

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

OFFICER-INVOLVED ANIMAL SHOOTING – 054-22

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

West Valley 10/21/22

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

Detective A 9 years, 11 months

Reason for Police Contact

Department personnel served a search warrant at a residence suspected of being used for illegal marijuana cultivation. A large Caucasian Shepherd dog bit a detective, resulting in an officer-involved animal shooting.

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

Caucasian Shepherd dog.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) 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 (FID) 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 (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on September 26, 2023.

Incident Summary

Detectives received an anonymous tip regarding an illegal marijuana cultivation site. After reviewing the information, the case was assigned for further investigation. Based on the results of his investigation, a search warrant for the residence was approved and signed by a judge.

Prior to the service of the search warrant, a Tactical Operations Plan (TOP) was completed. The search warrant service team was briefed on the TOP and designated roles were assigned to the personnel. The TOP consisted of the standard surround and call out of the residents.

Seven adults and one infant were removed from inside the residence and detained outside, while the entry team cleared the residence. Initially the entry team encountered a non-aggressive Pit Bull Terrier dog in the living room. The personnel also observed a Caucasian Shepherd dog outside in the backyard. A side gate separated the backyard from the side yard. The Caucasian Shepherd dog in the backyard remained behind the side gate, barked at the officers, and appeared non-aggressive. Subsequently, the Pit Bull Terrier dog was also placed in the backyard.

The investigation revealed that none of the officers were warned by the residents or believed, based on their observations, that either dog was prone to aggressive action. Once the residence was cleared, secured, and deemed safe, personnel removed their tactical search warrant service attire; then they conducted a search of the premises for evidence of the suspected illegal marijuana cultivation activity.

As previously arranged, a DWP Utility Theft Investigator arrived on scene to investigate the possible electricity theft. This required the DWP investigator to access the electrical panel located on the northwest corner of the residence, adjacent to the side gate in the backyard. The two dogs needed to be secured to ensure there was safe passage for the DWP investigator.

Detective A was assigned to identify the owner of the dogs, who was determined to be Witness A, one of the seven residents. Detective A requested that Witness A secure and maintain control of both dogs in the backyard. Witness A took control of both leashed dogs. At the time, Detective A noted that neither dog displayed any signs of excitement or aggression and appeared to be docile. Witness A then sat down along the rear east block wall and maintained control of the leashed dogs. Witness A and the two dogs were approximately 40 feet away from the side gate.

Detective A took a position on the west side of the side gate to ensure that the DWP investigator had safe access to the electrical panel. Detective A watched Witness A and the dogs for approximately 30 minutes. Simultaneously, the DWP investigator attempted to remove the electrical meter from the residence; however, he realized that he needed a special cutting tool to remove the lock from the electrical meter.

Detective B left the side yard to retrieve a pair of cutters. According to Detective B, the dogs were seated and calm. Detective A held his/her position at the side gate, while The DWP investigator continued to work at the electrical meter. Detective B returned to cut the lock, then left the side yard to return the cutters to his/her vehicle.

During this time, Detective A observed both dogs moving around the yard. He/she believed that they were trying to get comfortable. However, according to Detective A, for an unexpected and unknown reason, the Caucasian Shepherd dog bounded in his/her direction with three giant hops, without barking or growling. Due to the suddenness of the dog's movements, Detective A yelled, "Dog! Dog!" to alert The DWP investigator as he/she took a step back and canted his/her body.

As the dog closed the distance on Detective A, he/she reached out with his/her left hand to stabilize the side gate. The dog subsequently bit him/her on the left hand prior to reaching the side gate.

Fearing for his/her safety, Detective A unholstered his/her pistol with his/her right hand, held it in a close-contact position, and pointed the barrel in a downward angle.

Detective A stated while the dog continued to bite his/her hand, it was on its hind legs jumping, causing his/her hand to move up and down. At that moment, he/she knew that the dog would not let go of his/her hand and the only option left was to fire his/her pistol.

Detective A indicated he/she fired one round at the dog from approximately 12 inches away in an easterly direction with a block wall as his/her background. The round missed the shepherd. Detective A then yelled out, "Dog only! Dog only!" to alert the officers inside the residence that he/she fired his/her pistol at the dog.

