

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

OFFICER-INVOLVED ANIMAL SHOOTING – 071-16

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

Pacific 11/4/16

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

Officer A 21 years, 6 months

Reason for Police Contact

Officers were in the process of detaining the Subjects when one of the Subject's dogs bit an officer on the arm, 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.

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 17, 2016.

Incident Summary

Officers A and B were working a crime suppression detail on horseback.

The officers observed Subjects 1, 2, and 3 sitting on the beach adjacent to a concrete bicycle path with three dogs. They were in possession of several bags and other miscellaneous items that were strewn on the path, causing cyclists to navigate their bicycles around them.

Officers A and B approached on horseback. According to Officer A, they came within 10 feet of Subjects 1, 2, and 3 and directed them to remove the items from the bicycle path. Although the request was initially ignored, Subject 1 eventually complied and collected the items obstructing the path. During this delay, Subject 1 barraged the officers with a profanity laden verbal attack and exhibited various objective symptoms of alcohol intoxication.

Note: Subject 1 later admitted to investigators that he and five to six other individuals had consumed a half gallon of vodka and had smoked marijuana.

Officer B contacted Communications Division (CD) and informed them that they were conducting a pedestrian stop. The officers then dismounted their horses and detained Subject 1 for a public intoxication investigation.

Subject 1 was taken into custody without incident. Subject 1 was told to sit down on the grass adjacent to the bicycle path. Meanwhile, Subjects 2 and 3 became verbally abusive, directing numerous profanities toward the officers.

Officer B conducted a want/warrant check on Subject 1 and established that Subject 1 had an outstanding misdemeanor warrant. Officer B informed Subject 1 of the warrant and advised him he was under arrest and would be transported to jail. Officer B requested the response of a special vehicle to transport Subject 1 called a "Chase Unit."

As the officers waited for the Chase Van to arrive, Subjects 1, 2, and 3 continued to be verbally abusive toward the officers. Officer B requested the Chase Van to expedite their response.

Subject 2 stood up and demanded that Subject 1's cell phone be given to her. When Officer A refused, Subject 2 became irate and verbally abusive and walked toward the officers. As Officer A ordered her back, Subject 1 attempted to stand up. Officer A ordered Subject 1 to sit back down. Subject 1 went down to his knees and sat back on his heels.

According to Officer A, Subject 1 then aggressively rubbed his upper body against Officer A's his lower leg and stated that he was going to give the officer scabies. In response, Officer A grabbed Subject 1's right arm and the back of his neck while

Officer B grabbed Subject 1's left arm and left shoulder area. Together they guided Subject 1 to a prone position on the ground and held him there.

As the officers were guiding Subject 1 to the ground, Subject 2 stood up and walked toward the officers. Officer A ordered Subject 2 to get back several times. She refused and positioned herself within 12 to 18 inches of Officer A. Officers A and B grabbed her arms, Subject 2 pulled away and began twisting and flailing back and forth. Officer A held Subject 2's left arm with his right hand, and placed his left hand on her shoulder. With Officer B assisting by holding the right hand, officers guided Subject 2 to a prone position in close proximity to Subject 1 who had remained in the prone position.

As Officers A and B were taking Subject 2 into custody, the dogs started to bark aggressively. At this point Officer A broadcast a request for help.

Once on the ground, Subject 2 continued to resist the officers and attempted to roll over onto her back as she flailed her arms. Eventually, the officers were able to control Subject 2 and keep her on her stomach. With one knee on Subject 2's back, and one knee on the ground, Officer A handcuffed Subject 2.

As the officers were taking Subject 2 into custody, one of the dogs, a large Pit Bull dog, began barking. As Officer A was attempting to place Subject 2's hands behind her back and complete the handcuffing process, the Pit Bull dog suddenly charged toward him and bit into Officer A's left forearm and wrist area. Instead of letting go, the pit bull held on to Officer A's wrist. Officer A attempted to shake the pit bull but was unable to break free of the dog's bite.

Believing that the pit bull was causing serious injury to his left arm, Officer A unholstered his pistol and pointed it toward the pit bull's upper body area. As he did so, Officer A observed Subject 3 standing in the background behind the dog. Officer A pulled his left arm inward and simultaneously turned his upper body to his right, which caused the Pit Bull dog to turn away from Subject 3. With a sand dune as his background, and his pistol in contact with the dog's torso, Officer A fired one round at the dog. The Pit Bull dog immediately released its hold on Officer A and fell to the ground.

The single round passed through the Pit Bull dog, and struck Witness A who was cycling on the bike path. The round struck Witness A on the right calf.

Witness A was riding her bicycle behind Witness B. As they came across a bend on the pathway, both Witnesses A and B observed two officers attempting to take a male and female into custody when a dog attacked and bit an officer. They described the dog as being very aggressive. As they rode past the officers, they heard a loud noise. Shortly thereafter, Witness A felt a pain in her right leg and fell off her bicycle. As she cried out in pain, Witness B dismounted his bicycle and observed blood on Witness A's right calf area and realized that she had been shot

Officer A holstered his pistol and broadcast that shots had been fired.

