

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 028-17**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes ( ) No (X)</b>
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Outside City	5/5/17		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	9 years, 4 months
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**Reason for Police Contact**

An officer was canvassing a residential area in search of any available surveillance cameras. The officer located a camera in an enclosed apartment complex. As the officer looked for an entrance gate into the apartment complex area, he was confronted by an aggressive Pit Bull dog, resulting in an officer-involved animal shooting (OIAS).

<b>Subject(s)</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 February 20, 2018.

## **Incident Summary**

At the time of this incident, Officer A worked in a plainclothes capacity where his primary duties were to assist homicide investigators in canvassing and retrieving surveillance videos from businesses and/or residences related to murder investigations.

**Note:** Officer A referred to himself as working in a plainclothes capacity, however, according to Los Angeles Police Department Use of Force-Tactics Directive No. 10.2, Officer A's role was that of a Surveillance Officer.

Officer A was canvassing the area for surveillance cameras for a recent homicide that occurred there.

Officer A drove on the street and from his vehicle, he observed an apartment complex with a surveillance camera affixed to the exterior of the apartment. The apartment complex was enclosed by an approximately eight-foot-high wrought iron fence around the property grounds. Officer A decided to stop and parked his vehicle along the curbside. Officer A exited his vehicle with the intention to look at the dome and wiring of the camera to determine if the camera was in fact operable. Officer A first attempted to gain access to the apartment complex grounds through a gate but discovered it was locked. Officer A then walked along the fencing and noticed an approximate five-foot opening/gap in the fence that he could enter through. Officer A walked onto the grounds and immediately heard a dog barking. Officer A looked in the direction of the barking sound and observed a Pit Bull dog with saliva dripping from its mouth close to where he was standing. The Pit Bull dog had a make-shift leash wrapped around its body. The dog was rapidly running away from a woman whom he believed was the dog's owner. According to Officer A, at that moment he stepped back onto the sidewalk and walked slightly north.

According to Officer A, the dog ran approximately 30 yards in two seconds and was able to close the distance to where he was standing. The Pit Bull dog was still inside the apartment grounds and ran past the opening/gap in the gate. The dog continued to run, paralleling Officer A. At that point, Officer A, believing the dog was vicious, strong, and would bite him, unholstered his weapon with his right hand. Officer A maintained holding his weapon with his right hand as he simultaneously used his left hand to support his backpack strap that was resting over his left shoulder. Officer A walked along the sidewalk and attempted to use the gate as a controlling agent between him and the dog. For a moment, Officer A had some distance from the dog and yelled to the woman who he believed was the owner to secure her dog. The dog suddenly ran and made his way onto the sidewalk through the opening in the fence. The dog momentarily stopped his charge and barked at Officer A but then continued to advance towards him.

Officer A, believing he was going to be bit, fired five rounds in rapid succession from a one-handed standing shooting position from 13.5 feet. According to Officer A, it was his experience that Pit Bull dogs can generally survive .45 caliber shots. According to

Officer A, he fired multiple shots because one shot was not going to stop it.

Once the dog was struck, he spun his body around, made his way onto the street, and collapsed, resting against the curbside in front of Officer A's parked vehicle. Once the dog was lying on his side and no longer appeared to be a threat, Officer A holstered his weapon. Officer A fired the rounds in a downward direction. Officer A's background was the ground.

Officer A advised Communications Division (CD) of his location and advised he was in a dog shooting. Moments later, Officer A requested a back-up request for a female who Officer A believed was the dog's owner.

Sergeant A responded to the scene. Sergeant A took a Public Safety Statement (PSS) from Officer A. Other area officers arrived and assisted with the crime scene.

The dog was transported to the Department of Animal Services Shelter.

FID Detectives reviewed all documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators. All protocols were complied with and documented appropriately.

### **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.

### **Tactical De-escalation**

- Does not apply.
- In the its analysis of this incident, the BOPC identified the following tactical considerations:

#### **1. Code-Six**

Officer A did not advise CD of his Code-Six location prior to entering the grounds of an apartment complex to identify a potential surveillance camera.

The purpose of going Code-Six is to advise CD and other officers of the officer's location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

In this case, Officer A had no intention of contacting anyone and had only entered the grounds of the apartment complex to get a closer look at a surveillance camera fixture to see if it appeared operable and could have captured the suspects or their vehicles as they fled the scene of a crime.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were not a substantial deviation from approved Department tactical training.

#### **2. 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.

## **B. Drawing/Exhibiting**

- According to Officer A, he observed that the Pit Bull dog was coming at him at a high rate of speed, so he re-deployed back to the sidewalk and walked slightly on the opposite side of the fence. He then drew his service pistol because he believed that the dog was vicious and wanted to bite him.

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, five rounds)

According to Officer A, the Pit Bull dog stopped momentarily, barked, and then ran through the opening in his direction. Believing that the dog was going to bite him, in immediate defense of his life, Officer A held his service pistol in his right hand and fired five rounds 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.