

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

OFFICER-INVOLVED ANIMAL SHOOTING – 056-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Wilshire	7/5/13		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	10 years, 3 months
Officer B	7 years, 1 month

Reason for Police Contact

Officers were conducting a pedestrian stop when a dog charged toward Officer A, resulting in an officer-involved animal shooting (OIAS).

Animal	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 June 3, 2014.

Incident Summary

Uniformed Officers A, B, and C received information concerning narcotics activity at a residence. The officers responded to the residence to conduct a follow up investigation. As the officers approached the location, they observed the Subject standing in the driveway of the residence. The Subject had a black backpack and was looking into a parked vehicle in the driveway of the location.

Officer C stopped the officers' vehicle, and Officer B asked the Subject if he lived at the location. The Subject responded that he did. Officer B then asked the Subject the address to the residence, to which the Subject did not verbally respond, but pointed to the front of the residence. Based upon the fact that the Subject appeared unable to recall the address, Officer A believed the subject could be preparing to break into the vehicle, or have narcotics or other contraband inside the backpack he was carrying.

Officer A exited the vehicle and attempted to broadcast his location when the Subject turned away from the officers and began to walk quickly west up the driveway and away from the officers. Officer B ordered the Subject to stop and come back to the officers. The Subject ignored the order and continued to walk rapidly toward a wrought iron gate separating the driveway. The officers immediately ran after the Subject in an attempt to apprehend him. Officer A also ordered the Subject to stop, but the Subject continued to flee. Officer B ran along the south side of the parked vehicle toward the Subject, and Officer A ran up the north side of the parked vehicle in pursuit of the Subject. Officer C secured the police vehicle and chased after the Subject. The Subject reached the wrought iron gate that divided the driveway. The Subject opened the gate and proceeded to run through it, away from the officers. Officer B caught the Subject just inside the gate and used both hands to grab the Subject's left arm. The Subject flailed his arms in an attempt to break free from Officer B's grasp. Officer A utilized his hand-held radio and broadcast a backup request at their location.

As Officer A approached the Subject's right side and prepared to take him into custody, he observed a large Pit Bull dog appear from the side door of the residence. The dog ran around the right side of the Subject and toward Officer A. Officer A observed Officer B move the Subject out of the way of the approaching dog and heard him yell, "Watch out! Dog!" Officer A observed the dog as it approached him. It was low to the ground and growling with its teeth visible and its eyes fixed on him. Officer A redeployed backward and attempted to reach for his Oleoresin Capsicum (OC) spray. The dog charged closer and then lunged toward Officer A. Believing that the dog was going to bite his left arm and that he would be seriously injured, Officer A unholstered his pistol and fired one round at the dog's face from a distance of approximately three feet. The Pit Bull dog immediately fell backward, yelped in pain and ran west down the driveway away from the officers. Officer A then broadcast an "officer needs help" request via his hand-held radio.

Officer C had just parked his vehicle and was running around the rear of his vehicle to assist his partners when he observed Officer A moving backward and that Officer A

appeared to be confronting a threat. Officer C then observed Officer A fire one round, but he was unable to see what Officer A was shooting at.

After observing the OIS, Officer B released his grip on the Subject, and the Subject fled inside the residence. The officers then observed two other males exit the residence. The men were extremely angry and were yelling at the officers. The officers decided to back away from the gate toward the street and awaited the arrival of additional units. All the men were subsequently ordered to exit the residence.

The Pit Bull dog sustained a single gunshot wound to the left side of his snout. The dog's owner transported the dog to a private veterinary hospital for treatment. No officers were injured during this incident.

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 Officer A, B and C's tactics to warrant Administrative Disapproval.

B. Drawing and 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 B'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

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Radio Communications – Code-Six

Officers A, B, and C did not notify Communications Division (CD) of their intent to conduct a pedestrian stop of an individual involved in possible criminal activity.

Officers are given discretion regarding the exact time to conduct a radio broadcast indicating their status. In this circumstance, officers B and C had prior knowledge of possible criminal activity at the aforementioned location. Additionally, the information was disseminated to Officer A. As the officers responded to the residence, they observed a male, who the officers perceived as a possible burglary subject, standing next to a vehicle that was parked in the driveway.

Armed with the knowledge and the officers' observations of a possible burglary subject, a Code-Six broadcast would have been beneficial to resources that were within close proximity. That being said, the BOPC determined that Officers A, B, and C had sufficient time and opportunity to broadcast their Code-Six location prior to initiating contact with the Subject.

Officers A, B, and C are reminded of the importance of a timely Code-Six broadcast, which will facilitate the response of additional units should they become necessary. The BOPC determined that Officers A, B, and C's failure to broadcast their Code-Six location substantially and unjustifiably deviated from Department tactical training.

