to bite Subject 1 because the dog never barked.

Officer C told Subject 1 not to move and to come towards his location. Officer C then observed a white shirt moving and ordered Subject 1 not to move as the dog made its way toward Officer C at the front of the residence. Officer C could see a dim light coming from an opening at the back of the residence as Subject 1 quickly moved toward that direction.

Officer C believed Subject 1 may have removed his handcuffs due to Subject 1's quick pace and told Officers B and D to go around to the back of the house. When Officer C looked back, his dog had gone back toward Subject 1 because the K-9 was trained to react to movement.

Officer C was aware Officers B and D were making their way to the back of the residence and holstered his pistol as he moved toward the rear of the residence. Officer C observed Officers B and D contact Subject 1, who was still handcuffed with his hands behind his back. Officer C stated he observed Subject 1 on his right side and the dog with a bite hold on Subject 1's left leg. Officer C gave the K-9 dog a command to release the bite while simultaneously activating the E-collar. The K-9 returned, and Officer C leashed the dog. Officer C did not observe the K-9 dog contact/bite Subject 1 underneath the residence.

Officers B and D approached Subject 1 and ordered him to roll onto his stomach. Subject 1 was still handcuffed with his hands behind his back, and Officer D conducted a pat down search for any weapons or contraband but found none. Officer C requested an ambulance. Fire Department personnel arrived and transported Subject 1 to a nearby hospital, where he was admitted for 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 of a K-9 contact requiring hospitalization, the BOPC makes specific findings in three areas: Deployment of the K-9; K-9 Contact; and Post K-9 Contact Procedures. In some cases, the officers' tactics are also evaluated. 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 its 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 finding of Administrative Disapproval.

B. Deployment of the K-9

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

C. K-9 Contact

The BOPC found that the first K-9 contact was consistent with established criteria. The BOPC found that the second K-9 contact was not consistent with established criteria.

D. Post K-9 Contact Procedures

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

Basis for Findings

Detention

- The officers observed a vehicle driving with no lights on during hours of darkness, and with no front plates, in a known gang area. Based on the officers' training and experience, they believed a possible shooting was about to take place. The officers then contacted the occupants of the vehicle and detained them pending further investigation. 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, Subject 1 fled on foot while handcuffed following a detention. The officers established a perimeter and contained Subject 1. The officers made several announcements in an effort get him to surrender before deploying the police dog to assist with the search and apprehension of Subject 1.

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Tactical Vehicle Deployment (Substantial Deviation – Officer A)

Officer A stopped the police vehicle parallel to the Subject's vehicle to conduct an investigation. The positioning of the police vehicle when conducting a vehicle stop is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officer A indicated that he stopped the police vehicle parallel to Subject 1's vehicle, with the hoods aligned, 12-20 feet apart. Additionally, Officer A stated, based on the gang activity in the area, Subject 1's driving patterns, and the vehicle being blacked out, he believed that there may be weapons in the car or that criminal gang activity was afoot.

Based on the totality of the circumstances, the BOPC determined that Officer A's decision to park parallel to the Subject's vehicle was a substantial deviation, without justification, from approved Department tactical training.

2. Contact and Cover (Substantial Deviation – Officer A)

Officer A left his partner with two detainees, on two separate occasions, during the investigation.

Operational success is based on the ability of officers to effectively establish designated roles and communicate during critical incidents. Officers improve overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, Officer A left his partner on two separate occasions to contact separate groups of people across the street. As a result, both he and Officer B were left without the benefit of a cover officer.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were a substantial deviation, without justification, from approved Department tactical training.

3. Tactical Communication (Substantial Deviation – Officers A and B)

Officers A and B did not communicate their actions with one another on multiple occasions throughout the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, the officers' lack of planning and inability to effectively communicate with one another during this incident placed the officers at a significant tactical disadvantage.

Based upon the totality of the circumstances, the BOPC determined that Officers A and B's lack of effective communication with each other throughout the incident was a substantial deviation, without justification, from approved Department tactical training.

4. Maintaining Control of the Subject (Substantial Deviation – Officers A and B)

Officer B failed to maintain control of Subject 1, enabling him to flee on foot while handcuffed. Officer A followed his partner, leaving Subject 2, an additional handcuffed Subject, alone and, on numerous occasions, failed to regain control of Subject 2.

Maintaining a handcuffed suspect in a position of tactical disadvantage during a detention ensures the best tactical advantage for officers. The BOPC understood this was a rapidly unfolding situation; however, leaving a handcuffed person unattended could have potentially placed him, a person the officers believed to be a gang member, in peril if confronted by a rival gang member.

