

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

OFFICER-INVOLVED ANIMAL SHOOTING – 074-13

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

West Valley 08/05/13

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

Detective A 18 years, 6 months

Reason for Police Contact

Detectives A and B were attempting to contact a witness at a residence, when Detective B was attacked was a large Pit Bull, resulting in an Officer Involved Animal Shooting (OIAS).

Subject(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 June 3, 2014

Incident Summary

On the date of this incident, Detectives A and B were assisting West Valley Patrol Division uniformed police officers in an effort to contact witnesses related to an on-going investigation.

Detective B advised Detective A of a possible witness residing at a nearby residence. The front yard of the residence was bordered by a three-foot high chain link fence with a "Beware of Dog" sign posted on a tree located approximately 10 feet south of the fence. Detective B shook the metal gate to make a noise loud enough to alert any dogs, and waited for Detective A to accompany him.

Detective A observed and acknowledged the "Beware of Dog" sign to Detective B and scanned the front yard of the residence for any signs of a dog and saw none. With the understanding that Detective B would be the contact officer and Detective A the cover officer, Detective A opened the chain link gate. As they entered, Detective A also deliberately shook the metal gate to make a noise loud enough to alert any dogs. As they proceeded to the residence, Detective A checked and verified the side gate to the residence, located to the north of the residence, was secure. As Detective B approached the front door, Detective A placed himself behind the tree in the front yard as the cover officer. Detective B knocked on the front door of the residence and heard two dogs barking inside. Detective B stepped back approximately 15 feet while still facing the front door.

As Detective B was stepping back, Witness A partially opened the front door. Detective B observed the head of what he described as a large beige and white, 150 pound Pit Bull dog through the partially opened door. Witness A attempted to prevent the dog from exiting the residence by blocking the door opening with her leg.

Despite Witness A's attempts to block the opening with her leg, the dog was able to squeeze through the opening and exit the residence. The dog, growling and barking, charged toward Detective B from a distance of approximately 15 feet. Witness A yelled commands at the dog, but the dog continued barking and advancing toward Detective B. Fearing the dog was going to bite him, Detective B threw a notepad at the dog's face with no effect. In fear, Detective B ran east toward the fence in order to get away from the dog.

From his vantage point behind the tree, Detective A observed a large Pit Bull dog exit the residence and charge east toward Detective B. Detective A redeployed farther east of the residence. Fearing the dog was going to bite and severely injure Detective B, Detective A unholstered his weapon. With the garage and the ground as the background and Detective B to his east and clear from the line of fire, Detective A fired one round at the dog. Detective A assessed and observed the dog was still running toward Detective B. With two vehicles parked in the driveway as his background and Detective B clear from the line of fire, Detective A fired an additional round in a

downward direction, striking the dog. Detective A heard the dog yelp and observed the dog slow down. Detective A holstered his pistol and jumped over the east fence and onto the sidewalk. Once on the sidewalk, Detective A conducted a tactical reload and reholstered his pistol.

Note: Detective B did not draw his weapon during this incident.

The Pit Bull dog ran south along the east fence and came to rest between the parked vehicles and the south fence.

Sergeant A responded to the location, obtained a Public Safety Statement, and ordered Detectives A and B not to discuss the incident.

Force Investigation Division (FID) interviewed Witness B, who informed detectives that due to the temperament of the dog, the United States Postal Service had directed Witness A to place her mailbox outside the chain link fence. Other witness statements were consistent with the statement of Detective A.

Detective B landed on his shoulder when he jumped over the fence. Detective B was treated for a cervical, lower back strain and lumbar contusion.

The Pit Bull sustained a single gunshot wound to the left torso and succumbed to its injuries.

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 Detective A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified dog encounters as a tactical consideration.
- The BOPC additionally considered the following:

Subsequent to the OIS, Detective A removed the magazine from his service pistol, retrieved a fully loaded magazine from his equipment belt magazine pouch and inserted it into the pistol. Detective A placed the removed magazine, minus the two rounds fired, into the magazine pouch where he had just removed the fully loaded magazine.

According to Detective A, since he was still in the field and there could possibly be another spontaneous situation where deadly force may be used, he inserted a fully loaded magazine into his holstered handgun. Detective A placed the magazine, which was in his handgun, into the empty magazine pouch.

When referring to performing a Tactical Reload, the Department Basic Firearms Manual states in part that partially loaded magazines should not be placed back into the magazine pouch, as they may be mistaken for fully loaded magazines.

Although the incident was tactically resolved, Detective A was reminded to not place partially loaded magazines into the magazine pouch, yet insert the partially loaded magazine into his waistband or a pocket for future use. In an effort to enhance Detective A's future tactical performance, this topic will be discussed during the Tactical Debrief.

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 detectives' 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 Detective A's tactics warranted a tactical debrief.

B. Drawing/Exhibiting

- Detectives A and B were attempting to contact a witness at a residence. Detective A was the designated cover officer and positioned himself behind a tree as Detective B approached the front door. Witness A opened the door, and a large Pit Bull type dog ran out of the house toward Detective B. Detective B ran as the dog chased him while barking. Believing the dog was going to bite Detective B, Detective A drew his service pistol.

According to Detective A, the Pit Bull was charging towards Detective B and was growling. Detective A saw Detective B run eastbound and feared that Detective B was about to be mauled. Believing that the Pit Bull could cause serious bodily injury or death, Detective A unholstered his weapon.

The BOPC determined that Detective A's drawing and exhibiting of a firearm was appropriate and within Department policy.

C. Lethal Use of Force

- Detectives A and B were attempting to locate a possible witness. As Detective B made contact with the resident, (Witness A) a large, aggressive dog charged out of the house. The dog barked and chased Detective B as he ran east toward the fence. Detective A, believing the dog was going to bite Detective B, drew his service pistol and fired one round to stop the dog's actions. Detective A assessed the situation and observed the dog continuing its aggressive pursuit of Detective B and fired an additional round to stop the dog's attack.

According to Detective A, he feared that the Pit Bull was going to close the distance and maul Detective B and that Detective B could suffer serious bodily injury or death. Detective A came up on target with his handgun, indicating that he had the garage as his background. According to Detective A, he could see that Detective B was a safe distance ahead when he fired his first round at the Pit Bull. Detective A assessed and could still see that Detective B was a safe distance ahead when he decided to fire his second round.

Given the totality of the circumstances, the BOPC determined that a detective with similar training and experience as Detective A would reasonably believe that the aggressive dog posed an imminent threat of serious bodily injury and that the use of lethal force would be justified.

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