

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 051-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	9/25/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer E	16 years, 11 months
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Reason for Police Contact

Southeast Patrol Division uniformed police officers initiated a vehicle pursuit of a stolen vehicle. The driver of the vehicle fled on foot, resulting in the establishment of a perimeter. Metropolitan Division K-9 officers responded and conducted a K-9 search. During the search, a K-9 found the Subject hiding in vegetation, and a K-9 contact occurred. The Subject was transported to a nearby hospital and admitted for injuries sustained from the contact.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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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 subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on September 17, 2024.

Investigative Summary

On September 25, 2023, Southeast Patrol Division Police Officers A and B were assigned to patrol duties. Officers A and B were attired in full police uniform and operating out of a marked police vehicle, equipped with a Digital In-Car Video System (DICVS). Additionally, each officer was equipped with Body Worn Video (BWV), a ballistic vest, Department-approved handgun, TASER, Hobble Restraint Device (HRD), OC spray, and handcuffs. Officer A and B's batons remained in their police vehicle.

Unless otherwise noted, all observations, times, and statements were derived from BWV and DICV.

At approximately 1510 hours, the officers were stopped at a red phase tri-light in the left turn lane, preparing to turn south. While waiting, the Lo-Jack system within their police vehicle alerted them to a stolen vehicle nearby and shortly thereafter, observed that vehicle traveling east. The officers negotiated a U-turn and began following the vehicle. The driver of the stolen vehicle, (Subject), turned north and accelerated through a posted stop sign before turning west.

The officers initiated a vehicle pursuit and Officer B broadcast this information to Communication Division (CD). After the Subject turned north, Officer B broadcast to CD that they were following a Code 37 (stolen) vehicle. The Subject continued north and then west, before immediately turning south into a north-south alley. The Subject turned then turned east and then exited the vehicle as it was still moving. The vehicle continued rolling and collided with a fence. Sergeant A completed a LAPD Vehicle Pursuit Report. The vehicle pursuit lasted 56 seconds and traversed 0.4 miles. Southeast Area Command reviewed and adjudicated the pursuit, which was deemed in-policy. In addition, the pursuit tactics were deemed administrative approval with training.

The Subject fled north on foot through a demolition collection site. Officers A and B followed immediately after the Subject and Officer B broadcast that they were in foot pursuit. The officers' DICVS shows that immediately after the stolen vehicle came to rest just east of the open gate of the property; Officers A and B followed the Subject into the property. According to Officer A, he/she visually cleared the stolen vehicle prior to entering the property. Both officers stated that they could see the Subject inside the vehicle's cab during the pursuit, and there was no indication that there were any additional occupants.

Both officers commanded the Subject to stop, but he ran northwest through the site and climbed over a fence separating the north and south halves of the property. The Subject continued running towards another street, out of the officers' sight. Officer A broadcast the Subject's description and direction of travel to the responding units.

Officers A and B redeployed and ran north through the alley west of the site. There, an unidentified female witness told them, "He went that way," pointing east. Investigators

were unable to locate and interview this witness. Her statement was derived from the officers' BWV. Officers A and B then proceeded to an intersection but did not locate the Subject.

Additional resources arrived, including an air unit, which assisted in setting up a perimeter. Officers A and B met with Sergeant B and briefed him/her on the incident. Sergeant B declared himself/herself the incident commander (IC) after he/she arrived. While briefing Sergeant B, an individual was identified within the site, but Officers A and B determined he was not involved. Approximately five minutes later, Sergeant B and the officers concluded that the Subject was not contained within the perimeter and discontinued it.

Approximately six minutes after the perimeter was discontinued, and while waiting for the arrival of a traffic unit, Officer A was approached by a community member, later identified as Witness A. Witness A advised Officer A that he resided nearby and while he was outside, the Subject approached him. According to Witness A, the Subject asked him for directions on how to exit the property and where the officers were located. The Subject then moved to the area behind Witness A's residence. Witness A further told the officers that his wife and daughters were inside their residence, and he believed his wife did not have the keys to lock the door. According to Sergeant B, Witness A could not make telephonic contact with his wife and he was afraid that she would exit and encounter the Subject. Witness A indicated the residential structures on the north half of the property were numbered one through ten, with the structure at the northeast corner being Unit No. 1, and then continuing sequentially counterclockwise.

