

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

OFFICER-INVOLVED ANIMAL SHOOTING – 057-12

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

Foothill	09/01/12		
----------	----------	--	--

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

Officer A	5 years
-----------	---------

Reason for Police Contact

Officers were investigating a noise complaint when a dog ran at and bit one of the officers, which resulted in an officer-involved animal shooting.

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

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 February 26, 2013.

Incident Summary

Uniformed Police Officers A and B responded to a loud radio call at a designated location, but when they arrived the location was quiet. Officer B approached and knocked on the front door, while Officer A waited closeby in the driveway of the residence. There was no answer at the door, and as the officers walked away, they heard voices emanating from the rear yard at the end of the driveway and Officer A observed a female peering at them through a gate.

Note: The driveway ran along the side of the residence and was secured by a metal frame and wood gate. Beyond the gate, the driveway continued into the rear yard and terminated at a detached garage.

The officers approached the driveway gate and a brown dog was barking, snarling, and showing its teeth as it looked under the gate.¹ Officer B knocked on the gate and identified himself as a Los Angeles Police Department officer. Officer A looked over the gate and observed a man and woman in the rear yard and asked the man, Witness A, to secure the dog so they could speak to him concerning a loud radio call. The woman, Witness B, secured the dog inside the house before Witness A opened the gate to speak to the officers. The officers could hear the dog barking inside the house.

Note: Witness A was having a family picnic in the rear yard with his family. According to Witness A, his daughter alerted him that police officers were outside the house and he heard their police radio.

Witness A stood at the gate and held it open approximately three feet while speaking to Officer B. Officer A was ten feet east of the gate and two feet behind Officer B. Without warning, the dog ran between Witness A's legs and charged toward the officers while barking, growling, and showing its teeth. Officer B believed the dog was going to bite him and attempted to kick the dog's head with his right leg, but missed as the dog ran past him. Officer B drew his pistol to a right, two-handed, low-ready position as the dog ran toward Officer A.

Note: According to Witnesses A and B, one of the officers opened the gate, which allowed the dog to run out.

According to Witness B, the dog attacked because he did not recognize the officers.

The dog immediately bit and locked onto Officer A's right ankle. Officer A drew his pistol with his right hand and aimed directly down at the dog's back. While holding his pistol in his right hand, and from an approximate distance of two feet, Officer A discharged his pistol once while the dog was biting his right ankle. Officer A turned in a clockwise direction as the dog continued to bite his right ankle and moved his left hand onto his pistol. In a two-handed grip, Officer A aimed at the dog's back, and from an

¹ The dog was a seven and one-half year-old Boxer/Rottweiler mix that weighed 65 pounds.

approximate distance of two feet, immediately discharged his pistol a second time. The dog released his grasp on Officer A's right ankle and laid down on the driveway as Officer A walked backward in a two-handed, low-ready position. Officers A and B holstered their pistols once the dog was lying down.

Note: According to Witness B, the dog stopped approximately one foot away and was growling when the officer shot him twice.

Uniformed Sergeant A responded to the location and observed that the dog was deceased. Sergeant A separated Officers A and B and obtained a public safety statement (PSS) from Officer A. Sergeant A transported both officers to the Area station.

Witness Statements

Patrol officers canvassed the immediate area for witnesses. Since the animal shooting occurred in the back portion of the driveway and between a large sport utility vehicle and the house, no additional eyewitnesses, other than Witness B, were identified.

On the date of this incident, Force Investigation Division personnel digitally recorded interviews of Witnesses A and B, but Witness A declined to allow his four minor children to be interviewed. The interview transcripts were included with the investigation.

Witnesses A and B's accounts were not consistent with the officers' statements as documented on their Employee Report Forms. The conflicts were identified in the Incident Overview section of the report.

FID personnel received PSS information from Sergeant A, but he had not learned during the PSS that Officer A discharged his pistol while being bitten by the dog. As a result, FID personnel were not able to challenge Witnesses A and B about this conflict during their interviews.

Injuries/Medical Treatment

The dog bit through Officer A's right pants leg and into his boot, but his teeth did not puncture Officer A's skin; therefore, Officer A did not require medical treatment.

The dog sustained two gunshot wounds to its back and there was a possible exit wound on its abdomen. Los Angeles Animal Control personnel responded and removed the dog. According to Animal Control personnel, during April 2012, the dog was removed from the residence during an animal cruelty investigation. The investigation was unfounded and the dog was returned. There were no other reported incidents concerning the dog. Witness A was given contact information for the Los Angeles Animal Services shelter to recover the dog's remains.

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 and 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 Officers 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

- In its analysis of this incident, the BOPC identified the following tactical considerations:
- During the review of this incident, the following debriefing points were noted:
 - Dog Encounters
- The evaluation of tactics requires that consideration be given to the fact officers are forced to make split-second decisions under very dynamic circumstances. Tactics are conceptual and intended to be flexible and incident-specific. Each tactical incident inherently results in consideration for improvement.

After a thorough review of the incident, the BOPC determined that the identified areas for improvement 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.

The BOPC found that Officers A and B's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A was the designated cover officer as Officer B spoke to Witness A through an opening in the driveway gate. Officer A observed a large dog run through Witness A's legs, through the gate, past Officer B, then bite Officer A's right ankle. Fearing that he would be seriously injured, Officer A drew his service pistol.

According to Officer A, as he felt the pressure from the dog's jaw, he immediately unholstered his pistol from his holster with his right hand. Officer A was in fear the dog had bitten his ankle and knew the dog could cause him serious bodily injury.

Officer B was the designated contact officer and was speaking with Witness A through an opening in the driveway gate. A large dog ran through Witness A's legs toward the officers. The dog ran by Officer B and attacked Officer A, biting his right ankle. Officer B, believing that his partner may be seriously injured, drew his service pistol.

Given the fact that a large dog attacked and bit Officer A's ankle, and each officer fearing for his own safety, as well as that of Officer B, the BOPC determined that an officer with similar training and experience, when 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, two rounds)

Officer A was the designated cover officer as Officer B spoke to Witness A through an opening in a driveway gate. Officer A observed a large dog run through Witness A's legs and through the gate. As the dog ran past Officer B, Officer B attempted to kick the dog but missed. The dog charged toward Officer A and bit his right ankle. Officer A drew his service pistol and as the dog continued to bite down on his ankle, and knowing a dog can cause serious bodily injury, he aimed at the dog's body and fired one round. The dog did not release its bite, and Officer A fired an additional round at the dog. The dog released its bite from Officer A's ankle and succumbed to its injuries.

Given the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that a dog that was actively biting his ankle

posed an imminent threat of serious bodily injury or death and that the use of lethal force would be objectively reasonable.

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