

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

OFFICER-INVOLVED ANIMAL SHOOTING – 070-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Newton	11/3/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	18 years, 3 months
Officer B	5 years, 3 months

Reason for Police Contact

The officers responded to a radio call of a dog attacking a man, and an officer-involved animal shooting (OIAS) occurred.

Animal	Deceased (X)	Wounded ()	Non-Hit ()
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Two Pit Bull dogs (Both deceased)			
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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 October 10, 2017.

Incident Summary

Witnesses A and Victim A, who are both homeless, were asleep next to each other on the sidewalk of a commercial street.

According to Witness A, he and Victim A were awakened by two stray dogs that were at their feet. Witness A described one of the dogs as being brown in color and the other as black in color. Witness A and Victim A stood up and backed up against a wrought iron fence. Without provocation, the dogs began to attack Victim A, who ran into the street and fell. As the dogs continued to attack Victim A, Witness A ran and asked his neighbor, who is also homeless, to call for help. Witness B used his cellular telephone to call 9-1-1. The Los Angeles Police Department (LAPD) and the Los Angeles Fire Department (LAFD) responded to the 9-1-1 call.

Officers A and B were dispatched to the call. They were driving a marked black and white police vehicle, equipped with Digital In-Car Video System (DICVS) and the officers were attired with Body Worn Video (BWV) cameras. The comments of the call stated, "Unknown type dog, male bleeding, call was transfer from CHP, line disconnected during CHP disconnecting. On the line with the Person Reporting (PR), dogs are still attacking one male, 2 dogs, one seems to be a Rottweiler."

As the officers arrived in the area, they observed LAFD personnel at the scene.

Note: Both officers' Body Worn Video cameras were activated at this point. The following information was gleaned from camera footage, as well as statements from witnesses, police, and LAFD personnel.

Prior to the officers' arrival, Firefighter A said when they arrived at scene he observed two large dogs mauling what appeared to be a homeless person who was lying in the street. The dogs were removing pieces of flesh and bone from the victim's body. Firefighter A said they tried to distract the dogs from the victim by using the Fire Engine's horn and siren as well as yelling at the dogs without success.

As Officers A and B approached, they observed Firefighter/Paramedic A standing on the street near the fire truck, swinging an axe. Officers A and B were not able to see Victim A nor the dogs at this point. As the officers approached in their police vehicle, Firefighter A and FF/P A were shouting, "The dogs are ripping him apart! Shoot these dogs right now, they are eating this guy up!" Officer B drove to the front of the fire truck and parked the police vehicle. Officers A and B exited their police vehicle, unholstered their pistols, and observed Victim A lying in the street in a fetal position next to the curb. Officer A also observed two large Pit Bull dogs biting Victim A. Officer B also observed two dogs standing over Victim A. One of the dogs was licking Victim A's head area and pushing him with his snout. Additionally, Officer B observed blood on Victim A's head and down his back, but did not see any lacerations on him from his vantage point. Officer A requested a back-up unit.

Note: During Officers A and B's interviews, they both believed the first time they unholstered their pistols was just prior to firing at the dogs.

Although Officer A's back-up request is observed and heard on his BWV, a review of the Incident History and the recorded CD broadcast noted Officer A's back-up request was not captured.

Officer B did not feel comfortable trying to shoot the dogs due to the position of Victim A, and he noted Victim A was still moving. Believing he had enough time to get the fire extinguisher, Officer B advised Officer A to get the fire extinguisher. Officers A and B holstered their pistols and both went to the rear of their police vehicle to retrieve the fire extinguisher, but there was none. During their interviews, both Officers A and B stated that based on their training and experience, a fire extinguisher has been found to be a useful tool against hostile dogs.

Officers A and B returned to the front of their police vehicle and unholstered their pistols. Firefighter A on his own deployed their fire extinguisher toward the dogs, causing them to move away from Victim A. Officers A and B redeployed to the side of the fire truck and the Rescue Ambulance (RA) and continued walking. As Officer B walked, he advised Witnesses A and B to stay behind them.

Officer A requested Animal Regulations personnel to respond. The dogs returned, and Firefighter/Paramedic C placed himself between the dogs and Victim A using the gurney as a shield. Firefighter A, along with Firefighter/Paramedics A and B began to yell at Firefighter/Paramedic C to move to the side of the RA.

Firefighter/Paramedic C gave one final push of the gurney toward the dogs who turned and ran. Firefighter A and Firefighter/Paramedic A continued to tell the officers to shoot the dogs.

Officers A and B placed themselves between the dogs, the firefighters, and Victim A. The dogs turned around and began to trot/walk toward Officers A and B. The brown dog was in the lead followed by the black dog. Officer B observed Officer A to his left on the sidewalk.

As the dogs approached, Officer A, fearing he was going to be attacked by the dogs, fired four rounds in a downward angle at the brown dog first from an approximate distance of 24 feet, and then at the black dog from an approximate distance of 17 feet. Officer A took one step forward and fired an additional two rounds at the dogs. Officer A was aware that his background was the street and did see headlights downrange. Officer A's BWV footage supported this narrative.

In an effort to improve his background, Officer A angled himself at a different direction and continued to point his muzzle in a downward angle toward the dogs when he fired.

Officer B was positioned close to the RA and to the right of Officer A. As the brown dog followed by the black dog approached Officer A, Officer B, in fear for his partner's life, fired eight rounds in a downward angle from an approximate distance of 26 feet at the brown dog first. When the brown dog backed off, Officer B fired at the black dog from an approximate distance 21 feet.

Officer B stepped forward and fired one additional round at the black dog that was still moving and continued to be a threat. Officer B's background was a wrought iron fence. Behind the fence was a loading dock with numerous parked trailers with containers on top of them. The rounds fired by both Officers A and B caused both dogs to fall to the ground. Officers A and B then holstered their pistols.

Both dogs expired at the scene. Victim A later died at the hospital.

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 and B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officers A and B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- The BOPC noted 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 also 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 discuss individual actions that took place during this incident.

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

B. Drawing and Exhibiting

- According to Officer A, the dogs began to come toward him. Fearing that he was about to be attacked by the dogs, he drew his service pistol.

According to Officer B, he observed the dogs approaching Officer A as Officer A was simultaneously walking backwards. Fearing that the dogs were going to attack his partner, he drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, 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 Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer A** – (pistol, seven rounds)

First Sequence

According to Officer A, he observed the dogs rapidly approaching him. Believing that he was going to be attacked, similar to how Victim A had been attacked, he fired four rounds at the dogs to stop their attack.

According to Officer A, he observed one of the dogs get back up and fired an additional two rounds at the dog.

Second Sequence

According to Officer A, he observed one of the dogs get back up and fired an additional two rounds at the dog.

Third Sequence

According to Officer A, he observed that the black dog was still moving. In fear that the dog was going to get back up again and attack the officers, Officer A fired one round at the dog to stop the attack.

- **Officer B** – (pistol, 11 rounds)

First Sequence

According to Officer B, he observed the dogs running towards his partner and believed his partner's life was in serious threat of serious bodily injury. Fearing for the safety of his partner, Officer B fired his first rounds at the brown dog closest to his partner, then fired at the black dog.

Second Sequence

According to Officer B, he assessed and observed one of the dogs still was not down and fired one additional round from his service pistol to stop the attack.

Third Sequence

According to Officer B, as Officer A verified that the dogs were down, the black dog jumped up. Believing the dog was going to bite his partner due to his close proximity, Officer B fired two rounds at the dog to stop the attack.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B 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 and B's lethal use of force to be in policy.