

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

OFFICER-INVOLVED ANIMAL SHOOTING – 080-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Hollenbeck	09/06/13		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	14 years, 11 months
Officer B	10 years, 3 months
DPO A	

Reason for Police Contact

Officers were conducting a Parole Compliance check when they were attacked by a large Pit Bull, resulting in an officer-involved animal shooting (OIAS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Pit Bull dog			
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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 August 5, 2014.

Incident Summary

On the date of this incident, uniformed Officers A, B and Deputy Probation Officer (DPO) A were conducting a probation compliance check, along with several other officers, including Officer C.

Sergeant A conducted roll call and briefed the detail of the mission for the day. The mission was to conduct compliance checks on Post Release Community Supervision (PRCS) individuals with verified search conditions. The detail was briefed on the tactical plan and designated tactical positions and responsibilities, which included tactics and communication.

The officers responded to a residence for a compliance check on the Subject. The officers placed themselves at the location via the Mobile Digital Computer (MDC). The officers' investigation determined that the Subject was possibly at a secondary location and that he was riding a grey bicycle. This location was also listed on the Subject's probation records, which also indicated his search conditions.

A short time later, the officers indicated via their MDC that they were enroute to a follow-up check at the secondary location. The property was a single story residence surrounded by a six foot high, black wrought iron fence to the south and west; and a six foot high wooden fence to the north. The front yard was uneven with patches of grass, rocks and dirt and a 30 to 40 degree downward grade toward the street. There were 12 concrete steps that led to a landing in front of the house with an attached elevated brown wooden porch. A concrete walkway ran from the top of the steps along the north side of the house to the rear yard.

The location was contained and officers noted there was a faded "Beware of Dog" sign posted on the front of the wrought iron gate.

Note: Officers A, B and DPO A observed a grey bicycle on the porch area of the residence, which was consistent with the bicycle that the Subject was known to possess.

Assisting officers used a baton to rattle the wrought iron fence and made noise in order to verify the presence of unseen dogs inside the yard. After what was estimated to be between 15 to 60 seconds with no sign of a dog, it was believed that it was safe to enter the property. Officers knocked on the front door and made contact with Witness A.

As the officers held their positions and waited for the individual to exit the residence, a large Pit Bull dog appeared from the northeast portion of the backyard. Officer A, who was walking up the steps from the front of the residence observed the 70 pound dog and yelled to the other officers, "Watch out for the loose dog!"

According to Officer B, the dog was approximately three feet from Officer C and as the dog accelerated toward Officer C, it was growling and exposing its teeth. Officer B

feared for Officer C's safety and believed the situation could escalate to a use of deadly force. The growling dog lunged at Officer C with its mouth wide open. According to Officer C, the dog was approximately 10 inches from biting his left hamstring area. Officer C jumped inside the residence and slammed the door behind him to avoid being bitten.

Note: Once inside the residence, Officer C encountered Witness A. Officer C placed Witness A into custody. Once the situation was contained, a protective search of the location was conducted. The Subject was not located.

Officer B was facing in a northeast direction while maintaining his pistol in a low-ready position. Officer B began to walk backward when the dog charged at him with its mouth wide open, exposing its teeth and growling. Officer B obtained a clear target of the dog. Fearing for his life, Officer B fired one round at the dog's left torso area. The round was fired in a northeast direction from a distance of approximately five feet as the dog lunged toward Officer B. The dog appeared unfazed by the gunshot and appeared to become agitated. The dog continued to advance toward Officer B's upper left thigh/groin area with its mouth open. Officer B quickly fired a second round at the dog, in a northeast direction, from a distance of approximately one foot. After the second shot, the dog fell on the walkway and growled. Officer B placed his back to the north wall of the house. The dog got up, continued to attack and bit Officer B's lower left shin. Officer B fired a third round in a downward and northerly direction from approximately one foot, aiming at and striking the dog's upper back area while the dog's jaw continued to hold onto his lower left shin. Officer B's background was a small concrete wall with an attached wooden fence and a residence just to the north. There were no officers in his line of fire.