The investigation determined that 11 sworn LAPD personnel on scene heard one shot being fired – with five outside in the front of the residence and 6 inside the residence. None of the officers observed the shooting.

According to the DWP investigator, he was approximately 10 feet behind Detective A when he observed the dog bite Detective A's hand, and then he heard the gunshot. The DWP investigator did not observe Detective A fire his/her pistol. Immediately after Detective A alerted the DWP investigator to the dog's approach, the DWP investigator ran into the kitchen to inform the other personnel that Detective A may need help.

Detective A stated that after he/she fired his/her pistol, the dog released his/her hand, took two steps back, walked in a circle, and then walked back toward his/her location. Detective A slowly walked backwards toward the kitchen door, while he/she held his/her pistol in the close-contact position. Detective A subsequently holstered his/her pistol, opened the door, entered the residence, and slammed the door closed. Detective A kept his/her injured left hand close to his/her chest and was approached by another officer who assessed his/her injury. Once outside, this officer administered medical aid to Detective A's hand.

Detective B stated that he/she returned into the residence and was advised that Detective A had been bitten by a dog. He/she observed Detective A exit the residence at which time he/she advised him that he/she had fired one round. Detective B stated that he/she separated and monitored Detective A and advised his/her supervisor, Lieutenant A, of the incident. Lieutenant A obtained a public safety statement (PSS) from Detective A.

A request for a rescue ambulance (RA) was made, and Animal Services was also requested to respond.

Officer A escorted Witness A from the backyard to the front of the house and positioned her next to the other detained individuals.

Detective C monitored Detective A as he/she was transported to the hospital by the RA.

Los Angeles Animal Services arrived at scene and, with the assistance of Detective B and Officer A, took control of both dogs.

Body-Worn Video (BWV) and Digital In-Car Video (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Detective A	N/A	N/A	N/A	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) 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 of a firearm by any involved officer(s), and the use of force by any involved officer(s). Based on the BOPC's review of the incident, the BOPC made the following findings:

A. Tactics

The BOPC found Detective A's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Detective A's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Detective A's lethal use of force to be In Policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department’s guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life.

Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a Subject and enable an

officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified (Los Angeles Police Department Manual.)

A. Tactics

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his/her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Detective A inquired with Witness A if he/she could leash the dogs and secure and maintain control of them in the back yard, to which Witness A agreed. Detective A stood behind a makeshift gate separating the side walkway from the back yard and watched the dogs from approximately 40 feet away.

Assessment – According to Detective A, he/she assessed that the dogs were not aggressive. As he/she monitored them in the backyard, his/her assessment of the Caucasian Shepherd dog's movements was that it was trying to get comfortable, before charging in his/her direction.

Time – Detective A monitored the dogs for approximately 40 minutes prior to the Caucasian Shepherd dog attacking him/her. Detective A did not observe any signs of aggression from this dog prior to the attack. According to Detective A, the dog "bounded" in his/her direction with "three hops." Detective A attempted to use his/her left hand to stabilize the gate, but the dog bit his/her left hand prior to being able to do so.

Redeployment/Containment – Detective A was positioned in the side yard which was separated from the backyard with a security gate. When the dog charged toward him/her, he/she attempted to close the gate to prevent the dog from reaching him/her.

Other Resources – A fire extinguisher was part of the resources used during the search of the residence. However, after the location was cleared, the fire extinguisher was secured and not available to Detective A. According to Detective A, he/she did not consider having the fire extinguisher while monitoring the dogs because they appeared to be docile and controlled by Witness A.

Lines of Communication – After the shooting, Detective A yelled, "Dog only! Dog only!" to alert officers on scene that it was a dog shooting only.

During its review of this incident, the BOPC noted the following tactical considerations:

Tactical Planning - Dog Encounters

During the service of the search warrant, the entry team encountered a non-aggressive Pit Bull Terrier dog in the living room of the residence. The search team also encountered a Caucasian Shepherd dog in the backyard that barked at officers but appeared to be non-aggressive, according to Officer A. After officers secured the location, officers identified Witness A as the owner of the two dogs. Witness A was cooperative and asked to secure the dogs with a leash in the back yard as the officers continued their investigation. Detective A monitored the dogs from a distance as the DWP investigator removed the electrical meter. According to Detective A, while he/she monitored the dogs, they showed no signs of aggression or excitement and appeared to be docile. However, the Caucasian Shepherd dog, without warning, charged toward Detective A and bit his/her left hand.

