

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

OFFICER-INVOLVED ANIMAL SHOOTING – 055-13

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

Southwest 6/30/13

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

Officer A 6 years, 4 months

Reason for Police Contact

Officers responded to a radio call involving an open 911 line. Upon responding to the location, the officers observed a child holding the leash of a Pit Bull dog. The dog subsequently bit Officer B, and an officer-involved animal shooting (OIAS) 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 March 8, 2014.

Incident Summary

Uniformed Police Officers A and B responded to a radio call of an open 911 line, at a specific location. Upon arriving at the location, Communications Division (CD) broadcast that the police were no longer required. However, based on the nature of the radio call, the officers decided to check the location and ensure that everyone was safe. After parking their vehicle on the street, they proceeded to the address on foot, which was an apartment complex. Upon entering the courtyard of the apartment complex, they observed a female child holding the leash of a large pit bull type breed dog.

According to Officer B, when the officers asked the child if the dog bites, she replied that it did not. The officers asked her to please hold onto the dog. As the officers were speaking with the child, the dog started barking, snarling and showing his teeth. The dog suddenly broke loose from the child's grasp and began to approach Officer B. Officer B stood still to see what the dog was going to do. The dog quickly charged toward Officer B and bit his right shin just below his knee, and then bit his left calf. Officer B yelled and kicked at the dog.

Note: Officer B sustained a minor cut to his right shin and left calf as a result of being bitten twice.

According to Officer A, the dog charged at his partner from a distance of approximately eight feet and bit him on his left leg. Officer B attempted to pepper spray the dog while Officer A unholstered his pistol and attempted to obtain a clear shot. The dog released his bite and ran into the gated courtyard of the apartment complex. The officers remained on the sidewalk outside the courtyard and watched the dog as they told the children in the courtyard to go inside their apartments. Officer A holstered his service pistol. Officer B then requested a Los Angeles Fire Department Rescue Ambulance (RA) and a supervisor.

Officer A stated the dog continued to run inside the courtyard and chased several children. The female child was able to grab the leash and hold the dog by her side. The officers asked residents of the apartment complex who owned the dog and were informed that the dog was a stray. The officers decided to take the dog to a Los Angeles County Animal Shelter.

According to Officer A, the female child assisted with getting the dog to their police vehicle and directed the dog to the rear door of the police vehicle. Officer A opened the rear door. The dog placed his front paws inside the vehicle, but refused to enter the back seat. Officer A placed his boot on the dog's hind quarters and pushed it in an attempt to get the dog completely into the vehicle. The dog became agitated and backed out of the rear seat; then began to bark, snarl, and show its teeth and charged toward Officer B.

According to Officer B, as the dog ran at him, he sprayed it in the face with his Oleoresin Capsicum (OC) spray. The dog made a half circle and ran back to the

apartment courtyard and charged several children who did not enter their respective apartments as earlier requested and had remained outside. Officers A and B pursued the dog inside the courtyard to ensure it did not attack anyone. The dog then turned toward the officers and again lunged at Officer B. Officer A unholstered his weapon and attempted to get a clear shot at the dog, but was unable because of the numerous children in the background. Officer A requested a unit to respond with a fire extinguisher.

Note: Officer A believed that the dog bit Officer B again. According to Officer B, the dog charged him, but did not bite him.

As the officers entered the courtyard they observed the dog sit down at the north end of the courtyard on the steps of an apartment. The officers again told the residents of the complex to get inside their apartments. Officer B broadcast a request for Animal Regulations to respond to their location for a vicious dog.

Note: Officer B believed that Sergeant A requested Animal Regulations after he arrived at scene.

An unknown resident provided Officer A, who holstered his pistol, with a rope and Officer B with a broom. Officer A approached the dog. When he was approximately 10-15 feet away, the dog began to bark and run toward him in an aggressive manner. The dog ran around Officer A and toward Officer B, who was approximately five feet behind Officer A. Officer B again sprayed the dog in the face with his OC spray. The dog ran in a circle around him. According to Officer B, he attempted to strike the dog with the broom stick, but missed. Officer A unholstered his pistol.

Note: Officer A believed Officer B hit the dog approximately two or three times with the broom stick.

The dog then charged toward Officer A. When the dog was approximately one foot away, he fired one shot toward the dog in a downward direction, striking it on top of the head. The dog then ran toward the rear of the apartment complex as Officer B requested a backup unit.

