

Incident Summary

Uniformed Police Officers A and B, driving a marked black and white police vehicle, were dispatched to a battery suspect radio call at a local hospital.

The officers arrived at the hospital and determined the suspect had left the hospital prior to their arrival. They interviewed Victim A, who was being treated for injuries in the emergency room. According to the officers, Victim A was visibly upset and crying. The officers observed swelling, redness, and scratches on her face as well as a bandage on her left arm.

Victim A stated that earlier in the day, she had been drinking alcohol with her cohabitant boyfriend, the Subject, at their residence. The Subject demanded to have sex with her and she refused. According to Victim A, the Subject became agitated and punched her in the face six to seven times with a clenched fist, causing her to fall down and momentarily lose her vision.

The victim later asked the Subject to transport her to the hospital. The Subject agreed to do so under the condition that she not report to anyone that he had struck her. However, once at the hospital, she informed the hospital staff that the Subject battered her. This disclosure prompted the hospital staff to make the 911 call that generated the radio call.

The officers drove to the local police station and used Department resources to conduct computer queries on the Subject. A Consolidated Criminal History Report System (CCHRS) report was obtained that included a photograph of the Subject.

Officers A and B returned to the hospital where Victim A positively identified the individual depicted in the photograph as the Subject, her cohabitant boyfriend who battered her. The officers returned to the station and requested an additional unit and a supervisor to meet them at the station to facilitate conducting a follow-up investigation to the Subject's residence.

Uniformed Police Officers C and D, and uniformed Sergeant A, met Officers A and B at the station. Officer A and B briefed them on the incident and provided them with a physical description, photograph, and criminal history of the Subject.

The intent was to locate and arrest the Subject for Penal Code (PC) section 273.5 (A) Cohabitant Abuse. A plan was formulated that provided for Officers A and B to knock on the front door of the rear residence to initiate contact with the Subject. Sergeant A would accompany them to provide supervision of the initial contact with the Subject. Meanwhile, Officers C and D would maintain rear containment on the structure.

The aforementioned personnel responded to the location and showed themselves having arrived (Code 6) via their Mobile Digital Computers (MDC). The officers approached in their respective vehicles and parked approximately three residences

away from the location, activated their Body Worn Video (BWV) cameras, and approached on foot.

Officer D opened a chain link gate to enter the property. A Pitbull to the rear of the property became aware of the officers' presence and began to bark. Officer D closed the gate to contain the dog. As Officer D kept the gate shut to contain the dog, Officer C walked along an alley adjacent to the residence to obtain a visual of the rear of the property. As he did so, he looked through a chain link fence and observed the Subject in the rear yard of the property run and jump over a fence toward the rear of the property. Officer C shouted, "He's running!"

Officer A broadcast on the police radio, "[O]ur suspect just took off running...Can we set up a perimeter...Can I get a couple units?"

Officers C and D ran back to their vehicle and drove around the block to cut off possible escape routes for the Subject. Officers A and B along with Sergeant A maintained their positions.

An Air Unit responded to the incident and assisted in setting up the perimeter, around the Subject's residence.

Additional uniformed personnel responded to the perimeter. Sergeant A assumed the role of Incident Commander (IC) and established a Command Post. A tactical channel was utilized for communications on the perimeter.

Upon confirming with Sergeant A that the Subject would be arrested for felony PC section 273.5 (A), the Air Unit requested resources from the K-9 unit to respond to assist with the search.

Uniformed Officers E, F, G, and H, and Sergeant B, responded to the CP, while a second Air Unit relieved the first Air Unit over the scene.

According to Sergeant B, after being briefed on the incident by Sergeant A, he authorized the use of K-9 units to search for the Subject because the Subject was likely contained within the perimeter and would be booked for a violent felony charge if located.

Under the direction of Sergeant B, a K-9 search plan to locate the Subject was devised. Two K-9 search teams were formed. Officer E was tasked with leading the primary search team that would start at the Subject's residence and head in the last direction that the Subject was observed running. Officer G was tasked with leading the secondary search team that would start near the Subject's residence.

Included in Officer E's search team were Officers C, D, and F.

Prior to initiating the K-9 search, Officer E provided his team with a tactical briefing and advised them of their roles and responsibilities. Officer E would deploy his K-9 service dog. Officer F was assigned as the point and contact officer. Officers C and D were assigned as flanking and rear guards. They were also tasked with guarding cleared properties as the K-9 team proceeded to the next property to prevent the Subject from doubling back to the previously cleared property.

