

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

OFFICER-INVOLVED ANIMAL SHOOTING – 030-18

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

Hollywood 5/3/18

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

Officer C 2 years, 11 months

Reason for Police Contact

Officers were called to an incident involving two dogs attacking employees of an apartment complex. On arrival officers tried to contain a Pit Bull dog, when it charged at one of the officers, resulting in an officer-involved animal shooting (OIAS).

Animal(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 the Department is currently legally prohibited from 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 26, 2019.

Incident Summary

Victim A, a manager of an apartment complex, heard a voice screaming and yelling profanities from the first-floor of the building. Victim A had also received information that Witness A, who lived on the first floor, was lying in the hallway outside his apartment causing a disturbance.

Victim A decided to check on Witness A's welfare. Victim A called the Maintenance Technician for the apartments, Victim B, on the telephone and asked him to meet him and assist with the check.

Victims A and B responded to the apartment and Victim A knocked on the door. They heard dogs barking inside the apartment. Witness A owns two dogs, a 94-pound male Pit Bull and a 65-pound female German Shepherd. According to Victim A, there had been an incident with the Pit Bull dog a few months prior, and due to that incident, the dog usually wore a muzzle when Witness A took him outside for his walks.

Witness A called out from behind his closed door and asked who was there. Victim A identified himself, and Witness A opened the door. Victim A started telling Witness A why he and Witness B were there when he observed the dogs push past Witness A's legs into the hallway.

The dogs jumped on Victim A and started biting him. Victim A screamed, covered his face, and ducked down while turning into Witness B's doorway. Victim A felt the dogs' teeth pierce his skin and tear his sweater. Victim B attempted to pull the dogs off of Victim A. At that moment, Witness B opened his apartment front door, pulled Victim A inside his apartment, and closed the front door. Witness B called 911.

Communications Division broadcast a radio call detailing the dogs attacking two people at the apartment complex. Uniformed Police Officers A and B accepted the call.

Victim A could hear Victim B in the hallway being attacked by the dogs. Victim A called out to Victim B and asked if he was alright. Victim B called back that he was being bitten by the dogs. Victim A was scared and could not open the door of the apartment because the dogs were right there outside the door.

According to Victim B, he could not push the dogs away. They bit his arms, legs, and ankles. Victim B took his pocket knife out of his pants pocket and slashed the Pit Bull dog, cutting his back and shoulder area, which caused the dog to become more aggressive.

Los Angeles Fire Department (LAFD) arrived at the apartments. The firefighters used pike poles to hook the dogs' collars and pull them off of Victim B.

Shortly thereafter, Hollywood Patrol Division uniformed Police Officers A and B arrived at the scene. According to Officer B, when they arrived, LAFD personnel were in the

lobby of the apartment complex treating Witness A. LAFD told Officers A and B there had been a vicious animal attack. They described a brown Pit Bull and directed them to the main hallway

In the main hallway, Officer B observed a Pit Bull dog that appeared to be in distress with a large laceration on its right shoulder and right front leg. Firefighters were holding the Pit Bull back with pike poles. Officer B also observed a German Shepherd dog cornered in the alcove of an apartment doorway.

Officer A requested over the police radio the response of Animal Control, an additional patrol unit, and a supervisor. Hollywood Patrol Division uniformed Police Officers C and D responded to the venue

In the interim, the firefighters moved the Pit Bull back down the hallway with the pike poles. Mid-way down the hallway was a fire-door dividing the 60-foot long hallway into two 30-foot lengths. Officer B closed the door and held it shut with his right foot trapping the Pit Bull in one end of the hallway.

According to Officer B, he asked both Officers C and D to walk around the building to the west end of the first-floor hallway and secure it with the dog trapped inside. Once the dog was secured in the end of the hallway they would wait for Animal Control.

Officer C went around to the back stairwell to the end of the hallway to make sure no one got onto the landing where the Pit Bull was located. Officer C walked through a short hallway. The hallway then led to the closed fire-door. It was Officer C's stated intention to locate the dog, and ensure people stayed away from it. It was not Officer C's intention to contact the dog, and he was surprised to encounter the Pit Bull standing midway between him and the fire-door he had just come through.

The Pit Bull dog turned towards Officer C. The dog had a large laceration on its shoulder and was covered with blood. Officer C knew the dog had mauled two people and appeared aggressive. The Pit Bull started approaching Officer C. He ordered the dog to stay away three or four times, but it kept coming. Officer C retreated, redeploying rearward around the corner until he was up against the closed stairwell fire-door. The dog approached Officer C, looked up, opened its mouth, and appeared to Officer C to be about to bite him. Officer C unholstered his firearm into a two-handed grip and fired seven rounds in a downward direction, killing the dog. Officer C then informed his colleagues what had occurred.

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). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer C's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer C's lethal use of force to be in policy.

Basis for Findings

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in Graham v. Connor, 490 U.S. 386 (1989), that:

"The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation."

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

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.

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 Officers C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer C, based on his knowledge that the Pit Bull dog had already mauled two people and was injured, Officer C backed up approximately six feet, hoping the Pit Bull would not follow him, and he could make it back to the stairwell door. However, the Pit Bull continued to follow Officer C. Believing he was not going to make it to the stairwell door, Officer C drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C, 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 C's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer C** – (pistol, seven rounds)

According to Officer C, the Pit Bull did not listen to his commands to stay and kept coming towards him. Officer C retreated all the way to the closed stairwell door. Believing the Pit Bull was going to try to bite him, Officer C fired seven rounds from his service pistol at the Pit Bull to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer C would reasonably believe that the attacking dog represented an immediate threat of death or serious bodily injury to himself and that the lethal use of force would be justified.

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