

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

OFFICER-INVOLVED ANIMAL SHOOTING – 033-11

Division	Date	Duty-On()	Off(X)	Uniform-Yes()	No(X)
Outside city	4/09/11				

Officer(s) Involved in Use of Force	Length of Service
Sergeant A	14 years, 5 months

Reason for Police Contact

Two Chow dogs entered Sergeant A's dog run and attacked his dogs. When one Chow charged Sergeant A, an officer-involved animal shooting occurred.

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
Chow 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.

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 January 10, 2012.

Incident Summary

Sergeant A was inside his residence when he heard his three dogs barking outside. Sergeant A went outside to investigate and discovered that a male Chow dog had entered his dog run and attacked one of his dogs. Sergeant A found that his neighbor, Witness A, had heard the commotion and was trying to control the Chow. The Chow had pinned one of Sergeant A's dogs against the block wall and was "violently" attacking it. Witness A was able to subdue the Chow and Sergeant A's dog escaped. Sergeant A then opened the door to his garage and believed that all three of his dogs were safely inside the garage.

Sergeant A went to his vehicle and retrieved his pistol, which was concealed in a fanny pack. Sergeant A put on the fanny pack and returned to assist Witness A. The Chow was able to escape from Witness A and ran home (across the street) and stopped at a closed gate. Sergeant A then noticed that another Chow, a female, was inside the dog run and it appeared that its head was stuck in the hole of the west gate and was apparently unable to free itself. Sergeant A and Witness A followed the male Chow to the residence across the street, and they stayed approximately 20 feet away as the Chow remained at the closed gate. Leaving Witness A to watch the male Chow, Sergeant A returned to his residence to confirm that Animal Control had been called.

According to Sergeant A, when he returned home he discovered that one of his dogs was missing. He went back to the dog run, where the female Chow was still stuck in the west gate, and entered through the east gate of the dog run. There was also a barrier of garbage containers that separated Sergeant A from the female Chow. Sergeant A looked inside the dog house and saw that his dog was dead inside. At about that time, Sergeant A heard Witness B, who had followed him into the backyard, yell out a warning. According to Sergeant A, he turned around and observed that the female Chow had freed itself and was running toward him with the hair on its back raised and growling loudly.

Sergeant A started walking backward to get away from the Chow, but he was unable to reach the east gate. Still walking backward, and with the Chow closing the distance between them, Sergeant A unzipped his fanny pack and withdrew his pistol. According to Sergeant A, he was in fear of bodily injury or death and he fired two rounds at the Chow from a distance of approximately six feet. The rounds slowed the Chow down enough to where Sergeant A was able to exit the dog run and close the gate.

Department of Animal Services personnel responded to the scene and took custody of the two Chow dogs. The female Chow sustained a gunshot wound to her front leg and was euthanized that night at the request of the owner. The male Chow was euthanized after the owner relinquished rights to the Department of Animal Services.

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 Sergeant A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Use of Force

The BOPC found Sergeant A's use of lethal force to be in policy.

Basis for Findings

A. Tactics

In this case, the BOPC determined Sergeant A's tactics did not unjustifiably and substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

In this situation, Sergeant A was looking for his dog when the female Chow charged at him. The BOPC noted that California law permits an individual to carry loaded weapons on their own property and Sergeant A's status as a police officer does not limit his right to do so. As such, the Department's policy relative to exhibiting a firearm does not apply to off-duty officers under these circumstances.

In conclusion, the BOPC found Sergeant A's drawing and exhibition of a firearm to be in policy.

C. Use of Force

In this case, Sergeant A had knowledge that two of his dogs had already been viscously attacked with one of them being killed. The BOPC believed that an officer with similar training and experience as Sergeant A would reasonably believe that the charging viscous dog represented an imminent threat of serious bodily injury. Therefore, the BOPC found that Sergeant A's use of lethal force was objectively reasonable and consistent with Department guidelines.

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