Officers A and B returned to the collection site, looked north, and observed the Subject on the north end of the property. Officers A and B unholstered their pistols when they re-entered the site because the Subject was wanted for felony grand theft auto and they believed he may have been armed. According to Officer A, the Subject appeared startled and ran out of view as he moved north between the two westernmost residential structures.

Officer A notified Sergeant B, who requested Southeast officers to re-establish the perimeter. Numerous Southeast patrol officers responded to the location, including Officers C and D. Sergeant B began to assemble a team of officers to evacuate Witness A's family while a second team of officers, including Sergeant A, along with Officers C and D, began to clear the southern half of the collection site.

At approximately 1535 hours, Metropolitan Division K-9 officers, who were monitoring the incident on their police radios, began arriving at scene. These included Sergeants C and D, along with Officers E, F, G, H and I. Unless otherwise specified, Metropolitan personnel were in Department-approved utility uniforms and equipped with BWV, tactical vests, ballistic helmets, Department-approved handguns, TASERS, OC Spray, handcuffs, and a HRD.

Officers F and G were the first to arrive and they met with Sergeant B. According to Officer F, he/she advised Sergeant B to redeploy the officers from inside the collection site and complete containment around the property. Sergeant B, with the assistance of the air unit, directed officers to containment positions and established a Command Post (CP).

Upon his/her arrival, Sergeant C assumed the role of lead K-9 Supervisor and met with Sergeant B at the Command Post, where he/she remained throughout the incident. According to Sergeant C, Officer E was assigned as the perimeter K-9 handler for the search. Sergeant D assumed a support role in handling administrative duties and remained available to provide advice and logistical support.

At approximately 1604 hours, with Witness A's assistance, Officer G unlocked the sliding gate along the east side of the property. Witness A briefly entered the property with Officers C and D to secure a dog inside a vehicle, which was parked just inside the gate. Officers E, F and G spoke with Witness A, who relayed that his family was still inside his residence, which he believed remained unlocked.

A review of Officer G's BWV shows that Officer C unholstered his/her pistol and briefly entered the property with Witness A to secure Witness A's dog. Officer C did not recall unholstering at this point.

According to Officer E, he/she met with Sergeant B and Officer A at the Command Post. Officer A briefed him/her that the Subject was wanted and would be arrested for driving a stolen vehicle and felony evading. Officer E determined that this met the criteria for a K-9 search and formulated a search plan to locate the Subject. As part of his/her plan, Officer E with his/her K-9, and a search team comprised of Officers A, F, and G, would search the northern portion of the property from east to west. Officer H, with his/her K-9, and a search team comprised of Officers B, J and K would be responsible for containing the north side of the street, at the north end of the alley.

When asked about the factors that determine whether the search team is comprised of all K-9 personnel or K-9 personnel in conjunction with patrol officers, Officer E indicated there are many factors, including the size of the area, the layout, resources available, and whether the dog is "fully" certified or "limited." Officer E stated that Officer A was one of the perimeter officers and could also identify the Subject. Officer E stated that his/her K-9 is a limited certified dog. Officer E added that the search criteria for a limited certified K-9 dog does not change; however, the dog is not allowed to search for armed Subjects.

Officer E briefed Sergeants B and C on the search plan. Sergeant C concurred with the plan and Sergeant B approved it.

Prior to initiating the search, Sergeant C directed patrol units around the perimeter to use their vehicles' Public Address (PA) system to broadcast pre-recorded K-9 announcements. Five announcements were documented on the K9 Deployment Report

from this incident. The announcements were in English and Spanish and made between 1608 and 1623 hours. Sergeant C confirmed they were heard throughout the perimeter. Additionally, Sergeant C ensured that Air support broadcast the K-9 announcement as they orbited over the perimeter. This announcement was only given in English.

