

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

OFFICER-INVOLVED ANIMAL SHOOTING – 104-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southwest	11/22/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer B	6 years, 1 month
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Reason for Police Contact

Officers were in the process of executing a search warrant when they were confronted by an aggressive dog and an officer-involved animal shooting (OIAS) occurred.

Animal	Deceased ()	Wounded (X)	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 suspect 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 16, 2012.

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Incident Summary

Police Officer A prepared a search warrant for a residence at a designated location. The warrant was based upon an investigation which uncovered the purchase of narcotics from the residence. Several days later, Detective A approved the Warrant Service/Tactical Plan Report which called for 19 officers and supervisors, as the residence had a front and back house, and the warrant was served the same day.

The personnel assigned to the warrant service were divided into two teams. One was tasked with clearing the main residence on one side of the property and the second with clearing the converted garage on the other end of the property.

The officers arrived at the residence in order to serve the warrant. Detective A notified Communications Division (CD) that the units were at scene and the warrant service commenced. The rear entry team was led by Officer B, armed with a Department issued shotgun, who entered from the alley on the side of the property. Next in line was Officer C, equipped with a Department “hook” breaching tool, followed by Officer D, equipped with another Department breaching tool, a “ram,” Officer E, equipped with a Carbon Dioxide fire extinguisher in case of a dog encounter, and Officer A was in the rear.¹ Officer B, with a round chambered and his right index finger on the safety of the shotgun, moved through a narrow walkway toward the front door of the rear house. Approximately 27 feet adjacent to the alley, Officer B came to a gate. He used his left foot to open the gate, walked through and was confronted by two medium-to-small dogs, which came from one side of the residence. The dogs stopped at the corner of the front house and started to bark at him. Officer B yelled, “Dog! Fire extinguisher up!” Officer E moved his way north past Officers C and D to assist Officer B and deploy the fire extinguisher, if necessary.

According to Officer B, “a second or two later without warning, a third, large grey/white pitbull [dog] came around the corner.” The third dog aggressively charged toward Officer B with its mouth open and teeth bared. Officer B was in fear of the dog, believing that it was going to bite him or another officer. He disengaged the safety of the shotgun and fired one round at the attacking dog. Due to the close proximity of the dog, and the speed with which it was approaching, Officer B fired the round from an off-hand, low-ready position, without lining up the sights of the shotgun on the target dog. Almost simultaneously to Officer B firing, Officer E arrived to his right, observed the dog facing Officer B and discharged the fire extinguisher at the dog in order to deter it from attacking. All three dogs reacted to the shotgun firing and fire extinguisher by running back to the walkway on the side of the residence.

Officer E notified the other officers in the rear search team that the shot fired was a dog shooting. Officer B observed a wooden pallet leaning against the rear of the front house

¹ From LAPD Use of Force – Tactics Directive No. 7 - Dog Encounters: “Fire Extinguishers: Generally, a CO2 fire extinguisher has been found to be an effective deterrent when sprayed directly at the dog’s face and should be considered a useful tool.”

and positioned it across the opening of the walkway in order to contain the dogs. The dogs were secured in a walkway on one side of the residence, with a chain-link fence on one side and the pallet on the other. Detective A, positioned in the alley behind the line of officers making entry, heard a shot fired from the area where the front officer was standing. Detective A believed an officer-involved shooting had occurred and, as previously assigned supervisor and communications officer, broadcast to Communications Division (CD), “[...] we have shots fired[.] Unknown if anybody has been hit [...] Be advised [...] units are serving a search warrant.” CD responded by generating an “officer needs help” radio call. The officers on the entry team advised Detective A it was a dog shooting and no one was hurt. Detective A advised CD, “Be advised nobody is down. No hits.” With the dogs no longer a danger, the search team continued with securing and searching the rear residence. Detective A issued an additional broadcast that the incident had been resolved.

At the same time the rear search team was encountering the dogs, the front team was forcing entry into the front residence. This involved the use of Department breaching tools and created loud metal on metal hammering noises. Due to the noise created by this process, the front team never heard the shot fired by the rear team and continued securing and searching the front residence. Once they completed their search, they confirmed with the rear team that both residences were clear and discovered that a dog shooting had occurred.

Several units responded to Detective A’s “shots fired” broadcast. As they began to arrive and the tactical situation was safe, Detective A directed Officer B to download his shotgun. Officer B did so, placing the unused rounds from the chamber and magazine tube into the attached side saddle ammunition holder.

Sergeant A subsequently responded to the scene. Sergeant A obtained a Public Safety Statement from Officer B and assumed incident commander duties. Officer B explained that he was in fear of the aggressive dogs and fired one round from his Department shotgun to defend himself and the other officers. Sergeant A directed Officer B not to discuss the incident with anyone, separated and monitored him. He then advised the Patrol Division Watch Commander, Sergeant B, of the animal shooting. Appropriate notifications were subsequently made.

Sergeants C and D then arrived at scene. Sergeant C transported Officer C to a local hospital for an injury to his foot unrelated to the animal shooting and monitored him. Sergeant D assumed the duty of supervising Officer B. Sergeant D transported Officers A, B, D, and E in a van back to the police station. In doing so, he ensured the officers did not discuss the incident. The officers were monitored until the arrival of Force Investigation Division (FID) detectives.

During the course of the investigation, Los Angeles City Animal Control personnel responded to inspect the dogs. It was determined that two dogs had been struck by shotgun pellets, but the injuries did not appear to be life threatening. Animal Control

personnel advised the owner to take the dogs to her veterinarian or animal hospital in the morning.

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 and Exhibiting of a weapon 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 B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer B's lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 - Dog Encounters
 - Preservation of Evidence

In this instance, Officer B downloaded a live shotgun shell from the firing chamber and placed the shotgun and the shotgun shell in the trunk of a police vehicle at the direction of Detective A. These issues were to be addressed at the Tactical Debrief.

- 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. In this instance, there were no areas for improvement identified.

In conclusion, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident and assess tactical considerations to better handle a similar incident in the future.

The BOPC found Officer B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

- In this instance, Officer B was the lead officer of an entry team and exhibited a Department shotgun during the service of a search warrant. Tactical practices dictate that search warrant operations are inherently dangerous. The occupants are often times familiar with the layout of the location and have a tactical advantage. As a result, officers draw their service pistols and/or exhibit shotguns upon their approach, and while establishing containment around the location, with the understanding that there is a substantial risk that the situation may escalate to the point where deadly force may be justified.

An officer with similar training and experience as Officer B would reasonably believe that based on the inherent danger associated with serving search warrants, there was a substantial risk that the situation may escalate to a point where deadly force may be justified. The BOPC found Officer B's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer B** (shotgun, one round)

In this instance, Officer B was confronted by a large aggressive Pit Bull breed dog while making the approach to a search warrant location. Fearing the dog was about to bite him or other officers and cause serious bodily injury, Officer B fired one round at the dog. According to Officer B, the dog came around the corner aggressively with his mouth open, teeth bared, and muscles strained in a sprint, charging directly towards him and the officers' behind him. Officer B was in fear for his safety and knew he had no other option so he discharged one round from the shotgun.

Based on the totality of the circumstances, an officer with similar training and experience as Officer B would reasonably believe that the charging dog represented an imminent threat of serious bodily injury and that the decision to use Lethal Force was reasonable.

In conclusion, the BOPC found Officer B's lethal use of force to be objectively reasonable and in policy.