

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

OFFICER-INVOLVED ANIMAL SHOOTING – 013-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	03/29/14		
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Officer(s) Involved in Use of Force	Length of Service
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Sergeant C	12 years, 6 months
Officer A	3 years, 11 months
Officer B	3 years, 11 months
Officer C	7 years, 2 months
Officer D	8 years
Officer E	5 years
Officer F	7 months
Officer G	12 years, 2 months

Reason for Police Contact

Officers were attempting to conduct a traffic stop when the Subject told Witness A to open the front door of his residence to let his two dogs out. The dogs attacked the officers, resulting in an officer-involved animal shooting.

Animal	Deceased ()	Wounded (X)	Non-Hit (X)
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(2) Pit Bull dogs.

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 March 10, 2015.

Incident Summary

Officers A and B were in a police vehicle. Officer A was the driver and Officer B was the passenger. As Officers A and B continued driving west, they observed the Subject riding a motorized bicycle. As they passed each other on the street, the officers believed the Subject was travelling at approximately 40-45 miles per hour (mph) in a 25 mph residential area, in violation of the basic speed law.

The officers decided to initiate a traffic stop for the speed violation and with the intention of inspecting the motorized bicycle to determine if it was authorized for street use. Officer A made a U-turn and followed the Subject. According to Officer A, he believed the Subject increased his speed once the officers began following behind him at a distance of approximately 50 feet, and saw the Subject look back at them twice. Officer B entered their location on their vehicle's computer and believed he pressed the "at scene" button.

The Subject made a right turn. Officer B lost sight of the Subject as they followed him south. Officer A observed the Subject drive onto the west sidewalk and continue south on the sidewalk at a high rate of speed. The Subject then stopped his motorized bicycle in front of a large wrought iron gate in front of a residence.

Officer A stopped the officers' police vehicle in front of the residence. Officer B observed the Subject dismounting from his motorized bicycle, which was positioned partially through the wrought iron gate facing toward the residential property. Officers A and B exited their vehicle. Officer A immediately scanned the area for possible threats from gang members in the area, as Officer B approached and told the Subject the officers wanted to talk to him about his motorized bicycle. The Subject released the motorized bicycle from his grasp leaning it against the frame of the open gate and approached within 18 inches of Officer B. The Subject raised both arms to an upward position with his fists clenched closed and angrily stated, "What are you going to do [expletive]?" Officer A observed the Subject "puff out" his chest, raise his clenched fists and "grit" his teeth as he approached Officer B. Officer B stood his ground, as Officer A walked around the front of the police vehicle to aide his partner, who he believed the Subject was about to strike him.

Officers A and B immediately tried to de-escalate the situation by asking the Subject to calm down and emphasizing that they only wanted to examine the motorbike to determine if it was legal. The Subject responded with expletives and continued his aggressive stance while shouting profanity at the officers.

Officer B smelled the odor of alcohol emitting from the Subject's breath. Officer A believed that based on his experience and training that the Subject exhibited extreme rage and was possibly under the influence of alcohol or both alcohol and phencyclidine (PCP).

The officers continued to verbalize with the Subject in an effort to calm his demeanor, but the Subject appeared to become more aggravated by stating the officers had no reason to stop him. According to Officer B, the officers raised their hands in an effort to calm the Subject and direct him back through the wrought iron gate onto his property. Although the Subject remained hostile and continued to shout profanities at the officers, he backed away in a westerly direction through the gate toward the front door of his residence.

Officers A and B maintained a distance of approximately three feet away from the Subject as they continued to verbalize for him to calm down. The Subject continued backing west toward the front door of his residence. At about this time, the Subject's common-law wife, Witness A, and three of their children appeared, standing at the front door of the residence behind a black security door with a metal screen mesh.

