

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

**K-9 CONTACT REQUIRING HOSPITALIZATION – 066-23**

**Division**                      **Date**                                      **Duty-On (X) Off ( )**   **Uniform-Yes (X) No ( )**

Rampart                                      11/27/23

**Officer(s) Involved in Use of Force**                                      **Length of Service**

Officer X    34 years, 5 months

**Reason for Police Contact**

On November 27, 2023, at approximately 0151 hours, Rampart Patrol Division uniformed police officers initiated a foot pursuit of a man with a gun and a perimeter was established. Metropolitan Division K-9 officers responded and a K-9 contact occurred when the Subject was located. The Subject was transported and admitted to a local hospital for his injuries, related to the bite.

**Subject(s)**                                      **Deceased ( )**                                      **Wounded (X)**                                      **Non-Hit ( )**

Subject: Male, 26 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 November 5, 2024.

## **Investigative Summary**

On November 27, 2023, at approximately 0025 hours, Rampart Patrol Division, Police Officers A and B were working patrol. Officers A and B responded to a radio call of a burglary Subject at a business. During their investigation, Officers A and B reviewed surveillance video which captured a male Subject wearing gray clothing shatter a glass door and enter the business along with a female Subject. Officers A and B completed an Investigative Report for Burglary.

At approximately 0151 hours, Officers A and B were driving south when they observed a male (Subject). The Subject was standing in the street on the passenger side of a Sport Utility Vehicle which was double parked, wearing gray clothing which matched the burglary Subject's description.

At 0151:13 hours, Officers A and B's Digital in Car Video System (DICVS) captured Officer A utilize the vehicle's driver side spotlight to illuminate the Subject as he walked between two parked vehicles onto the east sidewalk. The Subject turned away from the officers and ran south. Officer B exited the passenger side of the police vehicle and pursued the Subject on foot as Officer A followed behind in the police vehicle.

According to Communications Division (CD) at 0151:26 hours, Officer B broadcast, "Let me get a backup, 415 man with a gun."

According to Officer B, he/she observed the Subject wearing all gray clothing with a satchel across his chest in the middle of the street, which matched the description of the burglary Subject that occurred earlier. Officer B stated that the Subject observed him/her and Officer A approaching and began to walk backwards, and appeared to be attempting to conceal himself behind the vehicles he was near. The Subject then made his way onto the sidewalk, and he immediately began to run southbound.

Officer B stated he/she exited the police vehicle and engaged the Subject in a foot pursuit. Officer B stated that as he/she approached the vehicle the Subject was nearby, it appeared to be empty, so he/she ran past the vehicle while clearing it. Officer B stated he/she requested a backup for a 415 man with a gun based on his/her training experience of Subject's who have been carrying satchels and carrying firearms in the satchels and using it as a type of holster.

A DICVS review captured an unidentified passenger in the front passenger seat of the double-parked vehicle. The unidentified passenger declined to provide her personal information and was ultimately released at scene.

At 0151:50 hours, Officer B's BWV captured the Subject climbing over a wrought iron gate and continue west into the property. Officer A broadcast the Subject's direction of travel and requested additional units for a perimeter. Approximately 15 seconds later, as Officer B walked toward the east side of the street he/she said, "Tossed it" referring

to the satchel. Officer B stated that when the Subject jumped the gate, he/she switched from apprehension mode to containment mode.

At 0157:48 hours, Officer B recovered the black satchel from a yard which contained a loaded handgun behind a closed gate. Officer B stated at this point he/she switched from containment mode into apprehension mode because he/she no longer believed that the Subject was armed.

The following LAPD personnel responded to this incident: Officers C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V and W.

In addition, Metropolitan Division K-9 was requested and the following personnel responded: Officer X, Y, Z, AA, BB and Sergeant A

Officer X confirmed the Subject in this incident was wanted for a felony crime and this met the criteria for a K-9 search to be conducted. Officer X formulated a search plan which was approved by Sergeant A and the Incident Commander, Sergeant B.

Officer X stated the following the search plan was to utilize his/her K-9 and his/her search team, and that he/she would go to the location that the Subject was last seen. In addition, Officer Z would take a K-9 search team that would be supplemented with patrol assets, and that they would search the alley. Officer X advised Officer Z that as he/she searched the alley, to let him/her know once he/she was approximately two houses south of the target location, and that he/she could hold the alley while Officer X searched the last-seen location, in case the Subject tried to flee again.

