

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

OFFICER-INVOLVED ANIMAL SHOOTING – 037-17

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

Central 5/26/17

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

Officer A 26 years, 6 months

Reason for Police Contact

An off-duty officer was working a movie assignment in uniform when he was confronted by the Subject, an angry motorist who was upset because Officer A had stopped traffic for the movie production. The Subject subsequently physically assaulted Officer A and during the assault, the Subject's dog attacked and bit Officer A, 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 April 17, 2018.

Incident Summary

Officer A was working off-duty and in full utility uniform, as a security officer for a movie production.

Note: An applicable work permit regulation states motorcycle officers shall not wear the Department authorized motorcycle uniform while in transit to the motion picture/television filming location. A jumpsuit or partial uniform may be worn without the police equipment belt when commuting to and from the work location as long as the officer is not identifiable as a police officer (Motion Picture/Television Filming Work Permit – Rules and Regulations). Therefore, Officer A wore a plain black jacket and personal helmet, neither of which had police insignias, and secured his equipment belt while in transit to the movie job site. Officer A continued to wear the plain black jacket over his uniform throughout the entire incident.

Note: There were no markings, insignia, or any other indicators that would indicate the wearer of the jacket to be a police officer. Officer A had taken the jacket off during his detail, but put it back on a short while later because he was cold.

Officer A stepped onto the street to begin stopping one-way traffic for a production truck that was required to back into a parking lot on the side of the street. Officer A positioned himself between the eastern most lane (number one lane) and middle lane (number two lane) of traffic. Officer A noted a Metropolitan Transportation Authority bus in the number one lane and a white truck, driven by a male driver, the Subject, in the number two lane.

As Officer A held traffic, the Subject initially complied and stopped at what Officer A estimated to be 10 to 12 feet south of him. As the production truck began to back into the parking lot, Officer A looked to his right and observed the Subject moving slowly in his truck toward him. Officer A described that the Subject was moving as if he took the foot off his brake and was coasting. As the Subject moved directly toward him, Officer A stated he put both hands up and said, "Stop, stop, stop." According to Officer A, the Subject immediately became incensed, gave him the middle finger, and started to yell and curse at Officer A.

Meanwhile, the Subject continued to drive toward Officer A until he turned his steering wheel to the right in what Officer A believed was an attempt to drive around him. Officer A described that he could see the production truck in his peripheral vision and knew the truck was not completely clear. Officer A explained that the production truck drivers often will pull forward to straighten out. Therefore, it was his practice to hold vehicle traffic until the production truck was completely secured inside the parking lot.

Officer A then stepped in front of the Subject's truck and again advised him to stop. Officer A explained that his practice was to hold vehicle traffic until the production truck was completely secured inside the parking lot. According to Officer A, the Subject then yelled and cursed at him again, questioning why he was being stopped. Officer A then stepped to move out of the path of the truck, and the Subject stopped with Officer A standing directly at the driver's side of the truck.

According to Officer A, the Subject moved his left hand below the lower portion of his window, out of his view. Officer A was concerned that the Subject may open his driver's door to strike him with it. Officer A described that he instinctually grabbed the exterior door handle with his right hand to prevent it from swinging open. Officer A could feel the vehicle door locking mechanism disengaging and the door beginning to open. As the door was opening, Officer A stepped to his right to better see the Subject's left hand. Officer A described that both he and the Subject opened the vehicle door.

Note: The Subject stated that Officer A cursed at him, opened his driver's side door, and gestured toward him as if he wanted to fight.

Officer A advised the Subject that he could leave the location, but the Subject refused and continued to shout, threatening to fight Officer A. Officer A continued to direct the Subject to leave the area. Officer A then verbally identified himself as a police officer. According to Officer A, the Subject appeared to calm down, but then cursed at him again. The Subject then closed his driver's door and drove away.

Note: The Subject denied that he knew Officer A was a police officer. Although he acknowledged Officer A was wearing an equipment belt, he believed Officer A was a security guard.

Officer A was satisfied that the incident was over and did not make any attempts to obtain the response of on-duty officers. Officer A acknowledged that it was common to deal with angry drivers when conducting traffic control at filming locations.

Officer A returned to the sidewalk where he began to converse with Witness A. Officer A estimated that approximately three to five minutes later the Subject returned in his white truck and abruptly stopped at the curb adjacent to where he was standing and immediately exited his truck.

According to Officer A, the Subject aggressively walked directly toward him while cursing and threatening him. Officer A attempted to verbalize with the Subject to stop, but the Subject was not deterred and continued to aggressively walk toward Officer A. Officer A was uncomfortable with the distance and felt that the Subject was a threat to him. Witness A stated that the Subject aggressively confronted Officer A, causing Officer A to defend himself. Officer A placed both his hands on the Subject's chest and pushed him away to create a safe distance between him and the Subject. Officer A described the push as a "shove."

The shove did not deter the Subject as he continued to verbally attack and aggressively move toward Officer A.

According to Officer A, he and the Subject “locked up” before Officer A grabbed the front of the Subject’s shirt and took the Subject to the ground to control him. The Subject landed on his back with Officer A on top of him, attempting to use his bodyweight to control the Subject. However, according to Officer A, the Subject spun, causing the Subject’s back to face in Officer A’s direction.

As Officer A was behind the Subject and on both his knees, the Subject attempted to reach backward with his left arm and place Officer A in a headlock. The Subject was unable to obtain a headlock because Officer A was positioned beyond his reach. Officer A stated that his intent was to “pin” the Subject and then use his radio to request a backup unit to respond.