Witness C also observed a male fighting with the police and the dog bite an officer on the hand. Witness C advised he had seen the same dog attacking other dogs in the past.

At this point Officer B saw Witness A sitting and holding her leg, and he also observed the gunshot wound. Officer B broadcast a request for a Rescue Ambulance for the gunshot wound to Witnesses A's leg

Metropolitan Division Mounted Unit Platoon Police Officers C and D responded to the help call. Officer A, who was holding Subject 1 down by applying bodyweight with his knee to Subject 1's back, directed Officer C to render aid to Witness A while Officer D secured the four horses.

Police Officers E and F responded to the scene. Once at the scene, they took custody of Subjects 1 and 2 and transported them in the Chase Van.

Los Angeles Fire Department (LAFD) also responded to the scene and transported Witness A to hospital where she received medical 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 and B'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. Non-Lethal Use of Force

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

D. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be in policy.

Basis for Findings

Detention

- While conducting crime suppression the officers observed a group of three individuals with their property in the bicycle path causing a hazard. While speaking to the group about their property, the officers observed that one of the individuals was displaying symptoms of being under the influence of an alcoholic beverage and detained him for further investigation. The officers' actions were appropriate and within Department policies and procedures.

A. Tactics

Tactical De-Escalation

- 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.

In this case, the officers were conducting crime suppression when they contacted three suspects for having property on a bike path. During the contact, the officers observed and detained Subject 1 for being drunk in public. After being handcuffed, Subject 1 became combative. While the officers were stopping Subject 1's actions, Subject 2 approached and began interfering with their arrest. The officers attempted to de-escalate the situation by issuing verbal warnings and then used non-lethal force to stop Subjects 1 and 2's actions.

- In its analysis of this incident, the BOPC identified the following tactical considerations:

1. Additional Unit and Back-Up Unit Request

Officers A and B did not request an additional unit prior to detaining Subject 1 or request a back-up when Subjects 1 and 2 became non-compliant.

In this case, the officers were working on horseback when they contacted three individuals and asked them to remove their property from a bicycle path. During the contact, the officers observed that Subject 1 was under the influence of alcohol and decided to detain him. During the officers' detention, Subject 2 became non-compliant and interfered.

Although officers are given discretion regarding the appropriate time to broadcast, a request for an additional unit or back-up, it would have been tactically advantageous to do so prior to detaining the individuals.

Based on the totality of the circumstances, the BOPC determined that the officers' actions were not a substantial deviation from approved Department tactical training.

- 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 review the officer's individual actions that took place during this incident.

In conclusion, the BOPC found Officer A and B's tactics to warrant a finding of Tactical Debrief

B. Drawing/Exhibiting

- According to Officer A, as he was trying to put Subject 2's hands behind her back, he observed a large Pit Bull dog coming towards him. The Pit Bull then bit down on Officer A's left forearm and wrist area. Believing the Pit Bull dog was going to cause serious bodily injury, Officer A drew his service pistol.

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.

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

C. Non-Lethal Use of Force

- **Officer A** (Firm Grips, Takedown, and Bodyweight)

According to Officer A, Subject 1 began to aggressively rub his upper body against his leg while saying that he was going to give him scabies. To stop Subject 1's actions, he used a firm grip on Subject 1's right arm and the back of his neck to guide him down to the ground. He then placed his left knee on Subject 1's right back area and used body weight to prevent him from standing up and continuing his actions.

According to Officer A, as he grabbed Subject 2's right hand to take her into custody, Subject 2 began to turn and twist her body in an attempt to avoid being handcuffed. Officer A lost his grip on Subject 2's right arm and grabbed her left hand with his right hand. Officer A also grabbed Subject 2's shoulder area with his left hand and pushed her to the ground. He then placed his knee on Subject 2's back and used bodyweight to hold her down and stop her resistance.

- **Officer B** (Firm Grips, Takedown, and Bodyweight)

According to Officer B, as Subject 1 was trying to rub himself against his partner's leg, he placed his right hand on Subject 1's left shoulder and his left hand on Subject 1's left elbow. Officer B then pushed Subject 1 to the ground and used bodyweight to prevent him from standing up and attempting to escape.

According to Officer B, when Subject 2 approached he thought she was going to try to lynch Subject 1. He grabbed Subject 2's arm with his hands and utilized a team takedown with Officer A to push Subject 2 to the ground. He then used bodyweight on Subject 2 to stop her aggressive actions.

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 similar circumstances, would reasonably believe the application of non-lethal force to overcome Subject 1 and 2's resistance and effect an arrest was reasonable and would have acted in a similar manner.

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

D. Lethal Use of Force

- **Officer A** (pistol, one round)

According to Officer A, the Pit Bull dog latched on to his left forearm and wrist area as he tried pulling his arm away from the dog. Believing the Pit Bull dog was causing serious bodily injury, Officer A placed the muzzle of his service pistol to the dog's side and fired one round at a close contact position to stop the dog's actions.

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 dog's actions represented an immediate threat of serious bodily injury to himself and that the use of lethal force would be justified.

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