

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

OFFICER-INVOLVED ANIMAL SHOOTING – 042-13

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

77th Street 5/14/13

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

Officer A 10 years, 8 months

Reason for Police Contact

Officers responded to a “Child Neglect” call when they were attacked by a dog after entering the yard, resulting in an officer-involved animal shooting (OIAS).

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

Rottweiler 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 7, 2014.

Incident Summary

On the indicated date and time, partner Officers A and B responded to a “Child Neglect” call.

Note: Officers A and B were delayed in responding to the call due to a Los Angeles County Sheriff’s perimeter closing access to the area while they searched for a felony suspect on an unrelated matter.

Upon arrival, Officer B parked the patrol vehicle facing west along the north curb, two houses west of the one-story single family residence. Officer A broadcast that the officers had arrived at the location (Code-6). The house was surrounded by a wrought iron fence and gate, closed but unlocked. Officers did not see any posted signs, dog bowls, or other indicators that a dog might have been present. Officer A whistled and shook the gate in an attempt to gain the attention of any possible animals. After approximately one to two minutes, Officer A heard barking coming from the porch area, but was unable to see a dog.

Note: Officer A had been involved in a prior dog shooting incident and delayed in making entry onto the property because he was exercising caution; however, due to the lack of response by the residents, the lack of a contact number for the reporting party and the nature and seriousness of the call, the officers discussed their options and decided to make entry and check on the welfare of the child.

Officer A retrieved his canister of OC spray from his equipment belt and held it in his left hand ready to deploy as a dog deterrent. Officer B took the lead position, opened the gate, and approached the house via a 29 foot long walkway. Officer A approached the house on the grass approximately 5 feet west of the walkway and 8 feet behind Officer B. The officers approached slowly, still hearing muffled barking coming from the porch area of the house. Officer A observed two dog bowls on the front porch that appeared to be for large dogs and advised Officer B that it was “too unsafe for us to proceed any further.”

As the officers started to back away, a large Rottweiler dog, approximately 85 pounds, came out of an open crawl space behind a bush from under the house and started approaching Officer A. The dog was barking, showing his teeth and had saliva dripping from his mouth. Officer A did not think the OC spray would stop the large dog’s approach. While still holding the OC spray in his left hand, Officer A unholstered his service pistol with his right hand, into an off-hand firing stance.

The dog started charging Officer A, who in fear of being “mauled,” fired one round downward, in a northwest direction, from a distance of approximately three to four feet from the dog. Officer A aimed at the dog but struck the front lawn. The dog stopped, turned and ran back under the front porch. There were no injuries in this incident.

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 and B's tactics to warrant a Tactical Debrief.

B. Drawing/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:

1. Dog Encounters

Prior to entering the yard, Officers A and B heard a dog barking near the porch area of the residence. The officers did not know the size of the dog or if the dog was secured. Based on the comments of the radio call, the officers entered the gated yard to check on the welfare of the child.

Officers A and B were faced with a situation that required them to make every effort to ensure the safety of a child possibly at the location. Officer A attempted to get the attention of any dogs that might be contained within the yard. They heard a dog near the porch area, although it did not react aggressively to their presence. At this point, they decided that they needed to enter and approach the residence to check on the welfare of the child.

The BOPC determined that during this incident, the officers may have benefitted by retrieving the fire extinguisher as a defensive tactic in the event the dog should later prove to become hostile, as it did in this case. Nonetheless, the BOPC determined that the officers' decision to enter the yard was appropriate based on the totality of the circumstances.

- 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 officers' 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.

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

B. Drawing/Exhibiting

- Officer A was confronted by a large dog which was barking and growling as it advanced toward him. Officer A believed that OC spray would be ineffective and, in fear of being mauled, drew his service pistol to a single-hand firing stance.

In conclusion, based on the circumstances, Officer A's drawing and exhibiting of a firearm was reasonable and within Department guidelines. Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

C. Use of Force

- **Officer A** – (pistol, one round)

Believing that the rapidly advancing dog was about to attack him and cause serious bodily injury, Officer A fired one round at the dog to stop its actions. The dog immediately retreated back under the porch.

An officer with similar training and experience as Officer A would reasonably believe that the attacking dog represented an imminent threat of serious bodily injury and that the lethal use of force would be justified in order to stop the threat.

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