

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

OFFICER-INVOLVED ANIMAL SHOOTING – 050-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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West Los Angeles	02/03/13		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant A	22 years, 7 months
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Reason for Police Contact

Officers responded to a report of “unknown trouble”. A female (Witness B) was screaming for help and a large K-9 would not allow anyone near her. Officers arrived, and when the animal attacked Witness C (a neighbor), an Officer Involved Animal Shooting (OIAS) occurred.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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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 May 13, 2014

Incident Summary

On the date of this incident, Witness A was inside her residence when she heard an elderly woman (Witness B) yelling at a cab driver who was parked in the street. According to Witness A, she looked through her living room window, observed and overheard a cab driver refusing to transport Witness B with her pit bull. After the cab driver left the area, Witness B sat on the steps of a porch with her dog and started screaming for help. When Witness A exited her house and approached Witness B, the dog growled and charged toward her. Fearing for her safety, Witness A ran back to her house, and called 911.

Communications Division (CD) generated a Code-3, "Unknown Trouble," radio call. The comments of the call noted that a female was screaming for help and that a large dog would not allow anyone near her. Officers A and B were assigned the call and Sergeant A also responded.

Witness A met the officers and briefed them about her concerns for Witness B, who was yelling incoherently and lacked control of her dog that was unleashed in her front yard. Witness B appeared uninjured; however, the officers were concerned about the aggressive behavior her unsecured dog. Sergeant A and the officers kept their distance by standing near their police vehicles that were parked across the street from Witness B and her dog. Sergeant A requested that Witness B secure her dog, but Witness B was unable to do so because of her inability to walk and her reliance on a wheelchair.

Officer B requested CD to contact the Department of Animal Regulations and have them respond for an unsecured vicious pit bull at their location. Sergeant A asked CD if Animal Regulations gave an estimated time of arrivals (ETA). CD advised that an employee from the Department of Animal Regulations advised CD that no one was available from the Animal Shelter to respond and they would contact a different shelter to ascertain whether someone from that location could respond. Sergeant A responded by asking CD to advise Animal Regulations that they were dealing with a "very angry pit bull protecting its 90-year old mom." CD advised Sergeant A that Animal Regulations had been advised of the situation.

Meanwhile, Sergeant A, along with Officers A and B, formulated a plan to secure the dog. Officer B entered the fenced front yard of the residence east and adjacent to Witness B's residence. Officer B straddled a 6 foot high cinder-block wall between the two houses just behind an open gate that separated Witness B's driveway from the rear yard. Officer B's intention was to distract the dog into running toward him and to close the gate from the top as the dog entered the backyard, while he was safely seated on the wall. The plan was unsuccessful and the dog remained outside the gate near Witness B.

Simultaneously, Officer A had obtained a chemical fire extinguisher from the trunk of his police vehicle and positioned himself with Sergeant A near his police vehicle across the

street. Sergeant A unholstered his pistol and held it in a two-handed low ready position. Had the dog attacked, Officer A was prepared to activate the fire extinguisher and Sergeant A was prepared to fire his pistol.

Witness C (a neighbor) approached Sergeant A with a bag of dog treats and informed Sergeant A that she knew Witness B and her dog very well and offered to secure the dog. Sergeant A allowed Witness C access to Witness B and the dog. Witness C fed the dog several treats and tried to lead the dog behind the driveway gate. The dog ate the treats and allowed itself to be led up to the gate, but would not enter. Witness B then told Witness C to get the dog's collar and leash. Witness C entered the rear of the property from the driveway gate and returned with a leash and collar for the dog, which she handed to Witness B. Witness B placed the collar and leash on the dog, while she remained seated on the steps of the porch, but did not have full control of the 80 pound pit bull. When Witness B started yelling incoherently again, the dog became excited and attacked Witness C by jumping on her, knocking her to the ground, and biting her numerous times.

Sergeant A and Officer A ran across the street to provide aid to Witness C who was being dragged by her right ankle. Officer A activated the fire extinguisher at the dog from a distance of approximately 8 feet. Officer B attempted to distract the dog by banging his PR-24 baton on the block wall, but the dog continued to hold its bite on Witness C's ankle. Officer A activated a second burst from the fire extinguisher, and the dog released Witness C and charged Sergeant A. Witness C leapt to her feet and ran across the street to her home. Officer A activated the fire extinguisher a third time as the dog advanced on Sergeant A. Fearing for his own safety, Sergeant A fired one round from his pistol in an easterly and in a downward direction at the dog from a distance of approximately 5 feet. Sergeant A's shooting background was a grass lawn. Sergeant A's bullet entered the right side of the dog's neck behind the ear.

The dog initially roamed around the driveway and then repositioned itself near Witness B on the front porch steps. Sergeant A retreated behind a vehicle that was parked at the curb and Officer A repositioned himself behind a tree next to that vehicle. Sergeant A decocked his pistol, and held it in a low ready position with his finger off the trigger. When additional units arrived to assist with monitoring the dog, Sergeant A holstered his weapon. Sergeant A requested another supervisor to respond to his location.

Officer B requested a Rescue Ambulance (RA) for Witness C, who had sustained numerous bite wounds and advised CD about the OIS.

CD notified Animal Regulations that the dog had been shot by police and they were still needed at scene to secure the dog. Additionally, Sergeant A telephonically contacted Animal Regulations directly and after explaining what had occurred was quoted a 30-45 minute estimated time of arrival.