According to Witness A, the Subject left the driver’s door open when he exited his truck, and the Pit Bull dog exited the truck during the physical altercation. Witness A stood at what he estimated to be five feet from Officer A and the Subject, and as the Pit Bull dog appeared to sniff around the area, it jumped on the back of his legs and took what Witness A described as a “nip” to his left calf area before the pit bull moved toward Officer A and the Subject.

As Officer A continued to attempt to use his bodyweight to control the Subject, he heard a voice shout, “Watch your back, watch your back.” Immediately thereafter, Officer A felt a thud on his left lower back area. Officer A was not sure what struck him as he also felt his left leg being tugged while he held down the Subject. As Officer A struggled with the Subject, he looked down and observed the Pit Bull to his left. While Officer A was still on his knees, the Pit Bull had a bite hold on his pant leg and continued to pull.

As Officer A’s arms were still extended in front of him toward the Subject, he began to move his upper body up. The Pit Bull dog walked under Officer A’s extended arm, stopped in front of him and attempted to bite Officer A as he moved his upper body further away.

Officer A was now completely disengaged from the Subject but still on his knees.

As Officer A stood up, it appeared to him that the Pit Bull dog was going to bite the Subject. However, the Subject verbally directed the Pit Bull dog to attack Officer A stating, “Get him, get him, get him.”

Officer A immediately realized that the Subject owned the Pit Bull dog and was directing the dog to attack him.

Officer A was standing about four to five feet from the Pit Bull dog when the dog began to move in his direction. Officer A first took a step to his left and then to his right to avoid the dog, but the dog continued to bark and aggressively move toward him. Officer

A described that the Pit Bull was snarling and barking. Fearing the dog was going to bite him, Officer A stepped back and immediately unholstered his handgun with his right hand. Officer A then obtained a one-handed shooting stance and aimed his handgun at the Pit Bull dog's mouth and fired two rounds in a downward direction from an approximate distance of five to six feet. Officer A indicated that he did not have enough time to obtain a two-handed shooting stance.

According to Witness A, "The dog did go for [Officer A]" before Officer A shot the dog. Witness A stated the initial physical altercation occurred on the sidewalk, and during the struggle, it moved into the parking lot, coming within five feet of him. And then the altercation moved back to the sidewalk where Officer A and the Subject separated and the dog was shot. He estimated that he was approximately 10-15 feet from Officer A at the time of the shooting. Witness A did not know how many shots were fired.

The dog stopped its attack, staggered to the right, and fell to the ground. Officer A assessed after his two rounds. Once the threat of the Pit Bull dog ceased, Officer A focused his attention back toward the Subject, who he estimated to be six to seven feet away from him. According to Witness A, the Subject "went again at [him]." Officer A then pointed his handgun at the Subject and proceeded to give him verbal commands. Officer A visually checked the Subject for any obvious weapons and did not observe any. Officer A then holstered his handgun, unholstered his TASER, and detained the Subject without further incident.

Officer A used his hand-held radio and broadcast, "officer needs help, shots fired" call to Communications Division (CD).

Area units arrived at the scene to assist Officer A. They were directed by Officer A to the Subject who was taken into custody without incident.

Sergeant A was the first supervisor to arrive on scene. Sergeant A contacted Officer A at scene, obtained a Public Safety Statement (PSS), and separated and monitored Officer A.

Los Angeles City Animal Control arrived at scene and removed the Pit Bull dog from the street and transported it to a local Animal Shelter.

Force Investigation Division detectives reviewed all documents and circumstances surrounding the separation, monitoring, and admonition not to discuss the incident that was given to the officer prior to being interviewed by FID investigators. All protocols were followed and appropriately documented.

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. Non-Lethal Use of Force

The BOPC found Officer A's non-lethal use of force to be in policy.

D. Lethal Use of Force

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

Basis for Findings

Detention

- While working off-duty at a movie production set, Officer A was approached by a suspect who threatened to cause him bodily harm. When the Subject advanced on the officer, the officer used various non-lethal force options to restrain the Subject and stop his actions. The officer's actions were appropriate and within Department policies and procedures.

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

- In this case, the Subject stopped his vehicle and aggressively walked straight

towards the officer at an accelerated pace while threatening to harm the officer. In order to create distance from the Subject, the officer pushed the suspect away from him. The Subject stepped back and then aggressively approached the officer a second time. The officer then utilized various non-lethal force options to control the Subject and his actions.

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.

Additional Tactical Debrief Topics

- 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 that Officer A's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he observed that the Pit Bull dog was showing its teeth, snarling, and barking. He let the Pit Bull get as close as possible and then drew his service pistol with is right hand.

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. Non-Lethal Use of Force

- **Officer A** – (physical force, takedown and bodyweight)

According to Officer A, as the Subject closed the distance, Officer A shoved him away on his chest area to create some distance. The Subject took about two or three steps back and then came at Officer A again, so Officer A grabbed the Subject by his shirt and took him to the ground. The Subject landed on his back and Officer A landed on top of him with both of his knees on the ground. He then used his hand to push the Subject down.

Based upon 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 believe that this same application of non-lethal force would be reasonable to overcome the Subject's resistance.

Therefore, the BOPC found Officer A's non-lethal use of force to be objectively reasonable and in policy.

D. Lethal Use of Force

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

According to Officer A, he observed that the Pit Bull dog was showing its teeth, snarling, and barking. He attempted to avoid the pit bull, but it continued coming right at him. Believing that being bitten by the dog could cause him serious injury, Officer A fired two rounds at the Pit Bull dog to stop the threat.

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.

Additional/Equipment

- **Police Attire** – The investigation revealed that Officer A was wearing a non-descript, black jacket, with no police markings, over his uniform shirt and badge. This issue was brought to the attention of Officer A's commanding officer, and addressed through divisional training and at a Motor Officer training day. As such, the BOPC deemed no further action is necessary.