Officer E conducted a briefing with his/her search team and assigned Officer F and G to point and Officer A to less-lethal, TASER. Officer E advised Officer A that although he/she was assigned as the less-lethal officer, his/her role could change at any time.

After confirming with Sergeant C that sufficient K-9 announcements had been made, Officer E broadcast a pre-search tactical announcement to the officers on the perimeter that they would be starting the search and to keep the TAC frequency clear for emergencies.

At approximately 1624 hours, Officer E and his/her search team moved to a sliding gate, which led to the partially paved roadway between the two rows of structures. They entered the property and began their search. Officers A, F and G unholstered their pistols upon entering the site and beginning their search. Officer E removed his/her K-9's leash and the team began to systematically search west. Officer E's K-9 turned south and searched the area between Units 9 and 10 before briefly moving west in the roadway. Officer E ordered his/her K-9 back and with Officers F and G directly beside him/her, directed his/her K-9 to search north between Unit 1 and 2. Officer E's K-9 briefly searched the northwest corner of Unit 1 and then moved west to the north side of Unit 2, where the K-9 briefly went out of view.

The following is an account of the search team member's individual actions during the incident. Although described in chronological order, many of the officers' actions occurred simultaneously.

Officer F moved west and obtained a view of the space between Units 2 and 3. Officer F told investigators he/she walked up to the front of one of the bungalows to see if the K-9 was coming back to ensure there were no civilians that may not have heard the announcements. Officer F stated that where he/she was positioned, it was heavy vegetation and he/she could not see or hear the K-9 so he/she started walking back.

After the K-9 moved west behind Unit 2, Officer E could be heard on BWV saying, "He's in the back." According to Officer E, he/she made this statement to advise Officer F of his/her K-9's position, because Officer F had moved west to visually cover the area west of Unit 2 where his/her K-9 was anticipated to emerge. The K-9 searched the north side of Unit 2 and returned to the space between Units 1 and 2. Officer E can then be heard on BWV telling the other officers, "He's over here." Officer E explained that he/she was advising Officer F of his/her K-9's position again so that Officer F could rejoin him/her on the east side of Unit 2.

Officer E stated that in order to systematically clear the site, he/she directed his/her K-9 to search the north side of Unit 1, but his/her K-9 did not search the entire area and remained in his/her view. Officer E moved to the northwest corner of Unit 1 and visually inspected the area north of it. According to Officer E, he/she observed thick vegetation, approximately four feet high, which covered the length of the space north of Unit 1, a pallet, and miscellaneous debris. Officer E believed his/her K-9 considered the vegetation a barrier but encouraged him to search beyond the obstacles.

Meanwhile, Officer G spoke with Witness A's wife through the closed door of her residence on the south side of Unit 2. Officer G told her that they were police officers searching with a police dog and asked her not to come out and to lock the door. When she advised that she could not lock the door without her keys, Officer G directed Officer A to obtain her keys from a north-facing door of Unit 9. Once Officer G obtained the keys from Officer A, he/she opened her door slightly and handed them to her. As he/she did so, Officer F walked toward Officer E's position.

According to Officer E, there was no evidence that the Subject was present on the north side of Unit 1. Officer E did not observe any footprints or matted vegetation, and his/her K-9 did not exhibit signs of receiving scent in the area. Additionally, Officer E did not see the Subject or any clothing within the vegetation. When Officer E directed his/her K-9 to search this area further, his/her K-9 crawled through a small opening in the vegetation with only the hindquarters of his body visible.

Seconds after his/her K-9 crawled into the opening, Officer E heard the Subject yelling. Officer E stated, he/she heard some rustling and then a male's voice immediately yelling. Believing his/her K9 had located the Subject, Officer E immediately turned around, saw Officer F, and notified him/her of the contact and instructed him/her to obtain cover.