Animal Regulation personnel arrived at scene and took the dog into custody. The dog was transported to a local Animal Shelter and was treated for a gunshot wound to the top of its head. The dog was listed in stable condition.

Los Angeles Fire Department RA No. 34 responded to the officers' location. Officer B was treated for a minor cut to his right shin and left calf, and released at scene.

Witness A was located and interviewed at the scene. He stated that after the male officer pepper sprayed the dog, the dog turned and was running away from the officers. As the dog was trying to get away, one of the officers shot at the dog from a distance of approximately eight feet.

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 made the following findings, by a vote of 3-2 as to Tactics, and unanimously as to Drawing and Exhibiting and Lethal Use of Force.

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 considerations:

1. Requesting Assistance from the Public

Officers A and B asked the female child to assist them in placing a large previously aggressive Pit Bull type breed dog in the rear seat of their police vehicle. Although the officers were well intentioned in securing the aggressive dog, their actions could have caused injury to the child had the dog again become aggressive.

The officers knew the dog was a stray before they had the child assist them in securing the dog. The dog had also bitten Officer B twice prior to the officers asking for the child's assistance. Officers are reminded that placing a citizen in harms way, especially a child, must be avoided if at all possible. In this circumstance, Officers A and B, upon learning the dog was a stray, could have

requested an additional unit with a fire extinguisher. However, after careful review of the incident it's apparent that Officers A and B were determined to prevent the dog from harming additional people within the area.

Officers are given discretion when considering their tactical options while attempting to contain a violent dog. Tactical options are conceptual in nature, incident specific and situational driven. However protection of the public is a Department priority. Accordingly, in evaluating Officers A and B's decision to use the child to assist with containing the dog, the BOPC determined that various tactical options were available. As such, Officers A and B's decision to use the child to assist with containing the dog did deviate from Department tactical training. However, the deviation is justified based on Officers A and B's observations of the rapport that the child had with the dog. There were other children in the courtyard that the vicious dog was chasing. Based on the limited time and information the officers had, Officers A and B took a course of action to protect the children in the courtyard.

Nonetheless, Officers A and B could benefit from a review of the various tactical options and considerations to handle a similar situation in the future. Consequently, this was a topic of discussion at the Tactical Debrief.

- During the review of this incident, the following debriefing points were also noted:
 - Dog Encounters
 - Requesting Animal Services

In this instance, Officer B and Officer A observed a child in front of the apartment complex holding the leash of a large Pit Bull type breed dog. Officers asked the child if the dog bites and the child stated it did not bite. As the officers continued to speak to the child the dog broke from the child's grip charging toward Officer B. Officer B was then bit twice by the dog on his left and right leg. The dog then ran back into the courtyard of the apartment complex. The BOPC would have preferred the officers call Animal Services as soon as the dog began to display aggressive behavior, rather than having the child assist them in securing the dog in the police vehicle.

- 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. A Tactical Debrief is the appropriate forum for the involved personnel 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 and that the specific debriefing points be covered.

B. Drawing/Exhibiting

- Officer A was confronted by a Pit Bull type breed dog charging toward him and his partner. The dog bit Officer B two times on his legs. Believing that the situation escalated to the point where lethal force had become necessary and to protect himself and his partner from serious bodily injury, Officer A drew his service pistol.

Officer A recalled being fearful given that the OC spray did not affect the dog, and the dog had already bit Officer B twice, so Officer A immediately released the rope and unholstered his pistol from his holster.

Based on the totality of the circumstances, 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. Lethal Use of Force

- **Officer A** – (pistol, one round)

Officers A and B responded to a radio call of an open 911 line. While at scene officers observed a female child holding a Pit Bull type breed dog by a rope leash. The dog started barking, snarling, and showing its teeth as the officers spoke to the child. The dog broke from the child's grip and bit Officer B on his lower left and right legs. Officers A and B used various tactical options to try and contain the dog including OC spray, kicks and use of a rope and broom. After numerous failed attempts to contain the dog, the dog lunged toward Officer A. Officer A, believing he was about to be bitten and knowing the dog could cause serious bodily injury, fired one round from approximately one foot away at the dog, striking it on top of the head. Officer A then observed the dog run towards the rear of the building.

Officer B recalled observing the dog charge directly at his partner and seeing Officer A fire one shot towards the dog.

An officer with similar training and experience as Officer A would reasonably believe that an aggressive Pit Bull type breed dog that was baring its teeth, growling, and already bit his partner, represented 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.