

Incident Summary

On the date of this incident, Operations Valley Bureau Homeless Outreach Proactive Enforcement (HOPE) uniformed Police Officers A and B were assigned to a uniformed specialized unit that conducts enforcement and outreach with the homeless community throughout Operations Valley Bureau.

According to both officers, they regularly discuss their tactics for approaching homeless encampments, the roles of contact and cover officers and how to deal with combative individuals. Officer B stated they did not designate specific contact or cover roles for this shift, but they would let the situation determine who would fill the role. For this shift, Officer B was the passenger officer in the police vehicle and had primary responsibility for placing the officers' unit Code Six, as well as handling most radio broadcasts.

Officer B placed the officers' unit Code Six via their Mobile Data Computer (MDC) to conduct enforcement and outreach in the area. The officers left their police vehicle parked at the end of the cul-de-sac and walked toward the railroad tracks.

As Officers A and B approached a homeless encampment, they observed some abandoned camp sites and unoccupied tents. As Officer A continued, Officer B followed to the rear by approximately 10 to 15 feet. Officer A approached an area of blue and grey tarps erected in a tent-like structure. During this time period, Officer A began to whistle as he/she walked near the encampment, as a means to display a friendly and approachable demeanor to transients and homeless people in the area.

When Officer A got within 60 feet of the tent structure, he/she heard a growling sound come from the structure. Officer A observed a large brown "Pit-Bull" dog emerge from the side of the tent.

Prior to the Pit Bull dog leaving the tent, Witness A was inside seated on a couch. The dog's owner (Witness B) had brought food into Witness A's tent and had the dog with her. According to Witness A, the dog was off its leash and as Witness B sat down with Witness A, the dog suddenly left the tent. Once Witness B realized the dog had left, she quickly exited the tent, following after it. Witness A heard Witness B yell, "no, no, no," followed by several gunshots. Witness A indicated she only heard the gunshots, and she did not leave the tent until after the officer-involved shooting (OIS). Witness A stated that she did not hear the police approach the area prior to the shooting.

As the dog made eye contact with Officer A, it immediately began to run toward Officer A. Based on the body language of the dog, Officer A identified the dog as threatening and dangerous to him/her. According to Officer A, because of the dog's behavior he/she feared for his/her life and unholstered his/her service pistol. Officer A assessed his/her background and was concerned there were people occupying the tent structure behind the dog. This caused Officer A to aim at a slightly downwards angle as the dog

approached. As the dog closed distance to within 30 feet of Officer A, he/she began to align his/her sights on the dog and moved his/her finger to the trigger.

Officer A also began to back-step to create distance between himself/herself and the dog. While he/she backed up, Officer A fired his/her first round when the dog was within 20 feet. According to Officer A, he/she briefly assessed after the first round and saw that the dog continued to run toward him/her. In between his back-steps, Officer A planted his/her feet and fired an additional three rounds in quick succession, in a downward direction. Officer A stopped firing when he/she observed the dog's head suddenly "bob" and drop.

Officer A started to stumble backwards as he/she fired his/her final round and nearly fell to the ground.

Once the dog dropped to the ground, Officer A assessed that the dog was no longer a threat and stopped firing his/her pistol. The dog dropped to the ground approximately five feet away from Officer A's position. Officer B's BWV depicts Officer A after the OIS, at a two-handed, low-ready shooting position, before holstering his/her pistol.

Force Investigation Division (FID) investigators recovered five expended nine-millimeter cartridges at the scene of the OIS. Additionally, during the magazine count of Officer A's pistol by FID investigators, the count was consistent with five rounds having been fired during the OIS. Officer A remembered firing only four rounds during the OIS.

Officer B was approximately 20 feet behind and slightly offset from Officer A and did not initially see the dog. However, when he/she observed Officer A draw his/her firearm and yell "hey," Officer B unholstered his/her duty pistol with his/her primary hand and transitioned into a two-handed grip. Officer B observed the dog as it cleared the brush and ran towards Officer A. Officer B described the dog's run as a "charge," and was barking very loudly. According to Officer B, he/she began to gain a sight picture on the dog with the intent to fire. However, Officer A had already fired his/her pistol at the dog and the dog appeared to go down to the ground and was no longer a threat.

