

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

K-9 CONTACT WITH HOSPITALIZATION 063-23

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Devonshire	10/28/23		
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Officer(s) Involved in Use of Force	Length of Service
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Officer H	17 years 1 month
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Reason for Police Contact

Officers conducted a K-9 search for a Grand Theft Automobile (GTA) suspect at the termination of a police pursuit with a traffic collision. Subject 1, fled on foot and hid underneath a freeway overpass in the ravine. As the K-9 search dog neared Subject 1, a contact occurred. As a result, the dog bit Subject 1's left forearm, causing injury. Subject 1 was transported to hospital and admitted due to the injury requiring surgery.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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Subject 1: Male, 18 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 recommendations; 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 October 8, 2024.

Incident Summary

On October 27, 2023, Officers A and B were conducting extra patrols in the north end of Devonshire Area due to recent burglaries in the area. The officers were driving when

they observed a vehicle impeding traffic. According to Officer B, the vehicle was facing north, which enabled him/her to glimpse the driver. Officer B noted that the driver of the vehicle had very distinct hair and facial features and was wearing something orange.

The officers conducted a want and warrant check on the vehicle's license plate via their Mobile Data Computer (MDC), which revealed the vehicle was stolen on October 22, 2023.

Officers A and B began following the vehicle and requested backup, a supervisor, and an air unit. Officer B broadcast to Communications Division (CD) that they were following a stolen vehicle, provided the vehicle's descriptors, and advised there appeared to be multiple occupants inside the vehicle. The officers continued following the vehicle as it entered the freeway traveling westbound.

Air Support Division (ASD), Unit Air 16, responded to the back-up request.

Officers A and B activated their emergency lights and siren and went in pursuit of the stolen vehicle as it continued driving west on the freeway. Air 16 broadcast to CD, that they were in pursuit westbound on the freeway and that they were available for tracking. Officer B requested that Air 16 initiate tracking. Sergeant A advised CD that he/she would respond and monitor the pursuit.

As Air 16 tracked the stolen vehicle, and broadcast that it was traveling at approximately 100 miles per hour. Shortly thereafter, the stolen vehicle exited on the off-ramp and negotiated a left turn. As it did so, the vehicle ran off the road and collided with the west wall of the overpass.

The five occupants in the stolen vehicle exited before Officers A and B exited the off-ramp and arrived at the scene of the traffic collision. Upon their arrival, Officers A and B commanded the subjects to get on the ground. Two of the occupants initially began walking away but ultimately remained at the scene. The other three occupants, including Subject 1 who was the driver, fled down the embankment and under an overpass.

Air 16 advised the responding units that Subject 1, wearing an orange sweatshirt, had run south across the freeway and went down the embankment on the south side of the freeway. Once additional units arrived at the scene, two of the occupants who fled the scene were taken into custody within the perimeter.

Air 16 assisted officers in establishing the perimeter around the ravine for Subject 1.

Sergeant B, was the first supervisor at the scene, followed by Sergeant A who declared himself/herself as the Incident Commander (IC).

Officers C and D observed an orange sweatshirt lying on the ground under the eastbound freeway lanes. Officer D advised CD and the units at the scene of the

sweatshirt's location. Air 16 verified that the sweatshirt's location was the last place they had observed Subject 1.

Sergeant A was made aware that two of the occupants in the stolen vehicle sustained injuries during the traffic collision and were transported to a local hospital by a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA). Based on the injuries, Sergeant A determined the incident was a felony evading with great bodily injury (GBI) and met the criteria for a K-9 search.

Sergeant A requested K-9 officers to respond and assist with the search for Subject 1. Metropolitan Division K-9 Platoon Sergeant C, contacted Sergeant A and verified that the circumstances met the criteria for a K-9 search. Air 10, responded and relieved Air 16.

Officers F, G, H, I, J, K, L and Sergeants C, D, and E from Metropolitan Division K-9 Platoon responded to the K-9 request.

Officer H was designated as the primary K-9 handler, and Sergeant E was the Command Post (CP) Sergeant. Officer H and Sergeant E met with Sergeant A (IC) for a briefing. Sergeant A briefed them on the incident and the outstanding suspect (Subject 1), who was believed to be unarmed.

