

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 021-11**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ()</b>	<b>Uniform-Yes (X) No ()</b>
Southeast	03/07/11		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer B	5 years, 7 months

**Reason for Police Contact**

Officers responded to a “Vicious Animal” radio call, which resulted in an officer-involved animal shooting.

<b>Animal</b>	<b>Deceased (X)</b>	<b>Wounded ()</b>	<b>Non-Hit ()</b>
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 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 Chief and made itself available for any inquiries by the BOPC.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on January 10, 2012.

## **Incident Summary**

Officers A and B were assigned a "Vicious Animal" radio call. The comments of the call indicated that a black and white dog was attempting to bite passersby. Officers A and B arrived at the location. The officers observed a black and white Pit Bull dog on the sidewalk. Officer A stopped their vehicle in the middle of the street approximately 15 feet away from the dog. The dog was unrestrained, barking and pacing back and forth on the sidewalk. Officer B opened his passenger's side door and the dog began to bark even more aggressively at the officers. Officer B attempted to scare the dog away from inside his vehicle by yelling, "Hey!" and then shining their vehicle's spotlight on the dog. The dog remained where it was and continued to growl and bark at the officers.

Officer B asked Communications Division (CD) for an estimated time of arrival for Animal Regulations personnel. While awaiting CD's response, the officers observed an unidentified male approximately 40 feet away. Officer A asked the male if he knew who the dog belonged to and if he had their telephone number. The male advised that the dog belonged to the house that was behind the dog and that he did not have their phone number. The male also informed the officers that the dog had been chasing people on the street for some time.

The officers observed that the house behind the dog was dark. Officer B shined their vehicle's spotlight on the house and used the Public Address system to alert the residents of their loose dog, but no one responded. The dog began walking on the sidewalk. Officers A and B discussed a plan that Officer B would exit their vehicle, when it was safe, to retrieve a fire extinguisher from the trunk. Officer B would then use the fire extinguisher to keep the dog at bay until the arrival of Animal Regulations personnel.

Before Officer B was able to retrieve the fire extinguisher, a male exited a neighboring residence. Officer A saw the male and drove his vehicle ten feet toward the male. Officer B saw the male and asked him if the dog belonged to him. The male said that dog was not his and that he wanted to get to his vehicle, which was parked on the curb near the dog. Officer B observed that the dog continued to bark and growl, and began to track the male as he quickly walked to his vehicle. Officer B advised the male to "Hold up," but the male ignored Officer B's command and continued toward his vehicle.

Officer B exited his vehicle and moved between the male and the dog as the male reached his vehicle. Officer B observed that the dog was growling and baring its teeth, its ears were straight back and its tail was straightened and not moving. Believing the situation may lead to the use of deadly force, Officer B unholstered his pistol. Officer B observed the dog lower its center of gravity and begin advancing toward the male and Officer B. Fearing that the dog would cause serious bodily injury to either the male or himself, Officer B fired five rounds at the dog from a distance of approximately ten feet. The dog went down to the ground on its side and expired. Officer B holstered his pistol.

## **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/Holstering 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 Officers A and B's tactics to warrant a tactical debrief.

### **B. Drawing/Exhibiting**

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

### **C. Use of Force**

The BOPC found Officers B's use of lethal 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. Each tactical incident inherently results in considerations for improvement. In this instance, the tactical considerations both neither individually nor collectively unjustifiably and substantially deviated from approved Department tactical training.

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

### **B. Drawing/Exhibiting**

In this instance, Officer B had observed the dog growling, barking and tracking the male. Based on the violent and aggressive nature of the dog, an officer with similar training and experience as Officer B 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 B's drawing/exhibiting to be in policy.

### **C. Use of Force**

In this instance, Officers A and B had been made aware that the dog had attempted to viciously attack passersby. Officer B recalled stopping ten feet in front of the dog in an attempt to provide cover for the male as he reached his driver's side door. The dog was growling and showing its teeth, its ears were straight up and its tail was straightened and not moving. The dog lowered its center of gravity and began to advance toward the male and Officer B. Fearing that the attack would lead to serious bodily injury or death to either the male or Officer B, Officer B fired five rounds at the dog. Based on the totality of the circumstances, an officer faced with similar circumstances and with similar training and experience as Officer B would reasonably believe that the advancing dog represented a significant threat of serious bodily injury to himself or the male.

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