Four seconds after the Subject first yelled, Officer E stepped behind Officer F, who had positioned himself/herself at the northwest corner of Unit 1. Officer E holstered his/her firearm and simultaneously used a verbal command and an electronic collar to recall his/her K-9. Two seconds later, the K-9's head emerged from the vegetation and he returned to Officer E. The Subject continued yelling from within the vegetation stating, "My head! Ow! He ripped my head!"

None of the search team officers observed the K-9 contact due to the dense vegetation that the Subject was hiding under.

Immediately after the K-9 returned, Officer E placed the leash on him and repositioned approximately 14 feet south of the Subject. Officer E's K-9 had no further contact with the Subject.

Officers A and G joined Officer F as he/she ordered the Subject to show his hands multiple times and to "slide out." Officer F told the Subject, "If you don't come out, the dog's coming back." When interviewed, Officer F told investigators he/she used the

statement as a ruse and would not actually send the K-9 back. Officer F stated that he/she could hear the Subject back there, but could not see him. As a ruse, Officer F made the statement that the K-9 would be sent back one more time hoping that he/she would gain compliance without having to use any other force or actually stepping in there and having to drag him out.

Officer G assigned Officer A the responsibility to handcuff the Subject. At the same time, he/she verbalized to the search team that he/she [Officer G] would be less lethal with a TASER and that Officer F would remain the cover officer. Officer F ensured Officer A donned gloves before approaching to handcuff the Subject and asked the Command Post to request a rescue ambulance (RA) for the Subject. Fifteen seconds later, Sergeant B requested an RA.

At the officers' direction, the Subject pulled himself out of the vegetation, and lay in a prone position with his arms extended above his head. Officer A then approached the Subject and handcuffed his arms behind his back. Once the Subject was handcuffed, Officer G requested an additional officer to assist with the Subject. Officers C and D, who were nearby at the sliding gate, responded.

Officer A asked the Subject to stand up multiple times, but the Subject did not comply and placed his head on the ground. Officer A shook the Subject's left arm to get a response and then rolled him into a right lateral recovery position. The Subject told the officers he needed help. Officer A asked the Subject to stand so they could get him help. Officer A then told the Subject they were going to sit him up, held the Subject's left upper arm with both hands and assisted him into a standing position.

Officer A and Officer D assisted the Subject and walked him to a chair north of Unit 9, where he took a seat. Immediately after, Officer D applied direct pressure to the wounds on the Subject's head. Additionally, while awaiting the arrival of the RA, the officers provided the Subject water, reassured him that an RA was on the way, and adjusted his position in the chair.

Los Angeles Fire Department (LAFD) RA , staffed by Firefighters A and B arrived at approximately 1640 hours. Officers A and D walked the Subject to the street where the RA had stopped. Officer A told investigators that he/she walked the Subject to the street because it would have been difficult for LAFD to get a gurney or medical equipment past the two vehicles parked in the driveway. LAPD medically assessed the Subject's injuries, deemed that he needed a more advanced level of care, and requested the assistance of an additional RA.

Approximately five minutes later, a second RA arrived at the scene and confirmed the assessment of Firefighters A and B. LAFD transported the Subject to a nearby hospital where he was treated for lacerations to his posterior scalp, right ear, and forehead. Due to the hospital's high patient load, the determination to admit the Subject was not made until the following morning, September 26, 2023, at 0300 hours. The Subject was

admitted for surgery at 0310 hours and was released from the hospital later the same day.

BWV and DICVS Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer E	Yes	Yes	Yes	N/A	N/A

Officer E’s vehicle was not equipped with DICVS.

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 regarding tactics, 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 found the following:

A. Tactics

Although it was determined that Sergeant C would not receive formal findings, the BOPC noted the Chief’s determination Sergeant C, along with Officer E would benefit from attending a Tactical Debrief where the identified topics would be covered.

