

Incident Summary

On the date of this incident during the late evening, an unidentified caller telephoned the Los Angeles Police Department's (LAPD's) Communications Division (CD). The caller reported that a white truck had been parked in front of a residential address over the weekend, occupied by a man described as being approximately 45 years old and possibly under the influence of narcotics.

CD generated a non-priority prowler/vehicle broadcast at the dwelling and provided pertinent information over the police radio. Police Officers A and B were working uniformed patrol. According to Officer A, Officer B and he/she were not regular partners. They had worked together for approximately two days and had discussed tactics at the start of watch on the first day they worked together. Additionally, Officer A discussed tactics for traffic stops, with an emphasis on communication.

Officer A broadcast over the police radio for CD to assign the call to their unit and started responding to the call. While enroute, CD broadcast additional information that the prowler complaint was now a Grand Theft Auto (GTA) suspect "there now" call and provided the vehicle description and license number.

According to Officer B, he/she heard the stolen vehicle broadcast as they drove northbound and approached the location of the call. Officer A broadcast the officers' status and location (that they were Code-Six). Officer B parked their police vehicle south of the stolen vehicle by approximately one car length. According to Officer B, he/she shined his/her vehicle's spotlight at the stolen vehicle and was able to see a single occupant of the vehicle located on the driver's side.

According to Officer A, as he/she and his/her partner arrived at the location, he/she utilized his/her Mobile Data Computer (MDC) to confirm that the vehicle was stolen. Officer A broadcast a request for a back-up unit, a supervisor, and an Air Unit. Sergeant A broadcast that he/she was responding to the back-up request.

Officers A and B exited their police vehicle. Officer A observed the Subject seated inside the vehicle. According to Officer B, he/she unholstered his/her service pistol and held it in a two-handed, low-ready position, due to the Subject being a Grand Theft Auto suspect. According to both Officers A and B, they began to give verbal commands to the Subject to put his hands outside the truck window. As Officer A gave commands, the Subject opened the stolen vehicle's driver side door and stepped partially out. According to Officer A, the Subject stated, "What's wrong? I didn't do anything." Officer A gave an additional command for the Subject to get back inside the vehicle.

As depicted on Officer B's Body Worn Video (BWV), the Subject's vehicle was parked on the east curb, approximately 20 feet north of the officers' position. The Subject partially stepped outside of the vehicle and faced toward the officers. The Subject was illuminated by the police vehicle's spotlight and was wearing a gray t-shirt and tan

pants. After seven seconds, the Subject turned away from the officers and ran from the driver's side of the vehicle northbound.

According to Officer A, he/she and Officer B re-entered their police vehicle and began to follow the Subject. Officer A observed the Subject run northbound through residential streets. According to Officer A, as they were driving eastbound, they closed the distance with the Subject. Officer A broadcast that the Subject was traveling northbound and gave a physical description.

Officer A broadcast on the police radio that they were in foot pursuit northbound and provided his/her location. As Officers A and B prepared to deploy from their police vehicle, the Subject suddenly stopped running east and turned back west on the sidewalk. The Subject continued to run until he reached a residential home, where he turned north into the side yard.

As depicted on Officer B's BWV, he/she and Officer A exited their vehicle and continued to pursue the Subject on foot into the side yard of the residence. Officer A was in the lead position, with Officer B following approximately ten feet behind. During the foot pursuit, due to the Subject being a GTA suspect, Officer B unholstered his/her duty pistol.

According to Officer A, the Subject continued to run into the rear yard of the residence. Due to the Subject being wanted for GTA, as Officer A approached to within 15 to 20 yards of the Subject, he/she unholstered his/her duty pistol with his/her right hand and held it near his/her right waist. Officer A observed the Subject jump over the rear fence on the northside of the residence and into the east-west alley. According to Officer A, due to the fence acting as a barrier, he/she and Officer B were unable to continue pursuit of the Subject and returned to their police vehicle to set up a perimeter. According to Officer A, after he/she and Officer B lost sight of the Subject, they transitioned from apprehension mode to containment mode.

Air Support Division personnel and additional officers responded and assisted in establishing the perimeter, which was approximately three blocks in size. Sergeant A arrived, established a Command Post (CP), declared himself/herself the Incident Commander (IC,) and notified Metropolitan Division of the incident. Once the perimeter was set, communications for the incident was transferred to a Tactical Channel.

As depicted on Officer B's BWV, he/she and Officer A returned to the stolen vehicle after the perimeter was set. Once back at that location, Officers A and B visually cleared the interior of the stolen vehicle. According to Officers A and B, they did not clear the interior of the vehicle during their initial encounter with the Subject. However, Officer A indicated that the vehicle's windows were not tinted and that he/she only saw the Subject in the vehicle's interior. Both officers believed that the Subject was the sole occupant of the vehicle at the time of their initial contact.

