

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

OFFICER-INVOLVED ANIMAL SHOOTING – 070-14

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

Outside City 11/14/14

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

Officer A 8 years, 9 months

Reason for Police Contact

Officers responded to a residence to conduct a search warrant. While at the location, Officer A encountered a Pit Bull dog, which charged at Officer A, resulting in an officer-involved animal shooting (OIAS).

Animal(s) Deceased () Wounded (X) 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 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 September 29, 2015.

Incident Summary

On the date of this incident, Officer A was assisting narcotic enforcement officers with the service of a warrant at a residence. Officers were briefed on several factors including dog control and extinguisher assignments. Officers were informed that there were two dogs to the rear of the location and in the event of an officer-involved shooting (OIS) of a dog, an officer would yell, "dog only, dog only." The search warrant operation would proceed until the location was deemed secure. Once the search team arrived at the location, officers placed themselves at the scene via their Mobile Digital Computer.

When Officer A arrived at the location, he observed several people on the property begin to run to the rear of the location and into the residence, causing him to believe that the operation had been compromised. Officer A exited his vehicle with the rest of the team holding the ram in his left hand as he unholstered his pistol and held it in his right hand at a low ready position with his finger alongside the frame. Officer A made his approach and walked north on the residences' driveway around parked vehicles and toward the rear door.

As Officer A approached, he observed a large pit bull approximately ten feet in front of him, displaying an aggressive demeanor as it growled and bared its teeth. Detective A, equipped with a fire extinguisher, was to his left. The dog began to charge at them and Officer A believed that the dog was going to attack them and cause severe injury. Acting in defense of their lives, Officer A stopped and pointed his weapon in a slightly downward direction. From a distance of approximately three feet, he discharged one round from his duty weapon, striking the dog in the front left leg/chest area. The officer's shooting background was the trees in the middle of the property and there were no persons in front of him. After the OIS, the dog stopped his charge and retreated away from the officers and out of Officer A's sight. Officer A announced "Dog only! Dog only!" to the rest of the search team.

Officer A and the rest of the entry team continued with the search warrant service as he holstered his weapon and moved up to the rear door to utilize the entry device and assisted in opening the door. The search team entered the residence, and Officer A unholstered his weapon and participated in securing the location. Once the residence and suspects were secured, Officer A holstered his pistol. Officer A was separated and monitored by Sergeant A, who escorted him outside where he was monitored.

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, made the following findings:

A. Tactics

The BOPC found Officers 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 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 warrant a tactical debrief.

- The BOPC additionally considered the following:
 1. Shooting Platform

Officer A was tasked with carrying a breaching tool (ram), and Detective A was tasked with carrying a fire extinguisher while approaching the search warrant

location. Officer A held the ram in his support hand while holding his service pistol in his primary hand, and Detective A held the fire extinguisher in his support hand while holding his service pistol in his primary hand. Because tactical movement is most often conducted while the service pistol is in the two-handed, low ready position, officers tasked with carrying a breaching tool, fire extinguisher or other item, while tactically approaching a search warrant location, should have their firearm holstered. This will also mitigate an officer's chance of having an unintentional discharge. Upon review of this tactical operation, the BOPC determined that there was sufficient personnel present to provide lethal cover upon approach to the location, thereby affording these officers the opportunity to focus on their assigned tasks with their service pistols holstered.

2. Radio Communication

The Department personnel involved in the service of the search warrant utilized a simplex frequency, for tactical communication during this incident. The use of simplex frequency is a means of communication between sworn personnel in close proximity of each other, and is generally acceptable during a tactical operation. However, the use of a simplex frequency has inherent limitations due to its reduced effective range for communication and it is not monitored/recorded by CD or heard by distant personnel. A designated tactical frequency is the preferred frequency for use during tactical operations.

3. Notification of Surveillance

Although the Los Angeles County Sheriff's Department Century Station on-duty watch commander was notified of the officers' surveillance operation, LA CLEAR, a multi-agency entity, was not notified. This is necessary to prevent any conflicts with other plainclothes operations. These topics were to be discussed during the Tactical Debrief.

B. Drawing/Exhibiting

- Officer A arrived at a search warrant location, observed several possible subjects running into the residence and realized that the search warrant team was compromised. Additionally, Officer A was aware that there were two dogs at the location. Consequently, Officer A believed the situation could escalate to the point where deadly force may be justified and drew his service pistol.

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.

Note: After the OIS occurred, Officer A holstered his service pistol and utilized the ram to breach the rear door of the residence. Once the door was breached, Officer A entered the residence to help clear the residence. Although Officer A was not specifically asked if he drew his service pistol for a second time, if he had under these circumstances, his drawing and exhibiting would have been justified and within policy.

C. Lethal Use of Force

- As Officer A approached a search warrant location, he observed a large Pit Bull/Mastiff type breed dog standing approximately ten feet in front of him displaying an aggressive demeanor as it growled and bared its teeth. Detective A, equipped with a fire extinguisher, was positioned to his left. The dog charged at Detective A and Officer A, and Officer A fired one round from his service pistol to stop the dog's attack.

Given the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the charging dog posed an imminent threat of serious bodily injury or death and that the use of lethal force was justified.

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