B. K-9 Deployment

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

C. K-9 Contact

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

D. Post K-9 Contact Procedures

The BOPC found the post K-9 contact procedures were consistent with established criteria.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department’s guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable

an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an Officers use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and

emergency medical assistance to all members of the community, including victims, witnesses, subjects, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the Officers training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

A. Tactics

Tactical De-Escalation

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

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.

Planning – The responding K-9 officers developed a plan to utilize two K-9 search teams to locate the Subject, which was approved by Sergeants B and C. Officer E conducted a briefing with his/her search team as assigned roles for point and intermediate force. The primary team would search the northern area of the street where the Subject was last seen, from east to west. The secondary team would contain the north side of the street at the end of the alley.

The on scene planning of the K-9 Deployment will be further addressed under K-9 Deployment.

Assessment – Officer E was briefed by the primary unit and the IC. Officer E was told the Subject was wanted for driving a stolen vehicle and felony evading. Officer E assessed the incident met the criteria for a K-9 deployment. The Subject was not believed to be armed; therefore, Officer E assessed a K-9 in limited certification would be used for the search.

Time, Redeployment/Containment, and Other Resources – After the Subject fled at the termination of the vehicle pursuit, officers contained the Subject in the northern half of the street. Upon the arrival of Officer F, he/she advised Sergeant B to redeploy the patrol officers from inside the demolition collection site and complete containment around the property. Sergeant B did so with the assistance of the air unit. Additional Metropolitan Division K-9 units responded for a search. Before beginning their search, multiple K-9 search announcements were made, including one broadcast by the air unit, in English and Spanish to give the Subject time to reconsider surrendering to officers.

Lines of Communication – During the foot pursuit, Officers A and B ordered the Subject to stop. The Subject ignored their commands, jumped the fence and continued to flee. Prior to the start of the search, multiple K-9 announcements were made via Public Address (PA) systems in English and Spanish, including in front of where the Subject was taken into custody, the north and west sides of the perimeter and overhead by the air unit. Confirmation these announcements were heard was reported to Sergeant C. Residents and officers on the perimeter heard the announcements, as did the Subject, who later stated he chose not to surrender because he was too tired and asleep.

After the K-9 located the Subject, Officer E heard the Subject yelling as he continued to hide in the dense vegetation. Officer E yelled “Platz” and simultaneously activated the K-9’s electronic collar to recall him. The K-9 disengaged from the Subject and returned to Officer E. As the K-9 returned to Officer E, Officer F began giving commands to the Subject, who complied and was taken into custody.

Command and Control

At approximately 1514 hours, Sergeant B arrived at scene and was briefed by Officers A and B on the incident. As the first perimeter was being established, Sergeant B declared himself/herself the IC. Approximately five minutes later, Sergeant B and the officers concluded the Subject was not contained within the perimeter and discontinued it. When informed by a resident that the Subject remained on the property, Officer A notified Sergeant B, who requested a backup and re-established the perimeter. Sergeant B began to assemble a team of officers to evacuate Witness A’s family while a second team of officers cleared the southern half of the demolition collection site.

At approximately 1535 hours, Metropolitan Division K-9 Officers F and G arrived at scene. Officers F and G met with Sergeant B, verified the incident met the criteria

for a K-9 search and requested additional Metropolitan Division K-9 units respond. Officer F advised Sergeant B to redeploy the officers from inside the demolition collection site to containment around the property. Sergeant B, with the assistance of the air unit, directed officers to containment positions surrounding the property. Sergeant B established a CP on the east side of the street.

Sergeant C arrived at scene, assumed the role of lead K-9 supervisor and met with Sergeant B at the CP, where he/she remained throughout the incident. Upon Officer E's arrival at scene, being the primary K-9 handler for the search, he/she formulated a search plan to locate the Subject using two K-9 search teams. With the approval from Sergeants B and C, the officers executed the search plan.