Sergeant B responded to the location, where Officers A and B briefed him/her on the incident. The following officers assigned to the Metropolitan K-9 Unit arrived at the CP: Sergeant C, along with Police Officers C, D, E, and F, all K-9 officers. Sergeant C and Officer C met with Sergeant A who briefed them on what had transpired. Additionally, Officers A and B provided Sergeant C with more detailed information on the call and the Subject description. Based on the information received, Sergeant C authorized the K-9 unit to conduct a search for the GTA suspect. Once Sergeant C briefed Sergeant A on the specifics of the plan, Sergeant A approved the K-9 search.

According to Sergeant C, Officer C was designated to lead the first team of K-9 handlers. The team consisted of Officer C, his/her K-9 dog, along with Officers D, E, and F. A second K-9 search team consisted of K-9 handler Officer G, his/her K-9 dog, along with Officers A and B. According to Officer C, he/she met with the other K-9 officers and explained the search plan. Officer C's team would search from east to west, along the north side of where the Subject was last seen. Multiple K-9 search announcements were made in English and Spanish over the Public Address (PA) systems from ground units positioned around the perimeter and from the police helicopter.

The officers making the announcements utilized the pre-recorded message from the MDC in their respective police vehicles. Their positions on the perimeter and their vehicles were documented by Sergeant C. Detectives assigned to FID located and interviewed a total of eight civilian witnesses that were within the perimeter. All of them stated they heard the K-9 announcements. During his interview after the incident, the Subject refused to answer questions or otherwise make any statements to investigators regarding the K-9 announcements.

Prior to the K-9 search, Officer C provided roles to his/her team. As the officers worked in a Diamond Formation, Officer E would be on point and would be armed with a pistol, Officer C would handle his/her K-9 dog, while Officers D and F would cover the team's flanks and rear. All officers on Officer C's search team were equipped with TASERS.

The K-9 search continued for an extended period of time. According to Officer C, his/her K-9 dog reached a residence and moved around the northeast corner of the residence and into the east side yard of the property. In video footage obtained from Officer C's BWV, Officer C was observed taking a position on the sidewalk and facing south toward the east side yard. Officer F took a position a few feet south and to the right of Officer C. Officer E faced toward the front door of the residence. As both Officers C and F illuminated the east side yard with their flashlights, the K-9 could be seen approximately 40 feet south of the officers' position searching the side yard. The K-9 appeared to search in that general area for approximately ten seconds, after which time the Subject could be heard yelling.

When Subject began to yell, Officer C moved into the front yard of the residence. During this time, the side yard was still illuminated by Officer F's flashlight and the

Subject could be seen in a seated position facing toward the K-9 dog with his right arm around the K-9's upper body.

According to Officer C, as his/her K-9 dog and the Subject moved into a more centered position, the Subject could be seen choking the dog. Officer C believed that the Subject was trying to harm the K-9. According to Officer C, the Subject had rolled his body over onto the K-9's neck and was pinning the K-9 dog to the ground. Officer C immediately gave verbal orders to the Subject to stop moving and let go of the K-9. Officer C began to move south toward the east side yard. Officer F maintained his/her distance and continued to illuminate the yard with his/her flashlight. As depicted on BWV, the K-9 could be observed with a bite hold on the Subject's right calf.

According to Officer C, based on the Subject's violent behavior, he was not going to respond to verbal commands. Officer C decided that to safely take the Subject into custody, prevent further bite injuries, and to recall the dog, the officers would need to utilize a TASER. As such, Officer C began to call for a TASER and requested the team to move closer to the Subject.

As depicted on Officer E's BWV, as Officer C called for a TASER, Officer E moved south past Officer F and into the side yard. Initially, as Officer E moved closer to the Subject, he/she held his/her pistol in a two-handed, low-ready position, utilizing his/her pistol's X300 tactical light to illuminate the yard. Officers C and F followed behind Officer E. Officers C and E continuously gave verbal commands for the Subject to let go of the dog as the team converged on his position. As Officer E closed the distance to within ten feet of the Subject's location, he/she holstered his/her pistol and drew his/her TASER using a two-handed grip.

According to Officer E, as he/she approached the Subject, Officer E observed that the Subject had his right arm wrapped around the K-9's neck area and appeared to be curling his body around the dog. Additionally, Officer E observed that the K-9 had a bite hold on the Subject's right leg. In Officer E's opinion, it was unsafe for the officers to continue their approach and go "hands on" with the Subject. Officer E further opined that the use of the TASER would be the safest option to deescalate the situation and separate the K-9 dog and the Subject. Officer E stated that the K-9 could not be recalled if the Subject was choking the K-9, and the K-9 was only reacting to the assault. Officer E felt that the only option that he/she had to de-escalate the situation and stop assaulting the K-9 dog was to utilize the TASER and incapacitate the Subject long enough so that he would release the K-9, which would allow officers to get hands on. Officer E was concerned that if officers went hands on prior to the Subject releasing the K-9, the K-9 might bite one of the officers. Officer E believed that his/her use of the TASER was his/her only option to prevent any further escalation of force and to de-escalate what was going on as fast as possible.

