

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

K-9 CONTACT REQUIRING HOSPITALIZATION – 071-14

Division **Date** **Duty-On (X) Off () Uniform-Yes (X) No ()**

Hollenbeck 11/15/2014

Officer(s) Involved in Use of Force **Length of Service**

Officer A 17 years, 1 month

Reason for Police Contact

K-9 officers assisted in the search for a subject believed armed with a gun. The Subject was located in a shed, refused to surrender, and a K-9 contact occurred.

Subject **Deceased () Wounded (X) Non-Hit ()**

Subject: Male, 26 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 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 September 29, 2015.

Incident Summary

Two officers were travelling in an alley when they noticed two males, one of whom was later identified as the Subject, walking in the alley. The Subject and his friend were near an intersection in the alley when they looked back in the officers' direction and appeared to be surprised by their presence.

The Subject then reached toward his front waistband with his right hand and grabbed an object he was concealing on his person. One of the officers felt the Subject's actions were consistent with an individual who was trying to conceal a firearm.

The two then began to run in the alley. As the officers' vehicle reached the street, one of the officers observed the Subject remove a pistol from his waistband with his right hand and jump over a four foot high chain link fence followed by his friend. The officers alerted each other by saying, "Gun." As the officers were exiting their vehicle, the Subject and his friend began running north along the west side of a residence. The officers lost sight of them momentarily and began to establish a perimeter to contain the armed subject.

Note: According to the Subject, he did not realize it was the police when he ran and denied ever having a gun.

The officers then requested assistance, in addition to an Air Unit.

Containment was eventually set up and K-9 officers were requested to assist with the search.

K-9 Sergeant A was contacted and determined the circumstances met the criteria for a K-9 search deployment. Two teams were assembled, one of which was led by K-9 Officer A. The Air Unit also arrived to assist.

A K-9 announcement was issued in both English and Spanish over the Public Address (PA) system by the Air Unit in addition to a strategically placed police vehicle on the ground. A sergeant confirmed the announcement was audible on the ground, as did a civilian resident living in the area.

Note: The sergeant did not indicate in his interview whether he verified audibility of the warning with officers on the perimeter of the search area.

The Air Unit and first K-9 team located the Subject's friend and he surrendered without incident.

The second team, led by K-9 Officer A, then started their search.

Officer A's team continued their search to the rear of a yard within the perimeter. After the back yard was cleared the officers began to make their way down the walkway of the residence toward a shed. Officer A's K-9 dog had a significant amount of interest around the outside of the shed.

The shed was approximately 8 feet by 12 feet with a pitched roof, and a solid white door. The K-9 dog began running around the shed. The K-9 dog did not bark, pinpoint or alert as if he positively found someone, but his behavior indicated there could be someone inside. Officers did not receive a response after making several K-9 announcements, advising the dog would be released and they could be bitten.

The shed had a paint bucket in front of the door, which led Officer A to believe there was no one in the shed. However, the K-9 dog kept jumping, which indicated he was working a high scent. An officer used a pole to open the door. Another officer made several announcements for the subject to come out with no response. The officer then threw a brick into the shed and there was no movement.

Note: The Subject told investigators he heard the officers calling him out of the shed and stating that the dog would come in, but he said he was too scared and hoped the officers would continue on.

Officer A let the K-9 dog into the shed, at which time he went in and out several times. The K-9 re-entered the shed and went to a portion of the room, where there were a stack of neatly arranged trash bags. The K-9 dog stuck his head into the pile of plastic bags and there was immediate movement, but the officers could not see what was happening.

The trash bags started falling forward, and Officer A could see the K-9 dog had a bite hold on the Subject's upper left arm, and Officer A realized that the Subject had been hiding underneath the bags. Officer A told the Subject to show his right hand and, when it was confirmed the Subject was not armed, Officer A gave the K-9 dog a heel command, at which time he released the Subject. The Subject was then taken into custody without further incident. The Subject received minor injuries related to the K-9 contact but was hospitalized due to an unrelated bleeding disorder.

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 dog was consistent with established criteria.

B. Contact of K-9

The BOPC found that the contact by the K-9 dog 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

- Sergeant A, a Metropolitan Division, K-9 Unit supervisor responded to the scene and verified the circumstances met the criteria for a K-9 search. Officer A, a Metropolitan Division K-9 handler, arrived and was briefed by Sergeant A and the Incident Commander (IC), regarding the incident. A K-9 search announcement was provided in both English and Spanish via the PA system from a black and white police vehicle. The announcement was audible from the CP and was verified by Sergeant A. Personnel from Air Support Division also utilized the Air Unit PA system to broadcast a K-9 announcement.

In conclusion, the BOPC determined that the deployment of the K-9 resources were consistent with established Department criteria.

B. Contact of K-9

- Multiple K-9 announcements via PA were made. Officer C also provided additional announcements prior to the K-9 dog entering the shed to conduct the search. According to the Subject's statement, he also heard the K-9 announcement.

Officer A observed immediate movement beneath the pile of trash bags, which he believed was the Subject making an aggressive and violent movement towards the K-9 dog. Officer A stated that his K-9 dog is trained to take a bite hold on a suspect if they attempt to fight. In this situation, it was the Subject's movement that prompted the K-9 to bite him in an attempt to prevent the Subject from fighting. Once Officer A heard the Subject scream, he called the K-9 dog back. The K-9 dog immediately returned to Officer A, at which time a leash was attached.

Note: The available evidence did not conclusively establish if the Subject made an “aggressive violent movement,” since his movements were secreted by the bags. The Subject denied moving before being bitten.

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

C. Post K-9 Contact Procedures

- Officer A observed visible K-9 bite injuries to the Subject’s arm and contacted the CP for the RA to respond. The Subject received initial medical treatment from paramedics at the scene and was subsequently transported by RA to the hospital for further treatment.

An officer rode with the Subject to the hospital and monitored the Subject’s medical status. The Subject was later admitted for observation due to possible infection as a result of his prior history.

A categorical use of force (CUOF) investigation was then initiated and proper notifications were made.

The BOPC determined that the post K9-contact procedures were consistent with established criteria.