2. Tactical Planning – Deployment of Vehicle – Pedestrian Contacts

Officer C stopped the police vehicle alongside the Subject, while Officer B conducted an investigative interview of the Subject while seated inside the police vehicle.

Proper tactics dictate that officers exit their police vehicles while conducting a pedestrian contact. The proper positioning of a police vehicle can enhance officers' tactical advantage, thus minimizing the potential threat to officers. In this circumstance, the location where the Subject was standing was known as a gang location. Additionally, Officers A, B, and C observed the Subject and surmised that he was a possible burglary subject. Subsequently, Officer C placed the police vehicle alongside the Subject, thus minimizing their tactical advantage.

Additionally, Officer B compounded the situation by failing to exit the vehicle and conducted the burglary investigation while seated inside the police vehicle. As a result, the tactical advantage had been lost and subsequently placed Officers A, B, and C at a distinct disadvantage.

The BOPC found that Officers B and C's actions substantially and unjustifiably deviated from approved Department tactical training.

3. Foot Pursuit Broadcast Initial Radio Broadcast: Effective communication during foot pursuits

Officers A and B exited the vehicle and initiated a short foot pursuit of the Subject without conducting a foot pursuit broadcast. Officers are required to provide essential information while conducting a foot pursuit broadcast. Consequently, additional resources can provide the operational support to ensure a successful resolution. In this circumstance, Officers A and B did not broadcast the initiation of the foot pursuit or any subsequent information regarding its progress even though Officers A, B, and C had discussed the specific roles of contact and cover officers during a foot pursuit.

In an overall assessment, the BOPC noted Officers A, B, and C were a three-man unit and were able to provide the requirements associated with a foot pursuit broadcast. Nonetheless, the foot pursuit was short in distance and duration and was essentially the length of the driveway of the residence. Additionally, Officer B was able to detain the Subject while Officer A provided cover. Lastly, Officer C was within close proximity and was able to render aid if needed.

The BOPC determined that Officers A and B's decision to engage in a foot pursuit did not substantially deviate from approved Department tactical training.

4. Maintaining Control of a Suspect - Use of Handcuffs

Officer B did not maintain control of the Subject while Officers A, B, and C encountered a vicious dog. As a result, the Subject fled from Officer B's custody and entered an adjacent residence.

Officers are given discretion when determining the appropriate time to complete the handcuffing process. A variety of factors may influence an officer's decision, including the possibility of an arrestee escaping. Furthermore, officers must utilize all available resources to appropriately maintain custody of an arrestee to minimize the threat to officers and bystanders alike.

In this circumstance, Officer B attempted to take the Subject into custody but was unable to handcuff the Subject prior to the dog charging at Officer A and the

subsequent OIS. Faced with a multitude of tactical concerns, it was reasonable for Officer B to release the Subject.

In conclusion, Officer B's decision to release the Subject did not substantially deviate from approved Department tactical training.

- 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.

The BOPC found the tactics employed by Officers A, B and C, which unjustifiably and substantially deviated from approved Department tactical training, warranted Administrative Disapproval.

B. Drawing/Exhibiting

- Officer A was attempting to assist Officer B and gain control of the Subject when the officers were confronted by a mixed Pit Bull type breed dog. The dog was growling and showing its teeth as it lunged at Officer A. Officer A feared for his safety and believed the dog was going to bite him. Officer A drew his service pistol and took a step backward.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, when faced with similar circumstances would reasonably believe that a charging Pit Bull type breed dog presented a substantial risk that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

- **Officer B** (firm grip and physical force)

Officer B engaged in a short foot pursuit of the Subject and overtook him while utilizing physical force and a firm grip to detain him.

After a thorough review of the incident and the involved officer statements, the BOPC determined that Department personnel with similar training and experience as Officer B would reasonably believe that the application of non-lethal force would be reasonable to overcome the Subject's resistance in an effort to prevent injury to themselves, prevent further injury to the Subject, and to prevent the Subject's escape.

In conclusion, the BOPC found Officer B's non-lethal use of force to be in policy.

D. Lethal Use of Force

- Officer A was confronted by a Pit Bull type breed dog and believed the dog was going to bite him or cause serious bodily injury. Subsequently, the dog lunged at Officer A while closing the distance. Officer A believed he could have been pinned against the chain link fence and as a result, fired one round at the dog.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe the dog's actions of attempting to bite him presented an imminent threat of death or serious bodily injury, and that the use of lethal force would be reasonable.

In conclusion, the BOPC found Officer A's lethal use of force to be in policy.