

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

OFFICER-INVOLVED ANIMAL SHOOTING – 005-09

Division	Date	Duty-On () Off(X)	Uniform-Yes() No(X)
Harbor	02/05/09		

Officer(s) Involved in Use of Force	Length of Service
Officer A	12 years, 1 month

Reason for Police Contact

Officer A was charged by an aggressive dog.

Animal	Deceased ()	Wounded (X)	Non-Hit ()
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). Because state law prohibits divulging the identity of police officers in public reports, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female. 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 BOPC of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission. 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 08/25/09.

Incident Summary

Officer A was off-duty at his residence with his wife and young child.

Officer A's wife left their residence to enter her vehicle and drive to work. As she stepped into the front yard, she was startled by a large dog roaming in their front yard. She reentered the residence and informed Officer A of the dog's presence. Officer A armed himself with his pistol. Officer A secured his pistol in his belt and concealed it

with his T-shirt. He escorted his wife to her vehicle; however, the dog his wife had seen earlier was no longer in the area. Officer A reentered the residence and his wife departed.

Approximately 20 minutes later, Officer A heard his dog, which was in his enclosed backyard, barking uncontrollably. Officer A looked outside, but he did not see anything out of the ordinary.

Officer A, who was still armed with his pistol, stepped into his front yard to investigate. He called for his dog, but there was no response. Officer A saw a large German Shepherd dog in the front yard of his neighbor's residence. The dog directed his attention towards Officer A and charged him. Officer A saw the dog was foaming at the mouth, had bared its teeth and that its hair was standing on end.

Officer A sidestepped the charge; however, the dog readjusted and continued moving aggressively towards Officer A. Fearing he was about to be attacked, and having no safe place to retreat to, Officer A unholstered his pistol and fired two rounds at the dog.

These rounds had no apparent effect on the dog, which continued to charge Officer A. Officer A fired two additional rounds at the dog. The dog appeared to be wounded, turned and ran away.

Officer A reentered his residence, checked on his child, and then contacted his supervisor and informed him that he (Officer A) had been involved in an officer-involved shooting.

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/Holstering 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 unanimously made the following findings.

A. Tactics

The BOPC found Officer A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing 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

Although no tactical considerations were identified, Officer A will benefit from the opportunity to review the incident.

The BOPC found that Officer A's tactics warrant a Tactical Debrief.

B. Drawing/Exhibition/Holstering

In this situation, a dog unexpectedly charged toward Officer A while growling, baring its teeth and exhibiting additional aggressive characteristics, resulting in Officer A drawing his pistol. It was reasonable for Officer A to believe that the attacking dog presented a threat of serious bodily injury and that the situation had escalated to the point that lethal force may become necessary to defend himself.

Therefore, Officer A's decision to draw his service pistol was appropriate.

The BOPC found Officer A's drawing to be in policy.

C. Lethal Use of Force

In this situation, the charging dog presented a threat of serious bodily injury to Officer A. After realizing that there was no available cover or avenue of escape from the dog, the situation escalated to the point that lethal force was warranted. Officer A had a reasonable belief that he was about to be attacked by the dog and that he may suffer serious bodily injury.

The BOPC found Officer A's use of lethal force to be in policy.