Multiple K-9 search announcements were made via PA systems in both English and Spanish, which were heard throughout the entire perimeter, and confirmation the announcements were heard was reported to Sergeant C. After the announcements were made, the primary search team began the search for the Subject. Once the Subject was located and taken into custody, Officer E notified the CP and Officer F advised the CP to request an RA for the Subject. Sergeant B broadcast the RA request. After the Subject was taken to the hospital, Sergeant C notified the Department Communications Division (DOC) and Lieutenant A. Sergeant C briefed Lieutenant A and relayed the Subject was diagnosed with an unrelated injury, a fractured jaw. Lieutenant A advised Sergeant C to investigate the incident as a Non Categorical Use of Force, (NCUOF).

On September 26, 2023, at approximately 0300 hours, Sergeant C was notified the Subject would be admitted for a K9 contact related injury and subsequently notified Lieutenant A. Lieutenant A notified the DOC that FID would handle the incident as a Law Enforcement Related Injury – K-9 Contact. Officers were not separated, monitored or admonished immediately after the K-9 contact as the investigation was initially believed to be non-categorical in nature. The incident became a Categorical Use of Force approximately 11 hours after the K-9 Contact occurred, at which time; most of the officers had completed their shift.

The UOFRB was critical of Sergeant C's command and control during the K-9 deployment. Sergeant C approved Officer E's K-9 search plan, which allowed a patrol officer to be part of a search team utilizing a K-9 in limited certification, deviating from established criteria. The UOFRB opined Sergeant C did not guide Officer E to follow the proper procedure to deploy a search team comprised of all K-9 officers when conducting a limited certified K-9 search citing, "the K-9 supervisors shall be knowledgeable of current K-9 guideline and procedures. The UOFRB did not believe Sergeant B understood that the composition of the search team deviated from Department policy and was relying on Sergeant C's expertise for guidance.

The BOPC disagreed and determined that Sergeant C's actions were consistent with Department training and the Chief's expectations of supervisors during a critical incident.

The BOPC also determined the overall actions of Sergeant B were consistent with Department training and the BOPC's expectations of supervisors during a critical incident.

K-9 Deployment

Upon Sergeant C and Officer E's arrival at the scene, they were briefed by Sergeant B and Officer A. Sergeant C and Officer E verified the incident met the criteria for a K-9 search as the Subject was wanted for grand theft auto and felony evading, both felony crimes.

A plan was developed to deploy two K-9 search teams, which consisted of Officer E with his/her K-9. K-9 Officer's F and G, along with Officer A were to search the Subject's last known location. The secondary search team served as containment to the north side of the street at the end of the alley. Officer E discussed the search plan with Sergeants B and C and received their approval.

On the date of this incident, Officer E had been a K-9 officer for one year and seven months and he/she and his/her K-9 had been partners for approximately four to five months. Officers F and G, K-9 trainers, monitored them during the search.

Prior to the start of the search, K-9 announcements were made via PA systems in English and Spanish in front of and surrounding the location where the Subject was taken into custody. A K-9 announcement was made at multiple locations and reported to Sergeant C. In addition, an aerial announcement was also made over the perimeter. Residents, officers on the perimeter and the Subject heard the announcements. The Subject later stated he was sleeping and too tired to surrender.

During the review of the incident, the following Debriefing Topic was noted in K-9 Deployment:

K-9 Deployment – Limited Search Criteria

Los Angeles Police Department (LAPD) K-9s and their handlers undergo progressive training to graduate to the level of a fully certified K-9. As the K-9 and handler are exposed to searches out in the field, they are evaluated by the K-9 trainers. As the K-9 progresses, the dog and handler are deployed on increasingly challenging searches. The objective is for the K-9 and his/her handler to advance and improve to the level of a fully certified K-9. During the limited certification phase and pursuant to the K-9 Manual, the search team members shall be comprised solely of K-9 officers.

At the time of the incident, Officer E's K-9 was in the limited certification phase. Since the Subject was an outstanding felon who was not reasonably believed to be armed, the incident permitted a limited certification phase K-9 to conduct the search.

