

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

OFFICER-INVOLVED ANIMAL SHOOTING – 054-11

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

Devonshire 06/13/11

| Officer(s) Involved in Use of Force | Length of Service |
|--|--------------------------|
|--|--------------------------|

Officer A 9 years, 5 months

Reason for Police Contact

Officers responded to a residence regarding a stolen vehicle investigation when they were confronted by an aggressive dog, resulting in an officer-involved animal shooting.

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

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.

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 May 8, 2012.

Incident Summary

Officers conducted an investigation regarding a stolen commercial vehicle. The stolen vehicle was equipped with a satellite tracking device and with the assistance of company employees, the satellite tracking system was accessed and showed the vehicle had been stolen from its original location during the early morning hours and was now in a residential neighborhood.

The next morning, officers were directed by their watch commander to check the residence. Upon their arrival, they observed a vehicle in the backyard with the hood open and several males standing around it. The vehicle was later identified as the stolen commercial vehicle and the officers requested additional units.

Additional officers responded and secured a perimeter around the house. An air unit also responded to assist in monitoring and securing the residence and a Command Post was established. As supervisors were preparing a tactical plan, the officers received information regarding the house that indicated there were additional people inside, as well as two Pit Bull dogs. Several subjects left the residence or were subsequently removed and it was secured. Officer C was involved in making one of the arrests, and in doing so, found it necessary to draw his service pistol. Officer C made this arrest made without incident.

A protective sweep of the house was conducted under the supervision of Sergeant A that included Officers A, B, and several other officers. During the sweep of the residence, the officers encountered two Pit Bull dogs. The dogs were secured in separate bedrooms. As the search team positioned themselves in tactical positions in the house and/or covering locations that had yet to be cleared, Officers A and B approached the closed door adjacent to the front entryway. Officer A was armed with his pistol and stood to the left of the door, while Officer B was armed with a fire extinguisher and stood to the right.

Officer A partially opened the door and realized the door led to a bathroom with a pass-through to a bedroom. Immediately the officers were met by the aggressively barking dog that was standing in the small bathroom. Officer B discharged the fire extinguisher in the direction of the dog and successfully pushed the dog back. The dog retreated into the bedroom and jumped up onto the bed. From a distance of approximately twelve feet from the officers, the dog continued its aggressive behavior by baring its teeth and barking. As Officers A and B cleared the bathroom of any subjects, Officer B discharged the fire extinguisher a second time in the direction of the dog.

Due to the thickness of the chemicals in the air from the fire extinguisher, Officer A turned his flashlight on to maintain a position on the dog. The dog immediately charged at the officers and Officer A noted the dog was baring its teeth and growling as it charged at them. Fearing the dog was preparing to bite him and Officer B, Officer A fired one round in a downward/westerly direction, striking the dog in the left shoulder. The dog was approximately two feet away from the officers and continuing its charge when the round was discharged.

The dog ran into an open room that had been previously searched. An officer saw the dog run into the room and closed the door behind it successfully securing the dog within the room. Officers A and B continued the search of the front bedroom and determined it was clear of any additional subjects. Sergeant A, utilizing his police radio, notified the officers in and around the house that one round had been fired at a dog. Sergeant A directed the searching officers to continue the sweep of the house including the room with the second dog, which was completed without incident.

The dog was transported to a nearby animal hospital where it was determined it had sustained a single gunshot wound to the left torso area. The projectile was removed and the dog was treated.

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, along with those of Officers A, B, and C's, to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A'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 tactics utilized neither individually nor collectively unjustifiably or substantially deviated from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident with the objective of developing peak individual and organizational performance.

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

B. Drawing/Exhibiting

- **Officer A**

Once a perimeter was established around the target location, the occupants were ordered to exit. Several individuals exited the residence and were taken into custody. A search team was assembled and entered the residence to conduct a systematic search for additional subjects. Officers A and B were part of the search team. As the entry was made into the residence, Officer A drew his service pistol.

Tactical practices dictate that building search operations are inherently dangerous. Any occupant of the building(s) to be searched has a tactical advantage in that they are often times familiar with the location and have the benefit of being inside a potentially fortified location. With that said, officers generally conduct these types of searches with their service pistols drawn.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that there was a substantial risk that the situation might escalate to the point where deadly force might be justified.

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

- **Officer B**

After encountering the dog and discharging the fire extinguisher two times to prevent the dog from attacking, Officer B observed the dog charge toward him and Officer A. Officer B heard Officer A discharge his service pistol and in response, Officer B dropped the fire extinguisher and drew his service pistol.

An officer with similar training and experience as Officer B would reasonably believe that upon hearing their partner discharge his firearm toward a charging dog, there was a substantial risk that the situation might escalate to the point where deadly force might be justified.

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

- **Officer C**

In this instance, Officers A, B, and C responded to assist with a stolen/recovered vehicle investigation. As Officer C and his partner drove toward the location, an air unit broadcast information regarding possible subjects fleeing on foot. Officer C observed a female subject and as he and his partner gave chase, Officer C drew his service pistol. The female submitted to arrest and was taken her into custody without further incident.

An officer with similar training and experience as Officer C while facing similar circumstances would reasonably believe that there was a substantial risk that the situation might escalate to the point where deadly force might be justified.

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

C. Lethal Use of Force

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

In this instance, Officer A opened a door and observed a Pit Bull dog standing in a bathroom aggressively barking at them. Officer B discharged the fire extinguisher in the direction of the dog which was originally in a bathroom adjoining a bedroom. As a result, the dog retreated into the adjacent bedroom and jumped onto a bed. The officers cleared the bathroom of potential subjects and noted the dog was barking, baring its teeth and displaying its hackles. In response, Officer B discharged the fire extinguisher for a second time at the dog. In order to maintain a visual of the dog through the smoke, Officer A illuminated the dog with his flashlight. The dog suddenly charged at Officer A while growling and baring its teeth. Fearing the dog would cause him serious bodily injury, Officer A fired one round in a downward direction at the dog to stop its advance. Officer A believed that if he did not fire at the dog that he would have been bitten.

The BOPC determined an officer with similar training and experience as Officer A would reasonably believe that the charging dog presented an imminent threat of serious bodily injury.

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