

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 069-11**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Harbor	07/30/11		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	16 years, 4 months

**Reason for Police Contact**

Officers responded to a radio call of a subject walking in the middle of the street. Officers detained the subject who resisted arrest, resulting in the use less-lethal and non-lethal force.

<b>Subject(s)</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 and addenda items); the 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 Los Angeles Police 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, 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 June 12, 2012.

## **Incident Summary**

Area personnel were conducting probation and parole compliance searches at several locations, including Officers A and B.

During the briefing, Sergeant A discussed the target locations and assigned each officer a specific duty. The officers would have the same assignments for each location.

The officers arrived at the first location. The location was familiar to the officers and multiple firearms had been recovered from inside the residence. The officers exited their police vehicles and approached the location. Officers A and B were assigned as containment officers and were to be positioned at the rear of the residence.

Officers A and B approached the north side of the residence, which had an east/west walkway approximately four feet wide. As they approached, they observed that the metal gate at the entrance of the walkway was open approximately two feet. Based upon the nature of the compliance searches and their knowledge of the location, the officers drew their pistols.

Officer A reached the gate and stopped. He assessed the walkway for the Subject, any persons or any evidence of an animal. Officer A stated that the gate was open and he observed no persons and no feces, toys, bowls or posted signs. Officer A believed that no animal was present at the location.

Officer A began to walk west on the north walkway of the residence. As he proceeded, he made audible, verbal clicking sounds with his mouth in an effort to continually rule out the presence of a dog.

As he approached the rear of the residence, he observed the head of a gray Pit Bull dog appear from the rear staircase of the residence. Officer A immediately stopped his advance, notified Officer B of his observation while he assessed the actions of the dog.

According to Officer A, initially, the dog made no sound. The dog placed his head low to the ground, lowered its shoulders and charged Officer A. As the dog ran at Officer A, it snarled and growled.

Officer A took approximately two steps back. He felt Officer B's hand on his back as Officer B attempted to guide him back. The dog was approximately three to four feet away from Officer A and was continuing to charge.

Officer A believed that the dog intended to bite him. Based upon training and experience, Officer A knew that if the dog bit him, the dog would cause great bodily damage. Due to the close proximity of the dog and the confined space of the walkway, Officer A did not have time to deploy any less-lethal options. For this reason, Officer A fired two rounds at the charging dog.

After the shooting, the dog stopped and fell on its rear legs. The dog then ran to the rear yard, out of Officer A's sight. Officer A then yelled out that shots had been fired and that it was a dog only.

The officers held their positions until the residence was searched and cleared of any subjects and Sergeant A responded to their location. The dog sustained a gunshot wound to its right shoulder, and was euthanized as a result.

### **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 revolver 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 A and B's drawing and exhibition of a firearm to be in policy.

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

The BOPC found Officers A use of lethal force to be in policy.

### **Basis for Findings**

#### **A. Tactics**

In their analysis of this incident, the BOPC identified the following tactical considerations:

##### **1. Defensive Tactics Against Hostile Dogs**

In this instance, Officers A and B were working a multi-location probation and parole compliance check operation, were assigned to rear containment and did not bring a fire extinguisher with them.

The inherent nature of this assignment presents a potential for a confrontation with an unsecured dog. Accordingly, consideration should be given to the deployment of a fire extinguisher as part of a comprehensive tactical plan when feasible.

The BOPC determined that, while the actions of Officers A and B did not substantially deviate from approved Department tactical planning, both officers could benefit from a review of various defensive tactical options for hostile dog encounters.

During the review of this incident, the following debriefing point was also noted:

- **Dog Encounters**

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, although there was an identified area for improvement, the tactical consideration 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, tactical practices dictate that probation and parole compliance search operations are inherently dangerous. The subject(s) of such compliance searches have a tactical advantage in that they are often times familiar with the location and have the benefit of being inside a potentially fortified location. Furthermore, Officers A and B were familiar with the location and aware that the subject of the probation compliance check was a gang member and that weapon(s) had previously been recovered at the residence, specifically an SKS assault rifle. As a result, it was reasonable to believe 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 and B's drawing and exhibition of a firearm to be in policy.

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

In this instance, the Pit Bull breed dog lowered its head and shoulders and began to charge at Officer A while it growled and exposed its teeth.

The BOPC determined that an officer with similar training and experience would reasonably perceive that a dog in such close proximity and exhibiting the described

identifiable signs of aggression would represent an immediate threat of serious bodily injury. Therefore, the decision to use lethal force was objectively reasonable and within Department policy.

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