The officers were cautioned not to chase the Subject in the event he was located and attempted to flee. This was to avoid an officer from inadvertently being bitten by the K-9 dog. In the event that a TASER needed to be deployed, the officer closest to the suspect and in the best position would deploy the less lethal device (each officer in the search team was equipped with a TASER). The officers were further advised that their responsibilities may shift and they must be flexible and adapt as needed.

Officers E and G ensured that the Department-mandated pre-recorded K-9 search announcement and warnings were broadcast in both English and Spanish from the Public Address (PA) systems in one of the police vehicles on scene.

Officer A, who was located on the side of the perimeter broadcast to the CP that the K-9 search announcements and warnings were audible and intelligible.

Another officer, who was located on the opposite side of the perimeter, broadcast to the CP that the K-9 search announcements and warnings were audible and intelligible.

A K-9 search announcement and warning was also broadcast from the Air Unit, which was circling in an orbit above the perimeter. According to Officer E, he was located at the CP when the Air Unit broadcast the K-9 search announcement and warning, and the broadcast was audible and intelligible.

The K-9 search commenced with Officer E's team clearing the Subject's residence with negative results. Officer E's team continued, clearing the exteriors of three additional properties. As his team advanced to subsequent properties, Officer E directed Officers C and D to guard the property just searched so that the Subject would not be able to elude the search team by doubling back over the rear property line fences to a previously searched property.

Officer F, whose pistol was unholstered and held at a low-ready position, and Officer E with his K-9 dog entered the rear yard where the Subject was subsequently located, while Officers C and D guarded the rear yard of the property that they had just cleared.

The K-9 dog went behind a garage on the corner of the property and, according to Officers E and F, was out of their sight for approximately two seconds. The officers heard the K-9 dog bark and heard sounds consistent with a struggle and the sound of an unknown object striking an unknown metallic object.

As the officers continued to approach the rear of the structure, they observed the K-9 dog contacting the Subject, who was crouched down in between a metal cabinet and a tree in a walkway between the structure and the property line fence. The K-9 dog had a bite hold on the Subject's left forearm. According to Officer E, the Subject was flailing his left arm up and down while attempting to push the K-9 dog away with his right hand.

Officer E shouted at the Subject, "Stop fighting the dog!" The Subject complied and stopped flailing his arms. Officer E gave a recall order to the K-9 dog. The K-9 dog let go of the Subject's left forearm and returned to Officer E. Officer E leashed the dog, while Officer F took over giving commands to the Subject to come out from behind the structure and lay face down on the ground with his arms out at his sides. The Subject complied with those orders as well.

Officer E broadcast to Officers C and D that they had made contact with the Subject and to respond to their location. Officer E also broadcast to the Air Unit that they had made contact with the Subject. Officer C and D climbed over the property line chain link fence and entered the rear yard.

Officers C and D donned protective gloves, as the Subject was bleeding from a bite wound to his left forearm. Officer C placed his left knee on the Subject's upper back and handcuffed his wrists behind his back. Officer C conducted a pat-down search on the Subject for weapons with none recovered.

According to Officer E, the K-9 contact lasted two to five seconds.

According to the Subject, he was hiding under a tree behind the structure when he was confronted by the K-9 dog, who bit his left arm. Officer E told him "Don't touch my dog," so the Subject did not fight the dog. He stated that Officer E did not immediately call off the dog. When asked long before the dog let go of his arm, he replied, "Like I don't know, maybe 30 seconds."

A review of Officer C's BWV determined that within 25 seconds, the K-9 contact occurred, the K-9 was recalled, the K-9 returned to Officer E, the K-9 was leashed, Officer E completed a broadcast to the officers to respond to the location, and an additional broadcast to the airship that they had contacted the Subject.

Officer F broadcast to the CP that the Subject was in custody and directed them to request a Rescue Ambulance (RA) to treat the Subject for a K-9 bite to his left arm. Sergeant B responded to the location and commenced with what he believed would be a non-categorical K-9 contact investigation.

Sergeant A, not knowing the exact address of the K-9 contact but knowing it occurred near the CP, broadcast a request for a RA to respond to the CP. Officers C and D, accompanied by Sergeant B, walked the Subject to the CP where he was medically treated by Los Angeles County Fire Department personnel.

According to Sergeant B, the Subject told him that while hiding, he was confronted by the K-9 dog. He became scared and raised his arms to prevent the dog from biting him, at which time the K-9 bit his left arm.

Los Angeles County Fire Department personnel arrived at the CP to medically treat the Subject. They determined that the Subject's injuries were minor and his condition stable. They therefore cancelled the response of the assigned Los Angeles County Fire Department RA and transferred his care to a private contracted ambulance service.

