

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

OFFICER-INVOLVED ANIMAL SHOOTING 030-13

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

Devonshire 3/15/13

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

Officer A 5 years, 6 months

Reason for Police Contact

Officers were in the area conducting burglary suppression. In the course of making contact with a known subject at his residence, an officer-involved animal shooting occurred.

Animal(s) Deceased () Wounded (X) 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 suspect 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 18, 2014.

Incident Summary

Police Officers A and B were conducting directed patrol in a particular geographic area for burglary suppression. Officer B checked the Fugitive Warrant System via the Mobil Digital Computer and discovered there was a felony narcotics warrant for a subject.

According to Officer A, he knew the subject from a previous arrest and believed him to be cooperative and non-combative. Based on the Subject's past demeanor, Officers A and B opted not to request additional resources to make contact with him.

Officers A and B arrived at the location and broadcast accordingly. They discussed tactics prior to their approach and decided that Officer B would be the contact officer who would knock on the front door, while Officer A would be the cover officer.

The front yard of the residence was enclosed by a wrought iron fence, which was fully surrounded and obstructed by dense shrubbery. The officers walked up the driveway to a wrought iron gate that allowed access to the front yard. Officer B rattled the latch on the gate in an attempt to see if any animals were present and there was no response. Both officers entered the front yard through the gate and started walking toward the front of the residence. Officer B stepped onto the porch to knock on the door, while Officer A stood approximately 10 feet behind him, near a pillar that supported the porch overhang. As Officer B knocked on the door and rang the doorbell, both officers heard loud barking from the west side of the residence.

Note: There was no fencing or barrier that separated the backyard from the front yard along the west side of the house. Due to trees and plants in that area and the officer's path of approach, the absence of separation between the yards would have been very difficult to observe.

The dogs entered the front yard from the rear yard along the west side of the house and then ran east toward Officer A, who started backing away to create some distance; however, immediately behind Officer A was the exterior garage wall. The officers described one pit bull as being brindle colored and the second as being gray in color, and both weighing between 50-70 pounds. Both dogs aggressively barked as they advanced toward Officer A. Believing the dogs posed a serious threat, Officer A unholstered his pistol. When the brindled colored dog got within 3-5 feet from Officer A, he believed that his life was in danger. Officer A assumed a close contact position and fired one round in a west and downward direction at the brindled colored dog to prevent himself from being subjected to serious bodily injury or death. The dog was struck by Officer A's bullet on the top of the head. Both dogs retreated to the rear yard, while both officers retreated to the driveway outside the gate. The Subject exited the front door and was directed by Officer B to the driveway where he was taken into custody for his warrant.

Officer A notified Communications Division that he had shot a dog and requested a supervisor. Officer A also requested that Animal Regulations be notified and respond.

Additional officers arrived and secured the scene. Patrol Division Sergeant A arrived, obtained a Public Safety Statement from Officer A, and notified the Watch Commander, Sergeant B, who then notified the Real-Time Analysis and Critical-Response (RACR) Division.

The Subject made the officers aware that there was another occupant inside the residence, Witness A. Witness A was called out of the house and assisted with securing the uninjured pit bull dog.

Animal Control Officer Andre Gonzalez, Serial No. 042, transported the wounded dog for medical treatment at the VCA McClave Animal Hospital, at 6959 Reseda Blvd, Reseda, 91335.

Officers A and B were transported to the local police station for monitoring.

Witness Statements

According to the Subject, he heard knocking on his door as he was getting out of his upstairs shower. As he started to walk down the interior staircase to answer the door, he heard a bang and the sound of a whimpering dog. He did not observe the OIS and exited the front of his residence to see what happened. He was then taken into custody.

According to Witness B, he and his wife were together inside their residence just west of the OIS location when they heard a pop and a yelp. They did not observe the OIS; therefore, they were not formally interviewed.

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 and Exhibiting of a weapon 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:

1. Tactical Planning

Officers A and B attempted to arrest a felony narcotics warrant subject at a private residence. Officers A and B conducted the aforementioned operation without properly planning for unforeseen tactical obstacles.

In evaluating Officers A and B's actions, the BOPC took into consideration that one year prior to this incident Officer A was part of the entry team during a warrant service at two residences associated with the Subject. Officer A's encounter with the Subject was cooperative and non-combative, and this information was conveyed to Officer B. The BOPC appreciates Officers A and B's resourcefulness while conducting directed patrol in an attempt to maintain a proactive presence. That said, the assistance of an additional unit and the

notification of a supervisor would have enhanced the possibility of operational success. Officers are given discretion when considering their tactical options while attempting to conduct an arrest. The tactical options are conceptual in nature, incident specific and situational driven.

In conclusion, after taking into consideration the totality of the circumstances, the BOPC found that Officers A and B's actions did not substantially deviate from approved Department tactical training. However, it is the BOPC's expectation that officers take into consideration the importance of having sufficient tactical resources during instances such as this. This topic was addressed at the Tactical Debrief.

- During the review of this incident, the following additional debriefing point was noted:
 - 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.

The BOPC conducted an objective assessment of this incident and remained focused on ensuring an equitable outcome based on the role and responsibility of the significantly involved personnel. In this case, a Tactical Debrief is the appropriate forum for Officers A and B to review and discuss the incident and actions that took place during this incident.

The BOPC found that Officers A and B's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officer A was confronted by two aggressive Pit Bull breed type dogs. Suddenly, the brindle colored Pit Bull breed type dog charged toward Officer A in an aggressive manner.

Officer A recalled immediately hearing two dogs barking loudly on the west side of the residence. A brindle colored Pit Bull dog, weighing approximately 50-60 lbs, came charging towards Officer A's direction in an aggressive manner. Officer A backed away to create space between himself and the dog as the dog continued to growl and bark in an aggressive manner. The Pit Bull dog lowered itself as if though it was going to pounce on Officer A, and the dog's hair on its back was standing up. Officer A perceived the dog to be extremely viscous, so he unholstered his weapon because he felt as though the tactical situation was going to escalate to the use of deadly force.

Believing that the situation escalated to the point where lethal force had become necessary and to protect himself from serious bodily injury, Officer A drew his service pistol.

In conclusion, based on the circumstances, Officer A's drawing and exhibiting of a firearm was reasonable and within Department guidelines. 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 continued to back up as the brindle colored Pit Bull type breed dog charged at him in an aggressive manner. The dog closed to within 3-5 feet and fearing for his safety, Officer A fired one round from his service pistol at the dog.

Officer A recalled that the dog charged toward his direction in an aggressive manner once again. The dog locked eyes with him and continued barking and growling while showing its teeth. Due to the dog's behavior and the distance from where the dog was standing (3-5 feet away), Officer A was in fear of his life, so he assumed a close contact position and fired one round at the brindle colored Pit Bull dog to protect himself from the threat of serious bodily injury and/or death.

An officer with similar training and experience as Officer A would reasonably believe that a Pit Bull type breed dog, charging in an aggressive manner while baring its teeth, constituted an immediate 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 Officer A's lethal use of force to be objectively reasonable and in policy.