

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

OFFICER-INVOLVED ANIMAL SHOOTING – 068-13

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

Southwest 07/26/13

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

Officer A 6 years, 5 months

Reason for Police Contact

Officers were attempting to arrest a parolee at a residence, when Officer A was attacked by a large K-9, resulting in an OIAS.

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

Stafford Terrier 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 May 20, 2014.

Incident Summary

Uniformed Officers A and B were patrolling in a marked police vehicle, attempting to locate a parolee who was the subject of a felony arrest warrant.

As the officers were driving by a residence, they observed the wanted Subject put his head down in what was perceived to be an attempt to avoid identification. The officers maintained a constant visual on the Subject, who then entered the residence. Officers A and B stopped and exited their police vehicle at the mouth of the driveway of the residence.

The officers gave commands for the Subject to exit the residence but received no response. The officers decided to contain the residence and request additional units for assistance. Officer A ran toward the driveway gate and pushed it open while he maintained sight of the front porch area.

Note: Officer A did not see the “Beware of Dog” signs posted on the front and driveway gates, as his attention was diverted to the front porch. According to Officer B, he did not observe any posted signs of dogs or evidence of dogs until he was notified by Officer A.

Officer B took a position in the driveway at the corner of the residence and requested additional units via his police radio. Officer B unholstered his service pistol and held it in a two-handed low ready position, as he knew the Subject was a wanted parolee and gang member who possibly had access to weapons inside the residence. Officer A ran down the driveway toward the rear of the residence in the event the Subject attempted to flee out of the rear of the residence.

Note: The officers established containment of the residence while maintaining a direct line of sight of one another, separated by a distance of approximately 36 feet.

Officer A observed a wrought iron gate approximately five feet high at the end of the driveway that blocked access to the rear yard and garage area. Officer A was concerned the Subject could exit the rear of the residence and get to an adjacent property. According to Officer A, he told Officer B he was going to jump over the gate.

Prior to jumping over the gate, Officer A observed two small dogs that appeared to be puppies in the rear yard. Officer A shook the gate to make a loud noise in an attempt to determine whether other dogs were in the rear yard. The presence of additional dogs was not apparent. Officer A then utilized the hood of a vehicle parked perpendicular to the gate to jump over the gate and into the rear yard.

As Officer A landed on the ground, he observed an approximately 60 to 70 pound Pit Bull terrier breed type dog exit a dog house in the rear yard and run north toward him. Officer A perceived the dog posed a threat of serious bodily injury or death and

unholstered his service pistol. The dog began to growl, bark, and bared his teeth. The dog then snapped its jaws and advanced toward Officer A. Officer A yelled at the dog to get it to retreat, but the dog continued to advance and thrust its head forward in an attempt to bite him. Officer A kicked the dog in the mouth with his left foot, which caused the dog to back up approximately one foot. The dog began to growl louder and assumed an aggressive pouncing stance.

When the dog advanced toward Officer A a second time, he attempted to kick the dog with his left foot to create distance and possibly utilize his oleoresin capsicum (OC) spray or jump back over the gate. At this time, the dog bit down on Officer A's left foot. Officer A attempted to remove his foot from the dog's mouth but soon realized he was not going to be able to because it was locked in the dog's mouth.

Officer A then fired what he believed to be four to five rounds from his service pistol in a downward easterly direction at the dog from a distance of approximately one foot, striking the dog on the back and ears.

Note: The investigation established that Officer A fired five rounds.

The background at the time of the shooting was the concrete parking area in the rear yard of the residence.

Officer A immediately felt the pressure of the dog's jaws release and was able to remove his foot. The dog fell by the rear gate and died at the scene. Officer B broadcast a "shots fired" help call at their location. Officer A informed Officer B he had shot a dog and sustained a bite injury to his foot. Officer B updated Communications Division (CD) that an animal shooting had occurred and the situation had been resolved.

Additional units arrived to contain the residence and secure the scene. Officer A held his position at the rear of the residence and maintained observation of the rear door until he was relieved by a responding officer. Officer A holstered his service pistol and waited for the arrival of a Los Angeles Fire Department (LAFD) rescue ambulance (RA) unit to provide treatment for his injury. As he waited for the RA unit, Officer A observed a puncture mark on his left boot. Officer A removed his left boot and observed the dog had bitten through his boot and the two pairs of socks he was wearing. Officer A observed two puncture marks on top of his foot, which had become swollen. Officer A was transported to a nearby hospital for medical treatment.

Officer B held his position on the side of the residence in the driveway until he was relieved by another responding officer. Officer B then holstered his pistol. Additional officers continued to order the Subject to exit the residence. The Subject complied, and a felony warrant arrest was made.

Note: No civilians were injured as a result of 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's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer A's use of lethal 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 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.

After a thorough review of the incident, the BOPC determined that the officers' actions did not substantially deviate from approved Department tactical training. Therefore, 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 with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC determined that Officer A's tactics warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B received previous information that the Subject was wanted on an outstanding felony warrant for a parole violation. The warrant was verified by Officer B before they searched the known locations frequented by the Subject. As the officers were driving around a known gang area, they identified and observed the Subject enter a single family residence. The officers ordered the Subject to exit the residence, but received no response from anyone inside the residence.

Officer B drew his service pistol following his positive identification of the Subject, a parolee wanted for an outstanding felony warrant for a parole violation and known as a dangerous gang member. In addition, Officer B believed the Subject or the other individuals inside the residence may have had access to a firearm, thus escalating the situation to a possible deadly force incident.

In order to prevent the possible escape of the Subject, Officer A relocated to the southwest side of the residence, as Officer B assumed a position on the northwest side of the residence. The officers had a clear and continuous line of sight with each other, when Officer A jumped over a secondary gate, boarder lining the backyard and the driveway. Officer A was immediately confronted by a Pit Bull type breed dog. The dog charged toward Officer A in an aggressive manner, baring its teeth. 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.

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

Note: Although Officer B drew his service pistol during this incident, he will not receive formal findings. The BOPC determined that Officer B's drawing/exhibiting was appropriate and within Department policy.

C. Lethal Use of Force

- The dog advanced toward Officer A a second time, causing Officer A to kick the dog, again in the mouth area. The dog bit down on Officer A's left foot. Officer A attempted to remove his left foot from the dog's mouth, but realized the dog's jaw was locked down on his foot. Fearing further serious bodily injury, Officer A fired five rounds from his service pistol to stop the dog's violent actions.

According to Officer A, the pit bull bit down on his left foot. Officer A forcefully attempted to get his foot out of the dog's mouth, but was unable to do so. Officer A

immediately felt significant pressure in his foot and realized he was not going to be able to remove his foot, because it was locked in the dog's mouth. While trying to maintain as much of a stable shooting platform, while having an aggressive 60-70 pound pit bull biting down on his left foot, Officer A fired approximately four to five rounds towards the dog.

An officer with similar training and experience as Officer A would reasonably believe a Pit Bull type breed dog that charged in an aggressive manner and bit down on an officer's foot constituted an immediate threat of serious bodily injury and that lethal use of force would be justified in this situation.

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