

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

**K-9 CONTACT REQUIRING HOSPITALIZATION – 073-10**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Hollenbeck	09/14/10		

<b>Officers(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	20 years, 4 months

**Reason for Police Contact**  
K-9 officers attempted to locate and apprehend an armed gang member, resulting in a K-9 contact requiring hospitalization.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
Subject: Male, 22 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 Department Command Staff presented the matter to the Commission 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 August 11, 2011.

## **Incident Summary**

Detective A observed the Subject yell a gang slogan at another individual and exhibit a handgun in a threatening manner. Detective A requested assistance to apprehend the Subject. When assistance arrived, an attempt was made to apprehend the Subject; however, the Subject ran and escaped into a residential district. The Subject discarded the handgun into a trash can as he ran. A perimeter was set up, and K-9 was requested to assist with the search.

K-9 Sergeant A and Officer A were the first K-9 personnel to arrive at the scene. After being briefed by Detective A at the Command Post (CP), Sergeant A requested K-9 Officers B, C, D, E and F, along with Officer F's K-9, respond to the CP.

Officer F formed a search team for the street area and directed Officer A (with his K-9) to form another search team to cover the back side property on the next street, which Officer A did. Officer C secured the pistol in the trash can before the search started. A K-9 announcement was given in English and Spanish prior to the initiation of the search.

While the search was underway, the occupants of a nearby home contacted Officer C and told him they saw the Subject run into a home next door. Officers knocked on the door of the indicated home, and yelled into an open window. The officers received no response. Officer B made a K-9 announcement into the house, but there was still no response.

The search team then made entry to the house through the rear door. Officer F and his K-9 entered first. Two male subjects came out of a rear bedroom and immediately surrendered. Meanwhile, the Subject climbed out of a window on the west side of the house and ran north, toward a fence dividing that property from a property on the back side. Officers put out a broadcast as the Subject ran.

Officer A and his search team heard the broadcast and started toward the back side property. Officer A's K-9 was off-leash at this time. As they approached the back side property, Officer A saw the Subject scale a fence but could not tell where he landed. Officer A unholstered his weapon and directed his team to follow him and his K-9 down the driveway of the back side property.

The Subject came over the fence into the rear yard of the back side property, landing four to five feet away from Officer A's K-9. The Subject appeared to see the K-9 and looked as if he was going to jump back over the fence. Officer A alerted the officers on his search team that the Subject was in the rear yard of the back side property.

Meanwhile, the Subject kicked Officer A's K-9 and the K-9 bit the Subject's left arm. The Subject then used his right fist to punch the K-9, at which point the K-9 tried to bite the Subject's right arm. Again the Subject tried to kick the K-9.

The Subject grabbed Officer A's K-9 by the collar and held it several seconds before releasing the K-9. Once the Subject released the K-9, Officer A called the K-9 back. Officer A then took control of his K-9 by putting him back on the leash while other officers handcuffed the Subject.

### **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, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting/Holstering of a weapon by any involved officer(s); and the Use of Force by any involved officer(s). 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 the deployment of the K-9 was consistent with established criteria.

#### **B. Contact of K-9**

The BOPC found the contact by the K-9 was consistent with established criteria.

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

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

### **Basis for Findings**

#### **A. Deployment of K-9**

In this instance, Sergeant A 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 search criteria. Although it could not be determined specifically which officer provided the K-9 search announcement, evidence suggests that one was done in both English and Spanish and that Sergeant A believed it was provided.

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

## **B. Contact of K-9**

The BOPC noted that in this instance, the Subject kicked and punched at Officer A's K-9 while attempting to evade officers. Department dogs are trained to defend themselves when attacked. In this situation, it was the actions of the Subject that prompted the K-9 to bite him. When the Subject released the K-9, Officer A immediately recalled the dog. Under these circumstances, the K-9 responded appropriately by biting the Subject. Officer A also recalled his K-9 in a timely manner.

In conclusion, the BOPC found the K-9 contact was consistent with the established criteria.

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

In this instance, Officer A notified the CP of the K-9 contact and requested the response of a Los Angeles Fire Department ambulance to treat the Subject for his injuries. The Subject was subsequently transported to the hospital for further treatment. Sergeant A responded to the hospital to check on the medical condition of the Subject at which time he was notified that the Subject was going to be hospitalized. Sergeant A made the proper notifications once it was determined to be a Categorical Use of Force Incident.

In conclusion, the BOPC found the post K-9 contact procedures were consistent with established criteria.