Witness A suddenly came out of the residence and shouted at the officers to leave the Subject alone and leave the property. Officers A and B initially believed they could use Witness A to calm the Subject by explaining that their purpose for being there was to examine the motorized bicycle. Witness A refused to listen and became hostile toward the officers as well by responding with profanity.

Witness A then intervened in the incident by physically placing herself between the Subject and the officers, which further antagonized the situation. Witness A waived her arms back and forth in an effort to separate the officers from the Subject, but did not make any physical contact with the officers. Both officers warned Witness A to move out of the way and stop interfering. The Subject, meanwhile, attempted to move around Witness A in an effort to approach the officers. Officers A and B continued to advance, causing the Subject and Witness A to back away onto the front porch of the residence. As they all advanced onto the front porch, Officer A heard dogs barking in the background of the residence.

Officer A ordered the Subject to cooperate and face the wooden fence on the south side of the property, or they would force him to comply. The Subject pushed Witness A aside to approach Officer A. At this point, Officer A told Officer B he was going "hands on," and grabbed the Subject's left arm with both hands in an effort to control him.

The Subject resisted and attempted to overpower the grip by pushing Officer A backward. Officer A believed the Subject was incredibly strong, possibly because he was under the influence, and was able to break free from Officer A's grasp. The Subject reached around the left side of Officer A's body, which he believed was the Subject's attempt to disarm him of his pistol. Officer A continued to verbalize with the Subject to calm down and relax, but he continued to resist. Officer A then grabbed the

Subject's right arm and tried to force it behind his back with a twist lock, but he was unable to do so. Witness A intervened by attempting to pull the Subject away from Officer A's grasp.

Officer A ordered Witness A to back away and go inside the residence. Officer B also directed Witness A to go back inside the residence, along with one of her children. Witness A opened the metal security door and stood at the threshold of the doorway. Officer B shut the security door closed, leaving Witness A standing inside the doorway, along with their children.

Officer B approached the Subject and attempted to control his right arm with his hands, as Officer A attempted to control the left arm with his hands. The officers attempted to force the Subject's arms behind his back, but the Subject overpowered their effort and the officers were unsuccessful. As the officers struggled to control the Subject's arms, they all moved back and forth, colliding with a wooden fence and a stucco pillar on the front porch.

Officer A realized their efforts to handcuff the Subject were unsuccessful, so he decided to use his body weight on the Subject to force him to the ground. Officer A placed both of his arms around the Subject's upper torso to pin his arms against his side. Officer B's right arm became pinned under the Subject's right arm pit, as he held onto his right wrist.

To overcome the Subject's resistance, Officer B removed his Thomas A. Swift Electric Rifle (TASER) from his equipment belt with his left hand in preparation to deliver a stun to the Subject. During this time both officers heard the Subject shout out something to the effect of "let the dogs out or open the door." Officer A immediately heard dogs barking from behind the security door as he was forcing the Subject to the ground.

The front security door suddenly opened and two dogs ran out. Officer A immediately positioned the Subject in front of him as a shield, believing the dogs would not attack or bite their owner. According to Officer A, both dogs were barking, growling and baring their teeth.

According to Officer B, without warning, a dog attacked him and locked its bite onto his upper right thigh causing him to release his hold on the Subject. Officer A observed the dog jump up and clamp its bite onto Officer B's upper right thigh as it dangled in midair. Officer A controlled the Subject on the ground in a crouched position by holding onto his jacket hoodie with his left hand.

Officer A unholstered his pistol with his right hand, believing the dog was not going to release its bite on Officer B. Fearing serious injury to Officer B, Officer A assessed the background behind Officer B and fired one shot at the dog in a downward westerly direction from a distance of approximately 3 feet. The dog was wounded in the upper left torso area of its body.

In response to the bite, Officer B simultaneously discharged the TASER at the dog's right torso area from a distance of approximately 1 inch. The dog released its bite and ran to the Subject. According to Officer B, he was not aware that Officer A had fired his weapon at the dog. At this point both officers lost sight of the other dog.