At that time, the Subject could be observed facing away from Officer E and appeared to be laying over the K-9 dog with his right arm around the K-9's neck. According to Officer E, due to the Subject's body position, Officer E was able to target the Subject's

lower back area. According to Officer E, he/she was unable to issue a verbal Use of Force Warning to the Subject due to the minimal time it took the Subject to escalate his violent assault and strangulation of the K-9 dog.

Officer E deployed his/her TASER in probe mode from an approximate distance of ten feet from the Subject. The TASER probes struck the Subject in the lower back. According to Officer C, he/she initially unholstered his/her TASER, however he/she observed that Officer E already had drawn his/her TASER. Officer C immediately holstered his/her TASER and drew his/her pistol to act as a lethal cover officer.

As captured on Officer E's BWV, after the TASER was deployed, the Subject released the K-9 and rolled left onto his back, facing toward Officer E. The K-9 dog then obtained a bite hold on the Subject's right calf. According to Officer E, the Subject was still moving after the first TASER activation. To prevent the Subject from reengaging the dog, Officer E reactivated the TASER for a second cycle. After the second TASER cycle concluded, Officer E observed that the Subject sat up and placed his right arm around the K-9's neck again. Officer E then activated the TASER for a third cycle. The Subject released the K-9 dog and laid on his back. The K-9 then released his bite hold of the Subject's right calf.

According to Officer C, during the brief period when the Subject released his second hold of his/her K-9, he/she began to recall the K-9 dog by issuing the verbal command, "Platz." Simultaneously, Officer C utilized the K-9's electronic collar (E-Collar) to assist in recalling the dog. According to Officer C, the K-9 immediately let go of the Subject during the first platz command, however when the Subject attempted to grab the K-9 a second time, Officer C had to issue additional Platz commands to help guide the dog back to his/her position. As depicted in Officer E's BWV, the K-9 dog released his bite hold on the Subject during Officer C's second Platz command. As observed on Officer C's BWV, Officer C issued a total of nine Platz commands that ultimately guided his/her K-9 back to his/her position approximately ten feet north of the Subject. Officer C stated that multiple Platz commands were needed to assist his/her K-9, as the K-9 navigated his way through the officers back to his/her position.

According to Officer D, Officer E ordered the Subject into a felony prone position by having him lay face down with his hands out to his side. As Officer E and F provided cover, Officer D approached the Subject and handcuffed him without further incident. The Subject was then walked to the front of the residence.

Officer C radioed the CP to request a Rescue Ambulance (RA) for the Subject. Sergeant C responded to the front of the residence to conduct a K-9 contact investigation and asked the Subject questions pertaining to the K-9 contact. The Subject remained silent and did not respond to any questions posed by Sergeant C. According to Sergeant C, he/she observed the Subject had sustained an injury to his right leg. Additionally, Officers A and B responded to the residence and positively identified the Subject as the GTA suspect.

Emergency Medical Technicians (EMT's) arrived at scene. According to Sergeant C, once the Subject was lifted into the RA, he/she could better observe the Subject's leg injury and determined that it may be severe enough for the Subject to require hospitalization. Sergeant C communicated this to the IC and advised that the involved officers would need to be separated and monitored. The Subject was subsequently transported by RA to a nearby hospital for treatment. It was later determined that the Subject would be admitted for his injuries.

BWV and DICVS Policy Compliance

OFFICER	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	No	Yes	No	N/A	N/A
Officer B	No	Yes	No	N/A	N/A
Officer C	Yes	Yes	Yes	N/A	N/A
Officer D	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	N/A	N/A
Officer F	Yes	Yes	Yes	N/A	N/A
Officer G	No	Yes	No	N/A	N/A
Officer H	No	Yes	No	Yes	Yes
Officer I	No	Yes	No	Yes	Yes
Officer J	No	Yes	No	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 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. Tactics

The BOPC found Officers C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Less-Lethal Use of Force

The BOPC found Officer E's less-lethal use of force to be In Policy.

D. Deployment of K-9

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

E. Contact of K-9

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

F. Post K-9 Contact Procedures

The BOPC found that 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. It is also recognized 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the suspect's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject 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 does not require that an officer compromise his/her or him/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. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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** (*Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016*).

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 – Officer C and Sergeant C responded to the CP and were briefed by Sergeant A and Officers A and B. Sergeant C and Officer C were informed of the circumstances leading up to the response of Metropolitan Division K-9 units, including that the Subject was a felony GTA suspect who had fled from officers and was believed to be contained within the established perimeter. They confirmed that if the Subject was located and identified, he would be arrested for the felony GTA offense. Officer C was provided with a detailed description of the Subject and was advised that there was no evidence that the Subject was armed. Officer C formulated a tactical search plan that consisted of two K-9 search teams working in coordination with each other. Officer C was designated to lead the first K-9 search team with his/her K-9 dog, and Officer G was designated to lead the second search team with his/her K-9 dog. The search plan involved Officer C's team responding and searching the location where the Subject jumped over the fence, then holding at that position. Officer G's team would search the alley north. If the Subject was not located, Officer C intended for both K-9 teams to move north. The search plan was approved by Sergeants A and C. Officer C briefed his/her search team of their assignments and the search plan.