Based on the information received from Devonshire Area personnel and the terrain within the perimeter, Officer H developed a K-9 search plan for Subject 1. The search would commence at Subject 1's last known location where the orange sweatshirt was located, then proceed north, assessing along the way.

According to Officer H, he/she decided to implement a large search team because it was such an open area with a lot of foliage where the Subject 1 had the advantage. The search team consisted of his/her K-9, and the following K-9 personnel: Officers F, G, I, J, K, and L. According to Officer H, he/she discussed the search plan with the search team and Sergeants A and E, and it was approved.

According to Officer H, he/she had trained with K-9 A, since March of 2023. On the morning of this incident, K9 A was wearing an Electric Collar (E-Collar), and Officer H was equipped with the corresponding remote control.

Sergeant E remained at the CP, assisted Sergeant A with command and control and acted as a liaison between Devonshire and K-9 personnel. Sergeant C was tasked as the "downrange" sergeant. Sergeant D was tasked with monitoring the perimeter, ensuring K-9 announcements were made and relaying that information to the CP.

Prior to initiating the K-9 search, there were ten K-9 announcements broadcast from various points on the perimeter. Sergeant E directed Sergeant D to drive around the area as the announcements were being made to verify that they could be heard throughout the perimeter, which he/she did.

Prior to the K-9 search, Air 10 utilized its Forward-Looking Infrared (FLIR) to scan the ravine for any thermal images, but none were detected. According to Sergeant E, he/she was satisfied with the search plan, the perimeter, and the K-9 announcements and authorized the search.

The search began on the dirt path that paralleled the westbound on-ramp. The search team moved in a southeasterly direction underneath the westbound on-ramp overpass. Sergeant C remained stationary on the eastbound off-ramp and was prepared to respond if needed.

Believing the situation could rise to the level where lethal force was necessary, all of the search team personnel unholstered their pistols. Officer H was cognizant that they were searching for a felony suspect who had the advantage of the thick foliage and low light conditions.

As the search team traversed the ravine, Officer H held his/her flashlight in his/her left hand and illuminated the area. At this time, K-9 A was slightly ahead of Officer H and searching the area. Throughout the search, Officer H communicated with K-9 A and gave him commands. Officer H stated that K-9 A was responsive and obedient to his/her commands.

K-9 A walked down the embankment and began searching. Shortly thereafter, Officer H heard rustling in the bushes. According to Officer H, he/she was trying to decipher if the rustling sound was coming from K-9 A or Subject 1.

Approximately one minute and 30 seconds after the search began, Subject 1 can be heard screaming on Officer H's Body Worn Video (BWV). Officer H advised that it was very dark and he/she did not observe the initial K-9 contact occur. According to Officer H, the sound of someone screaming doesn't necessarily mean someone is being bitten. It could mean they are merely afraid of dogs.

As captured on BWV, Officers G and H walked down the embankment toward K-9 A and illuminated the area with flashlights. Shortly thereafter, Officer H observed K-9 A in contact with Subject 1. Officer H observed both of Subject 1's arms moving, and he appeared to be pulling, pushing, or fighting with K-9 A. Officer H could also see both of Subject 1's hands, which appeared empty. Officer H said it is common for individuals to grab and fight with the K-9s which elicits a response from the dog. According to Officer H, K9 A had no prior experience being challenged by or fought by a combative suspect.

Officer H said he/she looked to his/her right and verified that he/she had a cover officer (Officer G) beside him/her. As captured on BWV, Officer H redeployed forward and stood beside a concrete freeway pillar. As he/she did so, Officer H directed his/her fellow K-9 officers to get cover.

According to Officer G, he/she initially could not see K-9 A and Subject 1 from his/her position. Once he/she redeployed and was able to see them, he/she advised Officer H to recall K-9 A. Nearly simultaneously, Officer H recalled K-9 A. Officer H then holstered his/her pistol.

The investigation determined that approximately seven seconds elapsed from the moment Subject 1 began screaming until Officer H gave the first recall command.

Officer H gave an additional recall command to K-9 A. Simultaneously, Officer H utilized light stimulation on K-9 A's electronic collar (E-Collar) to reinforce the command. As Officer H was in the midst of yelling the second recall command and activating the E-Collar, K-9 A released his bite on Subject 1's left arm. Officer H stated that K-9 A responds very well to the E-Collar; therefore, he/she utilized low stimulation only. K-9 A was depicted on Officer H's BWV, releasing his bite and returning to Officer H.