The Subject cursed Officer A for shooting his dog and embraced the dog on the ground. Officer A controlled the Subject by grabbing his jacket hoodie with his left hand, while still holding his firearm in his right hand. Officer A kept his firearm out believing the tactical situation was still dangerous because Witness A was inside the house and he feared she might exit the residence again with a weapon. Officer A also believed that although the dog was injured, the dog was still aggressive and could continue to attack the officers.

Officer B returned to assist Officer A with controlling the subject, when he asked if he had requested backup. Officer B stepped back and positioned himself northeast of Officer A. Officer B believed he holstered his TASER to retrieve his radio, but had dropped it to the ground.

Officer B removed his radio and broadcast a request for a backup and a rescue ambulance (RA) for an officer with a dog bite. Immediately after the radio broadcasts, Officer B believed that the other dog ran from the house in his direction. Officer B feared that if he were bitten again he would possibly be incapacitated or lose consciousness leaving Officer A alone to fight with the Subject and two aggressive dogs. Fearing the other dog would attack and he would suffer another dog bite, Officer B fired one round at the dog with his pistol in a downward westerly direction from a distance of approximately 3 feet. The round struck the dog in the face near the left side of the jaw and the dog retreated to the interior of the residence. Officer B believed he was still holding his radio in his left hand at the time of the shooting. Officer B returned his radio to his equipment belt.

Officer B returned to assist Officer A by holding down the Subject's left shoulder with his left hand, as Officer A controlled the Subject with his body weight. Officer B also kept his firearm out believing the tactical situation was not resolved. The Subject at this time was still hostile and verbally abusive to the officers as they maintained control of him until additional officers arrived.

When additional officers arrived, Officer B released his contact with the Subject, holstered his pistol, and walked out to the front of the residence to seek medical treatment. Sergeant A accompanied him. Officer A advised the responding officers that the Subject needed to be handcuffed. He released his hold on the Subject, holstered his pistol, and allowed other officers to take the Subject into custody.

Officer A walked to the front of the residence and was concerned a RA was not at scene for Officer B. Officer A broadcast another request for an RA unit.

The Subject continued to resist arrest after responding officers arrived and refused to let go of the dog. Five officers and one supervisor were involved in a non-categorical use

of force to remove the dog from the Subject's control and take him into custody. The Subject and Witness A were arrested.

A Los Angeles Fire Department (LAFD) Rescue Ambulance arrived, but was unable to respond to the residence due to the numerous patrol vehicles blocking their path. Sergeant A assisted Officer B to the RA, where he obtained the Public Safety Statement from him and ordered him not to discuss the incident. The RA transported Officer B to the hospital for treatment for a dog bite wound.

Sergeant B responded to the scene and obtained a Public Safety Statement from Officer A.

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 Sergeant C and Officers A, B, C, D, E, F and G's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Non-Lethal Use of Force

The BOPC found Sergeant C and Officers A, B, C, D, E, F and G non-lethal use of force to be in policy.

D. 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

- In its analysis of this incident, the BOPC identified the following tactical consideration:

1. Communications

According to Officer B he entered the location on their Mobile Digital Computer (MDC); however, the MDC data log did not record the transmission. The purpose of the update is to advise units in the area of their location and the nature of the field investigation should the incident escalate and thus necessitate the response of additional personnel. Traffic stops can be one of the most dangerous duties a peace officer performs, thus officers should update their status to enhance their tactical effectiveness.

The BOPC's expectation is that officers must always strive to consistently maintain a tactical advantage during field contacts. With that in mind, although Officer B did not confirm the officers' location prior to initiating contact with the Subject, in this situation, diverting his attention could have hindered the his ability to effectively locate and deal with the unfolding tactical situation.

As such, the actions of Officer B did not substantially deviate from approved Department tactical training.

2. Back-up Request

Officers A and B did not broadcast a back-up request when they were confronted by an aggressive subject.

