

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 043-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southwest	07/31/14		
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Officer(s) Involved in Use of Force	Length of Service
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Not applicable.

Reason for Police Contact

Officers were conducting a K-9 search when the K-9 dog unexpectedly bit one of the officers in the search team.

Subject	Deceased ()	Wounded ()	Non-hit ()
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Does not apply.

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 Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (He, His, and Him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on June 16, 2014.

Incident Summary

While en route to the police station, a motorcycle officer's shotgun had dislodged from its mount and fell on the street. The officer was unaware of what had occurred. The officer was flagged down by a motorist several blocks from where the shotgun had fallen and advised the officer that his shotgun had fallen on the street. The officer retraced his path and when he could not find his shotgun, he requested additional resources to respond. During the investigation, video footage was discovered of a male walking with the shotgun.

K-9 personnel were requested to respond. Since there was a confirmed theft of a City-owned firearm, a signed Investigative Report and video evidence showing the theft suspect armed with the stolen firearm, Sergeant A directed the following K-9 officers to respond to the Command Post (CP).

With the information received about the subject's actions and direction of travel, Sergeant A formulated a tactical plan for the K-9 search, which included the use of four teams to simultaneously work the different quadrants of the one-block perimeter. Officer A was designated to lead a search team with his dog. His team included Officers B, C, D, and E. The search team was directed to begin at the southwest corner of the intersection where the subject was last seen on video.

As the plan approval was communicated, Officer A conducted a tactical briefing with his team before commencing the search. Officer A discussed general K-9 Platoon search tactics and articulated his expectations for each officer. Officers C, D and E were assigned to flank cover and rear guard positions. Officer B armed with his Department-issued shotgun, was designated as the cover officer to protect Officer A while he focused on his dog.

Officer F used his police vehicle's public address (PA) system to broadcast the prerecorded K-9 search notifications in both English and Spanish as programmed in the Mobil Digital Computer (MDC). Thereafter, Officer G broadcast the K-9 search notifications from his vehicle's PA system, and the Air Unit broadcast the final audible notifications from the air as it orbited the perimeter.

Officer A then broadcast that the K-9 search was commencing. At the entrance of a gated residence, Officer D posted himself on the public sidewalk approximately 15 feet north of the pedestrian gate to guard the north side of the property. Officer E walked approximately 25 feet further down the sidewalk to guard the south, and Officer A along with his dog stood on the street about nine feet northeast of the driveway apron.

At that point, Officers B and C entered the front yard to contact the resident. With the assistance of Officer C as a Spanish translator, Officer B met with the resident and informed him that the police were searching the area for an armed subject. Officer C asked the resident to enter his home in order to evacuate the yard for the pending K-9 search and instructed the resident to wave his hands at the front residential window once he was safely inside.

As the resident departed toward the back of his home, Officers B and C exited the front yard through the pedestrian gate and took positions along the sidewalk. Officer B stood on point near the gate with his shotgun held at the low-ready, facing a southwesterly direction. Officer C, meanwhile, moved to a static position approximately 7 feet east of the pedestrian gate and stood just off the west curb between two parked vehicles.

After a couple of minutes passed without a sign from the resident, Officer A requested the Air Unit to check the property. The Air Unit orbited the location and subsequently informed Officer A that the yard was clear of all residents. Officer A then commanded his dog to start searching north of the driveway.

At that point, the K-9 dog trotted north on the sidewalk past Officer B and turned east toward Officer C. As the K-9 dog moved into the street between the parked vehicles, Officer C stood completely still believing that he was simply going to “sniff” him and continue on with his search. Suddenly, without warning or provocation, the K-9 dog bit Officer C’s right calf, causing him to shout in pain.

Officer B immediately turned back toward the commotion and upon realizing the K-9 contact had occurred, quickly told Officer A to order the K-9 dog to stop. Officer A repeatedly yelled release commands to the K-9 while simultaneously activating the dog’s Electronic Collar (E-Collar) using a hand-held remote transmitter. The K-9 did not have any response or visible reaction to the E-Collar’s electrical stimulation and continued his bite. Officer A grabbed the K-9’s collar with both hands to prevent him from thrashing and lifted it to inhibit his breathing. As a result, the K-9 dog released Officer C’s right calf. Officer A then quickly leashed the K-9 and led him away from the area, allowing other officers to render aid to Officer C.

Officer B quickly lowered his shotgun to a suspended position on his tactical sling and held Officer C as he tried to calm him. He then removed Officer C’s equipment belt for comfort and opened the torn right pant leg to assess the bite wound. As a result, Officer B observed the severity of the wound on the back of Officer C’s right calf and requested the CP to call a rescue ambulance (RA).

As they waited for the RA to arrive, Sergeant A and Officer H were summoned to Officer C’s location. Due to his training as an Emergency Medical Technician, Officer H assessed the wound and along with Officer B applied a tourniquet around Officer C’s right thigh to temporarily minimize the blood loss as well as to prevent shock.

A Los Angeles Fire Department (LAFD) RA arrived at scene, and Officer C was transported to a hospital.

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

- Officers A and B responded to the incident with the other members of the K-9 unit to the CP. Upon their arrival, Officer A and Sergeant A verified the circumstances met K-9's criteria. After the K-9 Unit's tactical plan was approved by Captain A and Lieutenant A, and the four search teams were identified, the K-9 announcements were completed by Officers F and G, and the Air Unit respectively.

Officer D located on the southwest corner on the east side of the search grid, verified the audible notifications were clear and concise. Sergeant A located at the CP just east of the designated search grid and confirmed the notifications were audible.

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

B. Contact of K-9

- After the resident was contacted by Officers B and C, the Air Unit verified the backyard was cleared of any residents. Officer C positioned himself in the street between two parked vehicles. Officer A proceeded with the search shortly after there was no response to the K-9 announcements. Officer A began his search with

his K-9 dog on the west curb, north of the driveway. It was during this search that the K-9 dog moved toward Officer C, who was standing in the street between two parked vehicles. Although Officer C did not move, the K-9 dog without warning or hesitation bit Officer C's right calf.

After the K-9 dog did not respond to Officer A's repeated verbal commands to the release his bite hold on Officer C, or the activation of the dog's E-Collar, Officer A grabbed the K-9's neck and applied pressure restricting his airway. As a result of Officer A's actions, the K-9 dog released his bite hold on Officer C's right calf. Officer A was then able to pull the K-9 dog away and leash him. Officer B attended to Officer C.

Note: The BOPC's review and analysis of the incident was based on Officer A's actions, not the K-9 dog. The actions of the K-9 did not meet Department expectations of a K-9 and following this incident was immediately removed from service and ultimately returned to the vendor.

Although, this was an unusual situation resulting in the accidental contact involving an officer, the BOPC determined that the K-9 Contact was consistent with established criteria.

C. Post K-9 Contact Procedures

- Following the accidental contact, Officer B provided Officer C with medical assistance, notified the CP, and requested a RA unit and a supervisor.

Subsequent to Sergeant A's arrival, he requested Officer H, who is an EMT, to the scene to assist Officer B with Officer C's medical treatment until the arrival of the RA unit. Once it was discovered that Officer C would be admitted into the hospital and that Force Investigation Division (FID) was responding, Sergeant A ensured Officer A was removed from the field and monitored by a supervisor. Sergeant A also directed Officer A not to discuss the incident.

Although the witnessing officers in this matter were not separated or monitored until later in the investigation by FID, the BOPC determined this was not a deviation and furthermore likely did not compromise the integrity of this investigation involving an accidental contact with a Department employee. Therefore, the BOPC determined that the post contact procedures were consistent with established criteria.