

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

OFFICER-INVOLVED ANIMAL SHOOTING – 006-13

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

77th Street 1/27/13

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

Officer A 10 years, 4 months

Reason for Police Contact

Officers responded to a residential burglary alarm activation call. While checking the residence, the officers were attacked by a dog, resulting in an officer-involved animal shooting (OIAS).

Subject(s) **Deceased ()** **Wounded (X)** **Non-Hit ()**

Bull Mastiff

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

Police Officers A and B were dispatched to a residential burglary alarm activation. The officers were advised the activation was coming from the rear door of the residence.

The officers arrived at the location and as the officers were at the front driveway, they observed a "Beware of Dog" sign posted on a gate. The gate divided the rear yard from the front yard. Officer A whistled and rattled the gate to check for dogs, at which time they observed two large Mastiff dogs inside a fenced dog kennel in the rear yard. Due to the driveway gate being locked with a padlock, the officers responded to the side of the residence in an attempt to enter the rear yard. As officers reached the side of the residence, they observed the gate leading to the rear yard was unlocked. Prior to entering the front gate, Officer A unholstered his weapon and entered the dirt walkway with Officer B behind him.

Note: Officer B indicated he unholstered his weapon upon arrival and prior to checking the residence for any evidence of forced entry.

Once Officers A and B cleared the side of the residence for any evidence of a burglary, the officers began to make their way to the rear yard along the side of the residence. Prior to entering the rear yard, the officers encountered another gate. Officer A noticed the gate was closed and unlocked. Officer A verified the dogs were still inside the fenced dog kennel. Officer A told Officer B to cover the dogs while he cleared the rear of the residence. The officers entered the rear yard, at which time Officer A checked the rear door and noticed it was locked and secured with no evidence of forced entry.

After clearing the rear of the residence, Officer B advised Officer A one of the dogs opened the gate with its snout and both dogs were now loose. The officers immediately ran to the rear gate with their weapons still unholstered. Officer A indicated he heard the dogs barking loudly and could hear them approaching. Once Officer B entered the rear gate, Officer A entered the gate and closed it. As Officer B led the way to the front gate, Officer A provided cover. When Officer A was halfway between the front and rear gates, he observed the two large dogs jump on the rear gate. Officer A noticed the dogs were barking and appeared to be very aggressive.

Suddenly, the larger of the two dogs opened the rear gate, at which time both dogs charged at Officer A. The dog that was in front, weighing approximately 70-75 pounds, was closing ground on Officer A while barking and displaying his teeth. As the dog came within 7-10 feet of Officer A, Officer A fired one round from his service pistol at the dog.

Note: Officer B stated he did not witness the Officer-Involved Animal Shooting (OIS).

The round struck the dog once in the right front leg, causing the dog to fall back and yelp. The second dog that was following the lead dog retreated to the rear yard. Neither officer was injured.

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 Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A and B'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 Officers A and B's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officer B drew his service pistol prior to checking the front of the residence for forced entry.

Both officers responded to the walkway along the north side of the residence and Officer A drew his service pistol prior to entering the backyard.

Based on the totality of the circumstances, officers with similar training and experience as Officers A and B, while faced with similar circumstances of searching a location for a possible burglary suspect(s), as well as the fact that there were two large dogs present, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

- **Officer A** (pistol, one round)

The BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the charging dogs represented an immediate threat of serious bodily injury and that the lethal use of force would be justified in order to address the threat. Therefore, the BOPC found that Officer A's lethal use of force was objectively reasonable and consistent with Department guidelines.

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