Sergeant C and Officer C assured pre-recorded K-9 search announcements were broadcast in English and Spanish over the PA systems from police vehicles positioned around the perimeter and from the Air Unit above the perimeter. Sergeant C documented the results of the K-9 search announcements.

Assessment – Sergeant C and Officer C assessed that the Subject was an outstanding felony GTA suspect and determined the criteria for a K-9 search was met. Officer C assessed that the Subject was an unarmed suspect, and allowed his/her K-9 dog, a limited search certified police service dog, to conduct the K-9 search. A limited certified police service dog is only deployed on searches when the outstanding suspect is reasonably believed to be unarmed.

Officer C heard the Subject yell out and observed the Subject holding his/her K-9 dog around the neck area and believed his/her K-9 had obtained a bite hold of the Subject. Officer C immediately assessed the tactical situation and verbally communicated to his/her team to move closer. Officer C stated the Subject placed his/her K-9 in a carotid chokehold and rolled his body over onto his/her K-9's neck, pinning him to the ground. Officer C believed the Subject was trying to physically harm his/her K-9. Officer C immediately yelled for the Subject to stop moving and to let go of his/her K-9. The Subject failed to comply to Officer C's repeated commands to stop moving. Based on the Subject's aggressive behavior toward his/her K-9, Officer C opined that the Subject would additionally fight with officers if they attempted to take the Subject into custody. Officer C assessed that he/she needed to get his/her K-9 away from the Subject's hold so that he/she could recall his/her K-9 and at the same time prevent additional injury to the Subject. In an effort to de-escalate the situation, Officer C requested a TASER to be deployed.

Officer E observed the Subject choking and actively fighting the K-9 dog, while the K-9 dog had a bite hold on the Subject's right lower leg area. Officer E assessed the situation and determined that transitioning to a less-lethal tool was the optimal option based on the Subject's violent behavior with the K-9. Officer E opined that if officers attempted to physically take the Subject into custody, the Subject's violent behavior toward the K-9 would translate to the officers. There would also be a high potential for an officer be bitten if they approached the K-9, while he was engaged in a struggle with the Subject. Officer E observed that the Subject was in a curled-up position with a chokehold on the K-9 dog, while at the same time putting his body weight on top of the K-9. Based on the positioning of the Subject and the K-9, Officer E assessed that the K-9 couldn't get out of the Subject's hold, leading the K-9 to continue to defend himself against the Subject. Officer E stated that he/she was concerned for the Subject's welfare because the longer the Subject held onto the K-9, the greater potential for the Subject to be injured even further. Officer E deployed his/her TASER in order to de-escalate the Subject's aggressive behavior and incapacitate the Subject long enough so that the Subject would release his chokehold of the K-9. Officer E aimed his/her TASER at the Subject's back area and activated the TASER in probe mode. Officer E assessed prior to each of his/her three TASER activations.

Time – Upon the arrival of Metropolitan Division K-9 officers to the CP, they utilized the time they had to assess the information provided by Sergeant A and Officers A and B. Sergeant C and Officer C determined that the situation met the criteria for a K-9 search. Officer C took the necessary time to formulate a tactical plan, which utilized the officers they had at scene as well as the K-9s that were available. Officer C took the time to inform his/her team members of their roles and the search plan. Sergeant C and Officer C did not start the K-9 search until the K-9 announcements were properly conducted.

Officers C and G's teams conducted a thorough and methodical search, taking the time to make contact with various citizens inside the search area and taking into account all pertinent information that was provided. Once Officer C heard the Subject yell out and observed that he was physically attempting to harm his/her K-9 dog, Officer C immediately ordered the Subject to stop moving and to let go of his/her K-9. Officer C communicated to his/her team his/her observations and rapidly closed the distance to the Subject and his/her K-9 with his/her team. Officers C and E observed the Subject's aggressive actions in his attempt to choke the K-9 dog. Officer E deployed his/her TASER in an effort to prevent the Subject's continued aggressive and combative actions towards the K-9, which could have led to further injury to the Subject. Officer C recalled his/her K-9 dog as soon as Officer C observed the Subject release his/her K-9. Due to the Subject's violent actions and the dynamic nature of the physical confrontation between the Subject and the K-9, Officers C and E were afforded only minimal time to react to the tactical situation.

Redeployment and/or Containment – Prior to the arrival of Metropolitan Division K-9 officers to the CP, a perimeter had been established and containment of the area had been coordinated by the responding officers and the Air Unit. Throughout the K-9 search, the perimeter positions, established by patrol and Metropolitan Division officers, were maintained in order to keep proper containment of the search area.

