

Incident Summary

Officer A was driving a marked police car and Officer B was the passenger. The officers were conducting crime suppression patrol. The officers observed a silver vehicle approaching. The vehicle was missing the front license plate, in violation of California Vehicle Code 5200(a). As the vehicle passed, the officers observed that the vehicle had no rear license plate; Officer A conducted a U-turn in order to initiate a traffic stop for the violation. According to Officer A, he observed a male and two other passengers inside the vehicle.

Officer A activated the vehicle's emergency light bar and the vehicle. Officer B notified Communications Division (CD) of their location. As the subject vehicle came to a stop, Officer B observed the Subject throw a clear plastic baggy from the passenger side window, in violation of California Vehicle Code 23112.

As Officers A and B exited the police vehicle, the Subject used the vehicle's side view and rear view mirrors to look back in their direction. Officer B approached the vehicle on the passenger side, while Officer A maintained his position behind the driver's side door. The Subject turned his head to the right and looked over his right shoulder in Officer B's direction. The vehicle then sped away from the officers' location.

The vehicle moved forward and was approximately 20 to 25 feet away from Officer B when he observed the Subject use his right hand to throw a small plastic baggy containing a white crystal-like substance out of the passenger side window. Based upon his training and experience as a Drug Recognition Expert, Officer B immediately recognized the object as a baggy containing possible methamphetamine.

Note: After the incident, the officers conducted a search of the area of the initial traffic stop in an effort to recover the object thrown from the vehicle. The object was not recovered.

Officer B ran back to the vehicle and broadcast that they were in pursuit of a narcotics subject. Officer B requested backup, an Air Unit and a supervisor.

The officers pursued the vehicle for approximately two minutes, travelling approximately two miles. The pursuit ended when the vehicle collided with the garage door of a residence in an outside city.

The officers were aware that the Subject was a narcotics subject and could be armed. As the officers exited the police vehicle, both Officers A and B unholstered their pistols and held them in a two-handed, low-ready position. The Subject exited the driver's side door of the vehicle and ran south on the west sidewalk.

The Subject immediately jumped over an approximately three-foot high cinderblock wall, located approximately eight feet south of the Subject's vehicle. As the Subject climbed

over the wall, the officers observed the grip of a semiautomatic pistol in the waistband of the Subject's pants.

Note: Officer A stated the pistol resembled a semiautomatic pistol and observed it in the left side of the Subject's pants' waistband. Officer B saw a pistol in the Subject's waistband but could not describe the pistol and was unsure what side of the waistband held the pistol.

Officer A ordered the Subject to stop. The Subject did not respond and continued to run west, down an embankment and onto an adjacent street. Officer A continued to order the Subject to stop, paralleled the Subject for approximately two houses, stopped and holstered his pistol. Officer A broadcast that the Subject was running southwest and requested a perimeter.

As the Subject ran, Officer B stayed at the officers' vehicle and concentrated on the remaining occupants inside the vehicle. Officer B, with the help of other officers, took the occupants into custody.

Los Angeles Police Department Air Support Division Personnel responded to the termination of the pursuit and assisted with the establishment of the perimeter. They remained over the incident until officers took the Subject into custody.

Once the perimeter was established, Officer A obtained the subject vehicle's Vehicle Identification Number (VIN) and queried Department resources to check the status of the vehicle. The vehicle information returned and indicated that the vehicle was stolen.

Sergeant A arrived on scene, declared himself Incident Commander (IC) and established a Command Post (CP).

A short time later, CD broadcast a prowler call at a residence within the perimeter.

Metropolitan Division K-9 uniformed Officer C, was on stand-by at his home when he received a message regarding a K-9 request. Officer C responded to the CP and met with Sergeant A and Officers A and B. The officers advised Officer C that the Subject was wanted for grand theft auto and a possible narcotics violation. The officers also advised Officer C that the Subject was in possession of a pistol. Officer C ensured that officers had established a perimeter and believed the Subject was contained inside of it. Sergeant A advised Officer C that officers would arrest the Subject for the stolen vehicle, firearm and narcotics offenses.

Note: This information met the Department's criteria for initiating a K-9 deployment.

Additional K-9 units responded to the location. Officer C formulated a tactical search plan, and Sergeant A and Metropolitan Division K-9 Officer in Charge, Sergeant B, approved the plan. Based upon the two-block perimeter and information provided by

the Air Unit regarding the terrain of the search area, Officer C determined that the team would use one dog during the initial search. Officer C's search team was comprised of his dog, Metropolitan Division K-9 uniformed Officers D and E, and Patrol Division uniformed Officer F, as well as Officers A and B.

The officers on the search team donned their ballistic helmets, and Officer D armed himself with his police rifle, while Officers C and E were equipped with their sidearms and Thomas A. Swift Electronic Rifles (TASER).

While Officer C readied his dog for the search, Officer D conducted a briefing with the other officers on the search team. During the brief, Officer D advised the officers of K-9 search protocols in the event that the Subject should attempt to flee from officers, engage the K-9, or become involved in an officer-involved-shooting (OIS). Officer D assigned each officer coverage responsibilities and ensured that less-lethal options were available.

According to Officer C, a Los Angeles Police Department (LAPD) Air Unit utilized its Public Address (PA) system and gave the K-9 search announcement. Sergeant B, who was at the CP, and other officers on the perimeter of the containment area heard the announcements.

Officer B utilized a police vehicle's PA system and provided a K-9 announcement in both English and Spanish. Officer B read the announcement verbatim from an announcement card provided to him by Officer D. The announcement warned the Subject that officers were ready to use a search dog and that he should surrender or the dog could bite him. After a short period of time and no response or compliance by the Subject, Sergeant A authorized the K-9 search to commence.

