

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 048-14**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off( )</b>	<b>Uniform-Yes (X) No( )</b>
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Hollywood	8/14/14		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	29 years, 4 months
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**Reason for Police Contact**

An officer was hailed by a pedestrian, who reported a woman walking her dog was being attacked by two pit bull dogs. The officer went to aid the woman and discovered the dogs mauling the woman’s dog, resulting in an officer-involved animal shooting.

<b>Animal(s)</b>	<b>Deceased ( ) Wounded (X) Non-Hit ( )</b>
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Black and White Pit Bull dog – non-hit.	
Tan Pit Bull dog – wounded.	

**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 June 30, 2015.

## **Incident Summary**

According to Officer A, he was on patrol when he was flagged down by a frantic female pedestrian. The female pointed west, at another female standing near the curb holding a dog on a leash. Simultaneously, as he looked toward the female holding the leash, he heard a radio call of a screaming woman at the location. Officer A contacted Communications Division (CD) and advised he had arrived at the location of the incident.

As Officer A stopped and exited his vehicle near the female (the Victim) holding the leash, he could see there were three dogs around her and she had a hold of one of the dogs on a leash. The dog on the leash, a white pit bull, was being attacked by two other pit bulls; one tan and the other black and white.

Officer A saw there was another female behind the Victim spraying water from a hose on the dogs who were attacking the Victim's dog while on the leash. The Victim yelled, "These dogs are attacking my dog." Officer A yelled for her to let go of the leash and move toward him. The Victim screamed that her wrist was stuck in the leash.

According to the Victim, she placed two leashes on her dog because he was a strong dog. As the dogs were fighting, the two leashes wrapped tighter around her wrist. The Victim had a cell phone and tried to dial 911, but was unable due to the struggling dogs. At that point, she saw the police vehicle driven by Officer A. Officer A got out of the car and tried to get her to let go of the leash. The Victim was screaming that she was stuck.

Officer A and the Victim were standing in the street approximately two to three feet from the curb. Officer A looked to his left and saw the woman with the water hose along with two or three other people standing nearby. In front of him, the Victim was struggling with her dog and the two attacking pit bulls. Officer A watched as the Victim was being pulled down by her dog as all the dogs battled. The Victim was screaming and Officer A believed if she fell to the ground, the dogs would injure her. Officer A made the decision to fire a warning shot to startle the dogs and allow the Victim an opportunity to escape. He also believed the gunshot might direct the dogs' attention toward him and cease their attack.

Officer A unholstered his service pistol and warned the Victim he was going to fire a shot. From a one-handed shooting stance, Officer A fired one time in an upward direction. He contemplated firing a round down into the street, but believed the ricochet may strike the victim and witnesses. Officer A did not believe he had time to move over to the parkway and fire the round into the dirt. Additionally, Officer A did not believe he had any other option other than firing his gun. The sound of the gunshot had no effect on the dogs and they continued to fight. Officer A then decided he had no choice at that point but to shoot the attacking dogs.

Officer A kept yelling at the Victim to move closer to him so he could make sure his background would be clear when he took his shot. As soon as he believed his background was clear of the people standing to his left, now transitioning to a two-

handed shooting position, he fired at the tan Pit Bull dog in a westerly direction. He saw the tan Pit Bull dog flinch, so he believed it was struck by gunfire, although the tan Pit Bull dog continued attacking the Victim's dog. Officer A then fired a second round at the tan Pit Bull dog, and the dog took off running eastbound. At that point, the black and white Pit Bull dog ran westbound out of sight.

Officer A attended to the Victim and verified she was not injured. She was hysterical and he requested a Rescue Ambulance for her. After the shooting, the black and white Pit Bull dog meandered back toward her residence. An unknown male approached Officer A and asked him if he needed a leash. The unknown male placed the leash on the black and white Pit Bull dog and tied it to a nearby fence.

**Note:** No person was struck by gunfire or injured by any of the shots. The male with the leash was never identified. The investigation determined that Officer A fired one round in the air and two rounds at the tan Pit Bull dog.

Officer A requested a back-up unit and a supervisor. Animal Services personnel were also requested. They located the tan Pit Bull dog at a nearby residence, injured and hiding under the residence in a crawl space.

### **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. Lethal Use of Force**

The BOPC found Officer A's use of lethal 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. After a thorough review of the incident, the BOPC determined that Officer A's actions neither individually nor collectively substantially deviated from approved Department tactical training. 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 two Pit Bull dogs that were mauling another dog and placing the Victim at a risk of being attacked. Believing that the situation had escalated to the point where lethal force had become necessary and to save the life or prevent serious bodily harm to the Victim, Officer A drew his 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, 3 rounds)

#### **Warning Shot – one round in an upward direction**

Officer A believed the Victim was at risk of being mauled by the attacking dogs during their struggle with the Victim's dog. Fearing for the Victim's safety, Officer A directed the Victim to release the leash and move to his location. However, the Victim's arm was entangled in the leash and she was unable to free her wrist from leash. Officer A concluded he needed to react quickly and the only force option available to him was his service pistol. However, Officer A also realized he had a poor background, as there were three to four people behind the Victim. Therefore, he decided the best course of action to stop the dogs from fighting was to draw their

attention to him by firing a warning shot. Officer A warned the Victim that he was about to fire his service pistol and then fired one round in the air in an upward direction.

### **Second and third fire sequences**

According to Officer A, the warning shot had no effect on the attacking Pit Bull dogs, as they continued to fight. Officer A directed the Victim to move closer to his position in order to secure a clear background away from the witnesses. Officer A then assumed a two-handed shooting stance, and fired one round in a westerly direction at the tan Pit Bull dog, the more aggressive of the two dogs.

After Officer A fired his first round at the Pit Bull, Officer A observed the dog continue to attack the Victim's dog. The leash remained wrapped around the Victim's arm with no avenue of escape. Still fearing for the Victim's safety, Officer A fired a second round in a westerly direction at the tan Pit Bull dog.

The BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that two aggressive Pit Bull dogs that were attacking a third dog and its owner 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.