

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

OFFICER-INVOLVED ANIMAL SHOOTING – 063-12

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

Hollenbeck	9/26/12		
------------	---------	--	--

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

Officer A	25 years, 6 months
-----------	--------------------

Reason for Police Contact

Officers responded to a domestic violence call. During the investigation, a Chow dog escaped the residence and attacked one of the officers, resulting in an officer-involved animal shooting (OIAS).

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

Chow 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 BOPC 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 March 19, 2013.

Incident Summary

Police Officers A and B responded to a Battery Domestic Violence radio call at a designated residence.

Upon arriving at the location, the officers were granted access to the rear of the location, via a locked gate, by an unknown citizen. The officers walked down a narrow walkway and made contact with a female (Witness A) living in an unnumbered apartment. After questioning her she advised that the radio call probably pertained to a man and woman living in an upstairs apartment to the rear of the building.

Access to the rear of the building, and attached courtyard, was restricted by a wrought iron gate with a "Beware of Dog" sign above the gate. The officers looked through the gate into the courtyard and did not observe any dogs. The officers stayed on the outside of the gate while Witness A ascended the stairs and knocked on the door of the upstairs apartment. Witness B answered the door.

Witness B came down the stairs and Witness A returned to her apartment. Still seeing no dog, the officers entered into the courtyard and spoke with Witness 2, who stated he lived in the apartment with his daughter, but denied being in any type of argument or dispute with her. Officer B told Witness B that the officers needed to speak with his daughter to verify she was unharmed.

Witness B went back up the stairs to get his daughter. When he opened the door of his apartment, a brown dog ran out the front door, past Witness B, and down the stairs. Officer B yelled, "Dog." Upon reaching the bottom of the stairs, the dog turned right, ran past Officer B and toward Officer A.

Officer A stated that he could see the dog snarling and baring its teeth as it ran toward him. The dog jumped toward Officer A, and Officer A, in fear for his safety, and with no place to retreat, stepped backward one step. As he did so, he drew his handgun from the holster and assumed a two-handed shooting stance.

Officer A fired one round from his service pistol, toward the dog, from a distance of approximately three feet. The dog immediately stopped its forward progress and ran back up the steps into Witness B's apartment. Witness B locked the apartment door and secured the dog. Officer A holstered his weapon. There were no injuries.

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. 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:

1. Domestic Incident Investigations

Officers A and B were assigned a Domestic Battery radio call with comments indicating that a male had assaulted his girlfriend. Upon the officers' arrival, they were granted access to a walkway leading to the rear of the building. After contacting Witness A, she offered to enter through the gate where a large dog was believed to be located and go upstairs to make contact with the occupants within the location of the radio call, while Officers A and B remained on the other side of the gate in the walkway area. Additionally, once Witness B walked downstairs and spoke with the officers, he was allowed to return to the apartment unaccompanied by the officers to summon another occupant.

Officers A and B's decision to allow Witness A to become involved in the incident and to allow Witness B to walk unaccompanied back to his apartment deviated from approved Department tactical training; however, the BOPC determined that the deviation was not substantial in this instance

2. 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 the officers' 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 and B's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officer A observed an aggressive dog exit the apartment and run down the stairs. The dog was snarling and baring its teeth as it charged toward Officer A. Fearing for his safety, Officer A moved rearward and drew his service pistol.

Given the fact that the dog was aggressively advancing toward Officer A, the BOPC determined that an officer with similar training and experience, 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 Officer A's drawing and exhibiting of a firearm to be in policy.

C. Use of Force

- **Officer A** – (pistol, one round)

Officers A and B were standing just outside of the courtyard when Witness 2 opened the door to his apartment and an aggressive dog exited. The dog ran downstairs and past Officer B who was standing near the bottom of the exterior stairs. The dog lunged toward Officer A snarling and baring its teeth. Officer A tactically redeployed rearward until he was unable to move any further. Fearing for his safety, Officer A drew his service pistol and fired one round at the dog to stop its advance.

Given the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the attacking dog posed an imminent threat of serious bodily injury or death and that the lethal use of force would be justified.

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