

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

**K-9 CONTACT REQUIRING HOPITALIZATION – 038-07**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off()</b>	<b>Uniform-Yes(X) No()</b>
Mission	04/11/2007		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	17 years, 4 months

**Reason for Police Contact**

Subject 1 was wanted for a home invasion robbery. When officers attempted to detain Subject 1, he fled from officers by vehicle and then on foot into a residential area. A K-9 search team was used to find Subject 1, who was bitten and injured during his arrest.

<b>Subject</b>	<b>Deceased ()</b>	<b>Wounded (X)</b>	<b>Non-Hit ()</b>
Subject 1: male, 36 years of age.			

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate the 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 and addenda items); the 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on 03/04/08.

**Incident Summary**

Sergeant A responded to a containment perimeter established to coordinate a search for Subject 1, who had fled from officers by vehicle and then on foot into a residential area.

**Note:** Subject 1 was a parolee at large wanted for a home invasion robbery. A warrant was issued for his arrest. Officers had located Subject 1's vehicle parked on a street and observed an individual matching Subject 1's description enter the vehicle. The officers followed the vehicle

a short distance and attempted to detain Subject 1. As the officers approached Subject 1's vehicle, he drove off. Subject 1's vehicle was later found abandoned at near a residential area.

Officer A, with his dog, K-9 A, and Officer B, with his dog, arrived at the incident command post and were briefed by Sergeant B of the situation. Officers A and B formulated a tactical plan which was approved by Sergeants A and B. It was determined that two K-9 search teams would proceed with the search starting from one end of the block to the other end of the block.

Officer A assembled a K-9 search team consisting of Officers C, D and E. Officer A discussed K-9 tactics and procedures with the officers and assigned Officer C as "cover officer," and Officers D and E as "rear guards and arrest team."

The air unit at scene issued the canine warning using the airship's public address system. Sergeant A and Officer A verified the canine announcement was clear and audible. After waiting several minutes and seeing no response from Subject 1, Sergeant A authorized the search to commence.

Officer A and his team completed the search of the first and second residence without incident. Officer A's team then proceeded to the third house and searched the front area with negative results. Officer A noticed an unlocked gate on the north side of the property that led to the backyard. The north side of the property and the backyard was then searched with negative results. The officers turned the corner on the south side of the residence and observed a walkway that led to the back of the garage. Officer A directed K-9 A to search that area as the officers followed. K-9 A showed a brief interest near the garage doorway.

As Officer A moved up, he noticed the door leading to the garage was ajar. Officer A opened the door, issued a canine warning and directed K-9 A to search the garage. Officers A and C were about to step inside the garage when Officer D, who was positioned behind Officer C, saw Subject 1, who was on the other side of a wooden gate, stand up from underneath folded cardboard boxes, run toward the front of the residence and then head north. Officer D yelled, "Stop. Don't move," which alerted the other officers to Subject 1.

The air unit broadcast that the subject was running one house south of the search team's location. The airship then lost sight of Subject 1 as it continued to orbit.

Meanwhile, Officer C moved toward the wooden gate and attempted to push it open; however, unaware that the gate was locked, Officer C injured his left index finger in the process. Officer C then stepped back and kicked the wooden gate off its hinges. As the officers moved toward the front of the residence, they began to look for Subject 1 but could not see him.

The officers and K-9 A ran northbound on the sidewalk, passing a recreational vehicle, and asked officers standing on the north perimeter if they saw the subject. When the officers on the perimeter stated they did not see anyone, the search team turned and looked back. Officer C then observed Subject 1 underneath the rear end of the vehicle and said, "There he is." Subject 1 started to move south, away from the officers, and disappeared out of their view.

Not knowing where Subject 1 went, Officer A gave K-9 A the command to continue searching. Officer C ran toward the recreational vehicle with the three other officers following behind him, and K-9 A went past him. As Officer C came around the front of the recreational vehicle, he observed Subject 1 going down to his knees on the front lawn of the third residence with K-9 A barking at him. K-9 A then bit Subject 1 once on his right leg near his knee area.

By the time Officers A, D and E got to the front bumper area of the recreational vehicle, they observed Subject 1 on the ground with K-9 A making contact with Subject 1's right arm. Subject 1 was moving and flailing his right arm; however, the officers could not see Subject 1's left hand.

Officer A yelled, "Let me see your hand." Subject 1 complied and raised his hand up. After seeing that Subject 1 was unarmed, Officer A called K-9 A back to him and placed the leash on the K-9 A. Officers A and D told Subject 1 to face the ground and spread his legs and arms. Officers C, D and E then moved up toward Subject 1. Officer D holstered his pistol, approached Subject 1 and handcuffed him without further incident. Shortly thereafter, Officer C requested a rescue ambulance for Subject 1.

Los Angeles Fire Department personnel arrived at scene and treated Subject 1 for bite wounds to the right arm and right leg. Subject 1 was then transported to the hospital where he was later admitted for surgical repair of 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. The BOPC makes specific findings for K-9 Contact incidents in these three areas: Deployment of K-9; Contact of K-9; and Post Contact Procedures. 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 the K-9 deployment to be consistent with established criteria.

#### **B. Contact of K-9**

The BOPC found the K-9 contact to be consistent with established criteria.

### **C. Post Contact Procedures**

The BOPC found post contact procedures to be consistent with established criteria.

#### **Basis for Findings**

##### **A. Deployment of K-9**

The BOPC noted that officers located Subject 1, a wanted home invasion robbery suspect. When Subject 1 fled, Officers established a containment perimeter and Sergeant A responded to the scene and determined the criteria for a K-9 search was met. Officer A briefed the members of the search team and the air unit provided a K-9 search announcement before the search was initiated.

The BOPC found the K-9 deployment to be consistent with established criteria.

##### **B. Contact of K-9**

The BOPC noted that Subject 1 was located lying underneath the rear portion of a recreational vehicle. Officer A commanded K-9 A to return to him to facilitate taking Subject 1 into custody. As K-9 A was returning to Officer A as trained, Subject 1 moved in a southerly direction from under the vehicle and out of the search team's view. Unable to determine Subject 1's flight path, Officer A appropriately ordered K-9 A into search mode. K-9 A proceeded around the front end of the vehicle and when Officer A rounded the driver's side corner, he observed Subject 1 in a prone position with K-9 A maintaining a bite hold on Subject 1's right arm. After determining Subject 1 was unarmed, Officer A called K-9 A to return to him and the canine returned as trained.

The BOPC found the K-9 contact to be consistent with established criteria.

#### **Post Contact Procedures**

The BOPC noted that after contact occurred, the subject was taken into custody and medical assistance was immediately requested. Personnel from the Los Angeles Fire Department treated Subject 1 for canine contact bites and transported him to the hospital. Sergeant A conducted a follow-up to the hospital to assess Subject 1's injuries.

The BOPC found post contact procedures to be consistent with established criteria.