Officers are given discretion regarding the appropriate time to broadcast for resources, based on the ongoing tactical situation. In this circumstance, both officers followed the Subject into the front yard of the residence cognizant that the Subject was uncooperative and displayed aggressive tendencies while exhibiting symptoms of being under the influence. In this circumstance, Officers A and B opined that the most effective method to handle the encounter with the Subject was to remain calm and deescalate the incident.

The BOPC noted the hostile and aggressive actions of the Subject and balanced them against Officers A and B's decision to forgo a back-up request, while allowing them a level of discretion to utilize verbal communication to deescalate the incident. Although a back-up request may have enhanced their tactical abilities, their decision to utilize verbal tactics to de-escalate the encounter did not substantially deviate from approved Department tactical training.

3. Physical Contact of Subject with Service Pistols Drawn

After Officers A and B's OIS incidents, both officers maintained their service pistols drawn as they applied bodyweight on the Subject and awaited the response of additional resources. As both dogs exhibited aggressive tendencies and were not secured, the officers' actions were reasonable.

4. Punches (Hard Bone Areas)

The investigation revealed that Officer C punched the Subject two to three times to the face. Officer C is reminded that fist strikes should be used primarily on soft tissue areas to prevent injury to an officer's hands, and to minimize the risk of serious injury to the subject.

5. Maintaining Control of Equipment

Although Officer B recalled holstering his TASER prior to retrieving his handheld radio, he dropped it to the ground. The TASER was recovered by an unknown officer and placed inside the glove box of Officers A and B's police vehicle at the scene. Officer B's Oleo Capsicum (OC) spray was also recovered at scene by an unknown officer. Officer B had no recollection of ever removing his OC spray during the incident, but was sure that he had not deployed the spray during the incident. The BOPC noted this was a violent struggle, wherein the officers were jostled about. Nevertheless, these topics were to be discussed during 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.

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 Sergeant C and Officers A, B, C, D, E, F and G's tactics to warrant a tactical debrief.

B. Drawing and Exhibiting

- As Officers A and B were struggling to control the Subject, both dogs exited the front door of the residence growling and baring their teeth. The first dog advanced toward Officer B, bit Officer B in the right thigh and maintained its hold. In response, Officer A 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 similar circumstances would reasonably believe that there was a substantial risk that the situation had escalated to the point where deadly force was justified.

After Officer A fired upon the first dog and Officer B activated the TASER, the dog released its hold on Officer B. According to Officer B, he holstered his TASER and retrieved his handheld radio. Immediately thereafter, the second dog rushed toward Officer B. With his service pistol drawn, Officer B fired upon the dog. Officer B could not specifically recall when he drew his service pistol.

Although the investigation could not definitively determine when Officer B drew his service pistol, the BOPC noted it was after Officer B sustained the dog bite and prior to the second dog closing the distance to within three feet of Officer B. As such, with the dogs ever-present, it was reasonable for Officer B to believe that the situation had escalated to the point where the Lethal Use of Force was necessary to protect Officer A or himself from serious bodily injury.

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

C. Non-Lethal Use of Force

- Sergeant C – Firm Grip
- Officer A – Firm Grip, Physical Force and Bodyweight
- Officer B – Firm Grip, Physical Force and Bodyweight
- Officer C – Punches (two to three)
- Officer D – Firm Grip, Physical Force and Bodyweight
- Officer E – Bodyweight
- Officer F – Firm Grip and Physical Force
- Officer G – Firm Grip, Physical Force and Bodyweight

Officer A ordered the Subject to face the wooden fence on the south side of the property. The Subject ignored Officer A's command and advanced toward Officer A. In response, Officer A utilized firm grip and grabbed the Subject's left arm with both hands, while Officer B utilized firm grip to control the Subject's right arm with his hand.