Once the K-9 dog made contact with the Subject, Officer C and his/her team closed distance in an attempt to assess the tactical situation. Due to the confined space of the narrow walkway, Officer C and his/her team observed that the Subject was contained; however, the K-9 dog could not be recalled or redeployed due to the Subject utilizing his bodyweight to hold the K-9 down. Additionally, Officer C and his/her team were unable to redeploy due to the confined area they were in and the essential nature of maintaining clear visual contact with the Subject and his/her K-9, in order to determine the best tactical option to prevent further injury to the Subject and take him into custody without further incident.

Other Resources – After Officers A and B lost visual contact with the Subject, they established a perimeter to contain the area with the assistance of responding officers and the Air Unit. Sergeant A, the IC, after receiving pertinent information regarding the incident, notified Metropolitan Division of the situation, and requested Metropolitan Division K-9 officers to respond and assist with a search.

Metropolitan Division K-9 officers responded to the CP and utilized resources at scene, including patrol and Metropolitan Division police vehicle PA systems as well as pre-recorded K-9 announcements on the MDC of those vehicles. Additionally, Officer C utilized the Air Unit to broadcast a K-9 announcement in order to confirm they covered the entire area within the established perimeter. Metropolitan Division K-9 officers utilized two of the four police service dogs they had at their disposal and determined the use of the remaining two K-9s would not be appropriate based on

the number of officers that were required to maintain the perimeter in a condensed residential area.

Lines of Communication – Sergeant A established lines of communication with the officers at scene as well as Metropolitan Division K-9 officers when he/she informed them of the incident and requested that Metropolitan Division K-9 officers respond to assist with a search.

Sergeant C and Officer C opened lines of communication with Sergeant A and Officers A and B upon their arrival to the CP and received information regarding the incident and the Subject's description. Officer C established lines of communication with his/her team members when he/she assigned their roles and advised them of the search plan. Officer C maintained lines of communication with the CP and perimeter units as he/she updated the progress of the search periodically. Additionally, Sergeant C and Officer C attempted to open lines of communication with the Subject by having multiple K-9 announcements made throughout the perimeter in an attempt to notify the Subject of the impending K-9 search and have him surrender peacefully.

Upon the K-9's contact with the Subject, Officer C immediately attempted to open lines of communication with him by ordering the Subject to stop moving and let go of his/her K-9 dog. Officer C maintained his/her lines of communication with his/her team by advising them of his/her observations and directing them to move up in order to better assess the best tactical option to deploy. Officer E directed the Subject to let go of the K-9 dog multiple times prior to utilizing his/her TASER. Upon his/her observation that the Subject had released the K-9 and was not continuing his violent actions, Officer C recalled his/her K-9, who returned back to Officer C. Officer E provided clear directions to the Subject to place his arms out to his sides, at which time the Subject complied and was taken into custody without incident. Additionally, Officer C immediately contacted the CP to request a Rescue Ambulance (RA) shortly after the Subject was taken into custody, due to the K-9 contact and TASER deployment.

The BOPC noted that Metropolitan Division K-9 officers utilized the time they had to assess the incident, formulated a tactical search plan, established lines of communication, utilized all available resources, and make proper notifications. Once Metropolitan Division K-9 officers arrived at scene, they utilized their available time to open lines of communication with the initial patrol officers and the IC in order to acquire a clear understanding of the incident and determined it met the K-9 deployment criteria for a search. Upon the K-9 dog locating the Subject, the Subject became physically violent and aggressive with the K-9. Metropolitan Division K-9 officers observed the Subject attempting to physically injure the K-9 and ordered the Subject to cease his actions. The Subject refused to comply and continued his attack on the K-9 as officers closed the distance and deployed a TASER to de-escalate tactical situation and prevent further aggressive behavior which may have potentially led to further injury to the Subject. Metropolitan Division K-9 officers were

presented with a rapid and dynamic tactical situation in which they were required to make decisions that balanced their own safety and welfare as well as the Subject's.

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 - **Passing Unsearched Vehicles** – The investigation revealed that Officers A and B, upon their arrival at scene, observed the stolen vehicle described in the radio call located in front of a residence. They illuminated the vehicle and observed the Subject to be the only occupant. The Subject, shortly thereafter, fled on foot as Officers A and B followed in their police vehicle. Officers A and B passed the stolen vehicle while pursuing the Subject in their vehicle. In response to the sudden and rapid nature in which the Subject exited the vehicle and fled on foot, officers only visually cleared the suspect vehicle in order to maintain visual contact of the Subject. Officers A and B were reminded of the importance of systematically and thoroughly clearing a vehicle, as well as the possible dangers of additional suspects concealing themselves within vehicles.
 - **Basic Firearm Safety Rules** – The investigation revealed that Officer B briefly allowed the muzzle of his/her service pistol to cover Officer A's back during the incident. Even though this incident was dynamic and fluid in nature, and Officers A and B had just exited their vehicle and were in foot pursuit of the Subject, Officer B was reminded to remain mindful of the Department's Basic Firearm Safety Rules at all times.
 - **Non-Conflicting Simultaneous Commands** – The investigation revealed that Officers C and E provided simultaneous non-conflicting commands to the Subject to let go of the K-9 as they approached the Subject. Although the commands were non-conflicting, the officers were reminded that simultaneous commands can sometimes lead to confusion and non-compliance.
 - **Use of Force Warning** – The investigation revealed that a Use of Force Warning was not provided by Officer E prior to Officer E discharging his/her TASER at the Subject. In this case, as Officer E closed the distance with the Subject, he/she observed that the Subject had his arm around the K-9's neck area while utilizing his bodyweight on top of the K-9, who had obtained a bite hold. Officer E rapidly approached, while providing the Subject commands to let go of the K-9 dog. This required Officer E to make a rapid assessment of the situation, which limited the time he/she had to provide a verbal warning. Officer E was reminded of the importance of providing a Use of Force Warning, when feasible, prior to utilizing less-lethal control devices.

