

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

OFFICER-INVOLVED ANIMAL SHOOTING – 031-17

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

77th Street 5/12/17

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

Officer A 14 years, 5 months

Reason for Police Contact

Uniformed police officers responded to a radio call of an assault with a deadly weapon. As the officers approached the location on foot, a large Husky mix dog lunged toward an officer, resulting in an Officer-Involved Animal Shooting (OIAS).

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

Husky 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 February 6, 2018.

Incident Summary

Communications Division (CD) received a 911 call from a woman identified as Witness A. Witness A reported that her brother had threatened family members with a metal pipe.

CD broadcast an Assault with a Deadly Weapon call at the location and uniformed Police Officers A and B advised CD that they would handle the radio call. The officers responded to the location, and the investigation determined that Officer B issued a broadcast via the officers' Mobile Digital Computer (MDC).

The location of this incident was the rear unit of a duplex. A black wrought iron fence surrounded the entire property. The fence had a pedestrian gate located on the side of the property adjacent to the west sidewalk. The pedestrian gate opened to a walkway that extended the full length of the property. At the time of this incident, the pedestrian gate was closed but unlocked. There was a large trampoline in the front yard, close to the walkway.

Officer A parked the officers' police vehicle close to the curb, adjacent to the location. The officers exited their vehicle and approached the location on foot. Prior to entering the property, Officer A illuminated the front yard with his flashlight. The officers visually checked the yard for dogs as well as signs/evidence that a dog might be present. According to the officers, the location was quiet and there was no evidence of a dog.

Officer B opened the pedestrian gate and entered the property followed by Officer A. Officer A estimated that he was approximately five to ten feet behind Officer B. The officers walked down the walkway toward the rear unit. As the officers made their way past the large trampoline, they heard loud barking and the sound of scurrying coming from the side of the front yard. Both officers ran toward the pedestrian gate in an attempt to exit the property and avoid a confrontation with a dog. As the officers neared the gate, a large dog emerged from underneath the trampoline and ran full speed toward Officer B. The dog was snarling, baring its teeth, and its ears were pinned back. The dog caught up with Officer B before he could exit the gate and lunged toward Officer B's left leg.

Officer B unholstered his pistol and held it in a two-handed, close contact position, with the muzzle pointed downward toward the dog. Simultaneously, Officer A unholstered his pistol which he held in his right hand. Officer A's right arm was fully extended with the muzzle of the pistol pointed downward, toward the dog.

According to Officer B, the dog made contact with his left knee area, but did not bite him. Officer A observed the dog snapping at Officer B's legs and believed Officer B had been bitten. Officer B quickly backed away from the dog, creating a distance of approximately two feet. Officer A stated that the dog's behavior was still aggressive and he believed the attack was going to continue. Officer A did not want his partner to get bit again, or for the dog to bite him, so he fired his weapon. Officer A fired one round at

the dog from a distance of approximately seven feet. The dog immediately went down. At the time of the OIS, Officer B was approximately two feet away from the dog.

Note: According to Officer B, he was about to shoot the dog when Officer A fired his pistol. The dog was no longer a threat, therefore, Officer B did not fire his pistol.

Officer A requested additional units and a supervisor to respond for an animal shooting. Officer A also requested Animal Control for the injured dog. Sergeant A responded to the scene and obtained Public Safety Statements from Officers A and B.

Los Angeles City Animal Control arrived at the scene and transported the injured dog to a nearby Pet Clinic.

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 Officer 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

Detention

- Does not apply.

Tactical De-Escalation

- Does not apply.
- 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.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and 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.

In conclusion, the BOPC determined that Officer A and B's tactics warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he heard barking and then observed a large dog charging at them. Officer A then stepped back and drew his service pistol.

According to Officer B, he observed the dog with its ears back, running towards him while barking. The dog then lunged toward Officer B's left knee, making contact with him. Officer B believed the dog was going to bite him and drew his service pistol to protect himself from the dog biting his leg.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, 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.

Therefore, 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)

According to Officer A, he believed that the dog was going to attack again. Fearing that the dog's bite could cause muscle damage and serious bodily injury to himself or Officer B, he fired one round at the dog to stop the attack.

Based on the totality of the circumstances, the BOPC determined that 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 to his partner and himself and that the use of lethal force would be justified.

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