

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

OFFICER-INVOLVED ANIMAL SHOOTING – 017-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	3/16/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	29 years, 4 months
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Reason for Police Contact

Officers were serving a search warrant on a homeless encampment. While securing the Pit-Bull dogs at the encampment, one broke free and aggressively approached an officer. An officer-involved animal shooting (OIAS) occurred.

Animal(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 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 January 17, 2017.

Incident Summary

Narcotic Enforcement Division (NED) detectives were informed that a male was selling assault rifles from a homeless encampment. Based upon that information, NED detectives obtained a search warrant for the location. Because of the location of the suspect and the description of the weapons being sold, NED requested the assistance of Metropolitan Division, Special Weapons and Tactics (SWAT) with the service of the warrant.

SWAT and NED personnel attended a search warrant briefing at a Los Angeles City Fire Department station. During the briefing, SWAT Lieutenant A presented personnel with an operations plan which included a diagram detailing the search warrant location and suspect information. Additionally, he outlined various tactical considerations, including dog encounters.

SWAT officers arrived at the encampment to serve the search warrant. The officers utilized a Ballistic Engineered Armored Response Counter Attack Truck (BEARCAT) as cover and assembled approximately 20 yards south of the main entrance to the encampment. Officers used a hand-held public address system to order the occupants out of the encampment.

When Sergeant A arrived at the CP, he was directed by Sergeant B to have his officers assist NED personnel with eleven individuals who had exited the encampment and were being detained.

Prior to the officers initiating a search of the encampment, three aggressive Pit-Bull dogs ran out of the encampment toward Sergeant C and the other officers at the BEARCAT. In an effort to stop the dogs, Sergeant C pointed a fire extinguisher in the officers' direction and gave a quick burst. The dogs immediately retreated. Sergeant C wanted to secure the dogs prior to the search, but did not request Animal Control because he did not want to send those officers into an unsearched area to secure the dogs. Sergeant C asked the eleven individuals being detained if anyone of them owned the dogs. He eventually spoke to one of the female subjects being detained, later identified as Witness A, who offered to control the Pit-Bulls. Sergeant C had Witness A secure the dogs inside the encampment behind the front gate, while the officers continued to identify each detainee who had exited the encampment.

All eleven of the detainees denied ownership of the dogs, stating that they were street dogs. However, Witness A stated that since she was the primary caretaker of the animals, she was acting as the owner. According to Witness A, she had originally contained seven dogs including the Pit-Bulls inside a zip up tent prior to exiting the encampment.

Once all the detainees were secure, the SWAT officers prepared to conduct a search of the encampment. In order for officers to safely and thoroughly search the area, the animals had to be removed from the encampment. Sergeant C reasoned that the

female witness who had offered to control the animals earlier was the best person to deal with the dogs. Sergeant C devised a plan to have Witness A return to the entrance of the encampment and place the dogs, including the Pit-Bulls, on leashes and lead them out of the location. Sergeant C spoke to the SWAT Lieutenant on his cellular telephone and discussed the plan. Once approved, Witness A was directed to return to the entrance of the encampment. She at the time was secured with plastic flexcuffs.

Witness A was escorted from where the eleven individuals were being detained adjacent to the railroad tracks approximately 90 feet west toward the entrance of the encampment and called out to Officer A, who was requested to join them, to remove Witness A's flexcuffs. Witness A continued approximately 360 feet west to the entrance of the encampment.

According to Sergeant C, he directed Witness A to approach the entrance of the encampment and one by one released the dogs including the Pit-Bulls through the gate securing them with leashes as they came out. Witness A never entered the encampment. Sergeant C monitored her from approximately 30 feet away. Witness A walked the dogs away east along the chain link fence back toward the detention area. Sergeant C believed Witness A would tie the dogs to the chain link fence near where the civilians were being detained. Sergeant C lost sight of Witness A when she was clear of the immediate area and turned his attention back toward the entrance of the encampment while preparing for officers to make entry to clear the encampment.

When Witness A was approximately 150 feet east of the entrance to the encampment, one of the male Pit-Bull dogs broke free from her grasp and began to run around the area of the railroad tracks. Officer A was standing approximately 30 feet southwest of Witness A at the time.