According to Officer X, Officer Z agreed with the search plan, at which point he/she informed Sergeant A, the on-scene K-9 supervisor, and Sergeant B, the incident commander of the search plan and they both approved it. Officer X then notified and briefed the on-scene airship of his/her search plan, and what K-9s would be searching what areas of the perimeter. At that point, Officer X had Officer BB brief his/her K-9 search team of their responsibilities, which was comprised of Officer BB and two patrol officers.

Officer X stated he/she also talked about making contact with homeowners to see if individuals live in the back house, or if they have converted garages, or any sheds in the living spaces. Also to determine if there are any dogs on the property or any individuals that were unaccounted for.

Two search teams were established which consisted of K-9 and patrol assets. The primary search team consisted of K-9 Officers X, Y, BB and Officer X's K-9, along with patrol Officers R and S. The secondary search team consisted of K-9 Officers Z, AA and a K-9, along with patrol Officers A, B, and S.

Prior to beginning the search, officers utilized their vehicles' Public Address (PA) system to broadcast four K-9 announcements throughout the perimeter. In addition, air support

broadcast the K-9 announcement overhead. The announcements were given in English and Spanish; furthermore, officers confirmed the announcements were heard throughout the perimeter prior to the K-9 search.

A review of BWV determined Officer I's K-9 announcement was not completed. Officer I stated he/she attempted to play the K-9 announcement but could not get it to play and could not get the volume turned up. Officer I stated that K-9 officers were almost directly in front of the target location and he/she had already heard a couple of announcements, including the air ship. As such, Officer I decided to just leave it alone at that point. Officer I was not sure if it was his/her error or just that the volume was not working.

According to Officer X's BWV, at 0335:40 hours, he/she and his/her search team moved south toward the property where the Subject was last seen. Officer X stated he/she moved to his/her starting location and held his/her team while waiting for the other K-9 search team to complete their first phase of searching the alley.

According to Officer X's BWV, at 0339:24 hours, he/she verified the location of a heat signature that air support had identified along the south fence line and started his/her search. Officer X directed his/her K-9 to search the north fence line/driveway of the property. Officer X stated that he/she searched the property line south of the target location in hopes that if the Subject was hiding along that south fence line, that his/her K-9 would alert to his location without actually having to go onto the property. This would afford his/her team with greater time, distance and cover from actually getting into the confines of a tight backyard.

Officer X stated that his/her K-9 did not show interest while searching the area, so he/she moved on to another location. Prior to searching the property, Officer X received information that a possible resident had come outside. Officer X directed Officer BB to contact the resident, which was done and the occupant was safely inside.

According to Officer X's BWV, at 0347:36 hours, the search began on the south side of the home and worked north toward the rear of the property. As Officer X's K-9 moved west along the exterior wall of the residence, the K-9 went out of view as he continued moving into the rear yard of the property.

At 0347:55 hours, Officer X is captured saying "*Platz!*" When describing the platz command, Officer X stated the command instructs the K-9 to heel and come back to his/her side. Officer X stated further that the platz command instructs the K-9 to release off of a bite and to come to his/her side.

Approximately two seconds after Officer X gave the "*Platz*" command, his/her K-9 responded and was captured on BWV coming back into view from the rear of the property.

For a second time, Officer X's K-9 searched west along the exterior side of the house and out of view into the rear yard of the property. Officer X advised the team to push up and grab the corner, directing his/her search team to move forward and hold the corner of the house.

At 0348:17 hours, Officer X's BWV captured the Subject yelling. Officer X directed the search team to push up. As the team started to move into the rear yard, Officer X continued to direct the team stating, "push up, push up, push up, push up!"

At 0348:23 hours, Officer X moved his/her hand to the upper left area of his/her chest. Officer X stated that on his/her tac vest, the Electronic dog collar sits high up on his/her chest on the left side.

At 0348:26 hours, Officer X gave the "Platz" command to his/her K-9 after hearing the Subject scream. Officer X stated that once he/she heard the Subject, he/she had his/her search team move up. As they got into the backyard, to the officer's left, there was a small structure and you could hear the Subject screaming in the area of that structure. Officer X stated that he/she was no sure if the noise was to the south side of the structure or if it was behind the structure.

