

Incident Summary

Uniformed Police Officers A and B were deployed to work crime suppression in Hollenbeck Division due to a recent increase in violent crimes.

Officers A and B were driving in a marked black and white police vehicle. Officer B was driving and Officer A was the passenger. Officer B observed a vehicle traveling in the opposite direction. The vehicle caught Officer B's attention because it made an abrupt lane change, from the far-right lane into the left turn lane without signaling, and it stopped thirty to forty-five feet short of the limit line, in violation of California Vehicle Code Section No. 21658 (Unsafe Lane Change).

Note: According to Officer A, he did not observe the vehicle change lanes. However, he observed the vehicle stop ten feet short of the intersection.

Officer A observed a female driver, later identified as Subject 1, and a male passenger, later identified as Subject 2. Subject 2 was seated in the front passenger seat with his seat reclined.

Officer B believed that the presence of the police was causing the occupants of the vehicle to act suspicious. Officer B alerted Officer A of the traffic violation and they decided to conduct a traffic stop.

Officer B drove through a green light signal and made a U-Turn to follow the vehicle. Subject 1 made a turn and immediately entered a business parking lot. Officer B followed behind Subject 1's vehicle and activated the patrol vehicle's emergency lights and siren. Subject 1's vehicle stopped on the north side of the parking lot facing the front door of the business. Officer B was unable to recall if he notified Communications Division (CD) the officers had arrived at the location (Code Six).

Note: Officer A believed that Officer B notified CD they were Code Six. Upon review of the relevant radio frequencies, however, a Code Six broadcast was not captured.

As soon as the vehicle stopped, Subject 1 immediately opened the driver's side door, exited the vehicle, and turned toward the officers as the officers exited their patrol vehicle. Officer B looked at Officer A and gave him a non-verbal cue to alert him of Subject 1's unusual behavior.

Officer B directed Subject 1 to walk toward him as he used the driver's side door as cover.

Subject 1 complied with Officer B's direction and walked toward him. When Subject 1 reached the driver's side door of the patrol vehicle, Officer B advised her of the reason for the traffic stop.

As Subject 1 exited the vehicle and approached Officer B, Officer A focused his attention on Subject 2, who remained seated on the passenger side front seat. Once Officer B contacted Subject 1 and began speaking with her, Officer A walked toward the front passenger door of Subject 1's vehicle and stopped behind the door.

Subject 2 was reclined in the seat, and his hands were not visible. Officer A directed Subject 2 to show his hands. Subject 2 put his hands up above his head. Once Officer A was able to see Subject 2's hands, he moved up to the door and spoke with Subject 2 through the open front passenger window.

Officer A observed that Subject 2 appeared nervous and was sweating profusely. Subject 2 wore an unzipped black hooded sweatshirt, exposing his chest which revealed several tattoos. Based on his training and experience, Officer A identified the tattoos as being associated with gang membership. Officer A asked Subject 2 for his identification. Subject 2 replied he did not have any identification. Officer A asked Subject 2 if he was on parole or probation. Subject 2 stated that he was not on probation or parole but that he might have an outstanding warrant for his arrest. Subject 2 also admitted to belonging to a criminal street gang.

Officer A asked Subject 2 to step out of the vehicle. Subject 2 complied and stepped out. Once outside, Officer A told Subject 2 to turn around, face the vehicle, and place his hands on top of his head. Subject 2 initially complied. He turned counter-clockwise to face the vehicle with his hands up. While Subject 2 was turning, his right hand reached down to grab the middle of his front waistband and attempted to flee, running south past the patrol vehicle through the parking lot.

Officer A immediately ran after Subject 2 and alerted Officer B that Subject 2 was running and possibly armed with a gun.

Officer B observed Officer A approach the vehicle and heard him ask Subject 2 to exit. Subject 2 exited the vehicle and stood on the passenger side, with Officer A standing behind him. Officer B then returned his attention to Subject 1 and asked her why she got out and if she had anything illegal in her vehicle. As he began to question Subject 1, Officer B observed Subject 2 run through the parking lot, away from his partner. As Subject 2 ran, Officer B observed him grab his waistband with his right hand. Believing that Subject 2 was possibly reaching for a weapon, Officer B initially unholstered his pistol. However, he immediately holstered his pistol and paralleled his partner as he ran south through the parking lot.

Note: According to Officer B, he did not hear Officer A make any statements.

Officer A directed Subject 2 to stop. Subject 2 did not respond and continued to run south toward the street. Officer A attempted to grab Subject 2 by the sweatshirt. Subject 2 shrugged the sweatshirt off, dropped it on the ground, and continued running.