Officer C determined that the search should commence two houses south of the location of the prowler subject radio call. The Subject was wanted for a felony and had been seen with a pistol. Based upon this information and the belief that the situation could rise to the level where deadly force might be necessary, the officers on the search team unholstered their pistols and held them at a two-handed low-ready position. Officer D held his rifle at the low-ready position.

As the team reached the residence where the prowler had been reported, the K-9 turned and began to move west onto the driveway. Officer C observed that the K-9 changed his behavior, which indicated an interest at that location. Officer C communicated his observations to the search team. The K-9 continued west up the driveway and picked up his pace, moving up the south side of the residence. Officers B, C, E and F followed the K-9 to the south side of the residence. Officer D held his position on the north side of the driveway and instructed Officer A to hold a position in the vacant lot on the north side of the residence.

As Officers C and E moved up the steps on the south side of the residence, they observed a small door on the south wall of the residence. The door was unlocked and

slightly ajar. Officer E took a position on the west side of the door and Officer C took a position on the east side of the opening.

The K-9 moved west, up the steps to a fence bordering the backyard of the location. The dog then turned and moved quickly east, back down the stairs. Based upon The K-9's actions, Officer C believed the Subject was in the immediate area. Officer C verbally placed the K-9 into a down position in order to allow him to rest should the search need to continue.

Officer C opened the door and the officers looked inside. The area was a storage area and was dark, with the only light coming from a vent on the north wall of the storage space. The officers utilized the lights attached to their pistols to illuminate the interior, which was filled with cardboard boxes and other debris.

Officer C yelled into the storage space, advising anyone inside the location to come out with their hands up or he would send the dog into the space. Officer C further advised that if the dog did find the Subject, he should remain still or the dog would bite. Officer C did not hear a response and repeated the announcement a second time.

Note: Officers A and D, positioned on the north side of the residence, stated they both heard Officer C give the K-9 announcement.

When the officers received no response after the second announcement, Officer C advised Officer E of his intentions and ordered the K-9 dog into the storage space.

According to Officer C, the K-9 dog's behavior changed again and the dog's pace quickened to a near run. The K-9 dog ran in an "S" search pattern inside the storage area before arriving at the northeast corner of the location, an area that was obscured by a large pile of moving boxes.

As the K-9 dog reached the northeast corner of the storage space, he barked one time, indicating to Officer C that the K-9 dog had found the Subject. Immediately after the bark, the officers on the south side of the residence heard a rustling sound, which they believed was the sound of the boxes moving. The K-9 dog lunged forward, out of sight of the officers. The officers immediately heard a human voice scream.

Note: Officer C heard yelling by the subject and immediately recalled the dog. The dog immediately came back and was leashed.

Officer C called the K-9 dog back outside the residence and took control of the dog. Officer E then took control of the search team and ordered the Subject to come out of the storage space. The Subject emerged from behind the stacked boxes and crawled out to the officers. Officer F holstered his pistol, approached the Subject, and with the assistance of Officer B, took him into custody without further incident.

The officers observed what they believed to be puncture marks on the Subject's upper right abdomen, which appeared to be a result of a dog bite. Officer C contacted the CP and advised that a Rescue Ambulance (RA) should respond. The Subject was transported to a hospital for treatment.

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 in three areas: 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 made the following findings.

A. Deployment of K-9

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

B. Contact of K-9

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

C. Post K-9 Contact Procedures

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

Basis for Findings

A. Deployment of K-9

The BOPC noted that Department K-9 dogs have proven to be invaluable in Department operations. Department K-9 dogs may be used to assist officers in the performance of their duties when such assistance is beneficial to Department operations and to community welfare. When a police service dog is deployed, the dog handler shall have sole responsibility for the control and direction of the dog.

Department K-9 dogs may be used in the following circumstances:

- a. In the detection, control and apprehension of a subject when there is a reasonable suspicion of the subject's involvement in criminal activity;
- b. In the investigation of a crime or possible crime;

- c. To defend peace officers and others from imminent danger at the hands of an assailant;
- d. To locate lost or missing persons;
- e. To locate or recover evidence; and/or
- f. In the furtherance of an investigative follow-up.

At the start of a K-9 search, the K-9 officer directing the search shall give or cause to be given a K-9 announcement and warning that a K-9 dog will be deployed. In those situations where noise or perimeter size is a factor, consideration should be given to the use of a vehicle or helicopter public address system.

In conclusion, the BOPC determined that the deployment of the K-9 resources were consistent with established Department criteria.

B. Contact of K-9

- In this instance, numerous audible K-9 announcements were given within the perimeter. The Subject failed to respond to the K-9 search announcement and a search team was formed. The K-9 officer used his dog to search the area. During the search, the K-9 showed interest to the storage space below the residence. Officer C concluded that the Subject was likely contained in the storage space. Officer C searched the location with his K-9 dog, and located the Subject. Seconds later, Officer C heard a male scream that the dog was biting him. Officer C ordered his dog out from the storage area and attached a leash to his collar and directed one of the officers to cover the Subject.

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

C. Post K-9 Contact Procedures

- When a K-9 contact occurs and the subject of the contact is hospitalized (admitted) as a result of the contact, the incident is classified as a Categorical Use of Force incident and Force Investigation Division (FID) shall respond and conduct the investigation. When any supervisor investigating a K-9 contact becomes aware that the injury is likely to result in hospitalization, the K-9 supervisor shall make the appropriate notifications.

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