

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

**K-9 CONTACT REQUIRING HOSPITALIZATION – 056-23**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Harbor	10/05/23		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer C	17 years, 3 months
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**Reason for Police Contact**

Harbor Area Gang Enforcement Detail (GED) officers were driving, when they observed two males affiliated with a violent criminal street gang. As the officers followed behind the males in an attempt to make contact with them, one fled on foot while holding the front pocket of his/her hooded sweatshirt. The officers believed this subject was armed with a firearm and established a perimeter. During a search by Metropolitan Division, the subject was located and a K-9 contact occurred. As a result of the K-9 contact, the subject was admitted to the hospital for his/her injuries.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 19 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 (CUOF) 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 (FID) 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 BOPC of Police (BOPC); 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 24, 2024.

## Investigative Summary

On October 5, 2023, at 2140 hours, Harbor Area GED, uniformed Police Officers A and B were driving in a marked black and white police vehicle. The officers were assigned to monitor the activity of a street gang. According to Officer B he/she was aware of a recent shooting that occurred in the Harbor Area. The suspects in that incident were described by race and gang affiliation. Officer B knew the Subject and based on his race and gang affiliation, believed he was involved in the shooting.

Unless otherwise noted, all times in this report were derived from the officers' Body Worn Video (BWV).

As the officers drove, they observed the Subject and another individual walk across the street and enter an east-west alley.

The individual with the Subject was known by the officers to also be a member of a criminal street gang.

The officers drove into the alley and followed behind the Subject and the other individual. According to the officers, the Subject then grasped the center pocket of his hooded sweatshirt, which led them to believe he had a concealed firearm.

The Subject ran east through the alley and fled from the officers. The officers drove out of the alley, stopped, and exited their vehicle. Officer A broadcast their Code-Six location and requested a back-up on a "*415 man with a gun.*" Officer A also requested a perimeter be set up. While completing the broadcast, the officers ran west, when Officer B observed the Subject running south.

Officers B and A stated they were in containment mode as they followed the Subject and broadcast his/her direction of travel. Officer B observed the Subject run west then north between an apartment building. Officer B broadcast a request for the responding units to move the boundary of the perimeter accordingly. Officer A also broadcast a request for an air unit.

At 2148 hours, Sergeant A arrived at the scene, and was briefed by Officers B and A. Sergeant A declared himself as the Incident Commander (IC) and established a Command Post (CP). An airship arrived overhead and verified the integrity of the perimeter. Officers assigned to Metropolitan Division K-9 also responded.

Officers obtained surveillance which depicted the Subject as he fled from the officers. According to Officer B the videos were later shown to the K-9 officers prior to the search.

Metropolitan Division personnel were in Department-approved utility uniforms and were each equipped with their proper issued police equipment.

Sergeant B arrived at the scene and met with Sergeant A at the CP and verified the incident met the criteria for a K-9 search.

As a result, a plan was developed and two K-9 search teams were assembled. The primary search team consisted of K-9 Officer C, his/her K-9, and Officers D and E. Additionally, GED Officers B and F were assigned to the primary search team.

According to Officer E, prior to commencing the search, he/she conducted a briefing with the primary team. He/she discussed the officers' assigned roles and the possibility those roles could change as the incident unfolded. Officers E and D were designated as point, while Officers B and F were the rear guards. Officer F was also designated as the less-lethal option with his/her assigned TASER.

The secondary search team was responsible for containment while the primary search team operated. The secondary search team consisted of K-9 Officer G, his/her K-9, and uniformed Harbor Patrol officers. The K-9 search plan was approved by Sergeant A. According to Sergeant B, during the search he/she remained at the CP with Sergeant A and provided situational updates as the search progressed.

The FID investigation determined that prior to the start of the K-9 search, several K-9 announcements were made, from strategic locations.

According to Sergeant B's log, a fifth announcement was completed. This announcement was not reported over the tactical frequency.

