

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

OFFICER-INVOLVED ANIMAL SHOOTING – 082-16

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

Wilshire 12/11/16

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

Officer D 2 years, 3 months

Reason for Police Contact

Officers attended the residence of a subject suspected of committing an assault. On arrival officers went to the rear of the residence where a large Akita dog growled and lunged at the officer. Fearing that the dog was going to bite him and potentially cause serious injury, the officer fired two rounds from his pistol, resulting in an officer-involved animal shooting (OIAS).

Animal(s) **Deceased (X)** **Wounded ()** **Non-Hit ()**

Akita 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 October 17, 2017.

Incident Summary

Uniformed Police Officers A and B responded to a Domestic Violence in Progress radio call. According to the comments of the call, Victim A had reported to Communications Division (CD) that she had been assaulted by Subject A while inside of an Uber taxi.

While the officers were en route to meet the Victim, a second radio call was generated, this time by the Uber driver, Witness A, who informed CD that he had picked up two females and once inside his vehicle Subject A choked Victim A. He further stated that Subject A had since fled, and that he was with Victim A.

Officer A and B responded to the location of Victim A and Witness A. Both parties alleged that Subject A had choked Victim A while in the taxi, and had subsequently fled the scene. Officers observed reddening to the neck of Victim A.

Officers A and B, believing that a follow-up to Subject A's residence was warranted, requested an additional unit and a supervisor to respond to their location.

Police Officers C and D responded to the request and arrived at the scene. Sergeant A also responded and accompanied Victim A while Officers A, B, C, and D conducted follow up enquiries at Subject A's residence.

Officer A asked Victim A how many people resided at the residence, if Subject A owned any weapons, and if any animals were present. Victim A responded that there may be some small animals in the location. Victim A informed him that the location was a duplex and that Subject A lived on the bottom floor with a roommate and that her bedroom was at the rear.

Officers A and B approached the two-story duplex. Meanwhile, Officers C and D's responsibility was to cover the rear of the residence to prevent Subject A from possibly escaping.

Officers C and D proceeded to the back of the property and discovered the rear yard was accessible via a high wooden gate situated along the driveway. Officer D stated that he peered over the gate and utilized his flashlight. As Officers C and D proceeded through the gate to the rear of the property, Officers A and B approached the front door.

Note: Officer D stated he shook the gate for approximately 25 to 30 seconds and did not hear evidence of a dog. Investigators later noted that no signs were posted that would indicate a dog was on the premises.

Officer D, with Officer C approximately ten feet to his left, began to move around the corner of the residence when he heard a dog growling and barking. Officer D observed a large dog charging in his direction with its hair up and its tail erect. Fearing for his safety and that of his partner, Officer D drew his service pistol. As Officer D stepped

backward he raised his firearm and, from an approximate distance of five feet, fired one round in a downward direction aiming at the dog's center body mass. The dog continued to advance and Officer D stated that as the dog began to lunge toward him (approximately two feet) he fired a second round striking the dog in the face. The dog immediately ceased its advance, collapsed on the driveway, and expired.

The officers then entered the residence, and Subject A was taken into custody without further incident.

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 D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer D's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer D'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 also 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 discuss individual actions that took place during this incident.

In conclusion, the BOPC determined Officer D's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- According to Officer D, as he turned the corner, he observed a dog charging toward him with its hair up and its tail erect. Fearing for his life, Officer D stepped back and drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer D, 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.

In conclusion, the BOPC found Officer D's drawing and exhibiting of a firearm to be in policy.

Lethal Use of Force

- **Officer D** – (pistol, two rounds)

According to Officer D, the dog lunged at him. In fear for his life and the safety of his partner, he fired one round from his service pistol to stop the dog's attack. After firing his first round, he observed that the dog was still coming towards him. He then fired a second round from his service pistol 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 D would reasonably believe that the charging dog represented an immediate threat of serious bodily injury to himself and his partner and that the use of lethal force would be justified.

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