

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

OFFICER-INVOLVED ANIMAL SHOOTING – 030-16

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Foothill	5/14/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	13 years, 11 months
Officer B	18 years, 8 months

Reason for Police Contact

Officers were conducting an investigation at a motor home when a dog charged towards them and Officer-Involved Animal Shooting ensued.

Animal	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 December 6, 2016.

Incident Summary

Officers A (driver) and B (passenger), were travelling in a police vehicle. According to the officers, they were aware of an increase in narcotics activity and stolen vehicles and had made an arrest for a stolen vehicle in the area there were in the week prior. As Officer A turned south on a street, the officers observed a male wearing dark clothing, jogging on the west side of the street. Based upon the officers' previous knowledge of the area, they discussed their observations and decided to conduct a consensual encounter. As Officers A and B approached, the male ran along the side of a motorhome and out of sight.

Officer A stopped the police vehicle facing south so that the front end was parallel with the rear of motorhome and both officers exited. Officer A continued south on foot to the front of the motorhome while Officer B took up a position at the rear of the motorhome. The officers then moved to the west side of the vehicle, Officer A on the southwest corner and Officer B on the northwest corner. As they moved, they momentarily lost sight of each other.

From his position, Officer A observed the west-facing door of the motorhome open and an unknown male standing in the doorway. Officer A called out to the male, and identified himself as a police officer. Suddenly, a large Pit-Bull dog emerged from the doorway and ran toward Officer A. Officer A had seen injuries caused by a Pit Bull dog to human beings. He called out for the man to grab his dog and stepped back until his movement was blocked by a vehicle parked at the west curb.

As he redeployed, Officer A unholstered his pistol. The Pit Bull approached, it displayed his teeth, had its ears back, barked, and lowered its rear legs as if preparing to attack. When the dog was within three to five feet of Officer A, in fear for his safety, Officer A fired one round in a northwest direction and quickly assessed. The dog continued to advance and Officer A fired a second round. After the second shot, the dog turned and ran away in the direction of Officer B. Officer A called out, "Dog, dog, dog," indicating a dog shooting had occurred. Officer A then heard two more gunshots.

According to Officer B, he observed the dog at the door and saw it immediately jump out of the motorhome and run toward his partner. As the dog ran, Officer B lost sight of Officer A and moved east along the back of the motorhome in an attempt to locate him. Officer B then heard two gunshots and his partner yell, "dog, dog, dog." Officer B believed that Officer A had fired at the dog.

Officer B moved back toward the west side of the motorhome and observed the dog jogging toward him. Officer B unholstered his pistol. The dog stopped at the northwest corner of the motorhome and bared its teeth. The dog then lowered the front part of its body in a position that made Officer B believe that dog was going to attack him. Officer B backed up, east toward his police vehicle, reached for his Oleoresin Capsicum (OC), and yelled, "No."

Immediately after Officer B yelled, the dog moved in a fast, aggressive motion toward him, and Officer B re-gripped his pistol with both hands. Officer B previously had seen the size of a Pit Bull's bite and believed that the dog would "rip some flesh" off of him. When the dog was approximately five to six feet away, Officer B fired one round. The dog continued to approach. Officer B fired a second round, aiming for the head and upper body of the dog. After his second shot, the dog squealed, turned, and ran away, into another motorhome parked on the west side of the road. Officer B fired in a westerly, downward direction. His background was dirt and further back, a gravel mound for the railroad tracks. Officer B broadcast the officers' status and location. He requested that two units and a supervisor respond for an officer-involved incident.

Sergeant A was the first supervisor to arrive at the scene. He separated both officers and obtained a Public Safety Statement (PSS) from each, individually admonishing them not to speak about the incident with anyone other than their representative or FID investigators.

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 points was noted:
 - Status and Location Broadcast
 - Dog encounters

A. Tactics

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

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers A and B'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.

The BOPC determined that Officer B's decision not to have his TASER on his person as required was a substantial deviation, without justification, from approved Department tactical training and warrants a finding of Administrative Disapproval.

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. The BOPC found Officer B's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

- According to Officer A, he observed a large Pit Bull dog emerge from the doorway and run toward his direction. He then redeployed while drawing his service pistol, taking two steps backwards until he couldn't step back any farther due to a parked car. Officer A recalled, "I yelled out grab your dog, grab your dog, and I noticed that the dog was not listening to whomever was in the doorway, and/or whoever was yelling for the dog, that's when I drew out my weapon."

According to Officer B, he observed the dog jogging toward him. He redeployed a couple steps backwards and drew his service pistol. Officer B recalled, "Then he kept pushing toward, or jogging toward me. And then once I realized that he was coming to me, that's when I unholstered."

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, 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.

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

C. Lethal Use of Force

- **Officer A** – (pistol, two rounds)

First Round

According to Officer A, he observed a large Pit Bull dog emerge from the doorway of the motorhome and run toward his direction. He observed that the dog's ears were set back with its teeth showing. Fearing that the dog was about to attack him, he fired one round at the dog to stop its actions.

Officer A recalled, "As the dog approached me, I observed the dog display its teeth. The dog was barking. Its hind legs were in a lowered position, as if it was getting ready to attack. The dog's ears were set back, again, an indication of an attack, at which time I fired one round in the direction of the dog."

Second Round

After firing his first round, he observed that the dog was still charging toward him and fired a second round at the dog to stop its actions.

Officer A recalled, "The dog continued to advance toward me. I then fired a second round in the direction of the dog."

- **Officer B** – (pistol, two rounds)

First Round

According to Officer B, he observed the dog charging at him with its mouth open, showing its teeth. Fearing that the dog was going to attack him and cause serious bodily injury, he fired one round at the dog to stop its actions.

Officer B recalled, "The dog came running back to me and he was right there, I was getting ready to spray him. And then the dog, after I told him 'No,' the dog just immediately just in a fast, aggressive motion...he was within probably...six feet away, I didn't have time to deploy my OC. And so I unholstered my gun. I fired one round at him. The dog, he's going to tear me up...it's a big dog...he's going to rip some flesh off...I'm scared of, you know, serious bodily injury."

Second Round

Officer B assessed and observed that the dog was still charging toward him. He then fired a second round at the dog to stop its actions.

Officer B recalled, “He kept continuing at me, and I fired another round, and that’s when I heard the dog squeal.”

Given the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe that the charging dog represented an immediate threat of serious bodily injury to themselves and that the use of lethal force would be justified.

In conclusion, the BOPC found Officers A and B’s lethal use of force to be in policy.