

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 081-11**

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

Foothill      09/12/11

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

Officer A      11 years, 5 months

**Reason for Police Contact**

Officers were in the process of arresting a suspect who was armed with a handgun, when a Pit Bull dog attacked an officer, resulting in an officer-involved animal shooting.

**Animal(s)      Deceased ( ) Wounded ( ) Non-Hit (X)**

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 suspect 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 April 17, 2012.

## **Incident Summary**

Detective A and Officers A and B, all attired in plainclothes, were travelling in an unmarked police vehicle when they observed a vehicle fail to stop for a posted stop sign. The vehicle was occupied by two males, later identified as Subject 1 (driver) and Subject 2 (passenger). The subject vehicle turned north and Detective A completed a U-turn to follow behind it. The subject vehicle turned west, then south and east. Detective A and Officers A and B discussed the vehicle's driving pattern and believed that Subject 1 was driving in a suspicious manner, as he was circling the block and returning to where he was originally seen. Based on the driving behavior and the observed California Vehicle Code violation, Detective A directed Officer A to broadcast a request to Communications Division (CD) for a marked police vehicle to perform a traffic stop on the subject vehicle. Before Officer A could broadcast the request, Subject 1 suddenly stopped the vehicle in front of a residence, which was later determined to be his residence. Both Subjects 1 and 2 exited their vehicle and fled.

Subject 2 ran south and jumped over a small chain link fence. Detective A and Officers A and B stated they observed a revolver in Subject 2's right hand. Subject 2 continued running and entered the front door of a residence. Meanwhile, Subject 1 ran and jumped the front fence of the residence. Detective A broadcast to CD their location and requested additional units for a "415 man with a gun." Detective A and Officers A and B exited their vehicle, identified themselves as police, both verbally and by displaying their badges, and initiated a foot pursuit of Subjects 1 and 2. Detective A and Officer B took custody of Subject 1 on the front driveway of the property. At the same time, Officer A moved to the northeast corner of the house, while maintaining a line of sight with Detective A and Officer B. Officer A drew his pistol, believing that the situation could rise to the use of deadly force, as Subject 2 was still outstanding with a revolver.

Officer A observed Subject 2 exiting a window on the east side of the house. Officer A again identified himself as a police officer and ordered Subject 2 to lie on the ground. Officer A observed that Subject 2 no longer had the revolver in his hand. Subject 2 complied with Officer A's commands and laid face down on the ground. Officer A heard a dog barking to the west and turned toward it. Officer A observed a black Pit Bull dog charging him. The dog was barking and had its teeth exposed. Officer A was in fear that the dog would attack him and cause serious bodily injury. The dog closed the distance to Officer A quickly and he was unable to move to another location. When the dog was within seven feet, Officer A fired one round in a west and downward direction at the dog. At the sound of the gunshot, the dog retreated.

Detective A took Subject 2 into custody then notified CD that the subjects were in custody. Detective A also requested a supervisor to the location, and Sergeant A responded. Sergeant A ensured the tactical situation was over and the dog was secured. The dog was not struck by the bullet.

## **Subjects' Statements**

According to Subject 2, he was in the car with Subject 1 when he saw a car following them. He saw that there were three men in the car and believed they were gang members. He was in fear and circled the block in order to avoid them. When he came to the front of his residence, he ran out of the vehicle and into his residence through the front door. He grabbed his gun from his bedroom, looked out the window and saw that the men following him were officers. He put his gun away and pounded on the window to tell the officer that he was coming out. He then opened the window and began to exit through the open window. Subject 2 then saw his dog approach the officer, but the dog was not barking and was only trying to "smell" him. Subject 2 saw the officer look at the dog, then look at him, then back at the dog. The dog was still approaching the officer and the officer fired one round into the ground at the dog. Subject 2 fell out of the window and onto the ground, where he stayed until he was handcuffed.

According to Subject 1, he saw the officers following them. At the time, he believed that the officers were gang members. Subject 1 was afraid because of recent gang violence in the area and circled the block to return home in order to avoid any problems. Subject 1 quickly drove home and ran out of the vehicle toward his house. When he was in the front yard, one of the officers identified himself and told him to stop. Subject 1 complied and was taken into custody by the officer. Subject 1 observed another officer run to the east side of the house and stop. The dog then ran to the front yard and was barking at the officer. The dog continued to advance on the officer and the officer told the dog to stop. The dog continued to bark at the officer and when the dog was approximately five feet away, the officer fired one shot into the ground. The dog then turned and ran away.

## **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 made the following findings.

### **A. Tactics**

The BOPC found Detective A's tactics, along with those of Officers A and B, to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

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

## **C. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

- In their analysis of this incident, the BOPC identified the following tactical consideration:
  - Apprehension vs. Containment

In this instance, Detective A, along with Officers A and B, observed Subjects 1 and 2 exit a vehicle, run a short distance, and then jump a small fence into the front yard of a residence. Subject 2 ran into the residence while continuing to carry a handgun. Detective A and Officer B gave Subject 1 verbal commands to stop, to which he complied and was taken into custody.

Once Subject 2 was observed to be armed with a handgun and entered the residence, the officers and detective remained in containment mode while maintaining line of sight with one another as Officer A moved east to obtain a view of the side of the residence. After Subject 2 exited through a side window of the residence, he complied with Officer A's orders and was taken into custody.

The BOPC determined that Detective A's tactics, along with those of Officers A and B, while detaining Subjects 1 and 2, were performed in a tactically safe manner. Based on the totality of the circumstances, the officers' and detective's actions did not substantially deviate from approved Department tactical training.

- 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. In this instance, there were no areas for improvement identified.

A Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident and assess tactical considerations to better handle a similar incident in the future. The involved personnel would benefit from the opportunity to review and discuss the incident.

In conclusion, the BOPC found Detective A's tactics, along with those of Officers A and B, to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting**

- In this instance, Officer A drew his pistol knowing that Subject 2 was armed with a handgun when he ran into the residence. Based on the likelihood of confronting Subject 2, who was potentially armed, an officer with similar training and experience as Officer A would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

After assisting Officer B with detaining Subject 1 near the front of the residence, Detective A turned his attention toward Officer A, who was giving verbal commands to Subject 2. Believing that Subject 2 may still be armed with a handgun, Detective A drew his service pistol and moved to join Officer A in order to assist him. The BOPC determined that a detective with similar training and experience as Detective A's would reasonably believe that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Detective A's and Officers A's drawing and exhibition of a firearm to be in policy.

## **C. Use of Force**

- **Officer A** (pistol, 1 round)

In this instance, Officer A, while taking a potentially armed subject into custody, was confronted by an aggressive Pit Bull dog. Fearing the dog was about to bite him and cause serious bodily injury, Officer A fired one round in a downward direction at the dog to stop its advance, causing it to retreat to the rear yard.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the advancing hostile dog was about to attack and cause serious bodily injury.

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