LAFD Firefighter/Paramedics arrived at scene and treated Witness C by cleaning and bandaging her wounds.

Note: Witness C refused the paramedics' offer to transport her to a hospital and opted to seek her own medical treatment.

Sergeant B arrived at scene and assumed the role of Incident Commander. The dog was still unsecured and seated near Witness B on the porch steps. Sergeant B assigned officers who responded to the scene after the officer-involved-shooting (OIS) occurred to monitor the dog until Animal Regulations arrived.

Animal Control Officer subsequently arrived at scene and took custody of the dog.

Note: According to Witness B, the dog bit Witness C because Witness C was annoying her dog and was pulling him by the leash. Witness B's recollection contradicted Witness C's account, as did Sergeant A, Officers A and B's accounts of why the dog bit Witness C. According to them, the dog became agitated and attacked Witness C when Witness B started yelling.

Note: Witness B's dog sustained a single gunshot wound to the right side of its neck, below the base of its ear. There was no exit wound. Veterinarian A treated the dog at the Department of Animal Services. After the wound was cleaned, the dog was given a vaccine and oral medication. The dog was expected to survive and there were no future intentions to remove the bullet.

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 Sergeant A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Sergeant A's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

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

1. Accepting Assistance from the Public

Sergeant A permitted a member of the public to gain control of a possible vicious dog without determining if the dog could possibly injure the person. At various times, officers rely on the public to assist them with a variety of tasks while performing their duties. With that in mind, officers must not place the public into a situation that could unnecessarily place them in harm's way. In this instance, when Witness C walked across the street with a bag of dog treats in her hand, Sergeant A advised her to stop and asked her about her intentions. Witness C advised Sergeant A that she had known the dog since it was a puppy and could help try to get him in the back of the location.

Furthermore, Sergeant A was unsure if personnel from the Department Animal Services would respond or if Officer B's attempt to lure the dog to the rear had failed. Lastly, Sergeant A described Witness B as extremely distraught. As a result, Witness C inserted herself into the situation and volunteered her assistance; therefore it was reasonable for Sergeant A to accept Witness C's offer. Sergeant A was asked about utilizing Witness C, and he replied that he made a judgment call and allowed Witness C to approach Witness B and the dog. Subsequently, Sergeant A monitored the dog's behavior as Witness C made her approach and interacted with the dog. Sergeant A noted that Witness C was feeding the dog treats for about ten minutes. According to Sergeant A, the dog still seemed agitated, but the dog allowed Witness C to get close.

2. Requesting Additional Resources

In this instance, Officer A was equipped with the fire extinguisher, while Sergeant A was tasked with the roles of both contact and cover. With Officer B implementing the tactical plan to lure the dog into the rear yard and secure the gate, it is reasonable that the remaining personnel would have to multi-task. Nevertheless, the topic of requesting additional resources will be discussed during the Tactical Debrief.

Although protection of the public is a Department priority, officers are given discretion when considering their tactical options while attempting to contain a vicious dog.

- 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.

After a thorough review of the incident, the BOPC unanimously determined that the tactics used by the involved personnel did not substantially deviate from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC determined that Sergeant A's tactics warranted a tactical debrief.

B. Drawing/Exhibiting

- In this instance, as Sergeant A responded to the radio call and recalled the comments of the call indicated that a pit bull dog was running loose around the street and somehow an elderly woman was involved. When Sergeant A arrived at the location and exited his police vehicle, the dog started barking and growling at him. Sergeant A met with Officers A and B, and Witness A advised the officers regarding her concerns.

As Sergeant A maintained his position across the street from Witness B and her dog, and while utilizing the police vehicle as cover, he drew his service pistol. Sergeant A recalled that he took his gun out to the low ready position from the moment he took his position behind the black and white police vehicle. According to Sergeant A, the dog was not secured, and it was fixated on him, had growled at him, and was staring at him the entire time.

Based on the totality of the circumstances, an officer with similar training and experience as Sergeant A 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 Sergeant A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- In this instance, Sergeant A observed Witness B place the collar and leash on the dog. Once secured, Witness B unexpectedly screamed, and the dog attacked Witness C. Sergeant A recalled that the dog lunged at Witness C and grabbed her ankle. Sergeant A believed it was Witness C's right ankle, and her body was laid out, with the dog pulling her.

Sergeant A and Officer A ran across the street to render aid. Officer A utilized the fire extinguisher and sprayed the dog with a burst from an approximate distance of eight feet because the dog was "mauling" Witness C. The dog released its hold and began to advance toward Officer A, resulting in a second burst. According to Officer A, the dog redirected its attention to Sergeant A and ran directly towards him. Sergeant A, believing that he was about to be attacked, fired one round at the dog to stop its actions.

Sergeant A recalled that Witness C had just broken free. According to Sergeant A, the dog was five feet from him and it was growling. Sergeant A fired for the safety of himself, his partners, and Witness B. The dog was very big and very angry. According to Sergeant A, the dog was not only barking at him, but it was also snarling, and he felt that the dog was going to attack him.

An officer with similar training and experience as Sergeant A would reasonably believe that the attacking dog represented an immediate threat of serious bodily injury and that the use of lethal force would be justified in order to stop the dog's advance.

In conclusion, the BOPC found Sergeant A's lethal use of force to be objectively reasonable and in policy.