



## **Incident Summary**

Uniformed Police Officers A and B were patrolling in their marked black and white police vehicle. Officer B was the driver and Officer A was the passenger. Officers A and B discussed tactics and decided Officer A would be the contact officer and Officer B would be the cover officer.

Officers A and B were driving south. They observed an individual (later identified as Witness A) standing on the sidewalk in front of a location. The officers believed Witness A was under eighteen years of age due to his youthful appearance and decided to investigate the possible curfew violation (45.03 of the Los Angeles Municipal Code). Officer A turned the police vehicle toward the Subject and stopped the vehicle almost perpendicular to the curb. The front end of the police vehicle was now facing Witness A. A tree stood between the police vehicle and Witness A. Both officers utilized their vehicle spot lights to illuminate Witness A.

Officer A immediately opened the passenger door of the police vehicle and began walking toward Witness A, leaving the door open. As Officer A walked toward Witness A, he noticed that he was wearing a hooded sweatshirt and had his hands near his waistband. Officer A was approximately ten feet from Witness A when he told him to show him his hands. At this time, Officer A observed a large pit bull type dog near Witness A. The dog was not on a leash. Officer A told Witness A to "grab the dog." According to Officer A, the Pit Bull dog then looked in his direction and "appeared vicious and was in an aggressive stance as he was growling and had his teeth displayed."

Officer A began walking backward in an attempt to use the police vehicle as protection from the dog. The Pit Bull dog then rushed toward Officer A with his mouth open and growling. Officer A backed up until he was behind his open passenger door. Officer A feared the Pit Bull dog was going to bite him and cause great bodily injury as the dog ran around the open car door and leapt toward him. Officer A drew his service pistol to a close contact shooting position and fired one round at the Pit Bull dog to stop its action. Officer A fired the round at the aggressive dog in a northern and downward direction from a distance of approximately one to three feet. At the time of the Officer-Involved Shooting (OIS), the background consisted of an unoccupied parked vehicle. The vehicle was approximately 17 feet behind the dog. Officer A noticed the Pit Bull dog had been hit in the area of its face. The Pit Bull dog then ran northbound and out of Officer A's view.

Officer A advised he was not able to use a two handed shooting stance due to the dog charging at him so fast. As soon as the dog ran away, Officer A assessed the situation and holstered his service pistol.

Officer B exited the driver door of the police vehicle as soon as he put it in park. Officer B did not see the Pit Bull dog at this point. Officer B reached for his radio to broadcast

that the officers had arrived at the location. Officer B then observed the Pit Bull dog standing near Witness A without a leash. Officer B advised he did not observe Witness A attempt to restrain the Pit bull dog before it ran toward Officer A. Officer B observed Officer A retreat back to the police vehicle, but the dog continued to pursue Officer A. Officer B then observed Officer A attempt to enter the police vehicle via the right front passenger door when he heard a single gunshot. Officer B could not see the OIS due to his position on the opposite side of the police vehicle, but he did hear the dog cry and run north and out of his view.

After the OIS, Officer B broadcast via handheld radio that the officers had arrived at the location and requested a supervisor response. Patrol Division uniformed Sergeant A responded to the request for a supervisor and subsequently arrived.

**Note:** No radio communication indicating an OIS had occurred was broadcast by the officers.

Sergeant A was the first supervisor at scene, and assumed command of the incident. Sergeant A separated Officers A and B and obtained a Public Safety Statement (PSS) from Officer A.

### **Witness Statements**

Patrol Division uniformed Sergeant B subsequently arrived at the scene. Sergeant B spoke with Witness A. Witness A advised he was the owner of the Pit Bull dog which was shot by the police officer. Witness A and his wife live together at a house on that block and have a small child together. Witness A advised that the dog lives in the apartment with them. Witness A advised Sergeant B that he did not feel safe with the dog sleeping in the same apartment as his daughter.

Sergeant A advised that no witnesses were present on the street during the investigation. A subsequent canvass of the location did not reveal any citizens who actually observed the OIS.

A statement was obtained from Witness A when he responded to the location to obtain medical treatment for his dog. Witness A indicated he lives with his wife and his dog, a nine month old "pit bull" mix who weighs 67 pounds.

Witness A and his wife work at a restaurant and do not return home until one or two in the morning. Each night that Witness A returns from work, he takes his dog out in front of his apartment to go to the bathroom. Witness A does not use a leash on the dog because no one is ever around on the street at that time. He went on to say his dog is not vicious.

Witness A advised he could not gain control of his dog when the police arrived due to the bright lights of the police car. The dog did not growl or bark at the police officers.

He believed the dog approached the police officer to play with him, however, Witness A admitted he did not see the OIS due to the bright lights shining in his face.

The dog had sustained a single gunshot wound to the snout, and the bullet came to rest just inside the loose skin of the lower neck. A veterinarian was able to recover the bullet and advised that the dog would need surgery and a blood transfusion, but would survive his 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 and Exhibiting of a weapon 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 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**

#### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:
  1. Code Six

Officers A and B did not place themselves at the location of the incident (Code-Six) via the Mobile Data Computer (MDC) or by broadcasting their location to Communications Division (CD). Officer B intended to broadcast the officers' location; however, Officer A encountered a vicious dog immediately after exiting

the vehicle, resulting in an OIS. Immediately following the OIS, Officer B broadcast the officers' location and requested a supervisor to respond.

**Note:** No "shots-fired" or OIS information was broadcast during the radio broadcast and in this instance was not necessary or required. Both involved officer received training at the divisional level, which was properly documented.

In conclusion, the BOPC determined that the officers' delay in advising CD of their location did not substantially deviate from approved Department tactical training; however, to enhance future tactical performance, this topic was 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 tactics used by the officers 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.

Officer A was to attend a Tactical Debrief, and it was understood that the identified topics would be covered.

## **B. Drawing/Exhibiting**

- In this instance, Officer A exited the police vehicle and approached Witness A when he saw the dog growling and baring its teeth. Believing that the dog might attack him, Officer A drew his service pistol and held it at a close-contact position.

Officer A indicated that the dog appeared vicious and was in an aggressive stance as he was growling and had his teeth displayed. I then walked backward in attempt to go inside the officers' police vehicle. As Officer A walked backward to the vehicle, the dog then rushed towards his direction. Officer A believed the dog appeared as though it was going to attack, given that it had its mouth open and was growling.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience, 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)

After Officer A exited the vehicle, he observed the vicious dog baring its teeth and growling. The dog charged at Officer A and Officer A, believing he was about to be bitten, from a close-contact firing position, fired one round from his service pistol at the dog to stop its attack.

**Note:** Officer A stated that he did not have time to assume a two-handed shooting position due to the dog's rapid advance.

An officer with similar training and experience, while faced with similar circumstances would reasonably believe that the attacking dog posed an imminent threat of serious bodily injury. Therefore, the use of lethal force in order to stop the dog's attack would be reasonable.

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