Once K-9 A returned to Officer H's side, he/she took control of him and reapplied the leash. Officer H moved out of the way to allow the arrest team to move forward and coordinate Subject 1's apprehension.

Meanwhile, Subject 1 was lying face down with his head facing toward the officers. Subject 1 looked in the officers' direction and yelled multiple times, *that he was just sleeping*. Officer I directed Subject 1 to keep his hands in front of his body, to relax and assured him that they would treat his arm.

Officer G established an arrest team and took Subject 1 into custody without further incident. As Subject 1 was being taken into custody, Officer K assured him they would call an ambulance for him.

Subject 1 was wearing a black t-shirt, blue jeans, and white socks. He was not wearing any shoes. There were no shoes or other personal items located in the area where he claimed to be sleeping. As Subject 1 was being taken into custody, both Officers F and H advised the CP to have someone request a RA for Subject 1. Officer K, who was certified EMT, did not believe there was an immediate need to render aid to Subject 1 in the ravine.

Subject 1 was escorted to the overpass, where Officer K provided first aid and bandaged the injury on Subject 1's left forearm prior to LAFD's arrival.

Officer F requested the officers that could identify the suspect to respond to the overpass for a field show up. Officer B responded and positively identified Subject 1 as the driver of the stolen vehicle.

Los Angeles Fire Department RA arrived at the scene and transported him to hospital where he/she was admitted due to his injury which required surgery.

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 H	Yes	Yes	Yes	N/a	N/a

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 of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The Chief determined that Officer S would receive a finding of Tactical Debrief. During the review of this incident, no Debriefing Points were noted.

B. K-9 Deployment

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

C. K-9 Contact

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

D. Post K-9 Contact Procedures

The BOPC adopted the Chief'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 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.

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.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

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 suspect;
- Whether the suspect 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 suspect to escape;
- The conduct of the suspect 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 suspect;
- Officer versus suspect 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.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge

of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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 officer's 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 RA for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's 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 officer's 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 suspect.

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 suspect 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.

A. Tactics

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

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 and Assessment – After arriving at the scene, Officer H and Sergeant E met with Sergeant A, who briefed them on what occurred, information on Subject 1 and his/her belief Subject 1 was not armed. Based on the information given to him/her, Officer H developed a plan to utilize an all K-9 officer search team to locate Subject 1, which was approved by Sergeants A and E. Officer H briefed his/her search team but did not assign roles due to the fluidity of the search and the unpredictable and challenging physical environment. The primary team would start their search on the dirt path parallel to the westbound on-ramp where Subject 1 was last seen, then proceed north.

Time and Redeployment/Containment – After Subject 1 fled the termination of the vehicle pursuit, officers established a perimeter and contained Subject 1 with assistance from the air unit. After Subject 1 was located, Officer H directed the search team to redeploy behind cover before recalling K-9 A. The search team utilized distance and the cover provided by the concrete freeway pillar to give Subject 1 time to comply with their commands and take him into custody without further incident.

Other Resources and Lines of Communication – While following the stolen vehicle, officers requested a backup, air unit, and supervisor and requested the air unit initiate tracking once the pursuit began. After the termination of the pursuit, a perimeter was established and Sergeant A requested K-9 officers respond. Prior to the start of the search, multiple K-9 announcements were made via Public Address

(PA) systems in English and Spanish, including on the overpass approximately 40 feet from where Subject 1 was taken into custody. Upon contacting Subject 1, officers issued commands to him to gain compliance and take him into custody without further incident.

Command and Control

Officers A and B went in pursuit of the stolen vehicle and Sergeant A broadcast he/she was responding to and monitoring the pursuit. The stolen vehicle exited the freeway colliding with the west wall of the off-ramp overpass. Sergeant B arrived as the first supervisor at scene, taking command and control as the officers were taking some of the occupants into custody. Sergeant A then arrived at scene, declaring himself/herself IC. He/she was advised two of the occupants sustained injuries due to the traffic collision, with one sustaining a laceration to his forehead and was transported to a local hospital. Sergeant A determined a felony evading with GBI occurred and met the criteria for a K-9 search.