Officer B determined that Subject 2 was the primary threat. Officer B did not want to leave his partner by himself and knew that Subject 1 was being cooperative and listened to his directions. According to Officer B, he did not believe that Subject 1 had a weapon because of the way she was dressed. Officer B ordered Subject 1 to remain where she was as he engaged as the secondary officer in the foot pursuit.

Officer B, utilizing his handheld police radio, broadcast over Metropolitan Division base frequency that they had arrived at the location (Code Six), made a request for backup and an Air Unit, and broadcast they were in a foot pursuit of a man with a gun.

According to Officer A, Subject 2 ran to the middle of the street and turned around to face him while his right hand was still holding his waistband. Officer A's training and experience in dealing with gang members, in addition to Subject 2's actions, led him to believe Subject 2 was possibly armed with a gun. Fearing a possible armed confrontation, Officer A unholstered his pistol.

When Subject 2 turned around, he dropped a large baggie containing a crystalline substance. Based on his training, experience and narcotics expertise, Officer A recognized the large baggie as one containing what he believed to be methamphetamine.

Note: According to Officer B, he learned that Subject 2 had dropped the baggie after the perimeter had been set.

Officer A ordered Subject 2 to get down on the ground. Subject 2 did not respond to Officer A, but knelt down, picked up the baggie of apparent methamphetamine, and ran on the sidewalk. Officer A holstered his pistol and followed Subject 2 on the sidewalk. As Subject 2 turned, Officer A ran into the street. Subject 2 continued running on the sidewalk and was approximately thirty feet in front of Officer A, who ran on the street, using parked vehicles as cover.

As Subject 2 ran back through the parking lot, Officer B, who had been running south through the parking lot, paralleling his partner, reversed his direction and followed behind Officer A at a distance of approximately fifteen feet.

Note: According to Officer B, Subject 2 ran through the parking lot.

Officer B followed Officer A and broadcast over the police radio regarding the officers' location.

Subject 2 turned east into the walkway of the apartment complex. Subject 2 ran east through the walkway, past an apartment unit, veered north and turned between the units, out of Officer A's view. Officer A updated CD on Subject 2's last known location and direction of travel.

Officer A stood on the sidewalk, began to set up the perimeter, and directed Officer B to return to the parking lot to check on Subject 1. Officer B ran back to the parking lot and stood at the mouth of the driveway, so he was able to maintain visual contact with his partner and observe Subject 1 as he guided responding units to different positions in the perimeter.

Note: The officers were in a position where they could maintain a line of sight with one another. The investigation determined the distance between the officers to be approximately 170 feet.

Assisting officers arrived, and Officer B pointed to Subject 1, who was walking away from the parking lot and directed the officers to detain her. Subject 1 was taken into custody without incident.

Air Support Division responded to location where the foot pursuit terminated and assisted with the establishment of the perimeter. The Air Unit remained over the incident until officers took Subject 2 into custody.

Once the perimeter was established, Officers A and B conducted a search of Subject 1's vehicle. Officer B located Subject 1's purse in the rear seat of the vehicle behind the drivers' seat. Officer B recovered three brown vials containing a liquid substance resembling Phencyclidine (PCP) from inside Subject 1's purse.

Metropolitan Division uniformed Sergeant A arrived at the scene, declared himself Incident Commander (IC) and established a Command Post (CP). Officers A and B briefed Sergeant A of the incident, who requested K-9 units to respond.

K-9 uniformed Police Officers C and D responded to the request. Officer C met with Officers A, B, and Sergeant A at the CP. The officers briefed Officer C and advised him that Subject 2 was wanted for a narcotics violation and was possibly armed with a gun because of the manner in which he ran. Officer C ensured that officers had established a perimeter and believed Subject 2 was contained. Sergeant A advised Officer C that the officers would arrest Subject 2 for felony possession of narcotics for sale if located. Officer C determined the information met the Department's criteria for initiating a K-9 deployment. Officer C briefed K-9 Sergeant B and he concurred that the criteria was met.

Officers C and D formulated a tactical search plan of the perimeter. The search plan consisted of two search teams. Officer C's search team would start the search on one side of the perimeter and Officer D's search team would start the search on the other side of the perimeter. Officers C and D would systematically work north until they completed the perimeter. Sergeants A and B approved the search plan.

Officer C's search team was comprised of his K-9 dog, Officers A and B, and several other assisting officers.

Officer D's search team was comprised of his dog, along with several assisting officers.

