

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 016-13**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Mission	02/18/13		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer D	15 years, 3 months
Officer E	10 years, 3 months
Officer F	6 years, 5 months

**Reason for Police Contact**

Officers were directed by the Air Unit to a residence that possibly contained outstanding armed subjects from an earlier vehicle pursuit. The officers encountered an aggressive dog in the backyard, and an officer-involved animal shooting (OIAS) ensued.

<b>Animal</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Pit Bull dog.			
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**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.

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 December 10, 2013.

## **Incident Summary**

Officers A and B were engaged in a vehicle pursuit of a stolen vehicle with a driver and two male occupants. They broadcast a back-up request and requested an Air Unit and supervisor. The driver ultimately stopped the vehicle at an intersection. The front and rear passengers fled on foot. The driver was taken into custody without any incident. He informed the arresting officers that the passengers fled because they had a gun in their possession. Officers also recovered pistol ammunition from the stolen vehicle.

Shortly thereafter, Air Support Division personnel arrived at scene to assist in the apprehension of the outstanding subjects. Officer C observed a female, later identified as Witness A, in the rear yard of a residence looking in the officers' direction and waving her arms over her head. Officer C also observed a male, later identified as Witness B, standing in the backyard, and an additional male, later identified as Witness C, in dark clothing standing in front of the residence. Believing the waving female was directing their attention to the outstanding subjects, Officer C directed responding units toward the rear entrance gate in an alley.

Officer D was the first unit to arrive at the location. Officer D was followed by Officers E and F. Believing the fleeing subjects were in possession of a gun, and fearing that tools commonly found in backyards could be used as weapons, the officers unholstered their pistols and approached the rear entrance, which was secured by a white metal gate. As they did so, Witness C walked toward the backyard from the front of the residence. As the officers walked toward the gate, Officer D observed a female with blond hair walk toward the backyard through the white gate. With Officer C broadcasting the position and movement of Witnesses B and C, the three officers advanced and cleared two parked vehicles for possible subjects. Once at the gate, Officer D slid the unlocked gate open and entered the backyard. Officer D was in the middle, with Officer F to his right and Officer E to his left.

As the gate opened, the officers observed Witnesses A, B and C in the backyard of the residence. Witness C was wearing a black shirt and Witness B a white shirt, matching the description of the outstanding subjects. Believing they were the outstanding subjects, Officers D and E gave commands for them to turn around and put their hands on their heads. Instead of complying, Witness C fled inside the residence. Witness B yelled at the officers, "Why? What the [expletive] did we do?" Witness A was also yelling at the officers asking why they were there. As the officers provided commands, Witnesses A and B yelled back. An approximately 90 pound large Pit Bull dog then appeared from behind the west wall of the converted garage area, charging at the officers.

Officer E attempted to step back and take cover but was unable to because of the south fence of the backyard. From a distance of approximately six feet, Officer E, facing northeast, discharged three rounds in a downward direction from his pistol. Simultaneously, Officer D observed the dog charge in his direction. Fearing the dog was going to attack him, Officer D, facing north, from an approximate distance of three

feet, fired three consecutive rounds in a downward direction with his pistol at the dog. The dog lost its footing, slid and fell down. The dog stood up and again charged at the officers, causing both Officer E from a distance of two feet, and Officer D from a distance of approximately one foot, to each fire one additional round at the dog. The dog stopped approximately one foot away from Officer D.

Officer F observed the dog charging at the officers and also observed Officers D and E shoot at the dog multiple times. Officer F observed the dog lose its footing and slide after being struck by the rounds. According to Officer F, the dog stood up and started to run in his direction. Fearing the dog was going to attack him, Officer F, while facing west and from an approximate distance of five feet, fired two rounds at the dog in a downward direction with his pistol. The dog was fatally wounded. Officer D broadcast the officer-involved shooting (OIS) via his hand held radio.

Additional officers arrived and took Witnesses A and B into custody. The responding officers also cleared the residence for additional subjects.

Sergeant A was the first supervisor to arrive at the scene of the OIS. Sergeant A separated Officers D, E and F. Sergeant B obtained the Public Safety Statement (PSS) from Officers E and F. Sergeant C obtained the PSS from Officer D.

### **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). 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. Tactics**

The BOPC found Officers D, E and F's tactics to warrant a Tactical Debrief.

#### **B. Drawing and Exhibiting**

The BOPC found Officers D, E and F's drawing and exhibiting of a firearm to be in policy.

## **C. Lethal Use of Force**

The BOPC found Officers D, E and F's lethal use of force to be in policy.

### **Basis for Findings**

#### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical consideration:
  - Dog Encounters
- 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.

After a thorough review of the incident, the BOPC determined that the officers' actions did not substantially deviate from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance

In conclusion, the BOPC found Officers D, E and F's tactics to warrant a Tactical Debrief.

#### **B. Drawing and Exhibiting**

- Officers D, E and F responded to the perimeter of two outstanding subjects of a stolen vehicle. The officers were advised by the air unit that a possible subject was in the back yard of a residence and directed them to respond to the location via the east/west alley. With knowledge of the subject being wanted for a felony and believing that the situation could escalate to the point where deadly force may be justified, Officers D, E and F drew their service pistols.

In conclusion, the BOPC found Officers D, E and F's drawing and exhibiting of a firearm to be in policy.

#### **C. Lethal Use of Force**

- As the officers entered the rear yard of the location they observed a possible subject. While the officers were giving orders to the Subject, the dog charged toward them in an aggressive manner. An officer with similar training and

experience as Officers D, E and F would reasonably believe that the charging dog represented an imminent threat of serious bodily injury and that the use of Lethal Force would be justified in order to address the threat.

In conclusion, the BOPC found Officers D, E and F's lethal use of force to be in policy.