

ABRIDGED SUMMARY OF K-9 CONTACT REQUIRING HOSPITALIZATION AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

K-9 Contact Requiring Hospitalization – 056-08

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Rampart	06/08/08		

Officer(s) Involved in Use of Force	Length of Service
Officer A	16 years, 7 months

Reason for Police Contact

Officers responded to a radio call of a “Kidnap suspects there now” location. Upon their arrival, officers saw two of the suspects fleeing the residence. Subject B was captured by officers as Subject A hid near the location of occurrence. A K-9 unit was utilized for the search for Subject A, and a K-9 contact occurred when Subject A was located.

Subject	Deceased ()	Wounded (X)	Non-Hit ()
Male: 26 years old.			

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 suspect 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on May 26, 2009.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference, the masculine pronouns (he, his, and him) will be used in this report to refer to male or female employees.

Incident Summary

On June 8, 2008, Communications Division (CD) broadcast, “Rampart units, possible kidnap suspects there now. Suspects are three male Hispanics: number one, brown jacket; number two, white jacket; number three, no further. Person reporting observed the suspects force owner of the residence, a male, into a white Pathfinder at

approximately Suspects have returned to the location and have entered the residence.... Unknown location of the victim. It's code three...." Communications Division assigned the radio call to Rampart Patrol Division uniformed Officers B and C.

Rampart Patrol Division uniformed Officers D (driver) and E (passenger) monitored the radio and responded to the scene, arriving first since they were closer to the location. Officer E advised CD that they were at the location.

While driving north toward the location, Officers D and E looked for a white Sport Utility Vehicle (SUV). As they arrived, Officers D and E looked across the street and observed a white SUV across the street from the address of occurrence. Officers D and E then heard the sound of breaking glass coming from inside the residence in front of which the SUV was parked. Officer E observed three male Hispanics jump out a window on the south side of the residence and then run in a southwest direction.

Note: According to Officer D, he observed one male Hispanic jumping out the window and two male Hispanics running away from the location.

Officer D broadcast, "We got a 459 suspect running southbound. Let me get a backup." Officer D placed his vehicle in reverse and drove to the next intersection.

Officer E was aware of an alley between the street he was currently on and the next street west of his location. Officer E exited the vehicle and ran west toward the alley. As Officer E got closer to the alley, he drew his pistol in the event he might encounter the subjects.

Officers B and C had arrived at the scene and were advised by Officer E to drive west and search for suspects fleeing in that direction. Officers B and C drove north on the next street west and detained a male, subsequently identified as Subject B, without further incident. Additional units arrived at the scene and a perimeter was established.

Officer E made contact with the residents at the location of occurrence, subsequently identified as Witness A and Witness B, who had exited their house. Witness A advised that he was robbed and beaten by three male Hispanics who were armed with a handgun. Officer E observed Witness A bleeding from his face and requested a rescue ambulance (RA) for him. Witness A was subsequently treated for lacerations to his head and face and transported to a local hospital.

Subject B was subsequently identified by Witness B as one of the three robbery suspects in a field show up.

Sergeant A arrived at the scene, assumed the role of incident commander, and established a command post (CP). After gathering information, Sergeant A contacted Metropolitan Division to request a K-9 Unit to respond to the scene to search for the two outstanding robbery suspects.

Shortly after the K-9 request was made, an airship arrived overhead at the scene. The air unit utilized its Forward Looking Infra Red (FLIR) system to scan the area for

possible suspects. The air unit observed a heat source at a residence; however, because of foliage and other obstacles, the air unit could not specifically identify whether the heat source was coming from a person or an animal. The air unit advised the units below of their observation.

K-9 Unit Sergeant B and Officers A, F, G, and H arrived at the CP where they were briefed regarding the incident. A plan was formulated in which two K-9 search teams would be formed; one to search the residences on the street where the robbery had occurred and the other to search the residences on the street immediately west of the location of occurrence.

Note: Officers A, D, E, and F, along with K-9 A, were assigned to search the street west of the location of occurrence. Officer A was assigned as the K-9 handler and was armed with a Glock pistol. Officer F was assigned as the forward guarding officer and was armed with a Heckler and Koch rifle. Officers D and E were assigned as the rear guard officers and were armed with Glock pistols. Officers D and E were also designated to take the suspect into custody in the event they encountered a suspect.

Officer A requested the air unit to make the required K-9 search announcement in English using the Public Address System (PA) mounted on the airship. Rampart Patrol Officer I was directed to drive mid-block on the western-most street from the street bordering on the south and use his vehicle's PA system to make a K-9 search announcement in Spanish. After receiving no response to the announcements, the search commenced. Officer A decided to start the search at the location where the air unit observed the heat source.

The building that was searched by Officer A's team was a one-story single-family structure located to the rear of a two-story multi-unit structure. Two east/west walkways were positioned on the north and south sides of the front structure and provided access from the front to the rear of the property.

Upon reaching the gate to the property, Officers A, D, and E drew their pistols while Officer F kept his rifle in the low-ready position. Because they were searching for armed suspects, Officer A unleashed K-9 A and then directed him to search the front yard of the two-story structure followed by the east/west walkway located on the north side of the structure. The search team then proceeded to move toward the rear property via the walkway and encountered a locked gate at the end of the walkway. Officer A observed a large dog in the backyard and advised the air unit of his observations. The air unit confirmed that the large dog was the heat source that was being detected by the FLIR system.

