

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 050-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollywood 8/3/16

Officer(s) Involved in Use of Force	Length of Service
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Officer C 13 years, 1 months

Reason for Police Contact

Officers were conducting a K-9 search to locate a wanted suspect who ran from them. The K-9 dog located the subject, who resisted and a K-9 contact requiring hospitalization occurred.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject: Male, 24 years.

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.

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 June 27, 2017.

Incident Summary

On the day of this incident, Hollywood Area Parole Compliance Unit (PCU) uniformed Police Officers A and B received information from their roll call attendance and Hollywood Area Auto detectives regarding recent thefts of older model vehicles throughout the Hollywood area.

Officers A and B were conducting crime suppression activities when Officer A observed an older model vehicle traveling on the opposite side of the street. Based upon the information regarding the stolen vehicles, Officer A conducted a U-turn and followed the vehicle as Officer B used the officers' Mobile Digital Computer (MDC) to conduct a want/warrant check of the vehicle's license plate and discovered that the car was stolen. Officer B broadcast to Communications Division (CD) that they were following a stolen vehicle and requested backup, a supervisor, and an Air Unit (AU). Officers A and B initiated a vehicle pursuit of a stolen vehicle, which ended when Officer A initiated a Pursuit Intervention Technique (PIT).

The Subject exited the vehicle and ran west on the north sidewalk. Officers A and B exited their vehicle. As they approached the Subject's vehicle, both officers stated that they quickly checked for the presence of additional suspects before continuing to pursue the Subject. Officer A broadcast that they were in foot pursuit as additional officers arrived. The Subject changed his direction, ran north, and jumped over a locked gate, into a small yard located on the east side of an apartment building. Officers A and B positioned themselves on the southwest corner. Officer A broadcast several locations on the west and north side of the apartment building to contain the Subject within the perimeter. As responding units arrived, they assumed the positions broadcast by Officer A.

The Subject ran toward an alley located at the rear of the apartment building. Responding officers entered an alley bordering the north side of the location to contain the Subject. The Subject suddenly turned around and ran back south, toward Officer A. Officer A, knowing that the Subject was a felony suspect, and believing the situation could lead to the possibility of the use of deadly force, unholstered his pistol and held it in a two-handed, low-ready position. The Subject stopped at a screened entrance to a crawl space beneath the building, used his shoulder to push in the screen and entered the crawl space. Once the Subject disappeared, Officer A holstered his pistol, advised responding units of the Subject's location, and proceeded to set up a perimeter.

Supervisors and Air Support personnel arrived at the location to assist with the establishment of a perimeter.

According to Officer A, during the incident, an unknown officer, possibly a PCU officer, advised him that a pistol (later determined to be a pellet gun) was on the passenger seat of the stolen vehicle. Officer A broadcast this information to the units on the perimeter. A Command Post was set-up nearby.

Metropolitan Division uniformed K-9 Police Officer C was notified, and upon arrival, met with Metropolitan Division supervisors and other officers to brief the incident. It was determined that this incident met the Department's criteria for initiating a K-9 deployment.

Officer C formulated a tactical search plan, and supervisors approved the plan. Based upon the information that the Subject was contained in the crawl space beneath an apartment building, Officer C determined that the search team would use one dog during the search. Officer C's search team was comprised of his dog, and other Metropolitan Division K-9 Police Officers. Officers were briefed on K-9 searching tactics. Officers were also assigned to less-lethal munitions and carried a beanbag shotgun. All officers on the K-9 search team were equipped with TASERs and OC spray.

Officer C directed the officers to conduct K-9 search announcements. Air Support utilized its Public Address (PA) system and gave the K-9 search announcement in English. Supervisors who were standing at the Command Post heard the announcement. Assisting officers gave the pre-recorded K-9 announcement in front of the apartment complex in English and Spanish, using a Public-Address system. An officer confirmed that he heard the announcement in the rear alley. Other K-9 announcements were given from various locations and were heard throughout the perimeter. Announcements were also given from the vents of the apartment building. The Subject did not comply or respond, and supervisors authorized the K-9 search to commence.

Note: Eleven civilian witnesses mentioned hearing a K-9 announcement.

Officer C determined that the search should commence on the east side of the complex, where the Subject was last observed. Officer C instructed his K-9 to search the eastside exterior of the building, but the Subject was not located at that juncture.

