

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

OFFICER-INVOLVED ANIMAL SHOOTING – 006-18

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

Outside City 1/24/18

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

Officer A 26 years, 6 months

Reason for Police Contact

While off-duty and driving in another city, an officer was driving past a woman being attacked by a dog. The officer stopped to assist, and the dog confronted him/her, resulting in an officer-involved animal shooting (OIAS).

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

Pit Bull dog.

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.

The following incident was adjudicated by the BOPC on December 18, 2018.

Incident Summary

Victim A arrived home from work and took her small Yorkshire Terrier dog for a walk in the neighborhood. Victim A was walking when she observed a white car stopped in the bicycle lane. A large Pit Bull dog was attempting to gain entry through the driver's side front window and then ran around to the passenger side and attempted to enter the vehicle via the passenger front window. The car sped off, and the dog chased after the car. The dog appeared to notice Victim A and her dog, then ran directly toward them.

The Pit Bull dog bit Victim A's dog and lifted him off the ground. Victim A screamed and struggled to free her dog from the Pit Bull dog's jaws. Meanwhile, Witness A arrived at the residence, across the street from Victim A. He heard Victim A scream and observed the attack. Witness A described the Pit Bull dog holding Victim A's dog in his mouth and shaking him, "Rag dolling it" back and forth with his head. Witness A ran across the street and helped Victim A free her dog.

Witness A utilized the Pit Bull dog's collar to restrain him. According to Victim A, Witness A told her, "Get your dog and run." Victim A picked up her dog and ran along the sidewalk, and continued to run and increase the distance between the Pit Bull dog and herself.

Witness A struggled to hold the Pit Bull dog back. After several seconds, he lost control of the dog. The Pit Bull dog ran after Victim A and quickly overtook them. Victim A held her dog above her head with her left hand and used her right hand to push the Pit Bull dog back. The Pit Bull dog jumped up on Victim A attempting to reach the smaller dog. At this time, Witness A caught up with the Pit Bull dog and asked Victim A to hand the dog to him because he was taller and could hold the dog up higher out of the Pit Bull dog's reach.

The Pit Bull dog jumped up and bit down on Victim A's right forearm taking her down to the ground. Victim A characterized the Pit Bull dog's biting action as, "Chomping" on her arm. Victim A screamed and used her left-hand fingers to try to gouge the Pit Bull dog's eyes to get him to release her arm but it had no effect. Witness A kicked and struck the Pit Bull dog repeatedly but the Pit Bull dog would not let go of Victim A's arm. Witness A called out for help and for someone to call 911.

Witness B was across the street upstairs in her apartment when she heard the people across the street yelling and told her roommate, Witness C, that something was going on outside their residence. They both ran to the front door and looked out across the street. Witness C ran across the street to help. Witness C's small Yorkshire Terrier dog slipped out the door and ran after Witness C.

The Pit Bull dog was still holding on to Victim A's arm when Witness C's dog approached. The Pit Bull dog let go of Victim A and bit Witness C's dog, raising him up off the ground and shaking him. Witness C's dog was wearing a sweater and Witness C grabbed him and pulled him out of the Pit Bull dog's mouth, tearing the sweater.

Witness B took the dog from Witness C and carried him back across the street to their residence while Witness C utilized the Pit Bull dog's collar and restrained him. The Pit Bull dog turned his head back and forth trying to bite Witness C. The Pit Bull dog broke free from Witness C's grip.

Meanwhile, off-duty Officer A was driving his/her privately-owned vehicle when he/she observed a female on the ground with a large dog.

According to Officer A, as he/she was driving slowly by the scene, he/she looked in his/her passenger side rearview mirror and observed what appeared to be a small girl curled up on the ground adjacent to the driveway on the side of the street and a large Pit Bull dog attacking her. Several people appeared to be trying unsuccessfully to pull the dog off the victim. Officer A made a U-turn and stopped his/her vehicle facing in the street to block traffic and get close to the scene.

Officer A called out, asking for the dog owner to identify him or herself to help control the Pit Bull dog. Officer A walked to the trunk of his/her vehicle where Officer A had his/her duty utility belt, duty pistol, and police identification. Officer A unholstered the firearm and retrieved his/her identification. Officer A, attired in plain clothes, walked back over to the group of people surrounding the victim, held up his/her police identification with his/her left hand, and identified him/herself as a police officer. Officer A held the gun down at his/her side with his/her right hand.