- In conducting an objective assessment of this case, the BOPC determined that Officers C, D, E, and F's tactics did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Although it was determined that Officers A and B would not receive formal findings, the BOPC believed that they would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

Therefore, the BOPC found that Officers A, B, C, D, E, and F should attend the Tactical Debrief and that the specific identified topics be discussed.

The BOPC found Officers C, D, E, and F's tactics to warrant a Tactical Debrief.

B. Less-Lethal Use of Force

- **Officer E** – (TASER, three activations, probe mode)

First TASER Activation – One six-second activation in probe mode, from an approximate distance of ten feet.

According to Officer E, he/she did not observe the initial contact between the Subject and the K-9, however, as Officer E turned the northeast corner of the residence, he/she observed an active engagement between the Subject and the K-9. As Officer E approached the Subject and the K-9 dog, he/she observed that there was nothing immediate in the Subject's hands. The Subject was choking and actively fighting with the K-9 dog, while the K-9 had a bite hold on the Subject. As Officer E approached to a distance of approximately eight to ten feet, he/she determined that transitioning to a less-lethal tool was the optimal option based on the Subject's violent behavior with the dog. Officer E opined that if officers attempted to physically take the Subject into custody, the Subject's violent behavior toward the K-9 would translate toward the officers. There would also be a high potential an officer could be bitten if they approached the K-9 while engaged in a struggle with the Subject. Officer E observed the Subject was in a curled-up position with a chokehold on the K-9 dog, while at the same time putting his body weight on top of the K-9. Based on the positioning of the Subject and the K-9, Officer E was sure the K-9 could not get out of the Subject's hold, leading the K-9 to continue to defend himself against the Subject. Officer E stated that he/she was concerned for the Subject's welfare because the longer the Subject held onto the dog, and the dog had the bite hold, the greater potential for the Subject to be injured even further. Officer E deployed his/her TASER in order to de-escalate the Subject's aggressive resistance and incapacitate the Subject long enough so that the Subject would release his choke

hold of the K-9. Officer E aimed his/her TASER at the Subject's back area and activated it in probe mode. Officer E stated there was no time to feasibly issue a Use of Force Warning because the Subject was already aggressively choking and holding down the K-9.

Second TASER Activation – One five-second activation in probe mode, from an approximate distance of ten feet.

According to Officer E, after his/her initial TASER activation, he/she observed the TASER darts make solid contact with the Subject's back and observed that the TASER didn't have the immediate effect of neuromuscular incapacitation that a TASER commonly generates. Officer E observed the Subject continue to have mobility in his arms and was still thrashing around. Officer E activated his/her TASER a second time in order to prevent the Subject from re-engaging the K-9 and going back to his violent behavior.

Third TASER Activation – One five-second activation in probe mode, from an approximate distance of ten feet.

According to Officer E, after the second activation ended there was a brief moment where the Subject was able to sit himself back up and grab the K-9 again. Officer E observed that the Subject was able to get full mobility again, and the Subject's arm was wrapped around the K-9. Officer E believed that allowing the Subject to re-engage and continue to fight with the K-9 dog would only increase the potential for injury to the Subject. Officer E believed that he/she needed to give Officer C the opportunity to call the K-9 back so that no further injury would be sustained by the Subject, who was actively fighting the K-9. Officer E activated his/her TASER a third time in order to limit the Subject's aggressive behavior and allow the K-9 to be recalled.

In this case, the BOPC considered Officer E's experience of approximately eight and a half years as a K-9 handler during their assessment of the use of the TASER by Officer E during the K-9 contact incident. As Officer E moved forward towards the Subject and the K-9 dog, Officer E observed the K-9 with a bite hold of the Subject while the Subject had a "choke hold" on the K-9 as the Subject utilized his bodyweight to pin the K-9 down to the ground.

The BOPC considered Officer E's verbal attempts to command the Subject to release the K-9, to which the Subject did not comply. Additionally, the tactical situation was dynamic, and Officer E made the rapid decision to utilize a TASER in an effort to de-escalate the encounter as he/she believed the K-9 would not be able to free himself from the struggle as the Subject was utilizing his bodyweight to hold the K-9 dog down. The BOPC noted that Officer E, based on his/her experience, opined the K-9 dog would naturally continue his bite hold to defend himself. Officer E deployed his TASER in an effort to prevent the Subject from continuing to aggressively engage the K-9 and potentially sustaining further injury.