As part of the required protocol for K-9 supervisors, Sergeant B completed a K-9 deployment report after the incident. Neither Sergeant B's "K-9 announcement log" nor his/her "K-9 deployment report," contained any information regarding the announcement(s) being heard on the perimeter. Sergeant B confirmed that although he/she had not noted it in the announcement log, he/she had personally heard each of the announcements as they were made.

While overhead, the airship observer saw, and tracked the Subject, broadcasting his movements as he fled in a westerly direction. The Subject jumped multiple property walls and entered a rear yard.

The airship broadcast that they lost sight of the Subject; however, did not observe the Subject leave the property.

Officer C and the primary search team initially moved west in the alley. When the Subject was not located, Officer C and his/her team moved from the alley to the front of the residence. Simultaneously, Officer G and his/her team contained the rear of the location.

At 2308 hours, the primary search team cleared the front and moved to the west side of the property. As the officers held at the side gate, Officer C confirmed the secondary

search team was in position. After the side gate was opened, Officer C directed his/her K-9 to search [off leash] the rear yard of the property.

After his/her K-9 cleared the west side of the property, the team moved toward the backyard. The K-9 continued to move north into the backyard and out of Officer C's line of sight. Twelve seconds later, as the team approached the transition from the side yard to the backyard, Officer E verbalized he/she could hear someone yelling.

At 2309:19 hours, the search team entered the backyard. Officer C explained, after hearing the Subject yelling, he/she did not want to recall the dog until the officers had a visual of him. He/she was concerned if he/she prematurely recalled the dog, the Subject could flee from his hiding location while armed, resulting in an additional search and possible K-9 contact.

At 2309:33 hours, as Officer E moved forward, he/she advised Officer C he/she could see the Subject and to recall the dog.

Approximately one second later, at 2309:34 hours, Officer C recalled his/her K-9. According to Officer C, while he/she recalled the dog, he/she activated the K-9's electronic collar one time. Simultaneously, Officer E gave commands to the Subject and ordered him to hold still.

Approximately five seconds later, his/her K-9 can be seen on BWV as he/she returned to Officer C and was placed on a leash.

Once Officer C had positive control over his/her K-9, Officer E ordered the Subject to stand up and walk backward toward the officers. The Subject complied and was handcuffed by Officer B without further incident.

A firearm was not located on the Subject or in the backyard where he/she was located; however, one was located hidden near his flight path.

At 2331 hours, an LAFD RA arrived at the scene and transported the Subject to the hospital, where he was admitted for injuries related to the K-9 contact.

### **BWV and DICV Policy Compliance**

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

### **Los Angeles Board of Police Commissioners' Findings**

The BOPC reviews each CUOF 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. K-9 Deployment**

The BOPC adopted the BOPC's finding that the K-9 deployment was consistent with established criteria.

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

The BOPC adopted the BOPC's finding that the K-9 contact was consistent with established criteria.

#### **C. Post K-9 Contact Procedures**

The BOPC adopted the BOPC's finding that 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 subject 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.

**Verbal Warnings:** Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

**Proportionality:** Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

**Fair and Unbiased Policing:** Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

**Factors Used to Determine Objective Reasonableness:** Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

**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*.

**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.

**Warning Shots:** It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

**Shooting at or From Moving Vehicles:** It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an Officers use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

**Note:** It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

**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 subject.

## **Definitions**

**Deadly Force:** Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

**Feasible:** Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

**Imminent:** Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

**Necessary:** In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

**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.

**Serious Bodily Injury:** Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

**Totality of the Circumstances:** All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the subject leading up to the use of force.

**Vulnerable Population:** Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

**Warning Shots:** The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

## 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/her 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** – Officer C developed a plan to utilize two K-9 search teams to locate the Subject. The primary team would start the search the Subject’s last known location. The plan was approved by Sergeants B and A. Officer E assembled the search team, briefed them and provided assignments to each member of the team. The secondary team would hold containment at the front of the residence.