The search team was comprised of K-9 officers and Officer A, a Southeast patrol officer. Officer A was incorporated into the search team due to the size of the area, the layout of the property, identification purposes and to expose Officer E and his/her K-9 to working with non K-9 officers. Officer G stated he/she and other K-9 trainers have been assessing the team of Officer E and his/her K-9 and opined they were progressing well through the limited certification process. Therefore, as part of the process of preparing them to be fully certified, they began incorporating patrol officers into their search teams.

The UOFRB assessed Officer E's adherence to the K-9 Deployment criteria. The UOFRB noted Officer E verified the Subject was a felony Subject and was reasonably presumed not to be armed. These factors allowed the deployment of a limited certified K-9 to conduct the search. The UOFRB believed the deployment of Officer E's K-9 was objectively reasonable and officers attempted to de-escalate by ensuring K-9 announcements were made throughout the perimeter. The UOFRB opined the incident was handled proportional to the Subject's level of resistance, his continued flight from officers and his refusal to submit arrest.

The UOFRB Majority opined Officer E's K-9 was in the limited certification phase and was only allowed to be used on a search team comprised solely of K-9 officers. Officer E formulated a search plan and assigned roles to search team members, including Patrol Officer A, who was included in the search team for identification purposes and was given the role of intermediate force.

The search team using Officer E's K-9 in the above manner deviated from established criteria by including a patrol officer on the search team. The Majority opined although Officer E obtained concurrence from a K-9 supervisor, the IC and K-9 Trainers, there was no valid exception to deviate from the K-9 Manual mandating an all K-9 search team.

The UOFRB noted the purpose of having the search team be comprised of all K-9 personnel is to keep familiarity for the K-9 as it progresses through the training process. The UOFRB opined there were other K-9 officers at scene who could have been utilized instead of Officer A and no exigency existed that would have permitted an exception to the policy. Therefore, due to the limited certification K-9 search team deviation without justification, the UOFRB found the K-9 Deployment was not consistent with established criteria pursuant to the 2021 K-9 Manual.

The UOFRB Minority disagreed with the Majority's assessment of Officer E's K-9 Deployment. The Minority argued, despite Officer E's K-9 being under limited certification restrictions, Officer E received approval from the Lead K-9 supervisor and the IC, with concurrence from K-9 trainers, to integrate the patrol officer in the search team. The Minority opined Officer E followed the proper protocol, as required by the K-9 Manual to deviate from the limited certified K-9 search restriction. The Minority deemed any concern whether the K-9 Deployment was consistent with established criteria should rest on those who ultimately gave approval. The Minority

cited the K-9 Manual was in part states that any intentional deviation from any mandate or obligation must be approved by the Commanding Officer (CO), Metropolitan Division, when appropriate, or by an on scene K-9 supervisor if the requested deviation occurs during an active incident.

The Minority highlighted there was no provision or policy excluding Limited K-9 search teams from such an approved deviation. Furthermore, the Minority believed it was necessary for the patrol officer to be integrated into the search plan.

The Minority also pointed out Witness A's family was still in their residence and were not able to lock their doors. Witness A believed the Subject was hiding next to their residence and would harm his family. The Minority deemed this created an urgency for the K-9 search to begin and necessitated the incorporation of patrol resources to support the K-9 search team. The Minority noted Officer A could positively identify the Subject and opined this minimized risk to the community by preventing the wrong person from being detained and/or contacted by the K-9.

In this case, the BOPC evaluated the totality of the circumstances in deciding whether the Deployment of the K-9 was Consistent with established criteria. The BOPC considered the Use of Force Review Board (UOFRB) Minority report which argued that despite Officer E's K-9 being under limited certification restrictions, Officer E received approval from the Lead K-9 supervisor and the Incident Commander.

