

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

OFFICER-INVOLVED ANIMAL SHOOTING – 066-18

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

Central 11/28/18

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

Officer A 11 years, 9 months

Reason for Police Contact

Officers were investigating a disturbance involving a large crowd, when one of the officers observed a man being attacked by a pit bull dog, resulting in an officer-involved animal shooting (OIAS).

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 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.

The following incident was adjudicated by the BOPC on October 22, 2019.

Incident Summary

Officers stopped to investigate a disturbance in the middle of the street, involving several pedestrians and a possible dog fight. The officers requested back-up, due to the size of the crowd.

Several officers responded, including Officer A.

Officer A then heard people in the crowd screaming and looked down the street. He/she observed a Pit Bull dog who had blood around its mouth and front torso area. Officer A believed that the pit bull appeared to be on some sort of rampage. Officer A stated he/she became immediately concerned that the dog was attacking people or possibly rabid. Officer A explained that he/she was familiar with Pit Bull dogs from previously owning them, as well as friends and family members who have also owned them. Based on his/her knowledge of the breed, Officer A knew that once a Pit Bull became vicious, they are extremely dangerous because of their locking jaws. Once they bit into something, or someone, they did not let go, and even striking them over the head would not get them to let go; consequently, Officer A believed the only option to stop the dog would be to use lethal force. Officer A temporarily lost sight of the dog.

Officer A stated that a few seconds later, he/she observed Witness A running toward him/her, and Witness A was bleeding from the face. The Pit Bull that Officer A had just seen a few seconds ago, was now attacking Witness A, chasing him down, lunging at him and appeared to be extremely aggressive. Officer A believed that the dog had possibly bitten Witness A in the face and feared that the dog was going to cause great bodily injury or death to Witness A.

Officer A unholstered his/her firearm with his/her right hand. Consciously aware of the crowd and the background, Officer A took a step toward the dog, extended his/her right arm, and from a distance of approximately one foot, fired one round in a downward angle into the dog's torso area.

The round struck the dog in the upper left torso, causing the dog's aggressive action to immediately cease. The dog subsequently succumbed to the injury.

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). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers 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

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 the subject'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 suspect 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 consideration:
 - 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.

Therefore, the BOPC found Officers A's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- Officer A observed Witness A run by him/her, followed closely by a Pit Bull dog with blood on his mouth and front area. At this point, Officer A observed the Pit Bull chasing and lunging at Witness A. Officer A believed that the Pit Bull was trying to hurt or kill Witness A and drew his/her service pistol in fear that the situation may escalate to one involving lethal force.

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. Lethal Use of Force

- **Officer A** – (pistol, one round)

According to Officer A, as Witness A ran by him/her, Officer A observed that the Pit Bull continued to chase Witness A and was lunging and jumping at him in an extremely aggressive and hostile manner. Officer A feared that the Pit Bull dog would hurt or kill Witness A. Officer A was mindful that there were individuals in the background and because he/she did not want to have any bystanders struck by gunfire, he/she stepped towards the Pit Bull and fired one round in a downward direction at the dog's torso to stop the lethal 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 himself and that the lethal use of force would be justified.

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