**Assessment** – Officer C and Sergeant B were briefed by the IC and were advised the Subject was believed to be a subject involved in a recent shooting and was believed to be armed with a firearm. For those reasons, Officer C and Sergeant B assessed the criteria for K-9 deployment were met.

**Time, Redeployment/Containment, and Other Resources** – Once the Subject fled on foot, officers contained him within the perimeter and requested Metropolitan Division K-9 units to respond for a search. The air unit responded and verified the integrity of the perimeter. The secondary K-9 search team held containment as the primary K-9 search team initiated the search.

**Lines of Communication** – Prior to the start of the search, five K-9 announcements were made via the police vehicle's public address (PA) systems in English and Spanish. Announcements were made in front of the location where the Subject was taken into custody, as well as to the north, east, west and south side of the location and by the air unit above. The announcements were reported to Sergeant B as being heard by officers and residents within the perimeter. After the Subject was located, Officer C verbally recalled him. Once Officer C gained control of his/her K-9, officers gave commands to the Subject to comply as he was taken into custody without further incident.

During the review of this incident, no Debriefing Points or Additional Tactical Debrief Topics were noted.

### **Command and Control**

At approximately 2148 hours, Sergeant A arrived at scene and was briefed on the incident by Officers B and A. Sergeant A declared him/herself the IC and established a CP. Metropolitan Division K-9 personnel were monitoring the incident on their police radios and advised they would be responding. Sergeant B arrived at the scene, met with Sergeant A and verified the incident met the criteria for a K-9 search. A plan was developed by Officer C and approved by Sergeants A and B and two K-9 search teams were assembled.

Once the Subject was located and taken into custody, Officer C notified the CP an RA was needed for the Subject's injuries. The Subject was transported by a police vehicle to the CP where he was photographed by Sergeant B. The Subject was transported to a Medical Center. Sergeant B conducted a follow up and met with him. According to Sergeant B, while at the hospital, he/she was advised the Subject would be admitted for the injuries sustained during the K-9 contact.

On October 6, 2023, at 0255 hours, Sergeant B notified the DOC that the Subject may be admitted to the hospital for his injuries. At 0407 hours, FID confirmed the Subject was admitted to the hospital for injuries sustained during the K-9 contact.

The UOFRB (Use of Force Review Board) determined, and the BOPC concurred, Sergeants A and B's actions were consistent with Department training.

### **Tactical Debrief**

Each tactical incident merits a comprehensive debriefing. A Tactical Debrief is the

appropriate forum for involved personnel to discuss individual actions that took place during this incident. Therefore, the BOPC directed Officer C attend a Tactical Debrief.

### **K-9 Deployment**

K-9 Officers C, D, E, G and Sergeant B arrived at scene, were briefed by Sergeant A, and verified the criteria for the K-9 search were met. Officer C recalled the incident involved “*a 415 Man with a Gun.*”

A plan was developed by Officer C to deploy two K-9 search teams. The primary search team consisted of Officer C and his/her K-9, K-9 Officers D and E, and Patrol Officers B and F, to search the Subject’s last known location. Officer C discussed the search plan with Sergeant A and received his/her approval. On the date of this incident, Officer C had been a K-9 officer for approximately “one year and a couple of months” and he/she and his/her K-9 had been partners for approximately one year.

The secondary search team was responsible for containment while the primary search team operated. The secondary search team consisted of K-9 Officer G with his/her K-9, and uniformed Harbor Division patrol officers. According to Sergeant B, during the search he/she remained at the CP with Sergeant A and provided situational updates as the search progressed.

