

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 071-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Foothill	08/14/08		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Police Officer A	11 years, 8 months

Reason for Police Contact

Subjects identified as being involved in a robbery and a sexual assault ran from police, and officers established a perimeter, then conducted a K-9 search, resulting in K-9 contact.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Male, 23 years of age			

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.

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 July 21, 2009.

Incident Summary

Uniformed Police Officers responded to a robbery call and contacted Witness A. According to Witness A, while walking she was approached by two male subjects. One of the subjects was armed with a knife and grabbed Witness A by her neck, demanded property from her, and sexually assaulted her. Both suspects then fled on foot.

As the officers were speaking with Witness A, she pointed to two males across the street and identified them as the subjects who had confronted her. The subjects looked in the direction of the officers, and then fled. The officers established a perimeter and awaited the response of additional resources.

An Air Support Unit responded to the scene and assisted with the perimeter.

Canine Sergeant A responded to the Command Post (CP), with Canine Officers A, B, and C. Based on the fact that there was good reason to believe the suspects were still within the perimeter in close proximity, approval was obtained to deploy the K-9 for the search. The Air Unit provided a loud and clear K-9 search announcement using the helicopter public address system.

Two K-9 search teams were formed. The first team consisted of Sergeant A, and Officers A, B, and C. The first team used Officer A's K-9 A for the search.

Officer A released K-9 A from his leash as soon as the search team departed the CP. As the K-9 search team moved up the street, Officer A directed K-9 A to a driveway, and sent K-9 A down the driveway. K-9 A located and alerted to Subject 1, who was underneath a parked vehicle in the driveway. K-9 A did a bark alert, and Subject 1 swung out his right arm and took a swipe at the dog.

According to Officer B, he heard the dog bark, observed a body part of some sort come out from underneath the car, and then immediately start pulling back under the car. K-9 A then bit the body part.

Subject 1 said he attempted to crawl out from underneath the car; however, he had a difficult time because of his weight. K-9 A grabbed Subject 1 by the right arm. Subject 1 denied ever striking or pushing K-9 A.

According to Officer A, K-9 A contacted Subject 1's arm and was attempting to pull him out from beneath the car. It appeared as though Subject 1 was attempting to pull away from the dog or pull the dog in under the car with him. Officer A repeatedly ordered Subject 1 to crawl out, and he did. Once Officer A gained a visual of both hands, he recalled K-9 A and began to leash the dog. Officer B then handcuffed Subject 1.

An ambulance responded, treated Subject 1 at the scene, and then transported him to the 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 K-9 contact case, the BOPC makes specific findings in three areas: Deployment of the K-9(s); Contact of the K-9(s); and the Post K-9 Contact Procedures. 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:

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 of the K-9 was consistent with established criteria.

C. Post K-9 Contact Procedures

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

Basis for Findings

A. Deployment of K-9

The Department K-9 Manual identifies that the criteria for a K-9 deployment includes searches for felony suspects. Prior to any search, K-9 personnel shall ensure that a K-9 search announcement has been given.

In this instance, Sergeant A responded to the scene and confirmed the information provided to him, including the fact that the outstanding suspects were wanted for a felony crime. Prior to initiating the K-9 search, Officer A requested that the Air Support Unit use the public address system mounted on the police helicopter to make the required K-9 search announcement in English. The announcement was not repeated in Spanish based on the victim's statement that the suspects spoke English.

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

B. Contact of K-9

The Department K-9 Manual instructs that a K-9 is evaluated on its ability to perform the bark and hold, and on its reaction to an attack by biting and holding an attacker until commanded to "release" by his handler. In circumstances where the canine has been assaulted or attacked by the suspect and responds by biting, all available tactical measures shall be used to call the dog off quickly and as safely as possible to reduce the risk and degree of injury to the suspect, the officers, and the dog.

In this instance, Subject 1 was located while secreting himself under a parked vehicle. K-9 A performed a bark and hold to alert the search team of Subject 1's location.

According to Officer A, "After, I believe, two or three barks, I observed a slight movement, which I believed to be the suspect's arm swinging out toward the dog. And the dog did as he was trained and immediately made contact with the suspect's arm based on his movements." Officer A also noted that, "[t]he whole incident from the time the dog initially made contact based on my belief and the time that I called him back only took place between three to six seconds." Upon Officer A's timely command to release his bite, K-9 A immediately released his hold on Subject 1.

Therefore, K-9 A reacted appropriately and as trained in response to Subject 1's actions. The BOPC found that K-9 A's actions and his recall were consistent with established criteria

C. Post K-9 Contact Procedures

The Department K-9 Manual directs that when a K-9 contact occurs, a K-9 supervisor shall respond to the location, conduct an investigation of the incident and complete a K-9 Contact Report. Also, a K-9 supervisor shall respond to the hospital and document all K-9 related injuries.

In this instance, Sergeant A initiated a K-9 contact investigation and responded to the hospital to interview Subject 1. Upon arrival, Sergeant A was informed that Subject 1 would receive sutures and be released. Several hours later, Sergeant B was informed that Subject 1 would be admitted for treatment. Sergeant B made the appropriate notifications and ensured the involved officers were advised of the hospitalization and ordered not to discuss the incident.

Therefore, the BOPC Chief determined that the post-contact procedures were consistent with established criteria.