

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

**OFFICER-INVOLVED ANIMAL SHOOTING 050-18**

**Division**      **Date**      **Duty-On(x) Off( )**      **Uniform-Yes(x) No()**

Southwest      8/10/18

**Involved Officer(s)**      **Length of Service**

Officer A      10 years, 1 month

**Reason for Police Contact**

Officers serving a search warrant encountered an aggressive Pit Bull dog immediately upon entering the location. Subsequently, an officer-involved animal shooting occurred.

**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 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on July, 9, 2019.

## **Incident Summary**

Officer A, Detective A, and Lieutenant A arrived at a residence to serve a search warrant. Officer A was armed with a shotgun and was assigned to the Entry Team as the "Point" position, the first officer to enter the location. Detective A was assigned as the Interior Scene Supervisor, and Lieutenant A was assigned as the Exterior Supervisor and Officer-In-Charge.

The Entry Team knocked on the door, announcing themselves as police officers, and relayed their authority and purpose prior to making entry into the location. Receiving no immediate response from occupants, officers entered the residence that was the target of their search.

According to Officer A, he/she entered the residence and observed two subjects seated inside. Officer A ordered the subjects to get down. Officer A then observed a Pit Bull Terrier dog approximately 5-6 feet away from him/her. The dog was growling and barking viciously. The dog rushed toward Officer A, who fired one round at the dog from his/her shotgun, and then focused back on the subjects in the residence. The dog ran to the bathroom and jumped into the bathtub. Officer A stated he/she shot the dog because he/she believed it was going to injure or possibly kill Officer A or one of the other officers.

The dog was later discovered in the bathtub, deceased. The cause of death was determined to have been wounds caused by the shotgun pellets.

## **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 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 Officer A's tactics to warrant a Tactical Debrief.

### **B. Drawing and Exhibiting**

The BOPC found Officer A's drawing and exhibiting of a firearm to be In Policy.

### **C. Use of Force**

The BOPC found Officer A's 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 Palencia'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 subject 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 considerations:

### **1. Dog Encounters**

The size and speed of an animal can increase the potential of a missed shot and the possibility of an officer or bystander being critically injured by a bullet intended for the dog. An officer is authorized to use lethal force when it's reasonable to protect him/herself or other person(s) from immediate threat of death or serious bodily injury. Officers are instructed to give consideration to the background and the possibility of a ricochet. Officers are also informed that the primary target is the body mass. Officers may not use lethal force against a dog to protect property, including other animals.

## **B. Drawing and Exhibiting**

- According to Officer A, during the search warrant briefing, he/she was assigned as the "Point Man" of the entry team. Upon arrival at the location, Officer A exited his/her vehicle and exhibited his/her shotgun.

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. Use of Force**

- **Officer A** – (shotgun, one round)

According to Officer A, after entering the residence, he/she observed a Pit Bull Terrier breed dog on his/her left, approximately five to six feet away from him/her. The Pit Bull was fully erect and was viciously growling and barking at him/her. Officer A gave the Pit Bull a firm and loud verbal command, but the dog did not respond. The Pit Bull dog then rushed towards Officer A, while barking and growling. In fear that the dog was going to attack him/her, Officer A fired one round from his/her shotgun at the Pit Bull, to avoid injury and 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 death or serious bodily injury to him/herself and that the use of his firearm would be justified. Therefore, the BOPC found Officer A's use of force to be In Policy.