

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 017-13**

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off( )</u>	<u>Uniform-Yes (X) No( )</u>
-----------------	-------------	---------------------------	------------------------------

Harbor	2/21/13		
--------	---------	--	--

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
--	--------------------------

Officer A	19 years, 9 months
-----------	--------------------

**Reason for Police Contact**

As an officer responded to a local business to address numerous complaints received regarding illegal parking of vehicles and illegal lodging of transients in the rear parking lot of the location, a Pit Bull dog advanced toward the officer and two civilian witnesses, resulting in an officer-involved animal shooting.

<u>Animal(s)</u>	<u>Deceased ( ) Wounded ( ) Non-Hit (X)</u>
------------------	---

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 November 26, 2013.

## **Incident Summary**

Officer A responded to a local business to address numerous complaints received regarding illegal parking of vehicles and illegal lodging of transients in the rear parking lot of the location. Officer A observed a recreational vehicle illegally parked in the parking lot. He requested Official Police Garage tow to his location and had it removed.

Officer A met with Witnesses A and B. He walked them to the rear parking lot where he pointed out problem areas and made suggestions to help them eliminate the illegal lodging. As they walked west toward the street, Officer A observed a blue tarp located on the south side of the parking lot. As they walked past the blue tarp, he observed a dog run out from underneath the tarp toward them. According to Officer A, the dog's ears were pinned back and it growled at them while exposing its teeth. To distance himself from the dog, Officer A walked backward while Witnesses A and B stood behind him while simultaneously yelling, "No," but the dog continued to run toward the witnesses and him.

Due to the dog's aggressive behavior and its close proximity to them, Officer A unholstered his pistol. In fear of great bodily injury to himself and the witnesses, Officer A fired one round at the dog's torso area. After the shooting, the dog ran through the parking lot and out of Officer A's sight.

With his pistol drawn, Officer A approached the encampment where the blue tarp was located south of the cinderblock wall and identified Witness C as the dog's owner. Once the area was cleared, Officer A holstered his pistol. Officer A broadcast a request for a supervisor to respond to his location.

The dog was located and brought back to the scene. The dog was uninjured.

## **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 made the following findings.

### **A. Tactics**

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

## **B. Drawing/Exhibiting**

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

## **C. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

- 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.

Each tactical incident merits a comprehensive debriefing. In this case, although there were no identified tactical points or issues, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and actions that took place during this incident.

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

### **B. Drawing/Exhibiting**

- Officer A was confronted by a Pit Bull dog charging toward him and two civilians. Believing that the situation escalated to the point where lethal force had become necessary and to protect him and the others from serious bodily injury, Officer A drew his service pistol.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A, 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.

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

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

- **Officer A** (pistol, 1 round)

Officer A was in the process of instructing Witnesses A and B on improving their issues related to illegal lodging on their property when Officer A observed an aggressive dog rushing toward him with its ears back, baring its teeth and growling.

Officer A believed the dog was going to bite him or the witnesses standing behind him and fired one round at the dog to stop its actions, causing the dog to stop advancing and flee.

An officer with similar training and experience as Officer A would reasonably believe that an aggressive Pit Bull dog that was baring its teeth and growling 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 use of lethal force to be in policy.