

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 046-16**

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

Southeast                      7/28/16

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

Officer A                      4 years, 2 months  
Officer B                      10 years, 4 months

**Reason for Police Contact**

Officers were conducting an investigation at a motor home when a Pit Bull dog charged towards them and an Officer-Involved Animal Shooting (OIAS) occurred.

**Animal                      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 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 May 9, 2016.

## **Incident Summary**

Officers A and B were in uniform, in a marked black and white police vehicle, and Officer B was driving. The officers had been working together for approximately three months. The officers responded to a gang-related call and, upon arriving in the area, both officers recognized an individual, with whom they had previous contacts, standing on the street behind a chain link fence, which enclosed a temporary transient encampment. According to Officer A, they had never been inside that encampment.

According to Officer B, he knew that the individual had been previously arrested for possession of a gun. Additionally, Officer B had previously received information from divisional narcotics investigators that gang members in the area were selling drugs from homeless encampments.

As the officers drove closer to the individual, the individual appeared to be talking on a cellular telephone. The individual turned away from the officers and began reaching for something in his waistband. Officer B believed at this point that the individual may have been in possession of a concealed weapon. According to Officer A, he saw that the individual was reaching toward his waistband, and he also believed the individual may be armed.

Officer B stopped the police vehicle and both officers exited. Officer A exited the vehicle first and yelled at the individual to stop moving. Officer B followed Officer A to the fence. The individual quickly walked through the encampment area. Officer A jumped the fence and waited until Officer B also jumped the fence. According to Officer A, the officers were attempting only to contain the individual as they followed him.

**Note:** Neither officer broadcast their location nor that they were following a subject with a possible gun. According to Officer B, he never communicated that the individual may have been armed. According to Officer A, he believed he may have told his partner that the individual could have been armed, but could not recall if it was before or after the OIS.

According to Officer B, after the OIS, he told responding officers that one of the detained people had a pocket knife in his left pocket.

According to Officer A, the individual walked through the encampment. As the individual turned, Officer A saw what he believed was a handgun in the individual's right hand. Believing that the individual was now armed, Officer A unholstered his firearm. Officer A stopped and did not follow the individual through the encampment. Officer A lost sight of the individual amongst the makeshift housing.

According to Officer B, he was following Officer A. He saw that there were three men standing in an area in front of where the individual was last seen. Officer B saw that one of the individuals had what appeared to be a knife in his pocket. Believing that the

individual was armed with a gun and possibly one of the three individuals had a knife, Officer B unholstered his firearm. Officer B yelled at the three men to get on their knees and not to move, and the individuals complied.

The officers were separated by approximately five to ten yards and were standing with their backs to another chain link fence, which enclosed one side of the encampment. According to Officer A, approximately five dogs approached him and started smelling him. Officer A said as the five dogs were around him, a sixth dog approached him and began to growl.

Officer A described the dog as a large black Pit Bull breed, approximately 90 pounds. Officer A was trying to watch the dog and where he last saw the individual. As he tried to back away from the growling dog, the dog suddenly bit him on his left shin area. He kicked the dog with his right foot in an attempt to get the dog away from him. Officer A also tried to push the dog's head away from him with his left hand. Believing that he had no other option, Officer A fired one round downward at the dog. The dog ran away, in between the makeshift houses. Officer B then broadcast a "shots fired, officer needs help" call. Moments after the shot was fired, the individual walked out from one of the makeshift houses and surrendered.

### **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.

#### **A. Tactics**

The BOPC found Officers A and B's tactics to warrant a finding of 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'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:
  - Dog Encounters
  - Code Six (Substantial Deviation – Officers A and B)

Officers A and B did not advise Communications Division (CD) of their Code Six location prior to conducting a pedestrian stop on the individual.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel.

Pedestrian stops can be dangerous, the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable. In this situation, the officers were not faced with a rapidly unfolding tactical situation and had sufficient time to interrupt their response to the radio call and broadcast their Code Six location, as well as any other relevant information prior to initiating their investigation.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's decision not to advise CD of their Code Six location was a substantial deviation, without justification, from approved Department tactical training.

- Tactical Communication (Substantial Deviation – Officers A and B)

Officers A and B did not effectively communicate their observations or actions with one another on multiple occasions throughout the incident.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, when the officers exited their vehicle, Officer B observed the individual reach toward his waistband area and believed that he was possibly concealing a weapon but did not communicate his observations to his partner. As the incident continued and the foot pursuit ensued, Officer A observed a handgun in the individual's waistband but did not communicate his observations

to his partner. The officers' failure to communicate with each other placed them at a distinct tactical disadvantage.

Based upon the totality of the circumstances, the BOPC determined that Officers A and B's lack of communication with each other throughout this incident was a substantial deviation, without justification, from approved Department tactical training.

- Foot Pursuit Broadcast (Substantial Deviation – Officer B)

Officer B did not advise CD when the officers went in foot pursuit of the individual.

Although the roles of the primary and secondary officers in a foot pursuit are not absolute and at any given time an officer's predetermined role may change from primary officer to secondary officer, the concept of effective communication via a radio broadcast cannot be compromised.

Additionally, as a general concept, it is expected that the primary officer in a foot pursuit will focus on the suspect rather than coordinating resources, and the secondary officer in a foot pursuit will assume the responsibility for such broadcasts.

According to Officer B, he and Officer A had previously discussed tactics, and because he was the secondary officer, it was his responsibility to broadcast the foot pursuit.

Based on the totality of the circumstances, the BOPC determined that Officer B's failure to advise CD when they went in foot pursuit of the individual was a substantial deviation, without justification, from approved Department tactical training.

These topics will be discussed at the Tactical Debrief.

- 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.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officers A and B substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also 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 the officer's individual actions that took place during this incident.

In conclusion, the BOPC found Officers A and B's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- According to Officer A, he observed the individual holding the butt of a gun in his waistband with his right hand and, accordingly, drew his service pistol.

When the individual turned along the side of the encampment, Officer A lost sight of him and then observed three men standing in front of one of the tents. Based upon the totality of the circumstances, Officer A stopped, drew his service pistol, and ordered the men to get down on their knees and not to move.

According to Officer B, he lost sight the individual as he turned along the side of the homeless encampment. He then observed three men, one of whom was in possession of a pocket knife, standing in front of one of the tents. Based upon the totality of the circumstances, Officer B stopped, drew his service pistol, and ordered the men down onto the ground.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, when faced with similar 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 Officers A and B'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 continued towards him and bit him on his left shin. He kicked the dog with his right leg, but the dog continued to hold onto his leg. He then attempted to push the dog's head away with his left hand, but that too was ineffective. Believing that he had no other option to avoid serious bodily injury, Officer A fired one round from his service pistol at the Pit Bull dog to stop the attack.

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 actively biting him represented an immediate threat of serious bodily injury and that the use of lethal force would be justified.

Therefore, the BOPC found Officer A's lethal use of force to be in policy.