

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

OFFICER-INVOLVED ANIMAL SHOOTING – 100-15

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

77th Street 12/21/15

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

Officer A 17 years, 6 months

Reason for Police Contact

Officers responded to a domestic violence radio call when they encountered a dog that forced its way through a fence, and an Officer-Involved Animal Shooting (OIAS) ensued.

Animal **Deceased ()** **Wounded (X)** **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 25, 2016.

Incident Summary

Officers A (passenger) and B (driver) were in full uniform and were driving a black and white patrol vehicle. The officers received an unknown trouble radio call at a residence. Upon arrival at the location of the unknown trouble call, the Emergency Board Operator (EBO) broadcast that the location of their call was incorrect and to respond to another location for a Domestic Violence Radio Call.

Once the officers were at the correct scene, they both observed a large Pit Bull dog running loose across the street on the south sidewalk. As they entered the secured yard of the residence, they noticed that another house was located to the rear of the location. Officers began walking north to the rear of the location via the west driveway. Officer B looked behind him and saw the same large Pit Bull dog had made its way into the front yard of the residence. Officer B advised Officer A of his observation. The officers continued to the rear house and saw a male (later identified as Witness A) matching the description of the described domestic violence suspect. Officer B detained and handcuffed Witness A while Officer A made contact with the person reporting.

Note: The person reporting was later identified as Witness B. Witness A did not reside at the location.

The officers determined that no crime had occurred, and Witness B wanted Witness A escorted out from the location. According to Officer B, Witness A was satisfied with being escorted from the residence. Officer B assured him that the handcuffs would be removed when they reached the street.

Note: Witness B requested that the officers remove Witness A from the premises but nothing further. The officers completed a Domestic Incident report.

According to Officer B, as he walked southbound along the driveway escorting Witness A from the residence, Officer A was approximately 10 feet behind him. Officer B exited the property through a wrought iron sliding driveway gate that was approximately three feet tall. Officer B escorted Witness A, stopping near his police vehicle, approximately two houses west. As Officer B prepared to remove the handcuffs from Witness A, he observed the Pit Bull dog running on the sidewalk in the direction of his partner who was exiting the sliding driveway gate of the residence. He yelled to his partner to close the gate. He attempted to call the dog by tapping on his leg to get the dogs attention away from his partner. The dog seemed to be focused on Officer A inside the yard.

According to Officer A, he observed the Pit Bull dog charging in his direction, barking in an aggressive manner. Officer A believed the dog was going to bite him. Officer A told detectives that he is afraid of dogs. He called out to his partner to advise him of the

dog's location. Officer B told Officer A to shut the gate and he began to call the dog in an attempt to distract it from Officer A.

Note: Officer B told detectives he observed the dog running across the street toward Officer A and bark twice in what he believed was a vicious manner.

Officer A unholstered his handgun with his right hand believing that the dog may attack him. He pointed his handgun at a 45-degree angle toward the ground. With his left hand, he was able to close the gate and believed the dog would not be able to enter the yard. Officer A holstered his handgun.

Note: The investigation identified a latch on the sliding gate. According to Officer A, he closed the gate and believed the dog could not get in. The investigation was unable to determine if the latch functioned properly during the incident.

According to Officer A, the Pit Bull dog began wedging its nose and head between the gate and the fence attempting to open it with its head. Officer A felt that he could not hold the gate closed because he believed the dog would be able to bite his hand. The Pit Bull was able to open the gate with its head, wedge its body through the opening, and move to within three feet of Officer A. Officer A unholstered his handgun believing that the dog was going to bite him. As the dog moved closer to Officer A, approximately two to three feet away from him, based on the dog's prior behavior, he fired one round at the dog in a downward, westerly direction. The round struck the dog, causing the dog to stop advancing and run away. Officer A holstered his handgun and swiftly moved through the gate toward his partner. Officer A last observed the dog running along the sidewalk and out of his sight.

According to Officer B, he saw the dog open the gate with its head and enter the yard. He lost sight of the dog as it entered the yard. He heard Officer A fire one round as he was attempting to remove the handcuffs from Witness A. He asked Witness A if he was okay sitting in his police vehicle while he checked on his partner. Officer B met with Officer A and he requested an additional unit and a supervisor over the radio. A few moments later, he returned to Witness A and removed his handcuffs. Officer B asked Witness A if he would stay and provide a statement to Force Investigation Division (FID) detectives when they responded. Witness A said that he did not wish to stay at the scene and provided his address, but would not provide a phone number.

Sergeant A responded to the scene and became the incident commander. Sergeant A made sure that Officers A and B were immediately separated and monitored. Sergeant A obtained a Public Safety Statement (PSS) from Officer A. Sergeant A maintained control of the crime scene until FID personnel arrived.

Note: The dog was struck on the right shoulder and was transported by Animal Services to the shelter where it was treated.

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.

- During the review of this incident, the following debriefing point was noted:
 - Dog encounters

A. Tactics

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

B. Drawing and 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

- 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 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 and discuss the incident and individual actions that took place during this incident.

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

B. Drawing and Exhibiting

- According to Officer A, he observed the Pit Bull dog charging towards him and barking in an aggressive manner. Believing the dog was going to attack him, he drew his service pistol. Officer A recalled, "As my partner turned the corner, I saw the dog running towards our direction. At that point I unholstered my gun because the dog barked."

Officer A closed the sliding gate and holstered his service pistol, believing the dog would not be able to enter the yard. As he stood behind the gate, the dog nudged its head into an opening between the gate and fence and entered the yard. Fearing for his safety and believing that the dog was going to attack him, Officer A drew his service pistol a second time.

Officer A recalled, "When I saw the dog, kind of, nudge its head through [...] the black wrought iron gate and I believe there was a -- like a white gate and then there was a chain link fence. I didn't believe that at that point the dog could get in. She managed to nudge the gate open somehow. Made her way in... at that point, fearing for my safety and believing that the dog was gonna attack, I pulled out my gun."

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation had escalated to the point where deadly force may be justified.

In conclusion, 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)

According to Officer A, the Pit Bull dog was barking and advanced to within two to three feet from him. Believing the dog was going to attack him, he fired one round at the dog from his service pistol to stop the threat

Officer A recalled, "When I saw [the dog] making her way in... her whole body made it into that yard or into the driveway, I unholstered and immediately shot her [...] At the point when I saw her, you know, getting through that gate... All I could think of is she's gonna get through that gate -- she's gonna attack me."

Given the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer A would reasonably believe that the charging dog represented an immediate threat of serious bodily injury 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.