

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 080-16**

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

Foothill                      12/7/16

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

Officer A                      10 years, 3 months

**Reason for Police Contact**

The officers responded to a radio call of a domestic dispute and during the investigation, an Officer-Involved Animal Shooting (OIAS) occurred.

**Animal                      Deceased ( )                      Wounded (X)                      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 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 November 17, 2017.

## **Incident Summary**

Officers A and B responded to a radio call sent to them via their Mobile Digital Computer by Communications Division (CD) of a family dispute.

Communications Division provided the officers with additional information regarding the person reporting (PR) the incident, identified as Witness A, who was waiting at his relative's house located four blocks away, and had requested that the officers call him when they arrived.

Witness A advised CD that his other relative, Witness B, had become verbally aggressive, and he was afraid of him. This information was relayed to the officers in the comments of the call.

Officer A parked the police vehicle adjacent to the location. Officer B broadcast that the officers had arrived at the location (and were Code 6) and requested that Witness A meet them. As the officers waited for Witness A, they observed Witness B shut a wooden roll-away gate.

**Note:** According to the officers, they were unsure if Witness B had seen them.

CD broadcast that Witness A was en route to the officers' location. The officers observed a black pick-up truck, driven by Witness A, turn into the driveway of the location. Witness A exited the pick-up truck, opened the wooden roll-away gate, and then drove the truck into the driveway, leaving the gate open.

The officers stood near the pick-up truck and spoke with Witness A regarding the incident. They did not observe anyone else or any animals on the property. The officers determined a crime had not been committed and advised Witness A to seek a restraining order. Witness A agreed to obtain a restraining order and requested that the officers speak with his family member.

Witness A led the officers down the driveway to a detached garage, which was adjacent to the residence. The officers walked past another black vehicle, to the garage, which had been partially converted to a room. Witness A knocked on the door to the converted room and called out to Witness B. There was no answer, and Witness A told the officers, his relative must have left.

**Note:** According to Officer A, he and his partner had discussed that when they complete a call for service at a residence, one of them would act as a rear guard until they cleared the scene.

According to Officer A, as he walked near the second black vehicle, he heard and observed two Chihuahua dogs run toward him from the northwest rear yard. They barked at Officer A as they attempted to nip at his feet, and he raised his right foot in an

attempt to scare them away. The Chihuahuas retreated into the rear yard, at which time Officer A observed a large Pit Bull dog charge toward him from the same direction. Officer A described the dog as charging at full speed and postured up, with his veins protruding from its skin.

According to Officer A, he was in fear of the dog. Officer A unholstered his pistol and in a two-handed shooting stance, fired one round from his pistol downward toward the dog's head from a distance of 3-5 feet, and then assessed. The dog continued to advance and bark at him as he backed up. Officer A continued to fire his pistol at the Pit Bull, as the dog closed the distance to approximately one foot. The dog then ran into the rear yard, and Officer A holstered his pistol. It was later determined the dog suffered a gunshot wound to the paw.

### **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**

- **Detention**

Does not apply.

- **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.

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

## **B. Drawing and Exhibiting**

- According to Officer A, he observed an approximate 60 to 70-pound Pit Bull dog coming towards him at a full sprint. The dog was postured up, his muscles were very pronounced, his ears were up, his veins were visible, and he was barking and growling. Believing that the dog was going to bite him, Officer A 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, five rounds)

First Round – from a distance of approximately three to five feet.

According to Officer A, he turned around and observed that the dog was approximately three to five feet in front of him, approaching him at full speed. Fearing the dog was going to bite him, Officer A fired one round from his service pistol to stop the dog's attack.

Rounds 2-5 – from a decreasing distance of approximately six feet to one foot.

After firing his first round, Officer A assessed the situation and continued backing up. The dog continued coming towards him. Believing that the dog was not going to stop, Officer A fired four additional rounds 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 charging dog represented an immediate threat of serious bodily injury to his partner and himself and that the use of lethal force would be justified.

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