After Officer B's third round was fired, the dog released its hold on Officer B and walked a few steps west on the walkway and then collapsed. While on the ground, the dog continued to growl and began to yelp. Approximately ten seconds later, the dog stood up and began to run west toward the front of the residence unfazed by the three gunshots. Officer B alerted his fellow officers and DPO A to watch for the loose dog. DPO A also observed the dog and yelled, "Watch out, the dog is loose!"

Officer A moved south of the landing and stood south of DPO A, facing east. Officer A observed the dog with its mouth open and his teeth exposed while charging toward DPO A. Fearing the dog was about to bite DPO A and seriously injure him, Officer A unholstered his pistol with his right hand. Due to the dog's fast approach and close proximity to them, Officer A held his pistol in a close-contact position and fired one round at the dog in a northeast direction from a distance of approximately seven feet. At the time of his shooting, Officer A's background was a wooden fence and a residence just to the north. There were no officers in his line of fire. After Officer A fired, he took a step to his south and lost his footing, causing him to tumble down the slope. As Officer A fell, he placed his index finger along the frame of his pistol and maintained control, fearing that the dog could continue its attack.

DPO A observed the dog stand up and aggressively run toward him with its mouth open and teeth exposed. In fear for his life, DPO A unholstered his 9 millimeter semiautomatic pistol. DPO A dropped to his right knee and pointed his pistol in a northeast direction at the dog. DPO A fired one round at the dog from a distance of approximately three to four feet as it rapidly approached him. DPO A's background was a wooden fence and a residence to the north. There were no officers in his line of fire. At this point, DPO A heard Officer A's shot coming from his right side. After DPO A fired, he lost his footing and slid down the slope. He held his pistol with his index finger off the trigger and close to his body.

Officer B and DPO A observed the dog run out the front gate, south onto the street and both holstered their pistols. Officer A also observed the dog run down the east side of the street. Officer A stood up, de-cocked his pistol and holstered it.

Assisting officers broadcast over the police radio, that officers were going to be at the location and if they received any call of shots fired, it was going to be an OIAS, the incident had already been resolved, and no one was injured. Officers requested that a supervisor respond to their location.

Note: The K-9 was ultimately located deceased a short distance away.

Los Angeles City Animal Control Officer A responded and located a computer chip on the deceased dog. Animal Control Officer A advised the dog was registered to the Subject, who the officers were attempting to locate.

Animal Control Officer A advised investigators that the dog had been shot by an LAPD officer during another incident in 2012. On that date, the dog attacked an officer, coming within inches of biting the officer's face. The officer in that incident unholstered his service pistol and shot at the dog, striking him. An OIAS was completed at that time.

Investigators later interviewed the Subject, who had responded to the scene. The Subject stated that the dog had never been violent, but barked at people from behind the fence whenever someone rattled the fence. The Subject confirmed he was the registered owner of the dog and gave investigators permission to contact Los Angeles City Animal Control personnel and have the dog disposed of.

Witness Statements

Witness A stated he was inside his residence when he heard banging on his window. Witness A knew it was the police by the way they were banging on the window. As Witness A began to walk toward the side door, an officer asked him if he had a dog. As he continued to walk toward the back door, he observed an officer inside the residence with his gun pointed at him. The officer handcuffed him and walked him out to the porch area. Witness A believed he heard one shot, either before or after being handcuffed, but within seconds of a dog yelp. Approximately one minute later, Witness A heard five

consecutive shots. According to Witness A, the dog had never been violent or attacked anyone.

Note: Witness A later contacted investigators and alleged that an unknown officer pointed a gun at him. Investigators, accordingly, completed a complaint face sheet.

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, by a 3-1 vote made the following findings.

