

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

OFFICER INVOLVED ANIMAL SHOOTING – 009-12

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

Topanga 02/17/12

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

Officer A 21 years, 8 months

Reason for Police Contact

Officers responded to a residence regarding a stolen vehicle investigation.

Subject(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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on January 15, 2013.

Incident Summary

On February 17, 2012, members of a task force was planning to conduct parole compliance checks at three locations linked to documented gang members.

Officer A and B, who were assigned to the operation to provide uniformed presence at each location, also attended the briefing and were provided copies of the tactical plan. No evidence indicating the presence of dogs at the location was found. One officer stated during the briefing that he had been to the residence approximately one year prior and did not observe any dogs at the residence at that time.

Officers A and B, driving marked black and white police vehicles, and the task force officers, driving in a white van, left the station and drove to the first location. Officers A and B, as well the task force officers arrived, and Officer A notified Communications Division (CD) that all officers had arrived at the location. Officers A and B, as well as the task force officers, parked their vehicles adjacent to the location. Officers A and B, as well as the task force officers, exited their vehicles and formed two separate elements approximately one residence south of the location.

Officers A and B formed one element, with Officer A in front. The second element was comprised of Officers C (point), D, E, F, Sergeant A, Detective A, and Agent A, who was from an outside agency. Officer A was equipped with a beanbag shotgun, which was slung over his back. Detective A was equipped with a fire extinguisher to deter aggressive behavior by any possible dog(s) at the location.

Both groups of officers walked north in the grassy area and approached the driveway entrance. The property fence line of the location was composed of wooden slats approximately six feet tall. The driveway gate, also covered by wooden slats, was fully closed. Officers A and B, as well as the task force officers, heard a vehicle with its engine running. The vehicle was parked in the northern area of the driveway. Officer C pulled the driveway gate open to allow entry onto the property.

Officer A decided to approach and clear the vehicle. He unholstered his pistol due to the residence being a known gang location. Officer A assumed a two-handed low ready position and entered the driveway. Officer B and the task force officers also entered the driveway area. Officer A approached the rear driver's side of the vehicle and observed that the windows were tinted and fully closed.

As Officer A began to clear the vehicle, he heard Officer C yell, "Dogs" and heard a dog growling. Officer A observed a brown male pit bull, and a black, female Rottweiler, positioned approximately 50 feet east of his position by the rear of the vehicle.

Officer A observed the pit bull baring his teeth and growling, and then beginning to run toward Officer A. Officer A side stepped toward the driveway gate to avoid turning his back to the dog.

Detective A did not utilize the fire extinguisher, as the pit bull was beyond the effective range of the extinguisher, which he estimated as approximately 10 to 15 feet. All of the officers began exiting the driveway via the gate. Officers A and D were the last officers through the gate. Officer F began to pull the driveway gate closed. Officer A cleared the gate threshold and was positioned in the driveway approximately three feet west of the opening when he observed Officer D trip and stumble just west of the threshold. The dogs reached the gate threshold and focused his attention on Officer D. The pit bull reared up on his hind legs, bared his teeth, and was approximately three feet from Officer D's position.

Officer A believed that Officer D was in imminent danger of being bitten by the pit bull. Officer A unholstered his pistol and fired one round from a distance of approximately six feet. Officer A observed that the pit bull did not appear to be affected by the gunfire and was still on his hind legs, baring his teeth and advancing toward Officer D. Officer A fired a second round at the pit bull.

The pit bull was struck by the gunfire, and both dogs retreated from the gate threshold area. The driveway gate was completely closed to contain the dogs. Officer A assessed the scene and after he determined there were no further threats, holstered his pistol. Officer A broadcast that shots had been fired at his location, and the situation had been resolved. Officer A informed Sergeant A he had been struck on his inner right thigh by possible bullet shrapnel from a ricochet. No tear or defect to Officer A's uniform pants was observed. Sergeant A requested a rescue ambulance (RA) respond to the officers' location.

Sergeant B arrived at the scene. Sergeant B separated the officers and obtained a public safety statement from Officer A. Uniformed Watch Commander Sergeant B arrived at the scene and assumed the role of Incident Commander. Sergeant B assisted with monitoring duties.

The RA arrived at the scene and examined Officer A for a complaint of pain and redness, which consisted of a small spot on his inner right thigh above the knee. No penetrating injury was observed. Officer A declined transport and was released from the care of Fire Department personnel at the scene.

The parole compliance search continued and was conducted by Sergeant C and additional police personnel present at the scene. A male resident at the location secured both dogs prior to the search being conducted.

Sergeant B transported Officer A to a hospital for further evaluation. Sergeant B then transported Officer A to the local station.

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

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 unanimously 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 lethal force to be in policy.

Basis for Findings

A. Tactics

- In the analysis of the incident, the BOPC noted the following tactical considerations:

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. Each tactical incident inherently results in considerations for improvement.

In this instance, the tactics utilized neither individually nor collectively unjustifiably or substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident with the objective of developing peak individual and organizational performance.

In conclusion, the BOPC recommended that Officer A attend a tactical debrief.

B. Drawing/Exhibiting/Holstering

- While Officer A stood on the driveway prior to entering the gated portion of the property, he observed a vehicle parked in the driveway with the engine running. Officer A could not see if the vehicle was occupied due to the windows being tinted. Believing that he may encounter an armed subject, Officer A drew his service pistol.

As Officer A approached the trunk of the vehicle, he heard one of the task force officers yell, "*Dogs, dogs. Get out.*" Not wanting to run with his service pistol in

hand, Officer A holstered his service pistol and returned toward the gate without turning his back on the dogs. The dogs continued to advance toward the gate where the officers were located, as the Pit Bull growled and bared its teeth.

As one officer tripped and stumbled, there was a slight delay in closing the gate. The dogs were closing the distance and Officer A believed that the Pit Bull was focused on the officer that was regaining his balance. The Pit Bull reared upward on its hind legs and bared its teeth. Believing that the dog was about to bite the officer, Officer A drew his service pistol a second time.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that that there was a substantial risk that the situation may escalate to the point where deadly force may be justified while clearing a running vehicle at a known parolee's residence.

Additionally, that same officer would believe that the charging dog represented an imminent threat of serious bodily injury and 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 drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- In this instance, Officer A observed an officer trip and stumble while attempting to exit a gate to avoid being attacked by charging dogs. Both dogs advanced toward the gate and focused their attention on the officer as he regained his balance, while the Pit Bull dog reared up on its hind legs and bared its teeth.

Officer A, believing that the officer was in imminent danger of being bitten, drew his service pistol and fired one round at the dog to stop its attack. The dog did not appear to be affected by the fired round and continued advancing toward the officer. Officer A fired a second round at the dog to stop the dog's attack and prevent the officer from being bitten.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the advancing dog was about to attack and cause serious bodily injury.

Therefore, the BOPC found that Officer A's use of lethal force was objectively reasonable and in policy.