

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

OFFICER-INVOLVED ANIMAL SHOOTING – 058-14

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

Outside City 6/30/14

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

Officer A 11 years, 10 months

Reason for Police Contact

Officers on a federal task force were serving a search warrant outside of the city, when Officer A was attacked by a Pit Bull dog, which resulted in an Officer Involved Animal Shooting (OIAS).

Animal(s) Deceased (X) Wounded () 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 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 August 25, 2015.

Incident Summary

Several members of the Los Angeles Police Department (LAPD) were taking part in an out-of-city search warrant, being served by a Federal Task Force. The LAPD officers included Officer A.

During the briefing, personnel were informed that federal agents conducted prior surveillance of the search warrant location and did not observe the presence or indications of any dogs, such as leashes, dog food bowls, or signs.

The LAPD officers have been assigned to the federal task force as their primary duty assignment for over three years. They are deputized as federal agents, issued federal credentials and are referred to as Task Force Officers (TFO). In order to maintain their credentials, they qualify and cross train with the federal agents on a quarterly basis. The training includes, but is not limited to weapons qualification and search warrant service. Some LAPD personnel are also issued shotguns for their duty assignment.

Officer A was armed with a shotgun and assigned to be part of the entry team with federal agents. Two other LAPD officers were assigned to be equipped with specialized entry weapons, the pick and ram, respectively. During the early morning service, they approached the search warrant location on foot. The entry team approached the doorway to the residence. As an LAPD officer moved to the rear of the residence, he observed a male run west through the back yard. An unknown federal agent yelled, "compromise," indicating that they had been seen. Officer A immediately announced the officers' presence.

Upon hearing that a subject was running from the location, officers from an outside assisting police agency immediately entered their police vehicle and drove south to where the subject was last seen and attempted to set up a perimeter.

Simultaneously, an LAPD officer, who was the last person on the entry team, moved up past the other personnel. Utilizing the ram, he struck the door three times, causing the door to break open.

With the shotgun in a low ready position, and his trigger finger on the safety, Officer A entered the location followed by federal Special Agents (SA). Officer A and the federal agents entered the living room of the house and held their positions. A federal SA observed two females in the living/dining room area, one male in the hallway to his right, and an additional female and a barking Pit Bull dog to his left. The SA announced the officers' presence and gave commands for the residents to show their hands. The male and the three females were escorted out of the residence without incident. As the residents exited the residence, the dog followed to the doorway. An LAPD officer attempted to push the dog out of the residence with the pick he was holding, but the dog retreated back to the dining room, located to the left of the SA and Officer A.

Another SA discovered an additional male, sleeping in the bedroom connected to the hallway. As the SA's attempted to make contact with him, the Pit Bull dog became

increasingly agitated and started running around the dining room area. A television (TV) room was farther to the west of the dining room. In order to cover the TV room for additional threats, Officer A and the SA moved further into the residence. The SA was standing almost shoulder to shoulder to the left of Officer A when the Pit Bull dog charged at the SA and bit him on his left ankle. The SA was wearing a holster which contained a pistol on his left ankle, felt the dog bite and kicked him off his ankle. Officer A observed the dog lunge and bite the SA, causing the SA to yell and move backwards. The dog's actions and the SA's reaction caused Officer A to believe that the dog had bitten the SA.

The dog retreated a few steps and looked in Officer A's direction. The dog bared its teeth, snarled and charged at Officer A. Believing that the dog intended to bite him and inflict serious injury, Officer A discharged one round from his shotgun from a distance of four to five feet in a westerly and downward angle, striking the dog on the right shoulder. The dog retreated and fell to the floor of the TV room, located on the south side of the residence, and expired.

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 and 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 voted xxxx to make 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 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 considerations:

1. Code Six

Officers did not notify Communications Division (CD) of their location and status (Code Six) upon arrival to the search warrant location. Only after the OIS did anyone notify CD of their Code Six location via his cellular telephone.

In evaluating the officers' actions, the BOPC determined that based on the totality of the circumstances, although the officers' actions deviated from approved Department tactical training, their actions were justified due to having adequate resources available.

2. Dog Encounters

The BOPC found that Officer A's tactics warranted a Tactical Debrief and that the specific debriefing points be covered.

- 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.

After a review of the incident, the BOPC determined that the tactics used by the involved personnel did not substantially deviate from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

Therefore, the BOPC found that Officer A's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A was armed with a shotgun and was assigned to the search warrant entry team with the federal agents. Officer A held the shotgun in a low ready position with the safety on and entered the location, followed by the federal agents. Officer A and the federal agents entered the living room of the house, announced their presence and held their positions as they assessed the situation.

The BOPC determined that an officer with similar training and experience, 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 Officer A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer A** – (shotgun, one round)

Officer A and the SA were standing shoulder to shoulder when the Pit Bull dog charged the SA and bit him on his left ankle. After biting the SA, the dog retreated a few steps and then looked in Officer A's direction. The dog bared its teeth, snarled and then charged at Officer A. Believing that the dog was about to bite him and inflict serious bodily injury, Officer A discharged one round from his shotgun, striking the dog on the right shoulder and killing it.

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