

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 031-13**

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

Topanga                      3/25/13

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

Officer A                      2 years, 10 months

**Reason for Police Contact**

Officers responded to a radio call of a vicious animal at a residence. While two officers were attempting to locate the owner of the dog, the dog charged toward Officer A, resulting in an officer-involved animal shooting (OIAS).

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

American Stafford 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 December 17, 2013.

## **Incident Summary**

Uniformed Officers A and B were driving in a marked police vehicle. The officers responded to a radio call of a vicious animal at a residence. Upon their arrival, the officers met with Witness A, who advised the officers of the vicious dog's activities and directed them to its location.

The officers formed a plan which called for Officer B to use a fire extinguisher and Officer A to utilize his pistol if the vicious dog became an immediate danger to them or the public. The officers, in an attempt to contain the dog, drove their police vehicle near the dog and attempted to lure the dog inside by opening the rear doors. After several unsuccessful attempts to capture the dog, the officers requested animal control officers to respond, as well as an additional unit with a canine loop.

Uniformed Officers C and D responded to the station call request to bring a canine loop from the station kit room.

Officers A and B followed the dog until it entered the yard of a residence and began barking at the officers. The dog then took an aggressive stance, appeared agitated and growled. The officers were advised by Witness B, a neighbor, that the dog possibly lived at that residence. Witness B entered the property in an attempt to knock on the door of the residence; however, the dog's aggressive bark and growl dissuaded him from continuing. Witness B then exited the property and went to the next door neighbor's house.

The dog walked through a gate which accessed the rear yard. Officer A then entered the front yard to knock on the door of the residence to verify if the dog lived there and if not, to warn the resident of the vicious dog in the rear yard. Officer B remained on the sidewalk with Officers C and D to discuss how they were going to capture the dog and to familiarize themselves with the canine loop.

As Officer A knocked on the front door, he heard Officer B yell something at him. Officer A took a step away from the front door and observed the dog emerge from the gate toward him as the dog barked in an aggressive manner. As the dog came within approximately 20 feet, Officer A stood and gripped his holstered pistol. Within seconds, the dog growled in an aggressive manner, with its teeth showing and saliva dripping from his mouth. The dog lunged toward Officer A with an open mouth. Officer A in fear for his safety and fearing the dog would inflict serious bodily injury, drew his pistol, held it with two hands, acquired his target, and fired one round at the dog as it closed the distance to approximately 10 feet.

The dog yelped and ran into the backyard. The front door opened and a male, later identified as Witness C, asked what was going on. Officer A asked Witness C if he was the owner of the dog. Witness C acknowledged the dog belonged to him and was very irate. Witness C ran to the rear yard to locate the dog. Officer A observed Witness C

holding his dog. Officer A walked back to the sidewalk and holstered his pistol. Officer B immediately requested a supervisor to respond to the OIAS.

Sergeant A arrived at the location and separated the involved officers. Sergeant A obtained a Public Safety Statement from Officer A. Sergeant A received a request from Witness C to transport his dog for medical treatment, which Sergeant A allowed.

### **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:
- 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 Officer A's 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 Officer A's tactics warrant a tactical debrief.

### **Drawing/Exhibiting**

- Officer A was standing on the front porch of a residence attempting to locate the owner of the dog that was involved in a vicious animal radio call. Suddenly, the dog emerged from the rear yard while growling and baring its teeth. Subsequently, the dog lunged at Officer A while opening its mouth. Believing that the situation escalated to the point where lethal force had become necessary and to protect himself from serious bodily injury, Officer A drew his service pistol.

Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

### **Lethal Use of Force**

- Officer A was in the process of attempting to contact the dog's owner. Officer A observed an aggressive dog lunge toward him while baring its teeth and growling with an open mouth. Officer A believed that the dog presented a threat of serious bodily injury and consequently fired one round in a southerly and downward direction at the dog to stop its advance.

An officer with similar training and experience would reasonably believe that a dog lunging at an officer with its teeth exposed and its jaws open 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 objectively reasonable and in policy.