As soon as the dog was down, Officer B holstered his/her pistol. According to Officer B, he/she had a prior encounter with the same dog in the same general area. Officer B described the dog as being "not friendly." On the prior incident the dog had been tethered to a stake, which allowed Officer B to walk by the dog without being attacked.

After the OIS, Witness B exited the nearby tent and walked toward the dog's body. Officer B gave commands to her to "back up." Witness B, visibly upset, walked down the railroad tracks and away from the scene. She did not return during FID's at-scene investigation. Witness B was located and interviewed on a later date by FID investigators. She stated that she did not witness the OIS, but heard four gunshots, in what she described as two pairs of "quick" shots. She stated that she was outside but had her back to the officers when the shooting occurred. Additionally, Witness B stated that the dog was not tethered or on a leash and could walk around the area freely.

Officer B broadcast over his/her radio that he/she needed an additional unit and a supervisor for shots fired on a dog and a female creating a disturbance. Officer B later broadcast that the female was leaving the location and that responding units could downgrade their response. Multiple Devonshire Area units arrived to assist with setting up and securing the initial scene, as well as checking for additional possible victims.

Sergeant A arrived at the scene was directed by Captain A to obtain a Public Safety Statement (PSS) from Officer A. Sergeant B arrived and took a PSS from Officer B.

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). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A and B's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officer A and B'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

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. It is also recognized that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the

Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Use of Force Policy, Los Angeles Police Department Manual.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in Graham v. Connor, 490 U.S. 386 (1989), that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the subject’s actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. (Los Angeles Police Department Manual.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an

officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so. (Tactical De-Escalation Techniques, October 2016.)

A. Tactics

- **Tactical De-Escalation**

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, Officers A and B had worked together on this type of assignment on several previous occasions and had specifically discussed tactics and tactical de-escalation related to dog encounters in and around homeless encampments. When Officer A heard the Pit Bull dog barking, he/she assessed the area and observed that he/she was in an open space and there were no objects or barriers between him/her and the Pit Bull. When the Pit Bull began to charge at Officer A, he/she attempted to re-deploy away from the Pit Bull to gain time and distance. However, the aggression of the Pit Bull along with the speed at which the incident unfolded prevented Officer A from being able to avoid the confrontation with the dog. Based on how quickly the situation unfolded, it was not feasible for Officer A to utilize voice commands or less-lethal force options to stop the attacking dog.

After the OIS, Officer B assessed the situation and requested two additional units and a supervisor. In this case, Officer B recognized that the owner of the Pit Bull dog, who was visually and verbally upset, was quickly approaching the officers' location and appropriately requested the additional resources. After Officer A communicated with the owner and gave her commands to "back away," she left the area without incident. Officer B then advised CD to downgrade the response of the additional units.

Officers A and B then began to establish lines of communication with the remaining occupants inside the encampment to ensure they were not injured and understood what had happened. The officers recognized that it was an emotional incident and, in an effort to keep the situation calm, they made the decision to cover the deceased dog with a blanket and did not order any of the encampment residents to leave the immediate area until additional resources arrived.

During the review of the incident, the following Debriefing Topics were noted:

- **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.

B. Drawing and Exhibiting

- According to Officer A, as he/she and Officer B approached the encampment, Officer A heard a growling or snarl sound that he/she believed came from a dog. Officer A assessed the area and observed that he/she was in an open area and there were no objects available for him/her to utilize as a barrier between him/her and a dog.

According to Officer A, he/she started to reposition himself/herself, to get a better view of the front entrance of the tent where Officer A heard the growling sound. At that point, he/she observed a large brown Pit Bull dog come around the corner of a tent and look at him/her. In fear for his/her safety, Officer A drew his/her service pistol because he/she observed that the Pit Bull's face had an angry demeanor, he/she could see the front teeth, and the Pit Bull's shoulders lowered as though it was preparing to run forward at him/her.