Officer E observed that his/her first TASER activation did not have the full neuromuscular incapacitation that a TASER commonly generates, which led to the Subject continuing his aggressive movement and having control of his limbs. Officer E activated his/her TASER a second time in order to prevent further aggressive and violent actions by the Subject and allow the K-9 to disengage and be recalled. The BOPC noted Officer E's observations that the Subject sat up after the second TASER activation had been completed and continued his violent actions when he attempted to grab the K-9 around his neck area. Officer E activated his/her TASER a third time to cease the Subject's aggressive actions towards the K-9 dog, which would prolong the physical confrontation with the K-9, may draw Officer E or his/her team members into the confrontation, and potentially increase the level of injury to the Subject or officers. Upon Officer E's third TASER activation, the Subject ceased his physical resistance and laid on his back. Officer E advised that he/she assessed through each of his/her TASER activations and observed the Subject's compliance after the third TASER activation.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer E, while faced with similar circumstances, would believe the applications of the TASER to stop the Subject's actions to be objectively reasonable.

Therefore, the BOPC Officer E's less-lethal use of force to be objectively reasonable and In Policy.

C. Deployment of K-9

- Sergeant C and Officer C responded to the CP regarding the K-9 request and met with Sergeant A, who informed them of the circumstances of the incident. Additionally, Officers A and B provided Sergeant C with further detailed information on the initial radio call and the Subject's description. Based on the information he/she received, Sergeant C confirmed that the criteria for a K-9 deployment for a search was met and authorized K-9 officers to conduct a search for the GTA suspect. Officer C formulated a tactical search plan utilizing two K-9 search teams. Sergeant C concurred with the search plan and informed Sergeant A on the specifics of the tactical search plan. Sergeant A approved both the search plan and the deployment of K-9 for a search.

According to Officer C, he/she formulated a tactical search plan that consisted of two K-9 search teams working in coordination with each other. Officer C was designated to lead the first K-9 search team with his/her K-9 dog, and Officer G was designated to lead the second search team with his/her K-9 dog. The search plan involved Officer C's team responding and searching the location where the Subject jumped over the fence, then holding at that position. Officer G's team would search the alley north. If the Subject was not located, Officer C intended for the K-9 teams to move north.

Multiple K-9 search announcements were made over the PA systems from police vehicles positioned around the perimeter. Additionally, Air Support gave a K-9 Announcement above the search area. The officers making the announcements utilized the pre-recorded message from the MDC in their respective police vehicles. Their positions on the perimeter and police vehicles were documented by Sergeant C.

Based on the totality of the circumstances, the BOPC determined that the deployment of K-9 procedures were consistent with established criteria.

D. Contact of K-9

- In this case, multiple K-9 announcements were made via the PA systems; however, the Subject failed to respond to the K-9 announcements. The Subject remained hidden from sight and continued to evade detection and apprehension by officers.

According to Officer C, his/her K-9 dog continually worked along the front of some residences along the south side of the street, until his/her K-9 made a right turn into a narrow walkway between two residences. Officer C and his team moved to a position where they could see down the side of the residences. Officer C observed that his/her K-9 had moved south to the end of the walkway, and as he was coming back he started to sniff some plants. As his/her K-9 was searching, Officer C heard someone yell. Based on Officer C hearing the yell and observing the action from his/her K-9's hind quarter area, it appeared that a contact had occurred. Officer C did not actually see the contact occurring until the Subject came out into the middle of the walkway between the two residences.

According to Officer C, he/she was not able to see what initiated the contact but believed that based on his/her experience and on his/her K-9's training, if someone yells and moves to make that yelling sound; it is something that could have been interpreted by his/her K-9 as violent threat. Officer C opined that yelling is an action that is typically accompanied by movement. Officer C believed that the Subject's actions of yelling and movement possibly prompted his/her K-9 to respond with a bite. Officer C observed the Subject become very aggressive with his/her K-9 dog as the Subject placed the K-9 in a carotid choke hold and rolled his body over onto the K-9's neck, pinning the K-9 to the ground. Officer C immediately instructed the Subject to stop moving and to let go of the dog. The Subject failed to comply to Officer C's repeated commands to stop moving. The Subject continued his very aggressive attack on the K-9 and appeared that he was trying to physically harm the K-9.

The BOPC noted the K-9 dog did not bark upon locating the Subject, as police service dogs are trained to do. Consideration was given to Officer C's 12 years of expertise and experience as a K-9 handler and trainer, when he/she opined that the Subject's loud yelling was possibly accompanied by movement, which the K-9 would

have taken as a violent threat, and reacted in accordance with his training which was to make contact with the Subject. Additionally, the BOPC noted the investigation could not determine if the K-9 contact occurred when the Subject yelled or when the Subject moved to the middle of the walkway, which was when Officer C first observed the K-9 contact.

