

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 066-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Outside City 07/24/13

Officer(s) Involved in Use of Force	Length of Service
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Officer A	16 years, 2 months
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Reason for Police Contact

Officers were searching for a robbery subject, when a K-9 contact requiring hospitalization, occurred.

Subject	Deceased () Wounded (X) Non-Hit ()
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Subject: Male, 37 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 June 24, 2013.

Incident Summary

Several days before the K-9 contact incident described in this report, a robbery occurred. The Subject and his vehicle were captured on video surveillance cameras. Detectives reviewed the videos, queried the license plate of the vehicle, and discovered it was registered to Witness A. By utilizing Department resources and reviewing the surveillance footage, detectives were able to identify the robbery subject as Witness A's husband.

In an effort to apprehend the Subject, officers conducted surveillance at several locations over a period of several days. Several officers conducted surveillance at the Subject's residence, a location outside of the City, in an effort to determine if the Subject was at the residence. A short time later, officers observed a female (later identified as Witness A) drive out of the driveway in the same vehicle used in the robbery and further observed there was an unidentified male in the front passenger seat. The officers followed the vehicle until it stopped. The unidentified male got out of the vehicle and began walking east.

After dropping off the male passenger, Witness A drove away. One officer followed the vehicle while other officers followed the male. After the vehicle was out of the area, officers conducted a felony traffic stop, and Witness A was taken into custody without incident. She also confirmed that the male who exited the vehicle was the Subject.

While following the male, the officers recognized him as the Subject. The officers attempted to detain him but he fled, before running north through the houses. The officers broadcast they were in foot pursuit of the Subject, provided a description of him and requested a perimeter be set up. Some of the same units that conducted the traffic stop responded and established a perimeter.

K-9 Officer A was in the area when he heard the radio broadcast of the foot pursuit. K-9 Officer A responded to the location and was briefed about the Subject and the circumstances surrounding his arrest requirement.

Note: This information met the Department's criteria for initiating a K-9 deployment.

Additional K-9 units responded to the location to assist, including one whose dog was in training, and a search plan was formulated and approved.

A K-9 announcement was made in both English and Spanish and was heard by officers on the perimeter. Once it was confirmed the K-9 announcement was heard, the search commenced.

Note: The location where the K-9 contact ultimately occurred was within half-a-block of where the K-9 search announcements were made.

K-9 Officer A stated he was the rear guard on the search team and was not entirely aware of the behavior of the K-9-in-training during the search. According to K-9 Officer A, at one point, the K-9-in-training showed interest in a parked motorhome, but was not able to find the source of the scent. K-9 Officer A and a K-9 supervisor discussed the search and believed there was a strong possibility that the Subject was still within the perimeter and had been missed by the K-9-in-training. K-9 Officer A and the supervisor decided that K-9 Officer A would search the area again using K-9 Officer A's more experienced dog.

K-9 Officer A stated he unholstered his weapon as he and his K-9 searched the area. They worked their way to the location where the motorhome was parked. K-9 Officer A opened the gate to the property and sent his K-9 inside the yard. The K-9 showed interest in the area of the wheel well of the motor home parked to the rear of that location. The K-9 went underneath the motorhome and within seconds, K-9 Officer A heard someone screaming that he was being bitten by the dog.

K-9 Officer A heard the commotion under the motorhome and shone his flashlight underneath. When he looked under the motorhome, he saw a brown-sleeved shirt and someone's hands. He also observed his K-9 had a bite hold on the Subject's right arm.

K-9 Officer A called his dog back to him and applied a leash to his collar.

As K-9 Officer A ordered his dog out from underneath the motorhome and attached a leash to his collar, he directed one of the officers to cover the Subject. That officer then ordered the Subject out from under the motorhome.

Note: Officer A's K-9 was under the motorhome at the time of the contact. Thus no one observed what the actions of the Subject were prior to the contact.

The Subject subsequently surrendered and was taken into custody without further incident. He was provided medical treatment for dog bites to his right arm and kept in the hospital overnight for observation.

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

- The BOPC noted that Department K-9s have proven to be invaluable in Department operations. Department K-9s may be used to assist officers in the performance of their duties when such assistance is beneficial to Department operations and to community welfare. When a police service dog is deployed, the dog handler shall have sole responsibility for the control and direction of the dog.

Department K-9s may be used in the following circumstances:

- a. In the detection, control and apprehension of a subject when there is a reasonable suspicion of the subject's involvement in criminal activity;
- b. In the investigation of a crime or possible crime;
- c. To defend peace officers and others from imminent danger at the hands of an assailant;
- d. To locate lost or missing persons;
- e. To locate or recover evidence; and/or
- f. In the furtherance of an investigative follow-up.

At the start of a K-9 search, the K-9 officer directing the search shall give or cause to be given a K-9 announcement and warning that a K-9 will be deployed. In those situations where noise or perimeter size is a factor, consideration should be given to the use of a vehicle or helicopter public address system.

In conclusion, the BOPC determined that the deployment of the K-9 resources were consistent with established Department criteria.

B. Contact of K-9

- In this instance, numerous audible K-9 announcements were given within the perimeter. The Subject failed to respond to the K-9 search announcement and a search team was formed. Another K-9 officer used an inexperienced dog to search the area. During the search, the inexperienced K-9 showed interest to the rear of a motorhome, but the source of the scent was not found. Based on the inexperience of the K-9 and the fast perimeter set-up by the officers, Officer A and his K-9 supervisor concluded that the Subject was likely contained in the perimeter and missed. Due to the above circumstances, Officer A searched the location with his K-9, a more experienced dog and located the Subject. Seconds later, Officer A heard a male scream that the dog was biting him. Officer A ordered his dog out from underneath the motorhome and attached a leash to his collar and directed one of the officers to cover the Subject.

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

C. Post K-9 Contact Procedures

When a K-9 contact occurs and the subject of the contact is admitted to the hospital as a result of the contact, the incident is classified as a Categorical Use of Force incident and Force Investigation Division (FID) shall respond and conduct the investigation. When any supervisor investigating a K-9 contact becomes aware that the injury is likely to result in hospitalization, the K-9 supervisor shall make the appropriate notifications.

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