In this case, Officer B left Subject 1 in a position that allowed him to flee. Officer A then made the decision to leave Subject 2 handcuffed and unattended, while pursuing Subject 1. Additionally, upon his return to Subject 2, Officer A did not immediately maintain control of Subject 2 as he coordinated the perimeter.

Based on the totality of the circumstances, the BOPC determined that in this specific situation, Officers A and B's actions were a substantial deviation, without justification, from approved Department tactical training.

5. Separation (Substantial Deviation – Officer A)

Officer A separated from his partner and returned to the location of the investigation to set up containment.

In this case, Officer A made the decision to leave his partner and return to their initial location for the purposes of setting up containment. As a result, the distance between the officers during the foot pursuit jeopardized their ability to effectively communicate or render immediate aid to one another.

Based on the totality of the circumstances, the BOPC determined that Officer A's decision was a substantial deviation, without justification, from approved Department tactical training.

All these topics were to be discussed during the Tactical Debrief.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

In conclusion, the BOPC found that Officers A and B's tactics warranted a finding of Administrative Disapproval.

B. Deployment of the K-9

- The incident commander authorized the K-9 search to assist in locating and apprehending a felony suspect. Officer C met with the incident commander and confirmed that the situation met the criteria for K-9 deployment. Officer C spoke telephonically with his K-9 Sergeant and briefed him on the incident. The K-9 Sergeant concurred that the search met the criteria for a K-9 deployment.

Officer C then formulated a search plan that was reviewed and approved. The search plan consisted of two K-9 search teams. Officer C was designated to lead one search team with his K-9, along with Officers B and D.

Prior to initiating the K-9 search, a pre-recorded K-9 search announcement was played in both English and Spanish via the PA system of a police vehicle. Additionally, an Air Unit utilized its PA system to broadcast the K-9 announcement in English over the search location. Officers on the perimeter confirmed that they heard the K-9 announcements. Subject 1 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. K-9 Contact

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

Officer C sent his dog into the yard of a residence where Subject 1 was last seen. The dog completed an initial perimeter search of the residence and gave no alerts. Officer C then noticed a hatch at the front of the residence, which provided access to

the crawl space beneath the house. Officer C lifted the hatch and sent his dog under the house to clear the crawl space.

First Contact

Once the K-9 entered the crawl space, Officer C had difficulty keeping a visual on him due to the darkness and the rafters. Moments later, Officer C heard a faint banging and due to the large size of the foundation, couldn't discern where the sounds were coming from. Believing his K-9 may have chased something or gotten out, he and Officer D went around to the rear of the house. It was at that time that Officer C heard a commotion along with a voice yelling.

Officer C assumed that his dog had contacted a possible suspect and ran back to the hatch with Officer D. Officer C then opened the hatch and illuminated the crawl space with his flashlight. Officer C looked in the far-right corner and observed a white T-shirt moving in the darkness, but he could not see his K-9.

Officer C's dog did not bark upon locating Subject 1, so he was unsure if Subject 1 had moved or tried to kick the dog, causing it to make contact, as trained. Officer C immediately recalled his K-9 verbally, while simultaneously stimulating him with his E-collar transmitter. As his dog moved back towards Officer C, he ordered Subject 1 not to move.

Second Contact

Officer C observed Subject 1 move at a fast pace towards an opening on one side of the crawl space. Officer C believed that Subject 1 had slipped the handcuffs to his front or had removed them due to the pace at which he was moving. Officer C then advised Officers B and D to contain the side of the residence.

As Subject 1 pushed out the rear access cover, Officer C's dog beelined towards him. Officer C believed his K-9 bit him again in the leg as Subject 1 exited the crawl space. Due to the distance, Officer C lost sight of Subject 1 as he made his way out of the crawl space. Officer C then followed a few seconds behind Officers B and D to the rear of the residence to gain control of his K-9.

The BOPC determined that the first K-9 contact was consistent with established criteria and that the second K-9 contact was not consistent with established criteria. According to the Commanding Officer of the K-9 Unit, Officer C's K-9 dog has been de-certified pending the outcome of further training as a result of this incident.

D. Post K-9 Contact Procedures

- After Subject 1 was taken into custody, Officer C requested an ambulance to respond for a dog bite. Subject 1 received initial medical treatment from fire personnel at the scene and was transported to a nearby hospital for further

treatment. Subject 1 was treated for his wounds and then admitted for observation and medical care of his injuries.

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