

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 015-13**

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

Southeast                      2/12/13

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

Officer A                      1 year, 1 month

**Reason for Police Contact**

Officers responded to a residence for a narcotics investigation. While attempting to detain subjects who fled the residence, a dog charged toward Officer A and an officer-involved animal shooting (OIAS) ensued.

**Animal**                      **Deceased (X)**                      **Wounded ( )**                      **Non-Hit ( )**

Staffordshire mix 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 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 October 8, 2013.

## **Incident Summary**

Officers A and B responded to a, "Meet the Department of Children and Family Services (DCFS) worker," radio call. Upon their arrival, they met with Witness A. Witness A told the officers that she had a referral for a suspected child abuse at a residence. Her referral indicated that narcotics were being used inside of the residence in the presence of young children.

Officers C and D met with Officers A and B. The officers notified Communications Division (CD) of their status and location. The officers and Witness A proceeded to the front door of the residence, which was positioned on the second story of a structure on the west end of the property. Upon knocking at the door, the officers and Witness A heard movement inside but were met with no answer.

Officers A and B moved to the north side of the property and climbed over a block wall leading to the neighboring property. Officers A and B continued west on an adjacent driveway and observed several males exiting the rear of the residence through the second story window. Officer A alerted the other officers that subjects were exiting the residence. Officers C and D ran to their nearby police vehicle and drove southbound, towards the possible subjects' escape route.

Officer A climbed the fence on the north side of the property leading to the backyard and stood on top of a piece of plywood that was resting on the fence and a makeshift dog kennel. He observed two males jumping down from a window to the rear yard and running toward an adjacent alley. The piece of plywood was not securely attached and suddenly shifted, causing Officer A to fall to the ground in the rear of the property. Meanwhile, Officer B climbed the wall just east of Officer A's location and stood on top of a dog kennel.

When Officer A fell into the yard, he was standing in a narrow area surrounded by dog kennels, trash and debris. Four large dogs were in the yard. Two of the dogs were confined in kennels and two were loose in the yard. One of the dogs was standing directly in front of him and was aggressively barking. Based on the dog's aggressive behavior, Officer A unholstered his pistol. The dog continued to bark at him and charged toward him. Officer A did not have an avenue of escape. He feared the dog would bite him and inflict serious injuries to him. From a distance of approximately four feet, Officer A fired one shot from his service pistol in a southerly and downward direction, toward the dog as it was charging at him. The round struck the dog above the right eye, causing it to stop and fall to the ground. Officer A holstered his service pistol and climbed the wall behind him, where he stood on a more secure platform.

At the time of the OIAS, Officer B was standing on the wall, above Officer A. Officer B's attention was directed toward the males who were exiting the residence and attempting to flee. Based on the information about narcotics being used at the location and his prior knowledge that violent gang members resided in the area, Officer B unholstered his service pistol and ordered the subjects to stop.

One of the subjects stopped and complied with Officer B's commands. The other males continued running to the alley and out of sight. The Subject was taken into custody without incident and Officer B holstered his service weapon. Officer B requested an additional unit and a supervisor. He also informed CD that an Officer-Involved Animal Shooting (OIS) with a dog had occurred.

Officers C and D arrived at Officers A and B's position after the radio broadcast. Officers C and D did not witness the OIS and did not hear a gunshot.

Sergeant A responded to the scene and separated the officers. Sergeant A obtained a Public Safety Statement (PSS) from Officer A.

### **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 and 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 Officer A's actions neither individually nor collectively substantially deviated 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.

Although there were no identified tactical considerations, the BOPC will direct that Officer A attend a Tactical Debrief and that the topic of Dog Encounters is discussed.

In conclusion, the BOPC found Officer A's tactics to warrant a tactical debrief.

## **B. Drawing and Exhibiting**

- Officer A was confronted by an aggressive dog charging toward him with no avenue of escape. Believing that the situation had escalated to the point where lethal force may become necessary, and to protect himself from serious bodily injury, Officer A drew his service pistol.

In conclusion, the BOPC found 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 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 address the threat.

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