

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

OFFICER-INVOLVED ANIMAL SHOOTING – 060-13

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

77th Street 7/16/13

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

Officer A 3 years, 1 month

Reason for Police Contact

Officers were attempting to clear a garage for a possibly armed subject, when a dog charged toward Officer A, resulting an officer-involved animal shooting.

Animal **Deceased ()** **Wounded ()** **Non-Hit (X)**

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 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 April 15, 2014.

Incident Summary

Communications Division (CD) assigned a "Man with a Gun" radio call to multiple patrol units. The subject was described as a male who was hiding in a neighbor's garage. Sergeant A and several officers, including Officer A, responded to the call. Upon his arrival, Sergeant A requested an Air Unit and began assessing the situation. The officers knocked on the front door of the residence, but there was no answer. Sergeant A assigned the officers to specific locations around the residence.

Sergeant A formed a search team that consisted of Officer A, B, C and himself to approach the garage. Officer B was designated as the point officer with a shotgun, Officers A and C were to be the contact officers, and Sergeant A was the team leader. Sergeant A made the tactical decision for his search team to approach the garage via the north gate, which prevented them from being directly exposed to the garage door, which was partially opened and faced the south gate.

After discovering the north gate was secured from the inside, Officer A climbed over an adjacent fence with the intent to open the gate from the inside so the others could enter the yard. Before climbing over the fence, Officer A rattled the gate and did not observe a dog in the yard. There were no dog warning signs posted.

Due to the nature of the radio call, Officer A unholstered his pistol immediately after climbing over the wall. Officer A discovered that he was unable to open the gate because there was no handle. He then noticed a large Pit Bull dog on the rear driveway looking in his direction. Officer A yelled out to his fellow officers making them aware of the dog's presence. The dog approached him and when it was approximately 15 feet from Officer A, it charged him. He attempted to pull himself back up over the fence, but slipped. Trying to recover from his fall with his back against the wall, the dog jumped toward him with its mouth open. Believing the dog was about to bite him and cause great bodily injury, Officer A fired one round from his pistol at the dog in a southeast and downward direction using a single left-handed grip.

Officer A's bullet missed the dog and impacted a cement patio behind the dog. The dog ran further into the backyard, allowing Officer A the opportunity to reholster his pistol and climb back over the fence the same way he had entered.

Officer C broadcast that there had been an Officer-Involved Shooting involving a dog. Sergeant A, as well as Officers A, B and C retreated back to the front yard of the residence to meet with other responding officers. Sergeant A initiated a request for an additional supervisor. Sergeant A also requested the Department of Animal Regulations to respond to secure the dog. Sergeant B arrived and assumed supervisory responsibility over the incident and obtained a public safety statement from Officer A.

A relative of the dog's owner arrived at the scene later and secured the dog for the officers. The garage was cleared and the officers were unable to locate anyone inside.

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'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. 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. Tactical Deployment

After discovering the north gate was secured, Officer B utilized the Department issued shotgun and provided cover for Officer A. As he climbed over an adjacent fence, Officer A's intent was to open the metal security gate from the inside. In this case, Officer A attempted to unlock the gate but once in the rear yard, he realized it did not have a handle.

Officers are trained to function as a team, and communication between them is paramount to ensure the highest level of officer safety. Sergeant A, along Officers A, B and C are reminded when entering a location which may pose a threat or risk to officer safety, it would be beneficial to enter that location with

additional personnel. The BOPC would have preferred that a second officer had climbed over the fence with Officer A.

The BOPC found that Officers A's actions did not represent a substantial deviation from approved Department tactical training.

During the BOPC's review of this incident, the following additional debriefing point was noted:

- Dog Encounters
- 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.

In conclusion, the BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- The officers responded to a radio call which indicated an armed subject was hiding inside a garage. Believing that the situation had escalated to the point where lethal force was necessary and to protect himself from serious bodily injury, Officer A drew his service pistol.

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

C. Lethal Use of Force

- After discovering the north gate was secured from the inside, Officer A climbed over an adjacent fence to open the gate from the inside, in order to allow the entry team inside. Once over the fence, Officer A observed a Pit Bull type breed dog. The dog looked in Officer A's direction, lowered his head and charged toward him. The dog jumped toward Officer A with its mouth open.

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

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