Officer A stated that he didn't initially realize that Witness A was attempting to control several dogs. As Officer A approached the area where Witness A was trying to control the dogs, he said that one of the larger dogs turned to him and bared his teeth so he started to back away slowly. Officer A stated, "I continued to backpedal, walking backwards faster. At that point, she lost control of all the dogs. There [were], I think, three small dogs and two large Pit Bulls."

One of the larger male Pit-Bull dogs was approximately 55-60 pounds. This dog had broken free from Witness A's control, and continued to advance toward Officer A, continually growling and showing his teeth. Because Officer A had observed Pit-Bull dogs severely injure people and knew they could cause great bodily injury or death, he immediately attempted to re-deploy away from the approaching dog. The fire extinguisher was located at the BEARCAT outside the entrance of the encampment approximately 150 feet away and was not available to Officer A. Consequently, he unholstered his pistol with his right hand and held it in a two-handed, low-ready position with his finger along the frame. As Officer A stepped back, he tripped over the railroad tracks and fell to the ground. Officer A got back up and the dog continued toward him. Officer A believed the dog intended to attack him and aimed his pistol in the dog's

direction, placed his finger on the trigger, and fired one shot in a downward, northerly direction from a distance of approximately three to five feet. Officer A indicated, "He got within three to four feet of me. I had no other option at that point, but to fire my weapon at the dog, to stop his aggressive action. As soon as I fired the round, the dog turned around and went back to the fence."

Officer A's target area was the dog's head and upper chest area. There were no people in the line of fire. The dog immediately stopped, turned and ran away in a northeast direction toward the fence and was held against the fence by Witness A.

According to Sergeant A, he was standing approximately 15 to 20 feet away when he observed a gray Pit-Bull dog, approximately 50-60 pounds, barking and displaying his teeth, and running at Officer A. Sergeant A started moving toward them and observed Officer A back up and then fall to the ground. The dog initially turned away, but then immediately spun back around and again advanced toward Officer A, who fired one shot, striking the dog. The dog reacted to the gunshot and ran back to Witness A near the fence northeast of Officer A.

After the dog had moved away a safe distance, Sergeant A instructed Officer A to holster his pistol. Sergeant A broadcast there had been a dog shooting and spoke to Sergeant B on a cellular telephone, asking him to notify the SWAT Lieutenant and the other police managers of the dog shooting, further indicating that no one was injured. Because Sergeant A was a witness, he requested an additional sergeant to take a Public Safety Statement (PSS) from Officer A. Sergeant A separated and monitored Officer A until Sergeant B arrived at scene and asked the PSS questions.

Lieutenant A was the Incident Commander of both the service of the search warrant and of the scene after the dog shooting occurred. The SWAT Lieutenant directed Sergeant B to respond to the scene of the dog shooting and ensure that the proper protocols were followed. Once the scene was secure, the SWAT Lieutenant instructed the entry team to move forward and continue the search warrant service. After the search warrant service was completed, the SWAT Lieutenant notified Real-Time Analysis & Critical Response Division (RACR) and requested Force Investigation Division (FID) to respond.

Animal Control arrived at the scene and transported the Pit-Bull dog to a veterinarian clinic for medical treatment where, it was determined that the dog suffered from severe hemorrhaging and was euthanized.

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 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. Use of Force

The BOPC found Officer A's use of 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
- 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, although there were no identified tactical points or issues, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and actions that took place during this incident.

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

B. Drawing/Exhibiting

- According to Officer A, he was standing approximately 30 feet to the south of Witness A as the Pit-Bull dog began to advance towards him while growling. He attempted to redeploy rearward, un-holstered his service pistol and held it in a low-ready position with his finger along the frame.

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 dog continued to advance and got within three to four feet of him. Fearing for his safety, he fired one round from his service pistol at the dog to stop the threat.

Officer A recalled, "He got within three to four feet of me. I had no other option at that point, but to fire my weapon at the dog, to stop his aggressive action. As soon as I fired the round, the dog turned around and went back to the fence."

Given the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the dog posed an imminent 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.