

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

OFFICER-INVOLVED ANIMAL SHOOTING – 024-15

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

| | | | |
|-----------|---------|--|--|
| Hollywood | 3/20/15 | | |
|-----------|---------|--|--|

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

| | |
|-----------|-------------------|
| Officer A | 6 years, 6 months |
|-----------|-------------------|

Reason for Police Contact

Officers A and B were investigating a report involving a threat at a residence when a dog ran from a couch towards the front door and outside where Officer B was standing. Officer A, fearing that his partner was about to be attacked and in danger of great bodily injury, fired one round, from his pistol, resulting in an officer-involved animal shooting (OIAS).

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

| | | | |
|------------|--|--|--|
| Pitt Bull. | | | |
|------------|--|--|--|

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 February 9, 2016.

Incident Summary

On the date of this incident, uniformed Police Officers A and B, in a marked black and white police vehicle, received a radio call from Communications Division (CD) of an Assault with a Deadly weapon call at a residence. Officers were directed to contact Victim A.

Officers arrived at the scene and were met by Victim A, who explained that his neighbor (the Subject) had threatened him and his friend, (Victim B). Victim A told officers that the Subject approached him and Victim B in the courtyard of their residence. The Subject handed Victim B a bullet and warned both Victims A and B that "this" would happen to them if they came back to the location. Victim A told officers that Victim B feared for his life and left the location. Victim A immediately called the police.

Note: During this investigation, Victim B did not return to the scene. Victim A was not cooperative and reluctant to give any information about Victim B.

Officers A and B completed their preliminary investigation with Victim A and conducted a follow-up at the Subject's residence. This was located next door to Victim A's residence within the courtyard. Prior to walking over to the new location, Officer A updated their location with CD. Prior to knocking on the door, the officers formulated a plan, in which Officer A would be the cover officer and Officer B would be the contact officer.

Officer B initially knocked on the door. According to Officer B, after a short wait on the front porch, the Subject opened the front door and exited the residence and quickly closed the door behind him. The Subject sat down on the steps in front of the porch.

Officer B began to ask the Subject several questions related to their investigation. During the preliminary investigation the Subject became irritated and refused to give his last name. The Subject immediately stood up and walked away from officers toward the front door. The Subject opened the front door and attempted to enter the residence, but Officer B stopped him in the threshold of the front door, preventing the door from closing, while Officer A simultaneously grabbed the Subject's right arm and right rear shoulder. Officer A immediately observed a dog jump from the couch inside from the front room and began to run towards him and his partner. Officer A yelled "dog, dog" to alert Officer B.

Officers A and B immediately stepped backward off the front steps of the porch, approximately 10 to 12 feet, as a Pit Bull dog growled and charged toward them. Officer B deployed his OC spray with his support hand in order to stop the dog moving forward toward Officer A. Officer B delivered a one second burst from approximately two feet, however, it appeared the OC spray was ineffective, and the dog became more aggressive and continued to move towards him.

Officer A immediately observed Officer B to his left, walking backwards away from the front door. Officer A, fearing that his partner was about to be mangled, unholstered his pistol and fired one round at the Pit Bull dog. The dog stopped immediately and fell to the ground. The dog sustained one gunshot wound to the left neck area and was pronounced dead at the scene.

The Subject remained on the front porch of the residence, and Officer B stepped forward to take the Subject into custody without incident. The Subject was arrested in violation of Section 422 of the Penal Code (Criminal Threats).

Sergeant A arrived at the scene, obtained a Public Safety Statement (PSS) from Officer A, and ordered Officer A not to discuss the incident with anyone until the arrival of Force Investigation Division (FID). FID interviewed the Subject and noted that his statement was consistent with Officer A's statement. During a canvass for witnesses, FID located and interviewed Witness A and noted that her statement was also consistent with the officer's statement.

Note: The courtyard and the perimeter of the complex had several video cameras covering the perimeter of the complex and covering the courtyard. FID met with the building manager who informed them that the video system was not working. This was verified by Scientific Investigation Division (SID).

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 A and B's tactics to warrant a Tactical Debrief.

B. Drawing/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

A. Tactics

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

The BOPC additionally considered the following:

1. Loading Standards

A post-incident weapons inspection revealed that Officer A's service pistol was loaded with one round in the firing chamber and 13 additional rounds in the magazine, for a total of 14 rounds. Officer A fired one round, indicating that his service weapon was not loaded to the Department's standard of 15 rounds in the magazine and one in the chamber at the time of the OIAS. The issue was brought to the attention of Captain A, who stated it has been addressed through training at the divisional level.

2. Searching of Suspects

The investigation revealed that Officers A and B did not initially search the Subject after identifying him as the suspect who gave a bullet to Victim B and verbally threatened Victims A and B. The officers are reminded of the importance of officer safety and conducting a cursory search of a legally detained person to ensure that they are not in possession of weapon that could potentially cause them harm.

These topics were to be discussed at the Tactical Debrief.

- 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.

Each tactical incident 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 review and discuss the incident and individual actions that took place during this incident.

Therefore, the BOPC found that Officers A and B's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A observed a large Pit Bull dog jump off a couch inside the residence and run towards the open front door. Fearing that the dog was about to attack him and his partner, Officer A drew his service pistol. Officer A recalled that the dog was growling in an aggressive manner and visibly showing his teeth. Fearing the dog was about to attack, Officer A unholstered his duty weapon to protect himself and his partner.

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 had escalated to the point where deadly force was justified.

Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer A** (pistol, one round)

Officer A observed Officer B spray the dog in the face with his OC spray. The dog appeared to be unaffected by the OC spray and then directed his attention solely toward Officer B. The dog continued to advance toward Officer B. Fearing that the dog was about to attack his partner, Officer A fired one round at the dog to stop the attack.

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

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