Officer X could see the north side of the structure, but could not see his/her K-9 or the Subject. Officer X stated that as the officers moved up, he/she could hear the location of the Subject. Officer X stated he/she had a very good idea that the Subject was between the structure and the fence line to the alley, and it was probably somewhere in the middle of that structure in the back.

Officer X felt based on the above observations, he/she was comfortable that his/her K-9 had located the Subject and he/she knew where the Subject was located. Officer X stated that his/her plan was to recall his/her K-9 and have him come back to his/her side, place him on leash, have his/her search team members make plans to take the Subject into custody, and ultimately, give him commands to step out.

Officer X felt comfortable that he/she had located and knew where the Subject was, that he/she gave one Platz command. Platz is the recall command for the K-9 to heel and return to Officer X's side. Officer X stated once that following the Platz command, he/she will give the K-9 a second or two or two and then we follow that up with collar stimulation.

Officer X and his/her team continued to move through the property as he/she gave his/her K-9 two additional, "Platz" commands. At 0348:29 hours, Officer X's BWV captured as his/her right hand reached across his/her body to the area where the controller's top mounted selection switch for stimulation is located.

Officer X stated his/her K-9 did not return prior to the collar stimulation so he/she stimulated his/her K-9 on a level of high three and did this approximately three times. Officer X stated he/she gave the K-9 a Platz command and followed it up with the activation of the Electronic Collar. Officer X stated that his/her K-9 was not returning to his/her side and he/she is communicating with his/her team asking if they can see the Subject or his/her K-9. At that point, Officer X increased the intensity of the Electronic Collar to a level 5 and restimulated the collar.

Officer X and his/her search team continued to move through the property as he/she gave his/her K-9 two additional "Platz," commands. At 0348:45 hours, Officer X's BWV captured the Subject and his/her K-9 on the ground. Officer X stated, "Let go of him, Let go of him, platz!"

Officer X stated the following when observing his/her K-9 biting the Subject. Officer X stated as the officers pushed up, he/she observed that his/her K-9 had a bite hold on the Subject's lower extremity, but could not tell if it was his left or right leg. Officer X stated that the Subject was sitting up and had a vice grip around the K-9's muzzle as if he is trying to either pull his mouth open, or just squeeze him so he will stop biting him.

At 0348:49 hours, Officer X's BWV captured the Subject raising his hands up into the air. Officer X gave his K-9 four additional "Platz" commands and stated, "Let's push up, push up, push up."

According to Officer X's BWV, at 0349:03 hours, Officer X reached down and grabbed his K-9's collar with his/her left hand. Officer X gave his K-9 five additional "Platz," commands. At 0349:21 hours, Officer X grabbed his K-9's collar with both of his/her hands and yelled "Los!"

At 0349:23 hours Officer X released his/her right hand from his K-9's collar and moved his/her hand to the upper left side of his/her chest where his Electronic collar controller is located. Officer X gave his K-9 two additional, "Platz," commands and two additional, "Los," commands.

At 0349:32 hours, Officer X reached down, grabbed his/her K-9's collar with both hands and lifted upward while his/her K-9 maintained his bite. Officer X stated he/she was trying to take control of his/her K-9 and at that point, take control of his collar and do what is call a "hard out".

Officer X described a hard out isn't just pulling on the collar. Officer X actually must take physical control of the collar with two hands and manipulate and pinch the collar, making it tighter, to where you're choking the K-9. Officer X stated he/she was unable to apply the hard out technique when his/her K-9 and the Subject were at that lower elevation.

According to Officer X's BWV at 0349:39 hours, he/she gave his/her K-9 one additional "Los" command and removed his/her left hand from his/her K-9's collar, moving his/her hand to his/her upper left chest area where his/her Electronic collar controller was located. Officer X gave another "Los" command as his/her BWV simultaneously captured a green light reflection on the Subject's sweatpants. The green light was in the area of the K-9's neck where the Electronic collar was located. The solid green light is an indication that the K-9's Electronic collar is engaged..