According to Officer C, he/she directed his/her team to move up in order to get into a closer position to better assess the tactical situation. Based on the Subject's aggressive behavior towards the K-9, Officer C formed the opinion that the Subject would additionally fight with officers if they attempted to physically contact and take the Subject into custody. Officer C assessed that he/she needed to get his/her K-9 dog away from the Subject's hold. According to Officer C, his/her K-9 was still biting the Subject, and the only way to minimize and prevent additional injury to the Subject would be to stop his aggressive violent behavior toward the K-9 dog. In an effort to de-escalate the situation, recall the K-9, and safely take the Subject into custody, Officer C requested a TASER to be deployed.

According to Officer C, he/she observed Officer E's first TASER activation did not fully stop the Subject's actions, and the Subject continued to fight with the K-9 dog. Officer C heard a second TASER activation and observed a moment where it seemed like the Subject let go of his/her K-9. Officer C immediately recalled his/her K-9 by issuing multiple "Platz" commands, which are heel commands. Officer C also utilized his/her E-collar in conjunction with his/her first three "Platz" commands. Additionally, the K-9 dog released his bite hold during Officer C's second "Platz" command. Officer C then observed the Subject reach out and grab his/her K-9 dog, which caused his/her K-9 dog to re-engage with the Subject.

After the third TASER activation, the Subject released the K-9 and laid on his back. Officer C issued additional "Platz" commands to help navigate his/her K-9 back to Officer C's position, at which point he/she placed the K-9 dog on a leash.

The BOPC considered Officer C's multiple attempts to order the Subject to stop moving and let go of the K-9 dog. The Subject refused to comply with the commands. In an effort to de-escalate the situation, recall the K-9 dog, and safely take the Subject into custody, Officer C requested a TASER to be deployed. Officer C believed that the Subject's violent actions would lead to further injury to the Subject, due to the K-9 dog having a bite hold on the Subject, and the K-9's training to continue to keep ahold of the Subject until being recalled. Officer C observed that the Subject's bodyweight on the K-9 would prevent his/her K-9 from being recalled.

The BOPC noted that once the TASER was deployed by Officer E, Officer C continued to monitor the encounter and observed that the TASER had some effect; however, it was not the full neuromuscular incapacitation that the TASER is intended for. Officer C observed that the Subject still was moving around in a violent and aggressive manner and was continuing to resist. The BOPC noted that Officer C redeployed further north, away from the physical confrontation, while continuing to

monitor the Subject's physical compliance. Once Officer C observed a moment where the Subject released his/her K-9 dog, and the K-9 could safely be recalled, he/she issued his/her verbal "Platz" command in conjunction with activating the K-9's E-Collar.

The BOPC considered that the Subject attempted to re-engage and grab the K-9 again, which appeared to cause confusion and possible hesitation after the K-9 had released his bite hold and began to return to Officer C. Although the K-9 had released his bite hold during Officer C's second "Platz" command, Officer C continued to verbally issue "Platz" commands in order to guide his/her K9 back to him/her around the officers on his/her team. Officer C issued a total of nine "Platz" commands before his/her K-9 reached him. Additionally, the BOPC noted the confined area where the K-9 contact occurred, as well as the disruptive and loud ambient noise created by the Air Unit circling overhead and the Subject's continued yelling.

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

E. Post K-9 Contact Procedures

- After the Subject was taken into custody, Officer C immediately contacted the CP to request an RA for the Subject. Officers A and B responded to the Subject's location and positively identified the Subject as the GTA suspect that fled from the stolen vehicle.

The outside city fire department personnel responded to the scene and transported the Subject to a nearby hospital for a dog bite injury to his right lower leg and TASER puncture wounds to his back.

Sergeant C determined the Subject's leg injury caused by the K-9 contact may have been severe enough to require hospitalization and advised Sergeant A. Sergeant C, believing the incident could result in a categorical use of force (CUOF), admonished Officers C, E, D, and F not to speak about the incident and had them separated and monitored at the police station. Sergeant C advised Sergeant A that the incident may potentially become a CUOF. Sergeant A had Officers A and B separated and monitored at the police station and later notified FID of the potential for the incident to be investigated as a CUOF.

According to the FID investigation, Detective A (FID), received telephonic notification to respond to the police station to conduct a CUOF Assessment of the K-9 contact.

According to the FID investigation, the Subject was treated at the local hospital and later released and cleared to be booked. Officers H and I transported the Subject to the station for booking. While waiting to be booked, the Subject's leg bandage came

off, requiring the response of Los Angeles Fire Department (LAFD). The Subject was subsequently transported by an LAFD RA to another hospital for treatment.

According to the FID investigation, after learning that the Subject would be admitted to the hospital, Detective A notified the Department Operations Center (DOC), of the Subject's hospitalization and that FID would be handling the administrative investigation related to the K-9 Contact.

Based on the totality of the circumstances, the BOPC determined that the post contact procedures were consistent with established criteria.