According to Witness C, Officer A directed everyone to move away from the dog. Officer A told Witness C to let go of her hold on the Pit Bull dog and move away because Officer A was going to shoot the dog.

Officer A stated Witness C was losing control of the Pit Bull dog, and he/she told Witness C to step back away from the dog, and fearing the Pit Bull dog was going to bite the victim again, redeployed. Officer A moved to the sidewalk. The Pit Bull dog was approximately 10 feet away standing in the street. Officer A placed his/her identification in his/her front left pants pocket and held his/her firearm in a two-handed, low-ready position.

Witness C let go of the Pit Bull dog and moved away. The Pit Bull dog appeared to look between Victim A and Officer A as if he was trying to decide which to attack. Officer A paused to confirm the background behind the Pit Bull dog was clear. Officer A fired one shot, toward the center mass of the Pit Bull dog. The shot was fired at a downward angle and the background was the street and parked cars. The witnesses were behind Officer A and no persons were in the line of fire. Officer A assessed. The Pit Bull dog looked mad and started moving toward Officer A, who was scared the dog was going to attack him/her. Officer A fired two more rounds in rapid succession, and the Pit Bull dog collapsed.

Officer A again held up his/her police identification and told witnesses that he/she was an off-duty officer. Officer A also requested that someone call 911. A man was talking

on his cell phone and allowed Officer A to use it and speak to the 911 operator. Officer A identified him/herself, told the operator he/she was an off-duty police officer involved in a dog shooting, and described what he/she was wearing, so responding officers would know Officer A was at the scene. Officer A was not wearing a uniform and did not want arriving officers to just see a person with a gun.

Outside Agency Police Officer B was the first officer to arrive at the scene. While reviewing his/her Body Worn Video camera recording, Officer A was observed holding up and displaying his/her LAPD badge for identification.

Other Outside Agency Police Department officers arrived at the scene and interviewed Officer A, the victim, and witnesses. The Pit Bull dog's owners arrived at the scene after the shooting and were also interviewed by officers.

Officer A telephoned his/her division Watch Commander and notified him/her of the dog shooting.

Outside Agency Fire Department paramedics arrived at the scene, bandaged Victim A's arm, and transported her to the hospital.

Sergeant A was the first supervisor to arrive at the scene. Sergeant A separated Officer A from the Outside Agency personnel and obtained a Public Safety Statement (PSS). Sergeant A admonished Officer A not to speak about the incident with anyone other than his/her representative and FID investigators.

Real-Time Analysis and Critical Response (RACR) Division was notified of the OIS.

Force Investigation Division Detectives reviewed all documents and circumstances surrounding the supervisor ordered separation, monitoring and the admonition not to discuss the incident by Officer A prior to being interviewed by FID investigators. All protocols were followed and were appropriately documented.

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 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 instant case, the BOPC made the following findings:

A. Tactics

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

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

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), 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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a Subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his or 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. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.
- In the its analysis of this incident, the BOPC identified the following tactical considerations:

1. Utilization of a Holster

The investigation revealed that after the OIS, Officer A placed his/her service pistol in his/her waistband without a holster. Officer A was reminded that there is a heightened concern for an unintentional discharge when carrying a firearm with no manner to secure/holster the firearm.

This topic was to be discussed at the Tactical Debrief.

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

Therefore, the BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer A, he/she observed that Victim A was curled up on the ground and the Pit Bull was biting one of her limbs. Officer A exited his/her vehicle and obtained his/her service pistol from the holster on his/her duty belt, which was secured in the trunk of his/her vehicle.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer A's drawing and exhibiting to be In Policy.

C. Lethal Use of Force

- **Officer A** – (pistol, three rounds)

According to Officer A, he/she observed that the Pit Bull dog was approximately eight to ten feet from Victim A and was no longer being restrained. The Pit Bull's body and legs were tense, its hair was sticking up, and it was showing its teeth and growling. In fear that the Pit Bull was about to run in Victim A's direction and bite her again, Officer A fired one round from his/her service pistol at the Pit Bull to stop the threat.

According to Officer A, after firing, he/she assessed and observed the Pit Bull turn in his/her direction and fixate its eyes on him/her. The Pit Bull was still aggressive, growling, barking, and showing its teeth. Believing that the Pit Bull was going to attack and bite him/her, Officer A fired two rounds from his/her service pistol at the Pit Bull to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the attacking dog represented an immediate threat of serious bodily injury and that the lethal use of force would be justified.

Therefore, the BOPC found Officer A's lethal use of force to be In Policy.