Officer X's BWV captured his/her left hand move away from his/her chest area as the green light on the Subject's pants disappeared. At 0349:45 hours, Officer X's left hand moved back to his/her upper left chest area, followed by an additional "Los" command. The green light reappeared on the Subject's sweatpants as Officer X gave his/her K-9 another "Los" command, followed by his/her K-9 yelping.

Officer X gave his/her K-9 another "Platz" command as he/she reached down with his/her left hand and briefly grabbed onto the K-9's collar. Officer X moved his/her left hand back to his/her upper left chest area and gave his/her K-9 another "Los" command as the green light reappeared on the Subject's sweatpants.

Officer X's BWV captured as he/she held a flashlight in his/her right hand while simultaneously holding his K-9's collar. Officer X removed his/her right hand from the collar and moved his/her hand to the right side of his/her body out of camera view. Officer X moved his/her empty right hand back toward his/her K-9's collar and reacquired a two-hand grip with both his/her right and left hands slightly separated.

Officer X pulled his K-9's collar up toward his/her body which caused his/her K-9's neck to rise in conjunction with the Subject's left ankle which his/her K-9 was biting. Officer X gave his/her K-9 10 additional "Los" commands as he/she continued to pull his/her K-9's collar up and away from the Subject.

At 0350:23 hours, Officer X's BWV captured as he/she utilized a hard out on his/her K-9 pulling him off the Subject's left ankle and releasing the bite. Officer X's K-9 was out of camera view, when at 0348:17 hours, Officer X's BWV captured the Subject scream. Believing the bite occurred at this time Force Investigation Division (FID) investigators determined the bite lasted approximately two minutes and six seconds.

At 0351:02 hours, Officer X's BWV captured him/her request a Rescue Ambulance (RA) for a dog bite to the Subject's left ankle. At 0352:00 hours, the Subject was taken into custody without further incident.

At 0405:05 hours, the Subject was moved on a gurney and into a Rescue Ambulance where he was treated by paramedics and transported to a local hospital. The Subject was admitted for a dog bite to the left ankle.

## **BWV and DICVS Policy Compliance**

<b>NAME</b>	<b>TIMELY BWV ACTIVATION</b>	<b>FULL 2-MINUTE BUFFER</b>	<b>BWV RECORDING OF ENTIRE INCIDENT</b>	<b>TIMELY DICVS ACTIVATION</b>	<b>DICVS RECORDING OF ENTIRE INCIDENT</b>
Officer X	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 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**

Officer X did not receive formal Tactics findings for this case.

### **B. K-9 Deployment**

The BOPC found the K-9 deployment was not 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** – Upon arriving at the scene, Officer X and Sergeant A met with Sergeant O, who briefed them on the incident. Based on the information given to him/her, Officer X developed a plan to utilize two K-9 search teams to locate the Subject, which was approved by Sergeants O and A. Officer BB conducted a briefing with the primary search team and assigned roles for lethal and intermediate force. The primary team would initiate their search where the Subject was last seen. The secondary team would search the alley to the rear of the location.

**Assessment** – Officer X and other K-9 personnel were briefed of the incident and were advised the Subject had been armed with a handgun, which he discarded during the foot pursuit and was recovered by officers. Officer X was aware if the Subject were to be apprehended, he could be positively identified by the primary officers and would be arrested for possession of a firearm. Officer X and Sergeant A assessed the criteria for K-9 deployment were met.

After the Subject was contacted the K-9, Officer X assessed that his/her K-9 was not releasing the bite upon being given the “Platz” command. Officer X issued multiple “Platz” commands and activated his/her K-9’s Electronic collar. Officer X assessed his/her K-9’s continued to hold his bite on the Subject, so he/she continued with multiple “Platz” and “Los” commands and Electronic collar stimulations at increasing levels.

Officer X assessed, as his/her K-9 continued to maintain his bite on the Subject so he/she approached his/her K-9, grabbed his collar with both hands and lifted upward

while his/her K-9 maintained his bite on the Subject's ankle. Officer X pulled his/her K-9's collar toward his/her body and utilized a hard out technique, causing him to release the bite as Officer X pulled his/her K-9 away from the Subject.

**Time, Redeployment/Containment and Other Resources** – Upon the Subject fleeing from Officers A and B, a backup was requested. Once the Subject fled west through the residence, officers established a perimeter and contained him with assistance from the air unit. Officers requested Metropolitan Division K-9 units to respond for a search. The air unit verified the integrity of the perimeter and the secondary K-9 team searched and held the alley to the rear of the Subject's last known location, as the primary team began their search.

