

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

OFFICER-INVOLVED ANIMAL SHOOTING – 023-16

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

77th Street 4/14/16

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

Officer A 6 years, 4 months

Reason for Police Contact

Officers responded to a radio call of a man creating a disturbance. Upon responding to the location, the officers contacted the Subject and later observed a Pit Bull dog in the alley. The dog attacked Officer A and an officer-involved animal shooting (OIAS) occurred.

Animal(s) 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 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

On the date of this incident, uniformed Officers A and B received a radio call of a Subject creating a disturbance in an alley. The officers arrived in the area and observed the Subject that was described in the radio call and made contact with him.

Officer B advised Communications Division (CD) of their location. Officer B parked their vehicle facing in a west direction at the entrance of the alley. The officers exited their vehicle and walked west in the alley toward the Subject. The Subject advised that he lived in a nearby apartment.

Officer A walked toward the T-intersection of the alley in search of the owner of the apartment complex, while Officer B remained with the Subject. Officer A noticed that there was a truck parked at the T-intersection of the alley facing north, blocking the alley. As Officer A approached the truck, he observed a black Pit Bull dog lying on his stomach near the right front tire of the truck. The dog looked in Officer A's direction and jumped up to his feet. The dog began barking and growling, and charged at Officer A. Officer A walked backwards and unholstered his weapon with his right hand. The dog ran faster toward Officer A and closed the distance. Officer B observed Officer A backpedal and observed a dog charging at Officer A. Officer B unholstered his weapon and ran toward Officer A.

Officer A, believing he was going to be injured by the dog, fired one round at the dog from a one-hand standing position. The dog continued his charge toward Officer A and he fired a second round at the dog with no effect from a one-hand standing position. Officer A continued to walk backwards and fell to the ground. According to Officer A, the dog was within 12 inches of his body when he fired the third round from a one-hand laying on his back position. The dog stopped his charge momentarily toward Officer A and then fled south in the alley. The investigation determined that Officer A's shooting distance was from a decreasing distance of 12 feet to one foot.

Officer B requested a supervisor and an additional unit to respond to their location.

Within moments, a second Pit Bull dog appeared in the alley and approached the officers. The officers deployed their Oleoresin Capsicum (OC) and sprayed the dog and it fled the location. Once the dogs were out of sight, the officers holstered their weapons.

Note: The Subject took ownership of the black Pit Bull dog.

77th Street Patrol Division uniformed Sergeant A responded to the scene. Sergeant A took a Public Safety Statement (PSS) from Officer A.

The black Pit Bull dog was transported the dog to Pet Care Center for medical treatment.

FID detectives conducted a firearm inspection of Officer A's pistol. Officer A stated his pistol was fully loaded with eight rounds in the magazine and one round in the chamber prior to the shooting. The firearm inspection revealed that the weapon contained one round in the chamber and five rounds in the magazine. The investigation determined Officer A fired three rounds in a downward southwesterly direction from a distance of four feet to 12 inches for the last round when Officer A was on the ground. Officer A was unaware if the rounds struck the dog. Officer A's background was the ground.

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 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. 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, there were additional 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 the individual actions that took place during this incident.

The BOPC found that Officers A's tactics warranted a Tactical Debrief and that the identified topics are covered.

Note: In addition to the above, the Tactical Debrief shall include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication;
- Tactical Planning;
- Command and Control; and,
- Lethal Force.

B. Drawing/Exhibiting

According to Officer A, the dog then turned towards him, jumped on its feet, while barking and growling, and began moving toward him. Fearing for his safety, he drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with a similar set of 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 actions of Drawing/Exhibiting to be in-policy.

Note: In addition to the above listed employee, Officer B drew his firearm during the incident. This Drawing/Exhibiting was appropriate and requires no specific findings or action in regards to this officer.

C. Lethal Use of Force

- **Officer A** – (pistol, three rounds) in a downward southwesterly direction from an approximate decreasing distance of 12 feet to 1 foot.

First Round

According to Officer A, he continued to back up as the dog now began to run towards him in an aggressive manner but was unable to create distance fast enough. Fearing that the dog was going to bite him, Officer A fired one round from his service pistol to stop the dog's attack.

Second Round

After firing his first round, the dog continued to advance towards him at a fast pace while still growling and barking. Officer A then fired a second round at the dog to stop the dog's attack.

Third Round

According to Officer A, as he continued to back away from the dog at a fast pace, he fell back onto the ground. The dog continued to advance toward him in an aggressive manner and was within inches from biting him. Fearing for his safety, he fired a third round at the dog to stop its actions.

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 charging dog represented an immediate threat of serious bodily injury to his partner and himself and that the Use of Lethal Force would be justified.

Therefore, the BOPC found Officer A's Use of Lethal Force to be in-policy.