

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 012-11

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Devonshire	02/18/11		

Officer(s) Involved in Use of Force	Length of Service
Officer B	22 years, 3 months

Reason for Police Contact

Officers observed a suspect committing a burglary and deployed a K9 search team, resulting in a K-9 contact requiring hospitalization.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
Subject: Male, 23 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 suspect 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 Commission and made itself available for any inquiries by the Commission.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

The following incident was adjudicated by the BOPC on November 15, 2011.

Incident Summary

Officers conducted a surveillance of the Subject, who was suspected of being responsible for several burglaries. Officers observed the Subject commit a commercial burglary and then followed the Subject as he fled the scene in his vehicle. Officers attempted to stop the Subject; however, the Subject was able to elude the officers and subsequently fled on foot into a residential area. A perimeter was established and a K-9 supervisor, Sergeant A, responded to the scene. Based on the circumstances, K-9 officers were requested to assist in the search for the Subject.

Prior to the K-9 teams starting the search, a K-9 search announcement was given in English and in Spanish. The officers then unholstered their weapons and started searching the residential area for the Subject.

Meanwhile, officers received information that the Subject was hiding in a storage shed on Witness A's property. Officer A and his K-9, along with the search team, responded to Witness A's residence and conducted a search.

While Officer A was searching Witness A's residence, an Air Unit observed the Subject climb over the fence and into Witness B's backyard.

After ensuring that Witness A's residence was cleared and secured, Officer A and his search team responded next-door to Witness B's residence.

As Officer A and his K-9 entered Witness B's rear yard, the K-9 made a quick left turn toward the patio area of the yard. Officer A followed and observed the Subject standing near the sliding glass door of the residence. Officer A ordered the Subject to put his hands up and at first it seemed that the Subject would comply, but then he climbed over the street side of the fence to where Officer B and his K-9, along with Officer C, were located.

As the Subject climbed over the gate and onto the sidewalk, Officers B and C ordered the Subject to stop and put his hands up. The Subject looked right at the officers, but ignored their commands and continued to run. Officer B believed that the Subject was going to climb over another fence and enter another backyard. The Subject ignored all verbal commands and, as estimated by Officer B, ran at least another 20 feet. Officer B then released his K-9, commanding him to "bite" and apprehend the Subject.

As the Subject attempted to flee, the K-9 ran after the Subject and bit his upper left arm. According to Officer B, the Subject was trying to get the K-9 off of him and was rolling around on the ground screaming and punching at the K-9. The Subject stopped resisting and Officer B called the K-9 off of him.

After the K-9 was secured by Officer B, Officer C handcuffed the Subject.

An ambulance was requested and the Subject was subsequently transported to the hospital, where he was ultimately admitted due to lacerations to his arm.

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, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to 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 unanimously 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 in this instance, Sergeant A responded to the scene and received information that the Subject was wanted for a felony offense. Sergeant A appropriately determined that the circumstances met the K-9 search criteria. The K-9 search announcement was done in both English and Spanish.

In conclusion, the BOPC found the deployment of the K-9 to be consistent with established criteria.

B. Contact of K-9

The BOPC noted that in this instance, the Subject was a career criminal; he had fled from the officers, entered an occupied residence and again evaded arrest when he was confronted by Officer A's search team. The Subject again failed to comply with commands and fled when he was confronted by Officer B's search team. Believing the Subject was going to jump into another rear yard thereby placing residents in further

danger, Officer B commanded his K-9 to bite and apprehend the Subject while continually ordering the Subject to stop.

Once the Subject stopped resisting, Officer B immediately recalled the K-9 and ensured contact was minimized.

In conclusion, the BOPC found the K-9 contact to be consistent with established criteria.

C. Post K-9 Contact Procedures

The BOPC noted that in this instance, Officer B notified the Command Post of the K-9 contact and requested an ambulance to treat the Subject for his injuries. The Subject was subsequently transported to the hospital for further treatment. Sergeant A responded to the hospital to check on the medical condition of the Subject at which time he was notified that the Subject was going to be hospitalized. Sergeant A made the proper notifications once it was determined that the incident was to be a Categorical Use of Force.

In conclusion, the BOPC found the post K-9 contact procedures to be consistent with established criteria.