The Subject was transported to the hospital, with Officer C riding in the back of the ambulance while Officer D followed behind in their vehicle. The Subject was examined at the hospital and the doctor recommended that the Subject be transferred for further examination of his left forearm by an orthopedic specialist.

Officers C and D transported the Subject to a different medical center for further medical evaluation, where he was examined an orthopedic specialist. The specialist determined that the Subject would be admitted for further observation to his left forearm injury. Sergeant B was present when this decision was made and immediately started making notifications to the proper personnel concerning the now categorical use of force investigation.

Personnel from Real-Time Analysis and Critical Response (RACR) Division were notified of the K-9 contact and immediately started making the appropriate notifications.

Sergeant B telephonically notified Officers E and F, who were still on duty, of the categorical use of force investigation and ordered them not to discuss the incident and to report to the station. Upon arrival at the facility, the involved officers were properly monitored by supervisors.

Sergeant B made the appropriate notifications to ensure that Officers C and D, who were already done with their shifts, were notified and ordered them not to discuss the incident until their interviews with Force Investigation Division (FID).

Force Investigation Division reviewed all documents regarding the separation, monitoring, and admonition not to discuss the incident prior to being interviewed by FID investigators. All protocols were followed and appropriately documented.

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

Detention

- The officers were conducting a follow-up investigation, attempting to locate a named domestic violence suspect at his residence. As they were approaching the location, the suspect fled in an attempt to evade apprehension. A K-9 search was conducted, and the suspect was located and apprehended. The officers' actions were appropriate and within Department policies and procedures.

Tactics

- 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.

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 suspect fled from his residence as officers approached. Officers established a perimeter and contained the suspect. The officers made several announcements and gave the suspect ample opportunity to surrender before deploying the K-9 to assist with the search and apprehension of the suspect.

Command and Control

- Sergeant A responded, assumed the role of IC and established a Command Post (CP). He also requested the response of Metropolitan Division K-9 units to assist them with the search for the Subject.

Sergeant B conducted a follow up to monitor the status of the Subject and was present when the decision was made to admit him for treatment. Upon learning of the Subject's admittance to the hospital, Sergeant B made the appropriate notifications.

The actions of this supervisor were consistent with Department supervisory training and met the BOPC's expectations of field supervisors during a critical incident.

Tactical Debrief

- Each tactical incident also merits a comprehensive debriefing. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the BOPC found that Officer E's tactics warranted a Tactical Debrief and that the identified topics be discussed.

General Training Update (GTU)

- Officer E attended a GTU and received training on mandatory topics, including K-9 contacts.

Deployment of K-9

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

Officer E developed a search plan that consisted of two K-9 search teams. Officer E was designated to lead one search team with the K-9 dog, along with Officers C, D, and F. Office G was designated to lead the second search team.

Officer E then communicated the tactical plan over the police radio to units on the perimeter and the Air Unit.

A K-9 search announcement was played in both English and Spanish over the PA system from black and white patrol vehicles. Additionally, an Air Unit utilized their PA system to broadcast the K-9 announcement in English over the search location. Sergeant B and Officer E then confirmed that officers on the perimeter heard the K-9

announcements. The Subject failed to respond to the K-9 search announcements (Deployment of K-9).

Note: The investigation revealed one civilian witness who reported hearing the K-9 search announcements from inside her residence in the immediate area of the K-9 search.

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

Contact of K-9

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

According to Officer E, as he entered the fourth property, he instructed his K-9 dog to search that yard. He observed as the K-9 dog began to work a scent and walk towards the back-fence line, behind a garage and to the rear of that structure. As he and Officer F began to move up, he heard a commotion that was consistent with the sound of his dog moving around, tussling.

He moved up and then saw his dog with a bite hold of the Subject's left forearm. He observed the Subject moving his left arm violently up and down while his right hand was pushing the dog off, in a motion similar to a palm strike. He told the Subject to stop fighting the dog. The Subject complied, and Officer E recalled the K-9 dog to his side and leashed him. The Subject was then ordered onto the ground and taken into custody.

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

Post Contact Procedures

- Officer F advised Sergeant B of the K-9 Contact. Sergeant B directed Sergeant A to request a Rescue Ambulance (RA) for the Subject. Sergeant B then responded to the location where the Subject was taken into custody.

The Subject was treated at the scene by Los Angeles Fire Department (LAFD) personnel and then transported by ambulance to the hospital for further treatment. Officer C rode with the Subject to the hospital while Officer D followed the ambulance. The attending physician assessed the Subject's injuries and referred him to a specialist. Officers C and D transported the Subject for further treatment, and he was subsequently admitted for observation and anti-biotic treatment.

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 made the proper notifications.

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