

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 047-11**

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

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Southeast    05/21/11

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

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Officer A      4 years, 7 months

**Reason for Police Contact**

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As officers searched a residence for possible subjects and/or victims, a Pit Bull dog charged at an officer, resulting in an officer-involved shooting.

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

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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 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 February 14, 2012.

## **Incident Summary**

Officers A and B were on patrol in a marked black and white police vehicle when they heard and responded to a radio call of a “screaming woman.” The comments of the call indicated that the location was an abandoned residence. Prior to their arrival, Communication Division (CD) reassigned the call to Officers C and D. Officers A and B continued to respond as back-up. Officers C and D arrived at the location first, followed by Officers A, B, and E.

The officers approached the residence and made contact with Witnesses A and B, and subsequently ordered them out of the residence. The officers noted that Witness A was bleeding from a cut on her wrist and further noted what appeared to be fresh blood stains in the living room area. The officers decided to conduct a protective sweep to search the location for any possible outstanding subjects or victims left inside the location. Officers D and E remained with Witnesses A and B. Officers A, B, and C drew their service pistols and made entry into the residence.

Officer C entered the residence first, followed by Officer A and then Officer B. As Officer C took up a position in the front room, Officers A and B continued into the kitchen area, where they encountered a Pit Bull dog that bared its teeth and was growling aggressively. The officers warned each other of the dog, and they started to back out of the kitchen to avoid it. Officer A had backed into the kitchenette area, when he encountered another Pit Bull dog.

According to Officer A, he observed the additional Pit Bull rounding the corner of the hallway into the kitchen. He attempted to back out of the room but the dog was running straight at him and closing the distance quickly. Unable to retreat to safety and fearing that he would be the victim of a serious injury from a dog bite, Officer A fired one round at the animal. After Officer A fired the shot, the Pit Bull dog immediately retreated to the rear of the house, and the officers were able to safely exit the residence and holstered their pistols.

The Department of Animal Services subsequently responded to the location and took custody of the two Pit Bull dogs. Additionally, nine Pit Bull puppies were recovered from the residence. The dog that was shot sustained a through-and-through gunshot wound to the neck and subsequently received treatment by a veterinarian.

It was later determined that no crime had occurred at the residence. What the officers first believed to be blood stains was actually catsup. Witnesses A and B were both arrested for unrelated misdemeanor warrants.

## **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 made the following findings.

#### **A. Tactics**

The BOPC found Officers A, B, and C's tactics to warrant a Tactical Debrief.

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

The BOPC found Officers A, B, and C's drawing and exhibiting of a firearm to be in policy.

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

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

### **Basis for Findings**

#### **A. Tactics**

- In its analysis of this incident, the BOPC identified the following tactical considerations:
  1. Protective Sweeps

In this instance, Officers A, B, and C determined that there was sufficient evidence to warrant a protective sweep for additional subjects or victims. The officers performed the protective sweep of areas where persons could physically hide or be located and did not search additional areas not authorized within the scope of a protective sweep.

The BOPC determined that it was reasonable for Officers A, B, and C to conduct a protective sweep of the residence, ensuring that no additional subjects or victims were inside.

Although the philosophy behind a Tactical Debrief is to enhance future performance by addressing areas where improvements could be made, often times, discussions pertaining to positive aspects of the incident lead to additional considerations that would be beneficial in future similar incidents. Therefore, the BOPC will direct that the topic of conducting protective sweeps be discussed during the Tactical Debrief.

- The BOPC additionally considered the following:

#### 1. Tactical Planning

The investigation did not reveal what level of tactical planning occurred upon observing the possible blood stain and prior to making entry into the residence to conduct the protective sweep. Effective tactical planning is crucial to ensure officer safety and the safety of members of the community. As such, the BOPC will direct that Tactical Planning be included as a topic of discussion during 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. Each tactical incident inherently results in considerations for improvement. However, in this instance, there were no areas for improvement identified.

The BOPC determined a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident. Although there were no tactical considerations that were identified, the involved officers would benefit from the opportunity to review the incident.

The BOPC found that Officers A, B, and C should attend a Tactical Debrief, and that the specific debriefing points of dog encounters and protective sweeps be covered.

In conclusion, the BOPC found Officers A, B, and C's tactics to warrant a Tactical Debrief.

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

- In this instance, Officers A, B, and C were part of a search team clearing a residence for potential subjects and/or victims. Tactical practices dictate that operations involving clearing residences are inherently dangerous. The occupants are often times familiar with the layout of the location and have a tactical advantage. As a result, Officers A, B, and C drew their service pistols upon their approach and while searching the location, with the understanding 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 Officers A, B, and C's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A** (pistol, one round)

Officer A was tasked with searching for additional subjects and/or victims. While conducting a protective sweep of the residence, Officer A was confronted by a large aggressive Pit Bull dog.

An officer with similar training and experience as Officer A would reasonably believe that the charging dog represented an immediate threat of serious bodily injury and that the use of lethal force would be justified in order to address the threat.

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