Officer C then focused on the courtyard of the building and instructed his K-9 dog to search the courtyard, including approximately 12 one foot by one and a half foot vents that led to the crawl space under the building. According to Officer C, his K-9 had a slight behavior change near a vent located under one of the apartments. This apartment was searched, but they did not locate the Subject.

Note: At each step of the search, Officer C utilized his radio to update the Incident Commander and received authorization for changes to the K-9 search plan.

After completing the search of the apartment, Officer C directed the search team back to the eastside exterior of the building. Officer C utilized a mirror and pole camera to search three two and one half by one and a half foot hatches. Officer C also made several verbal announcements and used ruses, advising the Subject that they saw him, but these efforts were unsuccessful.

Officer C decided to use the dog to search the crawl space. The K-9 entered the crawl space at the south entrance and moved north. Officer C moved north to the middle hatch, observed the dog move behind a concrete bulkhead, and immediately heard several barks and observed a cloud of dust. Officer C called back the dog, which immediately returned to his side. Officer C was unsure if the dog was alerting on the Subject or a human scent from an apartment.

After completing a physical search of the area above the crawl space and being unable to locate the Subject underneath the building using the pole camera, a high intensity light and mirror, other officers entered the crawl space through a large hatch on the east side of the location.

The lighting underneath the building was minimal and there were several structural slats and concrete bulkheads that held the building off the ground. Officer C also noticed that it was dusty and he could not see all the way to the north side of the building. Officer C instructed his K-9 dog to search under the building a second time. The K-9 dog moved north, past two concrete bulkheads and over a mound of dirt. As the K-9 passed the mound, Officer C could only observe the top of the dog's body. Officer C heard his K-9 barking and then observed a cloud of dust. Officer C saw an arm raise and move back and forth violently. He heard a voice say, "I give up. I give up. The dog is biting me."

Officer C ordered the Subject to show both of his hands. The Subject complied with Officer C's commands, and he recalled the K-9 dog to his side. Officer C used his radio to advise officers that the Subject had been located. Officer C then instructed the Subject to crawl to the north hatch on the east side of the building, where he was taken into custody by Hollywood Area officers without further incident. Officer C immediately returned his K-9 dog to his police vehicle.

A Rescue Ambulance (RA) was called and provided initial medical treatment. The Subject was subsequently transported to a nearby hospital. The Subject was admitted due to infection monitoring, suturing, surgical cleansing, and pain management.

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-9 dogs 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.

In this instance, a supervisor at the scene authorized the K-9 search to assist in locating and apprehending a felony Subject. A K-9 Supervisor responded to the scene and verified that the circumstances met the criteria for a K-9 search. Officer C was briefed by a supervisor regarding the incident and formulated a tactical plan and initiated the K-9 search.

A K-9 search announcement was given in English and Spanish via the Public-Address system from several police vehicles located on opposite sides of the perimeter. Additionally, Air Support utilized their Public-Address 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 by other officers on the perimeter.

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

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

B. Contact of K-9

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

Officer C, along with other officers, entered the crawl space of the apartment complex and utilized the K-9 dog to search the area for the Subject. The K-9 searched in a northerly direction, towards two bulkheads. The K-9 walked behind a mound, leaving only the top portion of his body visible. Officer C heard his K-9 bark and observed a quick motion and a cloud of dust. Officer C recalled an arm come up and heard the Subject state, "I give up, I give up, the dog is biting me."

Officer C ordered the Subject to show his both his hands and he complied. Officer C then verbally recalled his K-9 dog. Once the K-9 returned to Officer C, he attached the dog to his leash. Officer C ordered the Subject out from the northernmost hatch. The Subject complied and was taken into custody, as he exited the crawl space.

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

C. Post K-9 Contact Procedures

- A supervisor observed a dog bite on the Subject's arm and requested a Rescue Ambulance (RA) to respond. The Subject received initial medical treatment from LAFD personnel at scene and was subsequently transported by RA to a nearby hospital for further treatment.

An officer rode with the Subject to the hospital and monitored his medical status. The Subject was subsequently admitted for infection monitoring, suturing, surgical cleansing, and pain management.

A K-9 supervisor responded to the hospital and was informed that the Subject was being admitted into the hospital. The K-9 supervisor identified the incident as a Categorical Use of Force (CUOF) and made the proper notifications.

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