**Lines of Communication** – Prior to the start of the search, five K-9 announcements were made via the police vehicles' Public Address (PA) systems in English and Spanish and via the air unit from over the residence. Announcements were made to the north, south and west of the location where the Subject was contacted. The announcements were reported to Sergeant A as being heard by officers within the perimeter.

During the review of this incident, no Debriefing Points were noted.

### **Additional Tactical Debrief Topics**

- **Foot Pursuit Concepts** – At the onset of the foot pursuit, Officer B exited the police vehicle and pursued the Subject on foot as he fled from officers. Meanwhile, Officer A remained in the police vehicle and followed Officer B, ultimately exiting and joining him/her.

### **Command and Control**

- Sergeant O arrived on scene after the perimeter was established and assumed the role of the IC, established a CP and briefed Sergeant A and Officer X on the incident.

Sergeant A arrived on scene and verified the K-9 search criteria were met. Officer X developed a search plan, which was approved by Sergeants A and O. Sergeant A ensured sufficient K-9 announcements were made and heard within the perimeter prior to initiating the search. After the K-9 contact, Sergeant A began canvassing the scene for witnesses and video evidence. Upon completing his/her at scene investigation, Sergeant A responded to the hospital and met with the Subject. Upon learning the Subject would be admitted to the hospital as a result of the K-9 contact, Sergeant A notified the Department Operations Center (DOC). Sergeant A telephonically notified Officer X, who was now at Metropolitan Station, and directed him/her to dock his/her BWV camera and admonished him/her to not discuss the incident.

The BOPC determined, the overall actions of Sergeants O and A were consistent with Department training and the Chief's expectations of supervisors during a critical incident.

## **B. K-9 Deployment**

Officer X arrived and confirmed the Subject was wanted for a felony crime, which met the criteria for a K-9 search to be conducted. A plan was developed by Officer X to deploy two K-9 search teams, including himself/herself and his/her K-9 as the primary search team, along with K-9 Officer Z and his/her K-9 as the secondary search team. Both search teams were supplemented with patrol personnel.

Officer BB briefed the primary search team, and the officers were equipped with intermediate force options, including TASERS, Oleoresin Capsicum (OC) spray and batons. Officer X' K-9 search team would search Subject's last known location and Officer Z's K-9 search team would search the alley to rear of the location. Officer X presented the plan to Sergeants A and O and received their approval. After the K-9 announcements were made and reported to Sergeant A as being heard within the perimeter, the search was initiated.

The UOFRB assessed Officer X and Sergeants A and O's adherence to the K-9 Deployment criteria. The UOFRB noted Officer X was told officers had pursued the Subject on foot who was armed with a handgun and was within their perimeter. The UOFRB also noted Officer X 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 four K-9 search announcements were made via Public Address (PA) systems in English and Spanish and one via the air unit above the location within the area where the Subject was contained. These announcements were heard by officers within the perimeter.

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

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

After multiple K-9 search announcements were made, Officer X, his/her K-9 and their search team began their search toward the property where the Subject was last seen. The search began along the south side of the residence, toward the rear yard. Twice, Officer X's K-9 went out of view into the rear yard of the property. During the second occurrence, the K-9 search team moved up to the southwest corner of the residence and, at approximately 0348:17 hours, the Subject can be heard yelling on Officer X's body worn video (BWV) camera. Officer X directed the K-9 search team to "push up" as they continued into the rear yard of the property.

At 0348:26 hours, Officer X gave the "Platz" command to his/her K-9 after hearing the Subject scream. As the K-9 search team continued further into the rear yard, Officer X observed a small shed-like structure to the rear of the yard but did not see the Subject or his/her K-9. According to Officer X, based on the sound of the Subject screaming, he/she believed they were located between the rear structure and the west fence line, adjacent to the alley. Attempting to recall his/her K-9, Officer X gave the "Platz" command followed by an Electronic collar stimulation; however, his/her K-9 did not respond.