Sergeant A broadcast a request for K-9 officers to respond and Sergeant C contacted him/her via telephone to screen the request. Sergeant C verified the K-9 search criteria were met and K-9 officers responded to the scene. Officer H and Sergeant E met with Sergeant A, who briefed them, and Officer H formulated a search plan, which was approved by Sergeants A and E. Sergeant E remained at the CP, assisting Sergeant A with command and control and acting as a liaison between Devonshire Patrol Division and Metropolitan Division K-9 Platoon personnel. Sergeant C was tasked as the downrange sergeant, and Sergeant D monitored the perimeter, ensuring K-9 announcements were made and relaying that information to the CP.

Once Sergeant D advised Sergeant E he/she could hear the announcements, Sergeant E authorized the search. During the search, K-9 A was involved in a K-9 contact with Subject 1. Officer G established an arrest team, consisting of Officers K and L. He/she then directed Officer K to give Subject 1 verbal commands and designated himself/herself as an intermediate force option with his/her TASER.

After Subject 1 was taken into custody, Officers F and H advised the CP to request an RA for Subject 1, and Sergeant A did so. After Subject 1 was transported to the local hospital and it was determined he would be admitted for an injury related to the K-9 bite, Devonshire Patrol Division Sergeant E, directed Sergeant B to respond to the Devonshire Community Police Station (CPS) to monitor Officers A and B for their involvement in the incident. Sergeant B arrived at Devonshire CPS, separated, monitored and admonished Officers A and B until FID investigators arrived.

The UOFRB (Use of Force Review Board) assessed Sergeants A, B, C, D, and E's command and control during the K-9 deployment. The UOFRB noted Sergeants A and B did an excellent job responding and taking initial command and control of the scene to take the four other occupants of the stolen vehicle into custody without

incident. The UOFRB also noted that once the perimeter was established and Sergeant A gained situational awareness of the entire incident, he/she communicated with Sergeant C, who screened and approved the response of K-9 officers.

The UOFRB noted Sergeant A and Sergeant E approved Officer H's K-9 search plan, which consisted of an all K-9 officer team with K-9 A, who was in limited certification at the time. The UOFRB noted Sergeant E ensured sufficient K-9 announcements were made, documented them and directed Sergeant D to drive around the perimeter and report back to the CP with confirmation the announcements could be heard. The UOFRB noted Sergeant E immediately initiated a Non-Categorical Use of Force (NCUOF) investigation and opined he/she notified his/her command, FID, and the DOC in a reasonable amount of time once he/she verified Subject 1 was being admitted into the hospital due to an injury related to the K-9 bite.

The UOFRB determined, and the BOPC concurred, Sergeants A, B, C, D and E's actions were consistent with Department training and the BOPC's expectations of supervisors during a critical incident.

K-9 Deployment

Sergeant A broadcast a request for K-9 officers to respond and Sergeant C contacted him/her via telephone to screen the request. Sergeant A informed Sergeant C that Subject 1 was wanted for grand theft auto and felony evading, and Sergeant C verified the K-9 search criteria were met. The K-9 officers arrived at scene and Officer H and Sergeant E met with Sergeant A, who briefed them on the incident and his/her belief Subject 1 was unarmed. Based on the information received, Officer H created a search plan, which would begin where the orange sweatshirt was located, Subject 1's last known location. Officer H formed the search team, which consisted of K-9 A and Officers F, G, I, J, K, and L.

Sergeants A and E approved the search plan and Officer H discussed it with the team. According to Officers F, G, K, and L the terrain was difficult and unstable, and they believed it was unsafe for them to carry a Beanbag Shotgun or a 40mm Less-Lethal Launcher (40mm LLL) while navigating such terrain. The officers were equipped with intermediate force options, including TASERs, Oleoresin Capsicum (OC) spray and collapsible batons. Sergeant E remained at the CP assisting Sergeant A with command and control, Sergeant C was tasked as the downrange sergeant, and Sergeant D monitored the perimeter, ensuring K-9 announcements were made and notifying the CP they could be heard.

