

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

OFFICER-INVOLVED ANIMAL SHOOTING – 035-14

Division	Date	Duty-On () Off(X)	Uniform-Yes () No(X)
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Outside City 7/7/14

Officer(s) Involved in Use of Force	Length of Service
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Officer A 2 years, 7 months

Reason for Police Contact

Two off-duty officers were at a private residence when contacted by a neighbor who told them that his dog was attacking his child in a nearby residence. The officers went to aid the child and discovered the dog mauling the child, resulting in an officer-involved animal shooting.

Animal(s)	Deceased (X) Wounded () Non-Hit ()
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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.

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 April 14, 2015.

Incident Summary

Off-duty Officer A and his friend, off-duty Officer B arrived at Officer B's residence in a city outside Los Angeles. Officer B parked his vehicle in his driveway. Upon exiting the passenger side of the vehicle, Officer A observed Witness A and Witness B across the street.

The witnesses were frantic and in a panicked state. Officer A walked across the street and asked if they were okay and if they needed help. Witness B was running back and forth to his residence, while Witness A remained on a telephone. As Officer A walked closer, he saw that Witness A had tears in his eyes. Officer A told Witness A to talk to him and tell him what was going on. After hesitating, Witness A told Officer A that he needed help, he was locked out of the front door of his house, and his pit bull was inside attacking his four year old child. Witness A told Officer A that the back door to the residence was open.

Officer A heard the child screaming through the front door and made the decision that he was going to jump the fence to access the backyard and attempt to rescue the child. Officer A made his way through rose bushes that lined the west facing fence, north of the front door. Upon jumping over the fence, he picked up a small stick from the ground.

Realizing there was at least one pit bull, Officer A called for Officer B to grab his 5-shot, .38 caliber revolver that he knew Officer B had in his vehicle. Officer B went to his vehicle, retrieved his revolver and ran to Officer A. Officer B removed the revolver from the holster and handed it over the fence to Officer A. Officer B advised Witnesses A and B that he and Officer A were police officers. Witness A repeatedly said, "Please don't kill my dog".

According to Officer B, Officer A told him to get a bat or a stick. Officer B ran back to his residence to retrieve a stick. Officer A believed he needed to act immediately and moved east along the north side of the house. Officer A held the revolver down at his right side and the stick in his left hand as he moved toward the back of the residence. At the back of the residence, he observed a sliding screen door covering a partially open sliding door. Officer A opened the screen door and peered through the tinted glass of the sliding door. Officer A observed large amounts of blood on the floor inside the living room. In the northwest corner of the living room, near the front door, he observed the child lying on his back, screaming, with a pit bull on top of him, attacking the left side his face. According to Officer A, the pit bull was removing and eating the child's flesh.

Officer A dropped the stick and immediately opened the sliding door. Not knowing how many other dogs were potentially in the residence, Officer A scanned the area and yelled at the pit bull to get its attention. The pit bull stopped, looked at Officer A and moved slightly. Officer A moved into the living room with the revolver in a two-hand low-ready position. In defense of the child's life, Officer A fired four shots at the pit bull in a

northwest direction at a downward angle. Officer A fired on the move, from a decreasing distance of approximately twelve to seven feet.

Officer A stated that the child was lying near the front door with his head near the north interior wall. The child's body was angled in a northeast direction. The pit bull was lying parallel to the child with his body between Officer A and the child. After Officer A yelled, the pit bull moved slightly. After Officer A's first shot, the pit bull got up. Officer A's intended target area for his first four shots was the rear portion of the dog's body. Officer A indicated that the pit bull's movement, closing the distance, taking time to aim, and his intended target area all ensured that his shots did not hit the child.

After firing his fourth shot, Officer A observed the child stand up. The child was covered in blood with chunks of flesh on his arm and dangling from his head. The pit bull continued to move on the floor between Officer A and the child. The child appeared to be disoriented and began to walk toward the pit bull. Officer A closed the distance and fired a fifth and final shot into the dog's rib area from an approximate distance of three feet.

Officer A held the empty revolver in his right hand down at his side, while he lifted the child with his left arm. As Officer A moved toward the front of the house to the garage, he observed an infant child, uninjured, on the floor of the den. With his hands full and no other threats present, Officer A opened the vehicle garage door and exited the residence.

Officer A told Witness A to call 911 and handed the child to him. Officer A used Witness A's phone and advised the Police Department dispatch that he was an off-duty police officer and that he had shot a pit bull. Officer A advised that he needed a Rescue Ambulance for a child who had been mauled. Officer A then reentered the residence looking for the infant child. After not finding the child, he exited the residence and observed Witness B caring for him.

Officer A observed that Witness A was not able to care for the child and took him from Witness A. Officer A placed the child in his lap and applied direct pressure to his wounds.

A Rescue Ambulance responded to the scene and transported the child to the hospital for treatment.

An Animal Service Officer responded to the scene and observed the pit bull to be an extra-large intact male, pit bull dog. The pit bull succumbed to its injuries within minutes of the Animal Service Officer's arrival.

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 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 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.

Each tactical incident merits a comprehensive debriefing. In this case, although there were no identified tactical points or issues, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and actions that took place during this incident.

In conclusion, the BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A was confronted by a Pit Bull dog that was mauling a child. Believing that the situation had escalated to the point where lethal force had become necessary and to save the life of the child who had already suffered serious bodily injury, Officer A drew his off-duty pistol.

Based on the totality of the circumstances, 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 deadly force was justified.

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

C. Lethal Use of Force

- **Officer A** (pistol, 5 rounds)

Officer A observed an aggressive dog mauling a small child. Officer A believed the dog was going to kill or further seriously injure the child, and fired five rounds at the dog to stop its actions, causing the dog to stop the attack and fall to the floor.

An officer with similar training and experience as Officer A would reasonably believe that an aggressive Pit Bull dog that was attacking a child represented an immediate threat of death or serious bodily injury and that the use of lethal force would be justified in order to address the threat.

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