

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 003-13**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Outside City	1/18/13		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Sergeant A	23 years
Officer A	6 years, 2 months

**Reason for Police Contact**

Officers were at a residence to locate a person with an outstanding felony warrant when they were confronted by a dog, and an officer-involved animal shooting ensued.

<b>Animal</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Pit Bull dog.			
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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 November 19, 2013.

## **Incident Summary**

Officers responded to a residence to search for a person who had failed to appear in court and had a felony warrant issued. Sergeant A and Officer A were assigned to the driveway along the east side of the residence and to the rear of the location. Prior to approaching the front door of the residence, Officer B whistled and struck the gate with his Department issued flashlight in an effort to gain the attention of any dog that might have been located in the yard. After waiting for a few minutes, no dog was visible in the yard.

Sergeant A and Officer A then opened the sliding gate, which allowed them access to the driveway. Sergeant A entered the driveway followed by Officer A, who was just behind and to the right of Sergeant A. As they walked south in the driveway toward the rear of the location, they observed a black Pit Bull dog running north towards them growling and barking. Sergeant A and Officer A immediately unholstered their pistols. In fear of being attacked, Sergeant A fired three rounds at the dog in a southerly and downward direction from approximately eight feet. The Pit Bull dog yelped and continued running past Sergeant A toward Officer A. In fear of being attacked, Officer A fired four rounds at the Pit Bull dog in a southerly and downward direction from approximately two feet. The Pit Bull dog continued running in a northwesterly direction and attempted to wedge itself into the fence that surrounded the property. The Pit Bull dog was unsuccessful and then ran south in the driveway toward the backyard. At this time, Sergeant A and Officer A holstered their pistols. The dog retreated to the rear residence. Officer B notified CD that an officer-involved animal shooting had occurred and requested a supervisor to respond.

## **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 Sergeant A and Officer A's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

The BOPC found Sergeant A and Officer A's drawing and exhibiting of a firearm to be in policy.

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

The BOPC found Sergeant A and Officer A's use of 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.

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.

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

## **B. Drawing and Exhibiting**

- Sergeant A and Officer A were confronted by a dog charging toward them. Believing that the situation had escalated to the point where lethal force was necessary and to protect themselves from serious bodily injury, Sergeant A and Officer A drew their respective service pistols.

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

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

- An officer with similar training and experience as Sergeant A and Officer A would reasonably believe that the attacking dog represented an immediate threat of serious bodily injury and that the use of lethal force would be justified in order to stop the dog's advance.

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