

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

OFFICER-INVOLVED ANIMAL SHOOTING – 020-13

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Outside City	2/28/13		

Officer(s) Involved in Use of Force	Length of Service
Officer A	8 years

Reason for Police Contact

Officers were serving a search warrant at a residence when a dog came running toward an officer and an officer-involved animal shooting occurred.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Boxer 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 January 28, 2014.

Incident Summary

On February 22, 2013, Los Angeles Police Department (LAPD) personnel held a briefing for the service of a search warrant. At the briefing, the officers were made aware of the presence of a dog.

The search team arrived at the location and began the warrant service. As the search team approached the front of the residence, Officers A, B, C and Detective A entered the backyard from a rear alley. After climbing over the rear fence to enter the backyard they unholstered their pistols, due to the fact that they were serving a search warrant with a firearm nexus at a known gang member's residence. Officer A positioned himself near the northwest corner of the detached garage. Detective A initially positioned himself on the south side of the garage and then repositioned himself to the north side of the garage, and Officer B positioned himself at the rear of the detached garage facing its southwest corner. A dog roamed the rear yard and barked at the officers, but did not advance toward them. Officer C who was equipped with a fire extinguisher monitored the dog's movements. After entering the residence, the search team regrouped to deploy into the rear yard so they could check the detached garage.

Just prior to entering the rear yard of the location, Sergeant A observed the aforementioned dog behind a wrought iron gate located on the west side of the property. Sergeant A made contact with one of the residents and asked her if she had a leash to secure the dog. The resident was being monitored in front of the residence by Sergeant B. The resident did not have a leash available and asked if she could hold the dog. Determining it would be unsafe for the resident to hold her dog, Sergeant A formulated a plan to move the dog away from the gate and the unsearched detached garage. Sergeant A retrieved the fire extinguisher from Officer D and activated it in a one second burst toward the dog.

The dog retreated from the gate. Sergeant A opened the gate and allowed the search team to enter the rear yard and to proceed toward the garage. Sergeant A located the dog at the eastside of the residence and activated the fire extinguisher a second time "to keep the dog leery of advancing." He then handed the fire extinguisher to Officer C who was standing near the southeast corner of the residence in order to keep the dog contained and away from the search team.

In order for the dog to approach the officers that were preparing to search the garage, the dog would have to pass by Officers C and D. Moments later the dog ran toward them. Officer D yelled, "He's coming out." Officer C activated the fire extinguisher, but it was ineffective. The dog ran between Officers C and D and toward the officers near the northeast exterior corner of the garage.

The dog ran past Officer E and Sergeant B and continued toward Officer A who was standing approximately 3-5 feet behind them. Officer A illuminated the dog with his flashlight, which he held in his left hand. The dog's rapid approach gave him no time to holster his pistol and retrieve his TASER. Believing the dog posed an immediate threat to his personal safety and the officers near him, Officer A fired one round at the dog

from his pistol from an approximate distance of three feet. He fired in a downward northeasterly direction, believing he had a clear shooting background. After being struck by Officer A's bullet in the back of the neck, the dog exited the rear yard through the open gate located on the west side of the property. The dog was later located in an alley.

Officer A advised Sergeant A that he had discharged his pistol. Sergeant A separated Officer A from the other officers and took his Public Safety Statement, while Sergeant B monitored the officers who cleared the garage.

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/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

In its analysis of this incident, the BOPC identified the following tactical consideration:

- Communications

The officers arrived, exited their respective vehicles and approached their assigned positions without updating their status or location with Communication Division (CD).

CD was advised of their location approximately one hour and 45 minutes later. Sergeant B was responsible for radio communication during the task force.

Due to the unique circumstances associated with a search warrant task force involving multiple police units in the surrounding area, coupled with the Command Post (CP) aware of and monitoring the activity of hundreds of law enforcement personnel assigned to this incident, it was reasonable for Sergeant B to believe that notification of their location and status to the CP was appropriate.

Personnel are required to balance officer safety considerations with the need to make timely broadcasts. That being said, approved Department tactical training affords personnel discretion in determining the appropriate time to make such broadcasts. Therefore, the BOPC believed that it was reasonable for Sergeant B, during this large scale operation, to consider the CP advisement of their location adequate. In addition, the number of resources available at the search warrant location was sufficient should the need for additional personnel arise during the service.

The BOPC found that the delay in the broadcast substantially deviated from approved Department tactical training; however, this deviation was justified.

- 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, including an assessment of all statements, 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 determined that Officer A's tactics warrant a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A was participating in the service of a search warrant for a known gang member who potentially was in possession of a firearm. Upon positioning himself in the rear yard and believing that the use of deadly force may become necessary, Officer A drew his service pistol.

The BOPC determined that 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 exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- Officer A was assigned rear containment and was standing in the rear yard during the service of a search warrant, at which time a vicious dog charged toward him. Believing the dog was about to attack him or the other officers in the rear yard, Officer A fired one round in a northeasterly and downward direction to stop the dog's advance. The dog exited the rear yard through the gate and out of view.

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; therefore, the use of lethal force would be justified in order to stop the dog's actions.

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