Officer C's search team donned their tactical vests and Officer C conducted a briefing with them. Officer C advised the officers of K-9 search protocols, and advised them to be fluid while working positions such as point and rear guard. Officer C assigned roles to each officer. Officer B was assigned to less-lethal munitions, a beanbag shotgun. Officer C was equipped with a TASER. All officers on the K-9 search team were equipped with OC spray. Prior to the deployment of the search teams, Officer C directed officers to conduct K-9 search announcements in English and Spanish from various patrol vehicles situated on the perimeter.

Pre-recorded K-9 announcements, using the Public Address (PA) system were made at various locations throughout the perimeter, and officers confirmed hearing them. Air Support also provided the K-9 Search announcement in English from his PA system. Officer C confirmed he heard the announcement midblock on the perimeter.

Note: Five civilian witnesses mentioned hearing a K-9 announcement. Subject 2 did not comply or respond to the K-9 announcements. Sergeant A authorized the search to commence.

Subject 2 was wanted for felony possession of narcotics and was believed to be armed. Based upon this information, and the belief that the situation could rise to the level where deadly force might be necessary, the officers on the search teams unholstered their pistols and held them at a two-handed, low-ready position during the search. Officer C's search team began their search.

As the search got underway, a prowler call was broadcast by CD. The comments of the call described Subject 2, last seen to the rear of an apartment complex. Air Support heard this broadcast and noted that this location was approximately ten properties north of the location from where Officer C's search team began their search. Air Support immediately flew over this location, illuminated the parking lot to the rear of the apartment complex, and observed Subject 2 next to a vehicle. After his first orbit around the parking lot, Air Support lost sight of Subject 2 and advised the search teams of his observations.

Officer C's search team proceeded to the location. The search team walked up the driveway on the side of the complex. The K-9 searched two courtyards on the other side of the driveway as the search team moved to the top of the driveway. When the search team reached the top of the driveway, Officer C saw a parking lot with several parked vehicles. Officer C was at the front of the search team and directed his K-9 to search the parking lot. The K-9 searched east and veered south around the corner of the apartment building, out of Officer C's view.

Officer C tactically moved forward, using the building as cover. Officer C observed the rear side of a parked vehicle located on the northwest side of the parking lot, just around the corner from the apartment building. Officer C repositioned himself to

observe the passenger side of the vehicle. Officer C observed Subject 2 beneath the front of the vehicle. Subject 2's feet were moving toward Officer C. Officer C alerted the search team that Subject 2 was under the vehicle.

Officer C walked to the driver's side of the vehicle to locate his K-9 dog. Officer C saw his K-9's hind quarters under the front of the vehicle on the driver's side. Officer C immediately recalled his K-9 and leashed him. Officer C instructed his search team to take Subject 2 into custody.

Officers successfully ordered Subject 2 out from under the vehicle and into a prone position. Officers A and E served as cover officers. Officer F holstered his pistol, approached Subject 2, handcuffed him, and took him into custody without further incident. Officers A and B identified Subject 2 as the individual who ran from them.

The officers noticed Subject 2 was bleeding from his head down to his shoulders. Subject 2 appeared to have puncture wounds to his left ear, the back of his head, and a right middle finger. Upon observing Subject 2's injuries, Officer C immediately notified the CP that a K-9 contact occurred and requested a Rescue Ambulance (RA). Officer C left the parking lot and returned his K-9 to his police vehicle. Assisting officers walked Subject 2 down the driveway and waited for the RA in front of the apartment complex.

Los Angeles Fire Department (LAFD), Paramedics responded and provided medical treatment. Subject 2 was then transported to a nearby hospital for further evaluation and was later admitted. FID attempted to interview Subject 2, however he refused to cooperate with the investigation.

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 that the Tactics of Officers A and B warrant a finding of Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found that Officer A and B's drawing and exhibition of a firearm to be in policy.

C. Deployment of K-9

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

D. Contact of K-9

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

E. 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 observed a driver of a vehicle commit a traffic violation and conducted a traffic stop on the vehicle for the violation. During the stop, the passenger of the vehicle advised one of the officers that he possibly had a warrant for his arrest. When the passenger was directed to exit the vehicle, he fled on foot, and a foot pursuit ensued with the officers. A K-9 search was conducted and Subject 2 was located and apprehended. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

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

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 2 fled following a traffic stop. The officers gave chase and ordered him to stop. Subject 2 ignored the commands and fled out of the officers' view. A perimeter was established. The officers made several K-9 announcements

to give the suspect ample opportunity to surrender before deploying the K-9 dog to assist with the search and apprehension.