The LAPD Metropolitan Division 2021 Manual states in relevant part, "Any intentional deviation from any mandate or obligation herein must be approved by the Commanding Officer (CO), Metropolitan Division, when appropriate, or by an on-scene K-9 supervisor if the requested deviation occurs during an active incident"

The BOPC majority agreed in a three to one vote with the UOFRB Minority report that Officer E followed the proper protocol, as required by the K-9 manual, to deviate from the limited certified K-9 search restriction.

As such, the BOPC found that the Deployment of the K-9 was Consistent with established criteria.

The BOPC recommended that the Department review the K-9 manual and recommend appropriate change(s) as may be deemed appropriate.

K-9 Contact

At approximately 1624 hours, after multiple K-9 search announcements, Officer E and his/her K-9 and the rest of the primary team began their systematic search. During the search, Officer E directed his/her K-9 to search the north side of Unit 1, however, his/her K-9 did not adequately search the entire area and remained in view.

Officer E moved to the northwest corner of Unit 1 and visually inspected it. A barrier of thick vegetation, approximately four feet high, covered the length of the space north of Unit 1, along with a pallet and miscellaneous debris that obstructed access to the area. Officer E directed his/her K-9 to search beyond the obstacle of vegetation so the K-9 crawled through a small opening in the vegetation with only the hindquarters of his body visible.

At approximately 1626:09 hours, seconds after Officer E's K-9 crawled into the opening, Officer E heard the Subject yelling. Officer E notified Officer F of the contact and the Subject's location. Approximately four seconds after the Subject first yelled, Officer E stepped behind Officer F for cover, used the verbal command "Platz," and activated an electronic collar to recall his/her K-9. Two seconds later, the K-9's head emerged from the vegetation and he returned to Officer E. As the K-9 was returning to him/her, Officer E issued a second "Platz" recall command to ensure his/her K-9 would bypass Officer F and return directly to him/her. The Subject continued yelling from within the vegetation. Officer E's K-9 was immediately placed on a leash and officers proceeded to take the Subject into custody without incident. The K-9 contact was not seen by any LAPD personnel due to the dense vegetation the Subject was hiding under.

The UOFRB assessed Officer E's adherence to the K-9 Contact criteria. The UOFRB noted that Officer E's K-9 did not bark before contacting the Subject. There was no visible evidence the Subject was hiding in the vegetation and the K-9 did not exhibit signs of receiving a scent. After Officer E's K-9 crawled into the opening in the vegetation and contacted the Subject, the UOFRB opined that the K-9 responded to the Subject's actions, resulting in a defensive or responsive bite.

Officer E did not observe the K-9 contact but assessed the yelling from the Subject as a likely contact and informed the search team, redeployed to cover and recalled his/her K-9 within four seconds, which the UOFRB concluded was immediate and reasonable.

The BOPC evaluated the totality of the circumstances and determined that the K-9 Contact was consistent with established criteria.

Post K-9 Contact Procedures

In evaluating Post K-9 Contact Procedures, the UOFRB noted that Officer E immediately leashed his/her K-9 when he exited the vegetation and maintained positive control of him. The Subject was handcuffed approximately one minute and seven seconds after the onset of the K-9 contact. Officer F notified the CP an RA was needed to treat the Subject prompting Sergeant B make the request. Officer E also immediately reported the contact and the Subject's injuries to Sergeant C.

Based on his/her initial assessment of the Subject's visible injuries, Sergeant C began a NCUOF investigation. The UOFRB opined the Subject's injuries appeared to be superficial, he was talking normally and he did not appear to be under any sort of medical distress. When the Subject was diagnosed with an injury not related to the K-9 contact, Sergeant C notified FID Lieutenant A. Lieutenant A advised Sergeant C to continue to investigate the incident as a NCUOF.

Once Sergeant C was notified that the Subject was to be admitted to the hospital as a result of the K9 contact, he/she notified FID and the DOC. Force Investigation Division responded to conduct the Categorical Use of Force investigation.

The BOPC evaluated the totality of the circumstances and determined the Post K-9 Contact Procedures were consistent with established criteria.