

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

OFFICER-INVOLVED ANIMAL SHOOTING – 056-16

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

77th Street 8/18/16

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

Officer A 4 years, 3 months

Reason for Police Contact

Officer A was conducting a probation compliance check and while walking on the side of a residence, he observed a large Pit Bull dog emerge from a secondary structure and charge towards him. The Pit Bull rapidly closed the distance, displayed its teeth and growled. Fearing that the Pit Bull dog was going to jump on him, bite him and potentially cause serious injury, Officer A fired multiple rounds from his pistol, resulting in an officer-involved animal shooting (OIAS).

Subject(s) **Deceased ()** **Wounded (X)** **Non-Hit ()**

Pitt Bull

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 13, 2017.

Incident Summary

Seventy-Seventh Street Division Gang Enforcement Detail (GED) uniformed Police Officers A and B were tasked with conducting parole and probation compliance check investigations at various locations in the area where this incident occurred. The officers were accompanied by several uniformed personnel assigned to 77th Street Area GED and Los Angeles County Probation Department.

Officers A and B, accompanied by the assisting personnel, responded to a single-family residence to conduct a parole compliance check on a subject, a Rolling 60's gang member who was on parole for armed robbery. Officers A and B were tasked with covering the rear of the residence. The plan was to ask the residents to exit the location and then the officers would conduct the parole compliance check.

Officers A and B approached a metal gate to the east of the residence that accessed the rear area of the property. The officers looked over the metal gate and visually cleared the east side of the property, looking for any signs of a dog, including dog bowls, etc. There were none visible.

Officer A knocked on the metal gate with his hand, and Officer B rattled the metal gate with his hand to make noise to alert any dog that may be present. No dog barked or made its presence known. Officer A then whistled to alert any potential dog in the back yard but no dog made its presence known. After waiting and listening for several seconds, the officers opened the metal gate and unholstered their pistols. The officers walked north along the east side of the house holding their pistols in two-handed, low-ready positions. According to Officers A and B, they unholstered their pistols because the subject of their operation was a Rolling 60's gang member on parole for a violent felony.

As Officers A and B walked along the side of the house, other officers stepped on the front porch and were greeted by the Subject's father. Officers explained that they were conducting a parole check and asked for all occupants of the house to step outside.

As the officers in the front of the house contacted the residents, Officers A and B reached the northeast corner of the residence and observed a secondary structure on the north side of the property with a door facing south toward them. Officer A told his partner to cover the south facing door of the secondary structure while Officer A covered the rear (north facing) door of the primary structure and visually cleared the west side of the secondary structure. Officer B covered the south facing door of the secondary structure while Officer A walked westbound in the yard.

While walking westbound in the yard and covering the north-facing rear door of the primary structure to his left, Officer A suddenly heard footsteps to his right. Officer A stopped and looked toward his right. Officer A observed a large Pit Bull dog emerge

from the west side of the secondary structure and charge toward him. Officer A retreated by stepping backwards, however the Pit Bull rapidly closed the distance. The Pit Bull dog displayed its teeth, growled, and held its ears back. Officer A stated that based on his experience with dogs, the Pit Bull was displaying aggression. Officer A feared the Pit Bull dog was going to jump on him, bite him, and potentially cause serious bodily injury and/or incapacitate him.

While continuing to back up, Officer A pointed his pistol in a northeast downward direction and fired one round at the Pit Bull's center body mass from a distance of approximately five feet. Officer A conducted a split-second assessment and observed that the Pit Bull was still charging toward him. Officer A fired an additional round and assessed again. Officer A observed that the Pit Bull was undeterred, still charging toward him, and fired a third round. Officer A again assessed and observed that the Pit Bull had stopped charging and retreated toward the rear of the property along the west side of the secondary structure.

Officers A and B held their positions, while Officer A broadcast on simplex to the search team that the shooting involved a dog in the rear yard. As this information was received and shared by the officers to the front of the residence, the Subject exited the front door of the residence and was taken into custody.

Sergeant A directed officers into the residence. After completing a sweep of the interior of the residence with the entry team, Sergeant A responded to the rear of the property. Sergeant A verified that no officers or civilians were injured and had Officers A and B accompany him to the front of the property. Sergeant A notified 77th Street Area GED Lieutenant A of the animal shooting.

Sergeant A obtained a Public Safety Statement (PSS) from Officer A. The results of the PSS were consistent with the findings of this investigation. Sergeant A also separated and monitored the involved employees.

Real-Time Analysis and Critical Response (RACR) Division was notified of the OIS.

The Subject's father retrieved the Pit Bull from the rear of the property and observed that the K-9 had been injured by gunshot wounds to the chest area. At the direction of Sergeant A, assisting officers transported the Subject's father and K-9 to a nearby Veterinary Center for treatment.

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. 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 consideration:
- Dog Encounters
- The BOPC additionally considered the following:
 1. Fire Extinguisher – The investigation revealed the officers did not deploy a fire extinguisher to use as a dog deterrent because they did not anticipate any dogs being at the location. This issue was brought to attention of Captain A and addressed through training at the divisional level.
- 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. 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 review and discuss the incident and individual actions that took place during this incident.

The BOPC determined Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, the Subject of the parole compliance search was an active gang member who was on parole for armed robbery and had several prior firearms arrests. Based on Subject's prior history, he drew his service pistol into a low-ready position as he covered the rear door of the residence.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with a similar set of 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, three rounds)

First Round

According to Officer A, he observed a large Pit Bull dog charging at him at a full sprint, while growling and showing its teeth. When the dog took a lunging position, he believed that the dog was going to leap up and bite him. Fearing for his safety and the safety of his partner, he fired one round at the dog to stop the attack.

Second Round

According to Officer A, he observed that the dog was still continuing forward, so he fired a second round at the dog to stop the dog's attack.

Third Round

According to Officer A, he could see the dog still coming toward him, so he fired a third round to stop the dog's attack.

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 charging dog represented an immediate threat of serious bodily injury to his partner and himself and that the use of lethal force would be justified.

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

