

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

OFFICER-INVOLVED ANIMAL SHOOTING – 063-17

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

Outside City 9/1/17

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

Officer A 6 years

Reason for Police Contact

Officer A was walking his dog near his residence. A large dog running loose in the neighborhood attacked the officer and his dog, resulting in an officer-involved shooting (OIS).

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

German Shepherd 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 July 24, 2018.

Incident Summary

Police Officer A was off-duty and walking his dog. According to Officer A, his dog was wearing a choke collar with an attached leash, which he was controlling with his left hand.

According to Officer A, he and his dog approaching an intersection. As he and his dog began crossing the intersection diagonally, Officer A sensed hesitation from his dog. Officer A observed a large tan dog, standing on the corner, looking in their direction.

According to Officer A, this dog was larger than his dog and was demonstrating aggression by growling and had bristling fur. Officer A faced the dog and remained still. According to Officer A, the dog immediately ran full speed in their direction. The dog ran directly to his dog and proceeded to bite and latch onto Officer A's dog's left rear leg/thigh. Officer A witnessed the bite and heard his dog yelp in pain. In defense of his dog, Officer A used his right foot to kick the other dog in the head. The kick caused the dog to release its bite.

The dog took a few steps backward, then lunged toward Officer A and bit his lower right pant leg. Officer A yelled loudly at the dog and began shaking and kicking his right leg to free himself from its bite. Officer A successfully freed his pant leg from the dog's mouth and took one step backward. As he did so, Officer A, in fear for his safety, 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.

The dog continued to bark and growl at Officer A, then proceeded to lunge toward him. At that time, Officer A fired one round at the dog from a distance of approximately two feet. According to Officer A, he shot to protect himself. The dog sustained a gunshot wound to the left side of its torso. The dog whimpered, staggered away a short distance before lying down in the street, and ultimately succumbed to its injuries.

Officer A called the police on his cellular telephone to report the incident. The call was received by the California Highway Patrol (CHP) and transferred to the local agency. The local agency responded to the scene and completed an Incident Report. The Humane Society was also dispatched to respond to the scene and transported the dog to the local Humane Society.

According to Officer A, he attempted to notify the West Traffic Division Watch Commander of the OIS. Officer A was advised by the desk officer that the Watch Commander was unavailable. Officer A stated that he did not leave a message for the Watch Commander, did not inform the desk officer of the OIS, and did not call back at a later time.

Officer A stated that he attempted to contact his supervisor, West Traffic Division Sergeant A, telephonically. According to Officer A, Sergeant A's cellular telephone went straight to voicemail. Officer A decided to notify Sergeant A the following morning when

he reported for duty in lieu of leaving a voicemail message. Officer A went to sleep shortly thereafter.

On the following day, Officer A reported to West Traffic Division for his regular scheduled work day. Officer A notified Sergeant A of the OIS upon his arrival.

Later on, that same day, Real-Time Analysis and Critical Response (RACR) Division was notified of the Categorical Use of Force. Due to the late notification made by Officer A, he was not monitored, admonished, or interviewed until the following day. Once Sergeant A was notified of the incident, the proper notifications were made and appropriately documented.

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/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

Detention

- Does not apply.

A. Tactics

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.

Therefore, the BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer A, he shook his leg and was able to kick the dog off and free himself. Officer A then backed up and observed the dog barking, growling, and coming towards him again. In fear for his safety, he drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe 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. Lethal Use of Force

- **Officer A** – (pistol, one round)

According to Officer A, he backed up and observed the dog was barking, growling, and coming towards him again. In fear for his safety, he fired one round at the dog to stop the dog's 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 death or serious bodily injury to him and that the lethal use of force would be justified.

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