Unable to force the Subject's hands behind his back, Officers A and B, along with the Subject, all moved back and forth, repeatedly colliding with the wooden fence and a stucco pillar on the front porch. As the struggle continued, Officer B removed the TASER from its holster, intending to conduct a drive stun on the Subject; however, prior to being able to do so, Witness A opened the front security door and released two dogs. The first dog immediately charged toward Officer B and bit down on his right thigh, resulting in an OIS involving Officer A. Struck by gunfire, the dog

collapsed to the ground. The Subject broke his right arm free from Officer B's grasp and embraced the dog on the ground.

Meanwhile, Officer B broadcast a request for help. Immediately thereafter, Officer B observed the second dog advancing in his direction, resulting in a second OIS. The dog retreated back into the residence, out of the officers' line of sight, and Officer B placed his left hand on the Subject's left shoulder.

Responding to the help call was Sergeant C, along with Officers C, D, E, F and G. With the arrival of additional resources, Officer B walked to the street to obtain medical treatment by personnel from the Los Angeles Fire Department, followed shortly thereafter by Officer A.

Officer D utilized a firm grip and grabbed the back of the Subject's shirt with his left hand and the Subject's right bicep with his right hand. Officer D repeatedly ordered the Subject to release his hold on the dog. When the Subject ignored the officer's commands, Officer D utilized physical force to pull the Subject backwards, causing him to release his hold on the dog. The dog turned toward Officer D and charged, resulting in Officer D utilizing physical force to push the Subject forward, and once again the Subject grabbed onto the dog.

Officer H located a dog muzzle, placed it on the dog and dragged it away from the Subject. The Subject, positioned on his left side, began reaching for the dog with his right hand. Sergeant C utilized firm grip and grabbed the Subject's right wrist with both hands while simultaneously applying a finger flex, thus enabling him to pass his hand to Officer D.

Meanwhile, according to Officer C, the Subject's left arm was concealed under the left side of his body. Officer C was unable to utilize firm grip and physical force to overcome the Subject's resistance and remove his hand from underneath his body. Consequently, Officer C administered two to three punches to the right side of the Subject's face.

Officer G observed the punches proved ineffective and proceeded to straddle the Subject's torso area, forcing the Subject to the ground by applying bodyweight. Officer G then utilized firm grip and grabbed the Subject by his right arm and wrist and utilized physical force to roll the Subject into a prone position. According to Officer D, when Officer G assumed his position on the Subject's torso, Officer G wrapped both arms around the Subject's lower body.

Officer E observed the ongoing struggle and provided assistance by applying bodyweight to the Subject's upper back.

Still struggling to control the Subject, Officer F utilized a firm grip and grabbed the Subject's left wrist with both hands while simultaneously utilizing physical force to

guide it to the Subject's lower back. With the combined efforts of Officers F and G, the Subject's hands were placed behind his back and the Subject was handcuffed.

After a thorough review of the incident, the BOPC determined that officers with similar training and experience as Sergeant C, Officers A, B, C, D, E, F and G would believe the application of non-lethal force would be reasonable to overcome the Subject's resistance to effect an arrest while preventing further injury and/or escape.

In conclusion, the BOPC found Sergeant C and Officers A, B, C, D, E, F and G's non-lethal use of force to be in policy.

D. Lethal Use of Force

- **Officer A** – (pistol, one round)

In this instance, Officer A observed the dog bite Officer B's right thigh and maintain its hold. As Officer A was actively attempting to control the Subject, his force options were limited.

- **Officer B** – (pistol, one round)

After Officer A's OIS, the dog released its bite hold on Officer B and ran through the open front door of the residence, out of the officers' line of sight. Officer B broadcast a request for help and was going to assist Officer A with the Subject when the second dog ran towards Officer B, resulting in an OIS.

An officer with similar training and experience as Officers A and B would reasonably believe that the attacking dog represented an immediate threat of serious bodily injury and that the use of lethal force would be justified in order to stop the dogs' actions.

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