According to Officer B, he/she was walking approximately 15 feet behind Officer A, when Officer A began to back up and state, "Somebody stop the dog," or "Somebody get the dog." Officer B heard the Pit Bull barking very loudly and aggressively and observed the Pit Bull charge out of the bushes and run directly towards Officer A. At that point, Officer B drew his/her service pistol because Officer B believed the Pit Bull dog could cause serious bodily injury or death.

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 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, five rounds)

According to Officer A, he/she believed that he/she called out twice for the dog to stop and for somebody to get a hold of the dog. The Pit Bull then started to run toward him/her. Officer A formed the opinion that the Pit Bull was not just curious to see him/her and was not running with a playful stride. Based upon Officer A's training and experience, he/she believed that if the Pit Bull got its teeth around him/her, it could cause serious bodily injury or kill him/her.

A review of Officer A's BWV captured the pit bull barking followed by Officer A stating, "Oh. Hey, hey, hey. Get your dog!" The Pit Bull then ran out from the encampment directly toward Officer A.

According to Officer A, at that point, he/she was concerned because people might come out of the tents that were in his/her background. Consequently, Officer A backed up and attempted to re-deploy and align himself/herself in a position where his/her background would be a concrete wall, in an open area, in between two tents.

According to Officer A, he/she continued to move backwards to create space and give him/her time to properly assess the area. However, he/she observed that the Pit Bull was closing in too quickly and believed that none of his/her less-lethal options would have been effective in stopping the Pit Bull's attack and preventing him/her from getting seriously injured or killed. At that point, Officer A aligned the sights of his/her service pistol on the Pit Bull and canted his wrist down, toward the ground, as much as he/she could to mitigate the risk to the people who may have been in the encampment. Officer A then fired what he/she believed was approximately four rounds from his/her service pistol at the Pit Bull to stop the threat. Officer A stopped firing when the Pit Bull bobbed its head, stumbled, and collapsed, in front of him/her.

The FID investigation revealed that Officer A fired five rounds from his/her service pistol. A review of Officer A and B's BWV depicted Officer A fire four consecutive rounds, pause briefly, and then fire a fifth round as he/she walked backward and away from the charging pit bull. Officer A's BWV captured him/her briefly stumbling backward on the elevated gravel shoulder of the railroad track in between his/her fourth and fifth rounds. It was after Officer A regained his/her balance that he/she fired his/her fifth round at the pit bull. Officer A's BWV revealed that he/she fired the five rounds in approximately two seconds.

According to Officer A, as he/she walked backward, he/she felt that the ground was very rocky with large rocks underneath his/her feet. Officer A attempted to plant

his/her feet as he/she fired his/her service pistol at the charging Pit Bull; however, he/she did stumble backward on the rocky terrain. During this time, Officer A remained cognizant of his/her background, regained his/her balance, and assessed the situation.

In this case, the BOPC conducted a thorough review of the investigation and considered several factors in determining the reasonableness of Officer A's use of lethal force. The BOPC noted that this was a rapidly unfolding incident involving a Pit Bull dog that charged at the officers in a violent and aggressive manner without provocation. Once the Pit Bull charged at Officer A, he/she was forced to make a split-second decision regarding how best to protect himself/herself and Officer B.

Officer A indicated in his/her statement that once he/she drew his/her service pistol, he/she was extremely cognizant of his/her background and continuously evaluated the situation to ensure his/her safety, his/her partner's safety and the safety of the citizens in the area. Additionally, Officer A attempted to re-deploy away from the charging Pit Bull to gain time and distance, while he/she simultaneously evaluated the possibility of using less-lethal force options to stop the attacking Pit Bull. As such, the BOPC determined that it was reasonable for Officer A to believe the attacking Pit Bull was an immediate threat to Officers A and B at that moment.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the attacking dog represented an immediate threat of death or serious bodily injury to himself/herself and that the lethal use of force would be justified.

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