The UOFRB assessed K-9 Officer C and Sergeants A and B’s adherence to the K-9 deployment criteria. The UOFRB noted the Subject was affiliated with a violent criminal street gang and the officers believed he was armed with a firearm as he fled from them. Supporting that belief, officers viewed video from nearby residents that showed the Subject appearing to be armed while within the perimeter. The UOFRB also noted Officer C developed a search plan, identified search team members, implemented a strategy to locate the Subject and obtained concurrence from both a K-9 supervisor and the IC. Before initiating the search, the UOFRB noted five K-9 search announcements were made via PA systems in English and Spanish within the area where the Subject was contained. These announcements were heard by officers on scene as well as residents who lived in the area.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, the K-9 Deployment was consistent with established criteria.

### **K-9 Contact**

At 2255 hours, after the last K-9 search announcement was completed, the airship observed the Subject and broadcast his movements as they tracked the Subject fleeing in a westerly direction. The Subject jumped multiple residential walls and entered the rear yard of a residence. The view was partially obstructed by trees and a patio cover causing the airship to lose sight of the Subject but did not observe the

Subject leave the property.

Officer C and the primary search team initially moved west in the alley. When the Subject was not located in the alley, Officer C and his/her team moved to the front of the residence. Simultaneously, Officer G and his/her team contained the rear of the location.

At 2308 hours, the primary search team cleared the front yard and moved to the west side of the property. As the officers held at the side gate, Officer C confirmed the secondary search team was in position. After the side gate was opened, Officer C directed his/her K-9 to search the rear yard of the property. At 2309:06 hours, the K-9 cleared the west side of the property and the team moved toward the backyard. Shortly thereafter, the K-9 continued to move north into the backyard and out of Officer C's line of sight.

At 2309:16 hours, the K-9 located the Subject and he could be heard yelling in the rear yard. Officer E verbalized what he/she heard with the search team as they continued to the rear yard. According to Officer E, he/she was not able to determine exactly where the scream was coming from because the backyard was cluttered with various items that obscured him from seeing the entire backyard. At 2309:33 hours, Officer E verbalized he/she observed the Subject, who was using one or both of his hands to push away or hit the K-9. Immediately, at 2309:34 hours, Officer C recalled the K-9 and activated his/her electronic collar one time. Five seconds later, the K-9 returned to Officer C. At 2309:46 hours, the K-9 was leashed and officers proceeded to take the Subject into custody without incident.

The UOFRB assessed Officer C's adherence to the K-9 Contact criteria. The UOFRB noted Officer C did not observe the K-9 contact but assessed the yelling from the Subject was likely a contact and immediately told the search team to move toward the rear yard to locate the Subject prior to recalling the K-9. The UOFRB assessed the Subject was a potentially armed and dangerous subject who had demonstrated a propensity to flee and Officer C's decision to confirm the Subject's location prior to recalling the K-9 was safe and appropriate based on the circumstances. When asked, the Department's Subject Matter Expert (SME), explained Officer C's decision was consistent with training such that the subject's location should be known prior the K-9 recall so the subject does not flee again potentially resulting in another K-9 contact. The UOFRB noted Officer C began recalling the K-9 once officers confirmed the Subject's location.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, the K-9 contact was consistent with established criteria.

### **Post K-9 Contact Procedures**

The UOFRB noted Officer C immediately recalled and leashed his/her K-9 and maintained positive control of the dog after the contact. The UOFRB noted Officer C

immediately broadcast the Subject was in custody and requested the CP to have an RA respond for the Subject's injuries. Sergeant B immediately began a Non-Categorical Use of Force (NCUOF) investigation. Once Sergeant B was notified the Subject was potentially going to be admitted to the hospital, he/she immediately notified the DOC and FID.

Based on the totality of the circumstances, the UOFRB determined, and the BOPC concurred, the Post K-9 Contact procedures were consistent with established criteria.

**Requirement to Intercede** – Based on their review of this incident, the UOFRB determined, and the BOPC concurred, the force used was not clearly beyond that which was necessary, as determined by an objectively reasonable officer under the circumstances, and the officers did not deviate from the duty to intercede.