Officer A contacted the owner of the rear residence, subsequently identified as Witness C, and requested that he secure his dog inside his house. Witness C complied and after securing his dog, he unlocked the gate for the officers. Witness C was then advised to return inside his residence and lock the door while the officers searched his yard.

Officer A directed K-9 A to search the front yard of the rear residence and then the east/west walkway located on the south side of the front structure. After K-9 A cleared these two areas, Officer A directed K-9 A to search the east/west walkway on the south side of the rear residence. K-9 A moved east and was approximately 15 to 20 feet in front of Officers A, D, E, and F when he turned south (right) and disappeared out of view. The officers immediately heard a scuffle.

According to Officer A, he heard what sounded like furniture sliding on the cement and then a grunt. Officer A could not tell whether the grunt came from K-9 A or a person. K-9 A never barked; however, Officer A could tell that K-9 A was “engaged in something.”

According to Officer F, a soon as K-9 A looked around to the right, there was a commotion; however, there was no screaming or yelling.

Officer A directed Officer F to move up. Officer F quickly peered around the corner and observed K-9 A making contact with a male’s right arm. The male, subsequently identified as Subject A, was bent forward and his left hand appeared to be grabbing K-9 A’s collar/neck area. Officer F ordered Subject A to place his hands up. Subject A immediately complied and raised his left hand up while K-9 A maintained his grip Subject A’s right arm.

According to Officer E, he heard K-9 A barking followed by a commotion. Officer E then heard officers yelling, “Put your hands up.”

The K-9 contact occurred at a small alcove located on the east/west walkway on the south side of the rear residence. A washer, a dryer, a chair, several shelves, and miscellaneous items were at the alcove.

Officer A observed Subject A with his left arm up and could see he had no weapons in both hands. Officer A called K-9 A back to him. K-9 A released Subject A’s right arm and returned to Officer A who then placed a leash on K-9 A. Subject A raised his right arm up. Officer A then directed Officers D and E to move up to take Subject A into custody.

According to Subject A, he was sitting down in the alcove hiding from officers and was falling asleep. When he observed the dog, he got scared and stood up. The dog then bit his arm. The officers then ordered him to put his hands up, and the dog was called off. Subject A indicated that the dog bite lasted “a matter of seconds.”

Officer E ordered Subject A in Spanish to “turn around and place his hands on top of his head.” Subject A complied. Officer E holstered his pistol, approached Subject A, and handcuffed him without further incident.

The officers observed a laceration on Subject A’s right arm. Shortly thereafter, Officer A advised the CP of the K-9 contact and requested an RA unit. The officers then escorted

Subject A toward the street where he was handed over to Officer I. Officers A, D, E, and F resumed searching the remainder of the block for the third outstanding suspect.

Officer I escorted Subject A to the CP and awaited the arrival of the RA. Officer I searched Subject A and recovered currency and jewelry, which were later identified by Witness B as items taken during the robbery.

LAFD personnel arrived and treated Subject A for a laceration to his right arm. Subject A was subsequently transported to a local hospital.

Three and one-half hours after the K-9 contact, Sergeant B responded to the hospital to obtain information for his K-9 contact investigation. Sergeant B was advised by the doctor at the hospital that Subject A's wound would probably be sutured and he would be okay to book, pending the results of an X-ray.

Later, the doctor at the hospital advised Sergeant B that the X-ray identified a fracture resulting from the K-9 contact and that Subject A would need to be admitted for surgery. Sergeant B determined the K-9 contact would be a Categorical Use of Force and made the proper notifications.

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. For most K-9 Contact cases, the BOPC makes specific findings in four areas: Deployment of K-9; Contact of K-9; Post K-9 Contact; and History and Training. All incidents are evaluated to identify areas where involved officers can benefit from a tactical debriefing to 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 unanimously made the following findings.

The BOPC recommended the following findings in this case:

- Deployment of K-9 – Consistent with established criteria.
- Contact of K-9 – Consistent with established criteria.
- Post K-9 Contact Procedures – Consistent with established criteria.
- History and Training – Consistent with established criteria.

Basis for Findings

Deployment of K-9

In this instance, Sergeant B responded to the scene and confirmed the information previously relayed to him by Sergeant A, including the fact that the outstanding suspects were wanted for a felony crime. Prior to initiating the K-9 search, Officer A requested Officers J and K to use the Public Address (PA) system mounted on their

police helicopter to make the required K-9 search announcement in English. Officer A also requested Officer I to make a K-9 search announcement in Spanish, using a police vehicle's PA system.

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

Contact of K-9

In this instance, by Subject A's own statement, he stood as K-9 A was near him. The act of standing upon being located could reasonably be perceived as an act consistent with an attempt to flee; therefore, K-9 A acted as trained when he made contact with Subject A. Upon the command to release his bite, K-9 A immediately released his hold on Subject A as trained.

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

Post Contact Procedures

In this instance, Sergeant B initiated a K-9 contact investigation and responded to the hospital to interview Subject A. Upon arrival, Sergeant B was informed by the treating doctor that Subject A would receive sutures and be released pending the results of an X-ray. Following the results of the X-ray, the doctor informed Sergeant B that Subject A's injuries would require surgery and would result in Subject A being admitted to the hospital. Upon receiving the above mentioned information, Sergeant B made the appropriate notifications and ensured the involved officers were advised of the hospitalization and ordered not to discuss the incident.

The BOPC determined that the post contact procedures were consistent with established criteria.

History and Training

Officer A and K-9 A's required Department training certifications were current at the time of the incident. Accordingly, the BOPC determined that the history and training of K-9 A is consistent with established criteria.