

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 026-17**

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

Rampart                      4/15/17

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

Officer A                      15 years, 5 months

**Reason for Police Contact**

Officers responded to a call of an in-progress domestic violence battery. Upon contacting the occupants, a Pit Bull dog escaped from the apartment and attacked officers, 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.

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 20, 2018.

## **Incident Summary**

Officer A, his partner Officer B, and several other Rampart Area officers responded to an in-progress domestic violence call at an apartment complex. Officers arrived at the location, and Officer A issued a broadcast to Communications Division (CD) accordingly.

The apartment complex was situated at an elevation of 23 feet above street level. Access to the apartment was through a metal security gate at the street level, followed by two flights of stairs leading to an approximately four-foot wide uphill walkway.

**Note:** The officers' emergency response automatically activated their Digital In-Car Video System (DICVS). Officers A and B activated their Body Worn Video (BWV) prior to arriving to the radio call.

Uniformed Police Officer C also arrived to assist with the radio call and contacted CD accordingly.

**Note:** Officer C activated his BWV after he arrived at scene.

The three officers climbed the stairway leading to the apartment. Officer A led, followed by Officers B and C, respectively. As they approached the door to the apartment, Officer A heard a dog barking from inside. Officer A knocked on the door, identified himself as a police officer, and then backed away from the door. He repositioned himself approximately 10 feet away from the doorway on the side of the walkway leading to the door of the apartment. Officer B positioned himself approximately 10 feet away from the doorway on the side of the walkway. Officer C positioned himself approximately 10 feet away from Officer B.

Officer A's BWV depicted the following: A female, identified as Witness A, answered door. As she opened the door, a large unleashed Pit Bull breed dog, approximately 75 pounds, appeared in the doorway. Officer A ordered Witness A to put the dog away. Witness A attempted to restrain the Pit Bull with her right hand; however, the Pit Bull dog forced itself between Witness A and the door jamb, exited the apartment, and lunged at Officer B.

**Note:** According to Officer B, the pit bull lunged at his face three times. Officer B attempted to protect his face by blocking the pit bull with his right forearm. He believed the Pit Bull dog bit his forearm on the third lunge.

Officer A believed the Pit Bull dog posed a threat of serious injury to Officer B and was concerned it would turn its aggression toward him. He then unholstered his pistol and held it at a low-ready position.

**Note:** Officer B sustained a scratch (abrasion) to his right forearm.

Officer A observed that Officer C was standing in the background and determined that if the Pit Bull dog proceeded to attack Officer B, he would have to make a contact shot with the Pit Bull dog.

Witness A attempted to grab and control the Pit Bull dog. Witness A's attempts to grab the Pit Bull diverted the dog's attention away from Officer B. The dog then circled around Witness A, focused its attention to Officer A, and rushed toward him. Officer A briefly assessed and determined that he was in a narrow walkway with nowhere to go. His assessment also included that the only way to safety would be the long distance through the narrow walkway back to the street. Officer A determined that if the officers took that course of action, the last officer going down the walkway would certainly be attacked by the Pit Bull dog.

As the dog moved toward him, and believing that the Pit Bull was going to attack him and cause serious bodily injury to his person, Officer A fired one round in a downward direction at the charging dog that was approximately one foot away from him. The concrete walkway comprised Officer A's background. After discharging the first round, according to Officer A, he assessed and observed that the Pit Bull dog appeared startled but not incapacitated. The Pit Bull dog circled around Officer A and assumed a crouched stance close to Officer A. Believing that the Pit Bull was going to lunge and attack him, Officer A discharged another round approximately two feet away toward the Pit Bull in a downward direction at the dog.

After discharging the second round, Officer A observed that the Pit Bull came to rest on its stomach and stopped its aggressive behavior. Officer A determined that the Pit Bull dog was incapacitated and holstered his pistol. Officer A then directed Officer C to contact CD and request a supervisor to the respond to the scene.

### **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'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**

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

- Dog Encounters

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.

### **Detention**

- Does not apply.

### **Tactical De-Escalation**

- Does not apply.

## **B. Drawing/Exhibiting**

- According to Officer A, the dog ran directly at Officer B, jumped up off the ground at his upper body and lunged at one of his forearms. Believing that the dog was trying to attack and bite Officer B, Officer A drew his service pistol.

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 of a firearm to be in policy.

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

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

According to Officer A, the dog circled around Witness A, stopped, and turned back towards him as if it was going to attack again. Believing that the dog was going to attack, Officer A fired one round from his service pistol to stop the dog's attack.

After he fired the first round, he assessed and observed the dog still moving and not incapacitated. The dog circled around and faced him. Believing the dog was going to attack again, Officer A fired one additional round from his service pistol to stop the dog's attack.

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.