Prior to initiating the search, there were ten K-9 announcements broadcast throughout the perimeter using PA systems. All K-9 announcements made from police vehicles were broadcast utilizing a pre-recording in English and Spanish. The two K-9 announcements made by Air 10, were read verbatim from a card specific to

K-9 searches in English. Once Sergeant E was satisfied with the search plan, perimeter and announcements, he/she authorized the search to begin.

The UOFRB assessed Officer H's adherence to the K-9 Deployment criteria. The UOFRB noted Officer H verified Subject 1 was a felony suspect and was reasonably presumed not to be armed. These factors allowed K-9 A to be deployed with an all K-9 officer search team. The UOFRB also noted the K-9 search plan was briefed to Sergeants A and E, who approved the plan. The UOFRB further noted ten K-9 announcements were conducted prior to initiating the search in both English and Spanish and noted one of the K-9 announcements was conducted on the overpass approximately 40 feet from where Subject 1 was taken into custody.

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

The K-9 search began on the dirt path that paralleled the westbound on-ramp and continued in a southeasterly direction. Throughout the search, Officer H communicated with K-9 A, who was responsive and obedient. During the search, K-9 A walked down an embankment toward the dry riverbed, which was partially obstructed by foliage. Officer H yelled, "Here!" and K-9 A immediately returned. K-9 A walked down the embankment again and Officer H heard the bushes rustling. One minute and 30 seconds after the search began, Subject 1 began screaming.

Officer H did not initially see the K-9 contact, stating it was very dark when he/she heard someone screaming. Officers G and H walked down the embankment and Officer H saw Subject 1 pushing, pulling or fighting with K-9 A. According to Officer H, it takes seconds to perceive what you are looking at, especially in the dark, assess the threat, notify the team, find cover and recall the dog. He/she verified Officer G was providing cover and then moved forward toward a concrete freeway pillar, directing the other officers to seek cover. Officer H ordered Subject 1 to stop fighting K-9 A.

Officer H recalled K-9 A approximately seven seconds from when Subject 1 began screaming until Officer H gave the first *recall* command. Officer H gave an additional *recall* command while using stimulation on K-9 A's E-Collar and he released his bite, returning to Officer H.

The UOFRB assessed Officer H's adherence to the K-9 Contact criteria. The UOFRB noted Officer H was unable to see the initiation of the K-9 bite due to the dense foliage and darkness. The UOFRB also noted Subject 1 stated during his/her interview that he/she heard K-9 A approaching him and extended his arms up. The UOFRB noted Officer H redeployed down the embankment and observed Subject 1 pushing, pulling or fighting with K-9 A and opined K-9 A responded to Subject 1's actions with a defensive or responsive bite. The UOFRB noted only seven seconds

elapsed from when Subject 1 began screaming to when the first *recall* command was given and opined seven seconds to recall K-9 A were reasonable, noting Officer H redeployed to cover and visibly verified Subject 1's location, directed the other officers to redeploy to cover and then recalled K-9 A using verbal commands reinforced by stimulation with his E-Collar.

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

In evaluating Post K-9 Contact Procedures, the UOFRB noted Officer H immediately leashed K-9 A after he released his bite on Subject 1 and when K-9 A returned to his/her side, maintaining positive control of him. Subject 1 was handcuffed shortly after the K-9 contact and Officers F and H advised the CP to request an RA for Subject 1, and Sergeant A did so. Based on his/her initial assessment of Subject 1's visible injuries, Sergeant E began a NCUOF investigation.

The UOFRB noted Officer K was a certified Emergency Medical Technician (EMT) and noted his/her assessment of Subject 1's injury was that it appeared to look worse than it was, as his muscle was intact and there was no profuse bleeding. The UOFRB noted Subject 1 was talking normally and he did not appear to be under any sort of medical distress as he was being escorted out of the perimeter. The UOFRB agreed with the officers' assessment that the terrain was too dark and treacherous for the officers to render aid immediately and noted Officer K began bandaging Subject 1's arm once they arrived back on the overpass. The UOFRB opined the officers met the Department's expectation for rendering aid. The UOFRB noted Sergeant E immediately began investigating the contact as a NCUOF and immediately notified his/her command and FID once he/she discovered Subject 1 was being admitted to the hospital.

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. Therefore, there was no requirement to intercede.