The K-9 search team continued toward the sound of the Subject and his/her K-9's location. At 0348:45 hours, Officer X observed his/her K-9 biting the Subject's lower extremity area as the Subject was sitting up and had a grip around his/her K-9's muzzle. Officer X stated, "Let go of him, let go of him, Platz!" Officer X believed the Subject was trying to either pull his/her K-9's mouth open or just squeeze him so the K-9 would release the bite. The Subject complied with Officer X's commands and let go of his grip on the K-9.

After several verbal commands and Electronic collar stimulations, the K-9 did not release the bite. At 0349:03 hours, Officer X grabbed a hold of the K-9's collar and continued to issue multiple "Platz" and "Los" commands and utilized Electronic collar stimulations. Officer X explained the area where the contact occurred was a very confined and tight space, estimating the area was less than three feet wide, in a depressed cement area, akin to a well, with an approximately one and a half to two feet elevation difference between where Officer X was standing and where the contact occurred.

Prior to initiating the hard out technique, Officer X communicated with Officer BB, his/her designated Intermediate Force Option officer (TASER) and Officer Y, his/her DCO (designated cover officer). Officer X acquired a two-hand grip of his/her K-9's collar but could not get the necessary leverage to apply the hard out because of the confined space, debris and elevation difference. Officer X had to pull his/her K-9 up to his/her elevation as the K-9 maintained the bite. Once Officer X pulled the K-9 to his/her elevation, he/she was able to gain control of the K-9 and apply the hard out technique, which caused his/her K-9 to release his bite on the Subject. Officers proceeded to take the Subject into custody without further incident.

The UOFRB assessed Officer X's adherence to the K-9 Contact criteria. The UOFRB noted Officer X did not initially 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 his/her K-9. When asked, Metropolitan Division Sergeant A, the Department's K-9 Subject Matter Expert (SME), explained Officer X's decision was consistent with training such that when he/she heard the contact, he/she began moving forward to obtain a visual of the Subject. Furthermore, the SME explained officers must use time, distance and cover to balance officer safety as they approach.

The UOFRB considered the environment where the contact occurred and noted the Subject and the K-9 were in an area that was approximately three feet wide with various debris around and at a depressed elevation of approximately one and a half to two feet below Officer X's elevation. The UOFRB acknowledged this environment created a tactical concern for Officer X as he/she did not want to step down to the Subject's position, thus leaving himself/herself exposed to the Subject nor did he/she want to step in front of his/her Intermediate Force Option Officer or his/her DCO.

Officers X coordinated with Officers BB and Y prior to grabbing hold of his/her K-9's collar with both hands. Once Officer X had control of his/her K-9's collar, he/she found the confined space, debris, depressed elevation and his/her K-9 maintaining his bite on the Subject prevented him/her from obtaining the necessary leverage to successfully execute the hard out technique. Officer X was subsequently able to gain the necessary leverage to successfully apply the technique.

The UOFRB noted Officer X gave 18 "Platz" and 18 "Los" commands while applying approximately 13 Electronic collar stimulations with increasing intensity. The UOFRB noted the K-9 did not respond to commands or Electronic collar stimulations and Officer X had to forcibly remove his/her K-9 off the bite with the hard out technique. The UOFRB commended Officer X's ability to work through the challenging environment and circumstances in a deliberate and professional manner and recognized these factors prevented Officer X from applying the hard out technique sooner. The UOFRB opined Officer X's approach and steps to remove his/her K-9 from the Subject was reasonable based on the environment and tactical considerations.

Based on the totality of the circumstances, the BOPC determined that the K-9 Contact was consistent with established criteria.

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

In evaluating Post K-9 Contact Procedures, the UOFRB noted the following: After Officer X physically removed his/her K-9 from the bite, he/she immediately leashed his/her K-9 and maintained positive control of him. Officer X requested an RA via the CP. The Subject was handcuffed without further incident. Officer BB, a certified Emergency Medical Technician (EMT), assessed the Subject did not need immediate medical attention..

Officer X notified Sergeant A of the K-9 contact and injuries to the Subject. Based on his/her initial assessment of the K-9 contact, Sergeant A began a Non-Categorical Use of Force (NCUOF) investigation. During this investigation, Sergeant A learned the Subject would be admitted to the hospital and initiated the protocols subsequent to a Categorical Use of Force (CUOF).

Based on the totality of the circumstances, the BOPC determined that the Post K-9 Contact Procedures were consistent with established criteria.