The BOPC noted that the Chair of the Use of Force Review Board (UOFRB) assessed the tactics employed by Detective A. The Chair of the UOFRB noted that neither of the two dogs displayed any signs of aggression and were being monitored by Detective A for approximately 30 minutes prior to the Caucasian Shepherd dog's attack. The Chair of the UOFRB considered that, according to FID's investigation, none of the officers were warned by the residents that either dog was prone to aggression. The Chair of the UOFRB considered Detective A statement that the backyard was the best location they had to secure the dogs because there was evidence to be recovered from the interior rooms of the residence. The Chair of the UOFRB opined that based on their observations, there was no indication to believe that either dog posed a threat, and Detective A took appropriate steps and used caution to avoid a confrontation with the dogs.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Detective A were not a deviation from Department-approved tactical training.

Command and Control

Detective B provided supervisory oversight for the search of the residence and was responsible for communications inside the location. After the search was completed and scene secured, Detective B conducted a debrief with the personnel assigned to the incident. At the time of the shooting, Detective B was at his/her vehicle returning bolt cutters that were used to cut the lock from the exterior electrical meter. Upon learning of the shooting, Detective B separated and monitored Detective A and notified Lieutenant A.

Lieutenant A obtained a PSS from Detective A. Lieutenant A notified the DOC of the incident at 1230 hours. According to Detective B, he/she allowed the detectives and officers to remove their ballistic body armor after searching and clearing the location.

An RA was requested for Detective A and Los Angeles Animal Services was requested to respond and maintain control of the two dogs.

Detective C accompanied Detective A to the hospital and continued to monitor him/her.

The BOPC determined that the overall actions of Detectives B, C, and Lieutenant A were consistent with Department supervisory training and expectations of a supervisor during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the BOPC determined that Detective A's actions did not deviate from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that occurred during this incident.

General Training Update

Detective A attended a General Training Update.

B. Drawing and Exhibiting

- **Detective A**

As the Caucasian Shepherd dog closed the distance to Detective A, he/she reached out with his/her left hand to stabilize a gate. The dog subsequently bit him/her on the left hand prior to reaching the side gate. Fearing for his/her safety, Detective A unholstered his/her pistol with his/her right hand, held it in a close-contact position, and pointed the barrel in a downward angle.

The BOPC noted that the Chair of the UOFRB evaluated Detective A's drawing and exhibiting of his/her pistol. The Chair of the UOFRB noted that Detective A was being bitten by a dog when he/she made the decision to unholster his/her pistol. The Chair of the UOFRB opined that the unholstering of his/her pistol due to the threat of an actively biting dog is objectively reasonable and consistent with Department policy.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Detective A would reasonably believe that there was a substantial risk that the situation may escalate to the point where lethal force may be justified. Therefore, the BOPC found Detective A's drawing/exhibiting to be In Policy.

C. Lethal Use of Force

- **Detective A** – one round.

Background – According to Detective A, his/her background consisted of a block wall at the time of the shooting.

Detective A further stated that while the Caucasian Shepherd dog continued to bite his/her hand, the dog was on its hind legs jumping, causing his/her hand to move up and down. At that moment, he/she knew the dog would not let go of his/her hand and the only option he/she had was to fire his/her pistol.

The BOPC noted that the Chair of the UOFRB assessed Detective A's lethal use of force. The Chair of the UOFRB noted that at the time Detective A fired his/her pistol at the dog, it was actively biting his/her left hand. The Chair of the UOFRB considered Detective A's statement that the dog was moving up and down, which the Chair opined could have caused a more severe injury to his/her hand. The Chair of the UOFRB determined that the decision to use lethal force to stop the dog's attack was objectively reasonable and necessary to protect him/herself from serious bodily injury.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Detective A, in the same situation, would reasonably believe that the lethal use of force was objectively reasonable, proportional, and necessary. Therefore, the BOPC found Detective A's lethal use of force to be In Policy.