

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

OFFICER-INVOLVED ANIMAL SHOOTING – 077-15

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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77 th Street	9/5/15		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	11 years, 5 months
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Reason for Police Contact

Officers responded to a radio call of a domestic dispute at a residence. During their investigation, they encountered a pit bull dog and an officer-involved animal shooting (OIAS) occurred.

Animal	Deceased (X)	Wounded ()	Non-Hit ()
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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 May 17, 2016.

Incident Summary

Officers A and B were assigned to investigate a domestic violence radio call at a residence. Upon arrival at the location, Officer B advised Communications Division of their location and status. Both officers checked the front yard for any signs of dogs and determined there were none. The officers entered the yard and met with the reporting party (RP), Witness A. The RP informed the officers that the domestic violence suspect was her husband, Witness B, who was in a house located at the rear of the property.

Officer B returned to his vehicle and retrieved a TASER. The officers then made their way to the east side of the residence where a walkway was located, but was secured by a gate. Officer A looked through the slats of the gate and also through a small panel, which gave access to the latch. Seeing no suspect or evidence of a dog, Officer A opened the gate, and both officers proceeded down the walkway. Officer A was in the lead with Officer B approximately four feet behind and offset to the left.

After walking approximately 40 feet down the walkway, a 70 pound pit-bull dog appeared from around the corner of the house. The dog stopped and looked at the officers. Officer A informed his partner of the presence of the dog, when a second large pit-bull, approximately 75 pounds, appeared. Officer A again informed his partner of the presence of the second dog. When the second dog saw the officers, he bared his teeth, began to growl and charged toward the officers. Officer A, fearing the dog was initiating an attack directed toward him and his partner, drew his weapon and held it in a two-handed, low-ready position when the dog was approximately 15 feet from him. As the dog charged toward him and closed the distance to approximately six feet, Officer A fired at the dog. The dog continued his charge, and Officer A fired two more times, striking the dog and causing him to stop his charge approximately two feet from him. Both dogs then retreated to the rear of the yard.

Officer B stated that after walking down the walkway a short distance, two dogs appeared and began to charge at the officers, with their teeth bared. Officer B, fearing that the dogs were about to attack, took a step back and drew his pistol. Officer B never came up on target because his partner was between himself and the dogs. He held his pistol in a two-handed, low-ready position. After Officer A fired his pistol, both dogs stopped their charge and retreated to the rear of the property, and Officer B holstered his pistol.

Officer A broadcast "shots fired, officer needs help, dog shooting only." Officer B additionally broadcast that it was a dog shooting only. Officer A then decocked his pistol and held it at a low ready position. The officers discussed the fact that there was still an outstanding suspect and waited for additional units to arrive. Before the additional units arrived, Witness C came from the back of the house, met with the officers, and stated she was going to tie up the dogs. She further advised the officers that the suspect was still in the house located at the rear of the property. Officer A holstered his weapon.

Once additional units arrived, Officer A advised them of the situation. The officers proceeded to the rear house and arrested Witness B without incident.

The injured dog's owner, Witness D, arrived at the scene and took control of the dog. Witness D transported the animal to an animal hospital. The dog was medically evaluated and then euthanized at the owner's request.

Sergeant A responded to the scene and met with Officers A and B. He obtained a Public Safety Statement from both officers, separated the officers and ordered them not to speak of the incident until the arrival of Force Investigation Division or their legal representatives. He secured the scene and notified the watch commander of the officer-involved animal shooting.

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 Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing and 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

- 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 additional areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review the individual actions that took place during this incident.

In conclusion, the BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer A, as he and Officer B entered the rear yard, he observed two Pit Bull Terriers appeared around the corner of the house. One of the Pit Bull dogs was coming toward them in an aggressive manner, growling and baring its teeth. Believing that the dog was about to attack the officers, Officer A drew his service pistol.

According to Officer B, as he and his partner were walking to the rear yard he heard his partner yell, "dog," and then observed two dogs appear from around back corner of the house. The dogs began to sprint at the officers with their teeth ready in attack mode, so Officer B took a step back and drew his service pistol to a low ready position.

The BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that there was a risk the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- According to Officer A, the second Pit Bull dog continued to advance toward he and Officer B while growling and baring his teeth. Believing that the dog was about to attack the officers and cause serious bodily injury, he fired one round at the Pit Bull dog to stop the dog's aggressive actions. Officer A's first shot appeared to have no effect, so he fired two additional rounds at the dog which caused the dog to stop its attack, turn around and run away.

Given the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer A would reasonably believe that the dog

represented an immediate threat of serious bodily injury to his partner and that the use of lethal force would be justified.

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