

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

K-9 CONTACT REQUIRING HOSPITALIZATION 064-06

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Northeast	07/28/2006		

Officer(s) Involved in Use of Force	Length of Service
Not applicable	

Reason for Police Contact

A Detective was assisting two Special Agents from the Federal Bureau of Investigation with the surveillance of a homicide suspect (Subject 1). When the Detective and Special Agents attempted to contact Subject 1, he fled on foot. A K-9 unit was requested in order to assist with the search. The K-9 located Subject 1 and bit him. Subject 1 was hospitalized as a result of the bite injury.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Subject 1: Male, 26 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 BOPC 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 June 12, 2007.

Incident Summary

Detective A was working in plainclothes in conjunction with Federal Bureau of Investigation (FBI) Special Agents (SAs) A and B to conduct surveillance outside the apartment complex of the girlfriend of a murder suspect, Subject 1.

Detective A observed Subject 1's vehicle in the parking area of the girlfriend's apartment complex. Detective A then called several off-duty officers to request their

assistance. Detective A also notified a supervisor, Lieutenant A, to advise Lieutenant A of the situation and request additional personnel. Officers A and B agreed to respond from their homes.

Meanwhile, Detective A and the SAs waited in separate locations to see if Subject 1 would come out to his vehicle.

SA A told Detective A that he had observed an individual whom SA A thought looked like Subject 1 exit the rear of the apartment building to the parking lot. SA A asked Detective A to observe the individual to verify whether he was Subject 1. Detective A drove into the parking lot and identified the individual as Subject 1, communicating this information to SAs A and B via radio. Detective A observed that Subject 1 was carrying a baby carrier. SA A told Detective A to wait until Subject 1 got the baby into the car before attempting to take Subject 1 into custody. Detective A began to back out of the parking lot and observed Subject 1 turn and start to place the baby into the back of his vehicle. At that point, SA A told Detective A to go ahead and take Subject 1 into custody, so Detective A began to drive forward into the parking lot. Detective A and Subject 1 made eye contact and Detective A felt that Subject 1 had realized he was a police officer. Detective A put his vehicle in park and said "Police" as he started to unholster his pistol and exit the vehicle.

Subject 1 left the baby and began to run. Detective A and SA A began to chase Subject 1 on foot, yelling, "Police. Stop." Detective A broadcast a request for assistance, indicating that he was pursuing a murder subject and providing Subject 1's description. Detective A then lost sight of Subject 1.

Several units and an Air Unit responded and a perimeter was established. A Command Post (CP) was set up. Sergeant A responded to the CP and assigned tasks to responding units. Detective A requested a K-9 unit to conduct a search of the area.

Officer C, who was assigned to the K-9 Unit, arrived at the CP. Officer C met with Detective A to get more information about the situation. Officer C then met with a witness who had reported that they had seen Subject 1. Officer C identified the last place the witness had seen Subject 1. Lieutenant B gave approval for a K-9 search.

Officer C asked the Air Unit to announce the fact that a K-9 search would be occurring, telling pedestrians to go inside.

Officers C was assisted by Officers D and E, and the three officers unholstered their pistols as they began the search. The officers went down the driveway to a series of carports. The carport stalls were empty of vehicles, and there were a few items stored against the walls, including a mattress and box spring. The K-9 began to search along the walls of the carport, then arrived at the mattress. As the K-9 was sniffing the mattress, there was an abrupt movement and shaking. Officer C then saw the K-9 lunge behind the mattress and appear to bite something. Officer C heard a scream, and immediately recalled the K-9.

Officer C leashed the K-9. Officers D and E ordered Subject 1 to come out from behind the mattress with his hands visible. Subject 1 came out, and the officers observed blood on him. Officers C and D observed that the blood was coming from Subject 1's left neck or shoulder area. Officer D holstered his weapon, and handcuffed Subject 1. Once Subject 1 was handcuffed, Officer E holstered his weapon. Officer C broadcast that Subject 1 had been located and requested a Rescue Ambulance. Detective A went to the location and made a positive identification of Subject 1.

Subject 1 was subsequently admitted to a hospital for treatment of injuries he sustained as a result of being bitten by the K-9.

Note: Sergeant A did not conduct a follow-up call to the hospital to establish whether Subject 1 would be admitted. Further, once it was established that Subject 1 would be hospitalized, the Department Command Post (DCP) was not notified

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 adopted 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 K-9 Contact Procedures

The BOPC found Sergeant B's actions to warrant Divisional training.

Basis for Findings

A. Deployment of K-9

The BOPC noted that Detective A, along with SAs A and B, located a wanted murder subject who had fled on foot. Officers established a containment perimeter and Lieutenant B and Sergeant B were present at the scene. Officer C requested and received permission from Lieutenant B to initiate the search. With Lieutenant B's approval, the K-9 search announcement was given; however, Subject 1 did not surrender himself.

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

B. Contact of K-9

The BOPC noted that as the officers searched a carport area, Officer C tracked the K-9's movements as the K-9 worked its way to a mattress and box spring that were leaning against the wall. As Officer C monitored the K-9, Officer C noted that the K-9 appeared to have picked up on a scent.

The K-9 began to search behind the mattress. As it did so, there was an abrupt movement. Consistent with the K-9's training, the K-9 moved forward and appeared to bite something behind the mattress. Officer C heard a scream and immediately recalled and leashed the K-9. Officer C alerted the other search team members that a subject was possibly behind the mattress. Officers E and D ordered Subject 1 to come out from behind the mattress with his hands up. Subject 1 complied and was handcuffed without further incident.

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

C. Post K-9 Contact Procedures

The BOPC noted that, after the contact occurred, Subject 1 was taken into custody and medical assistance was immediately requested. Sergeant B was directed to conduct the K-9 contact investigation. Personnel from the Los Angeles Fire Department treated Subject 1 for a bite on his left shoulder area and transported him to hospital. After a lengthy delay, Subject 1 was admitted to the hospital.

The investigation revealed that no K-9 supervisor conducted a follow-up inquiry to the medical facility regarding the status of Subject 1, and that no notifications were made to the DCP. Department protocol requires that such follow-up inquiries be made, and that the DCP be notified in the event that a subject is admitted to hospital.

The BOPC found Sergeant A's actions to warrant divisional training.