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

1. Code Six (Substantial Deviation – Officers A and B)

Officers A and B did not advise CD of their Code Six location before contacting Subjects 1 and 2 during a traffic stop.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

Traffic stops and pedestrian stops can be dangerous, the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable.

In this situation, the officers were not faced with a rapidly unfolding tactical situation prior to their traffic stop and had sufficient time to broadcast their Code Six location, as well as any other relevant information prior to conducting their traffic stop.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's decision not to advise CD of their Code Six location was a substantial deviation, without justification, from approved Department tactical training.

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

As Officers B contacted Subject 1, at the police vehicle, Officer A approached the minivan and contacted Subject 2.

Officers are trained to utilize the concept of contact and cover in which one officer initiates action while the other provides cover. 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 did not maintain his role of cover officer. As Officer B directed Subject 1 to walk back to the police vehicle, Officer A approached the passenger side door and removed Subject 2 from the vehicle. As a result, Officer B was without the benefit of a cover officer.

Based on the totality of the circumstances, the BOPC determined that Officer A's action substantially, and unjustifiably, deviated from approved Department tactical training.

3. Apprehension vs Containment Mode

Officer A attempted to apprehend Subject 2, who he believed was possibly armed.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in a foot pursuit of an armed suspect.

In this case, when Subject 2 fled from the vehicle across the parking lot, Officer A attempted to apprehend Subject 2 by grabbing his sweatshirt, even though he believed Subject 2 possibly had a gun.

Upon losing sight of Subject 2, Officer A held his position, went into containment mode and began establishing a perimeter.

Based on the totality of the circumstances, the BOPC determined that in this situation, Officer A's actions were reasonable and not a substantial deviation from approved Department tactical training.

- The BOPC additionally considered the following:

Situational Awareness – The investigation revealed Officer A initially broadcast the officers' Code Six location as a specific address, then approximately three minutes later, he broadcast the correct location. Officer A is reminded of the importance of maintaining constant awareness and broadcasting the correct location to ensure responding units arrive in a timely manner.

- 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 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 review and discuss the incident and individual actions that took place during this incident.

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

B. Drawing and Exhibiting

- According to Officer A, Subject 2 turned towards him with his hand in his waistband. Believing he was armed with a firearm, Officer A drew his service pistol.

According to Officer B, while running through the parking lot, Subject 2 removed his shirt and grabbed his waistband with his right hand rapidly. Believing he was attempting to arm himself with a firearm, Officer B drew his service pistol.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A and B's drawing and exhibiting to be in policy.

C. Deployment of K-9

- Sergeant A authorized the K-9 search to assist in locating and apprehending Subject 2. Officer C, K-9 Platoon, responded to the scene and was briefed by Sergeant A.

Officers C telephonically contacted Sergeant B, briefed him, and he concurred that the search met the criteria for a K-9 search team. Officer C developed a tactical plan which was approved by Sergeant B. The tactical plan consisted of two K-9 search teams. Officer C was designated to lead a search team with his K-9, along with Officers A, B, and other officers.

A K-9 search announcement was given in English and Spanish via the PA system from two police vehicles located on opposite sides of the perimeter. Additionally, an Air Unit utilized their PA system to broadcast the K-9 announcement in English over the search location. Officers along the perimeter confirmed that the K-9 announcements were heard.

Note: Multiple witnesses who were inside of their residences in the immediate area of the search location also reported hearing the K-9 announcement.

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

D. Contact of K-9

- Multiple K-9 announcements were made via the PA systems; however, Subject 2 failed to respond to the K-9 announcements.

According to Officer C, Air Support observed a male matching the description of Subject 2 in a rear parking lot, but lost the visual of him upon orbiting. Officer C then sent his K-9 dog up the driveway into the parking lot. The K-9 then proceeded east out of Officer C's line of sight. Officer C then began to edge forward around the building to see where his K-9 dog was working.

Officer C observed a vehicle parked next to the driveway, along the rear of an apartment building. Officer C looked along the passenger side of a vehicle and observed the bottoms of two tennis shoes scooting backwards out from underneath the front of the car. As Officer C alerted the search team of Subject 2's location, he fanned out around the rear of the vehicle, looked down the driver's side of the vehicle and observed his K-9's hind quarters under the opposite side of where Subject 2 was scooting out, and immediately recalled his K-9 dog. The Search team officers then approached and handcuffed Subject 2.

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

E. Post K-9 Contact Procedures

- Officer C observed Subject 2 was bleeding from his head from a possible K-9 contact and requested a RA to respond. Subject 2 received initial medical treatment from LAFD personnel at scene and was transported by RA to a nearby hospital where he was admitted.

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