

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 062-13**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Southeast	7/17/13		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	12 years, 3 months
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**Reason for Police Contact**

Officers were attempting to take a tactical position in the backyard of a residence when two dogs charged toward Officer A, resulting an officer-involved animal shooting.

<b>Animal</b>	<b>Deceased ( )</b>	<b>Wounded (X)</b>	<b>Non-Hit ( )</b>
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Pit Bull dog.			
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**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 April 15, 2014.

## **Incident Summary**

Uniformed Officers A and B responded to an Assault with a Deadly Weapon (ADW) radio call. The comments of the call indicated that Los Angeles Sheriff's County Department deputies had been flagged down by the victim of a shooting. The subjects were described as two males in a vehicle. Officers A and B were unable to locate the Los Angeles County Sheriff's deputies, the person reporting, or a possible crime scene. Officers A and B and other members of their unit continued to search the area.

Officers C and D observed two males walking south on the west side of a street. One of the males, later identified as Subject 1, was wearing a gray sweatshirt with a large bulge protruding from the front of his sweatshirt, consistent with a firearm. The other male was identified as Subject 2. Officers C and D approached Subjects 1 and 2 in their police vehicle. Subjects 1 and 2 looked in the officers' direction and continued to walk into the gated front yard of a residence. Officer C ordered Subjects 1 and 2 to stop. Subject 1 ignored the command, grabbed the front pocket of his sweatshirt and ran into the residence. Based on Subject 1's flight, the size of the bulge in the front of Subject 1's sweatshirt pocket, the recent ADW shooting broadcast 20 minutes earlier, and an on-going gang feud, the officers believed Subject 1 was involved in the shooting and concealing a firearm. The officers requested additional units. Officers E and F responded to the request along with Officers A and B.

Officers A and B arrived at the residence and observed several males being detained in front of the location. Officer C told Officer A that an armed subject had run into the residence. Officer A told Officer B that he was going to cover the rear of the residence with Officer E. Officers B and F moved forward to assist Officer C before the occupants were called out of the residence.

Officers A and E communicated to each other their plan to move to the rear of the residence. Officer A entered the front yard and did not observe any evidence of an unsecured dog. Based on the fact that there were potentially armed subjects inside the residence, Officers A and E unholstered their duty pistols. Officer A was in the lead as they moved west along the walkway on the north side of the residence toward the backyard. As the officers approached the rear yard, Officer A used the north wall of the residence as cover while he scanned the backyard for additional subjects.

Without warning, two Pit Bull dogs ran from the west side of the backyard directly at the officers. Officer A walked slowly backwards along the narrow walkway in an attempt to gain distance from the Pit Bull dogs as they charged toward him. Officer A delivered a front kick to one of the Pit Bull dogs in an attempt to fend off their attack. The Pit Bull dogs momentarily backed up and then continued their aggressive advance toward the officers. The Pit Bull dogs continued growling and attempted to bite Officer A. Officer A fired one round in a westbound direction at the Pit Bull dog closest to him from a distance of two feet nine inches. After the round was fired, the Pit Bull dogs fled to the backyard.

Officer E, who was approximately three feet behind Officer A at the time of the shooting, utilized his police radio and advised Communications Division that the officers had been

involved in a dog shooting and needed additional units. Officers A and E redeployed to the northeast corner of the residence and requested a fire extinguisher. The officers used debris from the yard to block the north and south sides of the residence in an attempt to contain the Pit Bull dogs.

Sergeant A arrived at scene and assumed the role of the incident commander. Sergeant A obtained a public safety statement from Officer A and ordered the officers not to discuss the incident.

The owner transported the injured Pit Bull dog to the animal clinic. The remaining Pit Bull was locked in the laundry room by family members. Subject 1 was arrested for Possession of a Stolen Firearm. Subject 2 was arrested for Resisting a Police Officer. The owner of the residence consented to a search of her residence. Two loaded revolvers were recovered from the residence and a shotgun and ammunition were recovered from 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 and 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:
  - 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 tactics did not substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officer A's tactics to warrant a tactical debrief.

### **B. Drawing and Exhibiting**

- Officers A and E were assigned to rear containment on the perimeter for two possible armed subjects inside a residence. Believing the use of deadly force may become necessary in this situation, the officers drew their service pistols as they walked down the walkway to the backyard.

The BOPC determined that an officer with similar training and experience as Officers A and E, 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.

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 entered the yard through the front gate and walked alongside the residence to assist with rear containment, when two Pit Bull type breed dogs charged toward him. Believing the two advancing dogs were about to bite him and cause serious bodily injury, Officer A fired one round from his service pistol at the dog closest to him to stop their actions. Both dogs immediately fled back into the rear yard.

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

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