

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

OFFICER-INVOLVED ANIMAL SHOOTING – 096-15

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
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Outside City	8/26/15		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	19 years, 2 months
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Reason for Police Contact

An off-duty officer drove up to the mailbox adjacent to his residence. While getting out to check the mail, he was approached by two vicious dogs, at which point an officer-involved animal shooting (OIAS) occurred.

Animal	Deceased ()	Wounded (X)	Non-Hit ()
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Unknown mix-breed 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 August 2, 2016.

Incident Summary

Officer A was off-duty, driving to his residence in another city. Officer A turned onto the dirt road leading up to his residence, stopped at his mailbox, and exited his vehicle to retrieve his mail.

Note: Officer A's residence is located in rural area and is surrounded by a large almond orchard.

According to Officer A, as he approached his mailbox, he heard two dogs barking near his location, and the sound continued getting louder. He observed a large and a small dog rapidly approaching the driver's side of his vehicle. Both of the dogs were snarling, showing their teeth, and appeared ready to attack.

Note: Officer A did not know the breed of the two dogs but believed the weight of the larger dog was approximately 70 pounds and the smaller dog was approximately 25 pounds.

Officer A returned to his vehicle, opened the front passenger side door and retrieved his service pistol with his left hand from the center console of his vehicle.

Note: According to Officer A, at the time of this incident, he had a pre-existing injury to his right hand and had limited use of that hand.

According to Officer A, he considered entering his vehicle and closing the passenger side door. However, he believed this was not feasible because the driver's side door was open when he exited his vehicle, and his injured hand prevented him from being able to climb into the driver's seat to close the open door before the dogs arrived. So he moved to the rear passenger side of his vehicle and began to back up towards the mailbox. According to Officer A, the dogs continued to approach and came within approximately 15 to 20 feet of his location. Believing that an attack was imminent, he fired a warning shot from his service pistol with his left hand into the dirt in an attempt to startle the dogs and stop their attack.

Also according to Officer A, the smaller dog ran away, out of view, while the larger dog stood its ground. The larger dog then proceeded toward him while snarling and crouching down as though it was ready to attack. Fearing for his safety, Officer A fired one additional round from his service pistol with his left hand at the larger dog to stop the threat.

According to Officer A, he believed that his second round struck the larger dog because it began spinning around, appeared to be in pain and then ran away into the almond orchard, and out of his view.

Immediately following the OIAS, Officer A called the County Sheriff's Department and reported the incident. Sheriff's Department personnel responded and conducted an investigation.

Note: The dog was never located; however, a trail of blood was observed at the location.

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

- 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 Officer A's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Officer A, as he was retrieving his mail in a rural area, he observed two dogs rapidly approaching the driver's side of his vehicle. Both dogs were snarling and appeared ready to attack. Officer A opened the front passenger side door of his vehicle and retrieved his service pistol from the center console with his left hand.

The BOPC determined that an officer with similar training and experience as Officer A, 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 Officer A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

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

Warning Shot

Officer A observed the dogs approximately 15 to 20 feet away from him and believed an attack was imminent. Fearing for his safety, he fired a warning shot into the dirt in an attempt to startle the dogs and stop an attack.

Second Round

According to Officer A, the smaller dog ran away northbound out of view, while the larger dog stood its ground. The larger dog then proceeded toward him while snarling and crouching down as though it was ready to attack. Fearing for his safety, he fired one additional round at the larger dog to stop the attack.

In this instance, Officer A assessed the situation and considered multiple options before he decided to fire a warning shot into the dirt in an effort to scare the dogs away and stop them from attacking him. Officer A fired the warning shot into the dirt of the almond orchard, and there were no residents living within one mile. Although the warning shot had limited success, the BOPC believed Officer A's decision to fire a warning shot was reasonable at the time.

Once Officer A realized that the larger dog was still charging towards him, he fired one additional round at the dog to stop the attack.

Given 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 dogs represented an immediate threat of serious bodily injury to himself and that the use of lethal force, including the use of a warning shot, would be justified.

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