Note: The BOPC does not make findings as to the actions of DPO A, as he is not an employee of the Los Angeles Police Department.

A. Tactics

The BOPC found Officer A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A and B'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
- Fire Extinguishers

As a contingency plan against an aggressive dog, officers participating in this type of detail should be equipped with CO₂ and dry chemical fire extinguishers, which have been found to be an effective deterrent in such a situation, and, therefore, should be considered a useful tool. This will be a topic of discussion 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, by a 3-1 vote determined that the tactics used by the involved personnel did not substantially deviate from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum 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 Officers A and B's tactics warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officers A and B, along with DPO A were conducting a probation compliance check at a residence, when they were confronted by an aggressive dog. Believing the use of deadly force was necessary in this situation; the officers drew their service pistols.

According to Officer A, he began to move up the stairs and saw Officer B fire two rounds consecutively at the dog, and a single shot shortly afterwards. Officer A immediately made his way up the landing located next to the dirt hill and waited. Officer A saw that the dog appeared to be injured and laid on the pavement. Officer A heard the dog make a loud growl and immediately lifted himself off the ground and stabilized himself on all four paws. The dog began to charge at DPO A, who was standing to his left, and still holding on the stairs. Officer A observed the dog had opened his mouth and his teeth were showing in an attempt to bite DPO A. Fearing that DPO A would be seriously injured if bitten, Officer A unholstered his service weapon.

According to Officer B, as they waited for the resident to come to the door, a large (approx. 70 lbs.) full grown adult grey/blue Pit-Bull came around the corner from the back and was growling. Officer B heard Officer A yell out that the dog was loose. The Pit-Bull was approximately three feet behind Officer C, picking up speed towards him growling and exposing its teeth. The situation quickly escalated. Officer B believed that the Pit-Bull was about to attack Officer C. Based on the tactical

situation Officer B had a reasonable belief the situation would escalate to the use of deadly force, so he unholstered his duty weapon and held it at the low ready with his finger along the frame.

In conclusion, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe 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

- Once Officer C was inside the residence, Officer B began to walk backward when the dog charged him with its mouth open exposing its teeth and growling. Fearing for his life, Officer B fired one round at the dog's left torso area as the dog lunged toward him. The dog appeared unfazed by the gunshot and appeared to become agitated by it. The dog continued to advance toward Officer B's upper left thigh/groin area with its mouth open. Officer B quickly fired a second round at the dog from a distance of approximately one foot. After the second shot, the dog fell on the walkway and growled. After being shot, the dog continued to attack Officer B and bit his lower left shin. Officer B fired a third round in the dog's upper back while the dog continued to hold onto Officer B's lower left shin.

After Officer B's third round was fired, the dog released its hold on Officer B and walked a few steps westbound on the walkway and collapsed. While on the ground, the dog continued to growl and began to yelp. Approximately 10 seconds later, the dog stood up and began to run westbound toward the front of the residence unfazed by the gunshots. Officer B alerted his fellow officers and DPO A to watch for the loose dog. DPO A observed the dog and yelled, "Watch out, the dog is loose."

Officer A moved in a southerly direction on the landing and stood south of DPO A, facing eastbound. Officer A observed the dog with its mouth open and his teeth exposed while charging toward DPO A. Fearing the dog was about to bite DPO A and seriously injure him, Officer A drew his service pistol. Due to the dog's fast approach and close proximity to them, Officer A held his service pistol in a close-contact position and fired one round at the dog. At the time of the shooting, Officer A's back was against a wooden fence and a residence just to the north of the incident. There were no officers in his line of fire. After Officer A fired his service pistol, he took a step south of his location and lost his footing, causing him to tumble down the slope. The fall resulted in Officer A sustaining minor injuries.

An officer with similar training and experience as Officers A and B would reasonably believe that the attacking dog represented an imminent threat of serious bodily injury and that lethal force would be justified in order to address the immediate threat.

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