

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

**K-9 CONTACT REQUIRING HOSPITALIZATION - 056-12**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Wilshire	08/24/12		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	15 years, 9 months
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**Reason for Police Contact**

Officers responded to the location due to a call that a suspect had entered the property armed with box cutters. Upon arrival and while conducting a search for the suspect, a K-9 contact occurred that resulted in the suspect's hospitalization.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Subject: Male, 51 years of age			
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**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 Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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.

The following incident was adjudicated by the BOPC on March 12, 2013.

## **Incident Summary**

K-9 Unit Sergeant A, along with Police Officers A and B, received a request to respond to a designated location. They arrived at the Command Post (CP) and met with Sergeant B. Sergeant B advised the crime location was a facilities yard, and the call was initiated by off-site security staff who observed, via security cameras, the Subject climb into the fenced yard area carrying bolt cutters.

Officer A spoke with the security staff, who advised the Subject was last observed running between a row of large spools as responding police units arrived and established a perimeter. Security personnel continued to monitor the yard and from their camera position did not observe the Subject leave the location. The security personnel advised he would press charges if the Subject was located.

**Note:** The location had been burglarized several times in the recent past and the suspect(s) utilized bolt cutters to remove the copper ground cables from the electrical wiring.

Sergeant A confirmed the situation met the K-9 search criteria and authorized the use of K-9 personnel. Accordingly, a K-9 announcement was made from a police vehicle parked nearby, and from an Air Unit, which had arrived overhead. Sergeant A confirmed that the announcement was heard at the CP and that the announcement was provided in both English and Spanish.

The Subject failed to respond to the announcement and a search team, consisting of Officer A and his police dog, along with Officers B, C, and D, was established. Officer A briefed the search team, and the search was initiated.

**Note:** The search team officers advised they all unholstered their service weapons upon entering the facilities yard due to an outstanding felony suspect and the possibility of the suspect being armed.

Approximately 30 minutes into the search, Officer A's dog showed interest in a row of utility trucks parked underneath a large carport area on the property. Officer A remained near a support pillar of the carport, and as the dog worked around each of the vehicles Officer A temporarily lost sight of him. As the dog cleared the rear bed area of the utility truck parked nearest Officer A, the dog climbed into the rear bed via the passenger side stairs. The K-9 dog then came in contact with the Subject, who was lying under a tarp in the rear bed. Officer A heard the dog bark and heard the Subject scream for help. Officer A moved forward to the passenger side of the truck and immediately recalled the dog.<sup>1</sup> Upon the dog's return, Officer A holstered his weapon and secured him.

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<sup>1</sup> Officer A advised from the time he recalled the K-9 dog to the time he came back was within five seconds. Sergeant A spoke with the Subject who advised, "the dog bit him, he screamed," and, "he heard someone say something right away and the dog left."

**Note:** None of the search team observed the K-9 Contact, and due to the positioning of the security camera, the K-9 Contact was not captured.

The officers moved ahead of Officer A and approached the utility truck. Officer D ordered the Subject from the truck's rear bed and onto the ground into a felony prone position. As Officers B and C maintained cover, Officer D holstered his weapon and handcuffed the Subject without incident. Once in custody, the rest of the search team holstered their weapons. Officer A observed the Subject bleeding from his left hand and notified the CP. At 0559 hours, Sergeant B requested a Rescue Ambulance (RA).

Police Officers E and F subsequently transported the Subject to the CP. Los Angeles Fire Department personnel arrived on scene and treated the Subject for a bite to his left hand. The Subject was later transported to a local hospital. Officer F accompanied the Subject in the RA while his partner followed behind. Upon arrival at the hospital, the Subject was treated by Emergency Room (ER) personnel while he awaited further examination by the on-call specialist.

Sergeant A remained at the scene and began to conduct a K-9 Contact Investigation. Sergeant A independently interviewed the members of the search team and documented the crime scene with a digital camera. Sergeant A later responded to the hospital where he interviewed the Subject and documented his injuries. Sergeant A was advised by ER personnel that the Subject would not be admitted and would be available to book following treatment of his injury.

Sergeant A was contacted by the Watch Commander, Sergeant C. Sergeant C advised that hospital personnel were considering admitting the Subject, due to his injuries. Sergeant A immediately notified Force Investigation Division personnel.

Medical staff, shortly thereafter, determined surgery would be necessary to treat and close the wound. The Subject was admitted to the hospital, pending the procedure.

Investigators from FID assumed investigative responsibility for the incident and responded to the hospital to meet with the Subject. The Subject signed a Medical Waiver Form but advised investigators he did not wish to discuss the circumstances of his arrest or how he sustained his injuries.

### **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 unanimously made the following findings.

**A. Deployment of K-9**

The BOPC found the deployment of the K-9 to be consistent with established criteria.

**B. Contact of K-9**

The BOPC found the K-9 contact to be consistent with established criteria.

**C. Post-K-9 Contact Procedures**

The BOPC found the post-K-9 contact procedures to be consistent with established criteria.

**Basis for Findings**

**A. Deployment of K-9**

- In this instance, Sergeant A, a Metropolitan Division K-9 supervisor, responded to the scene and received information that the Subject was wanted for a felony offense. Sergeant A appropriately determined that the circumstances met the K-9 criteria. Additionally, a K-9 search announcement was given in English and Spanish via the PA system in a police vehicle. The aforementioned announcement was audible at the CP, as verified by Sergeant A. Furthermore, the Air Unit utilized their PA system and conducted a K-9 announcement that was audible at the CP and was also verified by Sergeant A. Nonetheless, the importance of providing adequate K-9 search announcements was to be discussed at the Tactical Debrief.

In conclusion, the BOPC determined that the deployment of the K-9 dog was consistent with established criteria.

**B. Contact of K-9**

- In this instance, a K-9 announcement was given and was audible at the CP. Based on the Subject's hiding location relative to the CP, it can be surmised that the K-9 announcements were audible to the Subject. Furthermore, while conducting the K-9 contact investigation, the Subject informed Sergeant A that prior to the K-9 contact, he flinched to try to move the tarp closer to him. In this situation, it was the actions of the Subject that prompted the K-9 dog to bite him. Officer A heard the dog bark and immediately heard the Subject scream for help. Officer A immediately recalled the K-9 dog back to his location.

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

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

- The Subject was subsequently transported to a local hospital for further treatment. Sergeant A responded to the hospital to verify the medical condition of the Subject. Hospital personnel advised Sergeant A that the Subject was going to be treated for his injuries and released for booking. As a result, Sergeant A cleared the scene and went end of watch.

After further examination of the Subject, the doctor determined that it would be necessary to treat and close the wound to the Subject's left hand and subsequently admitted the Subject into the hospital. Sergeant C notified Sergeant A that the Subject was admitted into the hospital. Sergeant A made the proper notifications once it was determined that the K-9 contact was deemed a Categorical Use of Force incident.

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