

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

OFFICER-INVOLVED ANIMAL SHOOTING – 064-14

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Outside City	11/3/14		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	4 years, 3 months
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Reason for Police Contact

Officer A was walking his dog with Witness A when another dog broke free from its leash and attacked his dog. Officer A feared that Witness A was being attacked and believed that she was in danger of great bodily injury, resulting in an officer-involved animal shooting (OIAS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Stafford Pit Bull Terrier			
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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 September 15, 2015

Incident Summary

On the date of this incident, Officer A (off-duty) was standing on his driveway with Witness A preparing to take their small dog for a walk. While standing in the driveway, Officer A's dog began to bark at two dogs approaching the driveway. Both dogs were escorted by Witness B, a hired dog walker.

Note: The two dogs were a Pit-bull Terrier and a Rottweiler. Both dogs were on leashes and attached to neck collars.

Officer A observed Witness B and the two dogs continue to walk toward his property, without warning the Pit Bull dog broke free from her neck collar and ran directly toward his dog, which was on a leash. Officer A immediately picked up his dog, but the Pit Bull dog jumped up and grabbed his dog with her jaw on the throat area, pulled her away from his hands and began to carry his dog away. According to Officer A, Witness A quickly grabbed a hold of her dog in an attempt to pull it from the jaws of the Pit Bull dog, but the Pit Bull would not let go. Witness A continued to struggle with the Pit Bull dog as she screamed for the Pit Bull to release her dog. Simultaneously, Witness B attempted to help Witness A pull the Pit Bull away but struggled to open its mouth. As the Pit Bull dog continued to attack, Officer A felt that the Pit Bull had turned the attack toward Witness A. Officer A feared for Witness A's safety, so he immediately ran into his house, obtained his weapon and returned outside.

Note: Officer A explained he did not call the local police at this time because he feared for Witness A's safety and he felt any delay would further endanger her.

Officer A returned outside and observed a male punching the dog and another male kicking the Pit Bull in attempt to stop it from attacking his dog and Witness A. The punches and kicks appeared to have no effect, so Officer A took a one handed stance facing away from Witness A and told both males and Witness A to stand back because he was going to shoot the Pit Bull dog.

According to Officer A, he felt that the Pit Bull dog could cause great bodily injury to Witness A and he had no other choice but to shoot the animal. According to Officer A, from a distance of three feet he took a one handed stance, pointed his handgun with his right hand extended and aimed his handgun at the torso of the Pit Bull dog. Officer A fired one shot striking the dog in the torso, but it continued to attack. Officer A then fired a second shot at the dog, but it still would not stop the attack. Officer A fired a third shot, which struck the animal again in the torso, which stopped the attack immediately. After being shot, the Pit Bull dog walked a few steps north toward the street then collapsed to the ground and subsequently died. Officer A secured his weapon and immediately called the local Police Department to report the incident.

Officer A also contacted the LAPD and advised that he had been involved in an animal shooting. Force Investigation Division (FID) was notified by Real-Time Analysis and Critical Response Division (RACR) of the incident.

FID interviewed Witness A who stated that she was standing in the driveway next to Officer A and their dog. Witness A observed a male walking two dogs each on a leash walk toward her driveway. As they approached the driveway the Pit Bull dog broke free from her collar and ran around several cars parked in the driveway. By this time, Officer A had picked up their dog, but the Pit Bull dog lunged and grabbed her dog away from Officer A's grasp.

Witness A advised that her first instinct was to immediately grab her dog, and attempted to pull her away from the Pit Bull dog. Witness A was involved in a tug of war with the Pit Bull dog. Witness B was on top of the Pit Bull dog trying to open her jaw to release Witness A's dog. Witness A stated that she was screaming when Officer A told her he was going inside the house to get his gun. Witness A observed Officer A return from the house with his handgun. Witness A continued to scream and struggle with the Pit Bull dog trying to pull her dog away from the mouth of the Pit Bull dog. Witness A heard Officer A yell at everyone to back away because he was going to shoot the Pit Bull dog.

When she backed away from the two dogs, Witness A observed Officer A fire two shots at the Pit Bull dog, but the Pit Bull did not release her dog so Officer A fired a third shot and the Pit Bull released its grip. Witness A recalled that she fell to the ground while holding onto her dog. Witness A observed blood on her dog, in addition to her own hand. Witness A did not see any injuries and realized all the blood was from injuries incurred by her dog.

Note: Witness B was not interviewed on the day of the incident because he was unable to wait at scene prior to the arrival of FID detectives.

Witness B stated he was a dog walker and the on date of the incident he was walking a Rottweiler and a Pit Bull Terrier. Witness B stated that both dogs were on leashes and each dog had a choker type collar for control purposes.

On the date of this incident, Witness B was walking the dogs when he observed Officer A and his family standing on their driveway, along with their small dog. As he approached the driveway, the Pit Bull dog barked at the small dog then without warning broke free from the neck collar and ran toward the small dog. The Pit Bull dog then ran around cars that were parked on the driveway. When the Pit Bull dog came around the car, she jumped up and grabbed the small dog around the throat and pulled it out of the arms of Officer A. Witness B quickly caught up with the Pit Bull dog and attempted with his hands to open the mouth of Pit Bull dog to release the small dog.

According to Witness B, the struggle with the Pit Bull to release the small dog was short. At some point he saw Officer A return from the house and immediately he heard Officer A yell that he was going to shoot the dog. Witness B advised he was unable to

remember where the Pit Bull dog was shot. Witness B heard two gunshots and remembered that the Pit Bull dog became limp and staggered toward the street after being shot where she fell to the ground and later died.

Note: FID interviewed other witnesses and their accounts were consistent with the events as described by Officer A, and Witnesses A and B. The owner of the Pit Bull dog was notified of this occurrence. Officer A did not sustain any injuries during this event. Officer A and Witness A's dog was immediately transported to the veterinary hospital for bite wounds to the head. Officer A and Witness A's dog eventually survived.

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 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

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

- 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 thorough review of the incident, the BOPC determined that the officers' actions did not substantially deviate from approved Department tactical training. Therefore, 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 with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC determined that Officer A's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A was preparing to walk his dog. As Officer A started walking down his driveway, Officer A observed a Pit Bull dog running towards him. As Officer A lifted his dog off the ground, the Pit Bull jumped up and grabbed his dog by the neck. Witness A grabbed the dog and simultaneously started screaming. Officer A believed that Witness A was being attacked by the Pit Bull and ran into his house and retrieved a pistol. Officer A believed that Witness A was being attacked by the Pit Bull dog and was in danger of great bodily injury.

Given the fact that Officer A believed Witness A was being attacked, 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 to be in policy.

C. Lethal Use of Force

- Believing that Witness A was being attacked, Officer A aimed his pistol at the torso of the Pit Bull dog and fired one round, however the Pit Bull continued to attack. Officer A fired a second round at the Pit Bull dog, but the dog continued attacking. Officer A fired a third round, and the dog collapsed.

Given the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the attacking dog posed an imminent threat of serious bodily injury or death and that the use of lethal force would be justified. In conclusion, the BOPC found Officer A's use of lethal force to be objectively reasonable and in policy.