

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

OFFICER-INVOLVED ANIMAL SHOOTING – 092-11

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

77th Street 10/18/11

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

Officer A 3 years, 6 months

Reason for Police Contact

As officers responded to a call for service at a location, one of the officers was confronted by a charging dog, resulting in an officer-involved animal shooting.

Animal **Deceased (X) Wounded () 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 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 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 July 17, 2012.

Incident Summary

Witness A called Communications Division (CD) and informed the operator that Witness B was under the influence of alcohol, threatening others at the location, and refusing to leave.

Note: The location was a single-family residence located to the rear of another single-family residence and surrounded by 6-foot cinder block walls to the rear and both sides and by a 6-foot metal wrought iron fence to the front. There was a commonly shared driveway for both residences, and a pedestrian and vehicle gate contained within the wrought iron fence, which at the time of the incident were in a closed position.

Communications Division assigned the call to Officers A and B. Officer A parked their police vehicle on the street, near the location. Both officers exited their vehicle and approached the pedestrian gate. After visually scanning the front yard for signs of a dog—and not seeing any—Officer B ran his side handle baton along the wrought iron fence, making a noise to alert any potential animals. When there was no reaction, both officers entered the property and walked on the driveway along the side of both residences. Officer B indicated the front house at the location did not have any lights on, so the officers made their way to the rear of the property to locate Witness A.

Just as the officers reached a point between the front and rear residences, Officer A heard movement at the end of the driveway. He then observed a large Pit Bull dog running on the driveway toward him and his partner and breathing heavily.

Officers A and B's respective positions, approximately 10 feet apart, allowed them to see each other; however, when the dog first appeared, Officer B's view of the dog was blocked by a corner of the front house, and he was simultaneously focused on the front door of the rear house. Fearing that he or his partner would be bitten by the dog, Officer A unholstered his pistol and fired twice. The second shot stopped the Pit Bull from advancing and caused the dog to retreat into an exterior crawl space underneath the side of the rear house. Officer B did not unholster his pistol.

Officer A contacted CD and requested a supervisor.

There were no eyewitnesses to the shooting other than Officers A and B. Witnesses A and C transported the dog to an animal hospital for treatment. The Pit Bull sustained a gunshot wound from one round that entered its upper right jaw, exited its lower right jaw and entered its right shoulder. After being advised of the cost to perform surgery, they opted to have their dog euthanized.

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 and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A'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. However, in this instance, there were no areas for improvement identified.

In conclusion, 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.

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

B. Drawing/Exhibiting

- In this instance, Officers A and B responded to a call at the location when Officer A observed a large Pit Bull dog running toward him. The dog charged at Officer A while growling and baring its teeth. Officer A stated that when the dog continued to pick up speed, he unholstered his service pistol in fear that the dog would bite or injure him or his partner.

An officer with similar training and experience as Officer A would reasonably believe that based on the charging dog 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 A's drawing and exhibition of a firearm to be in policy.

Lethal Use of Force

- **Officer A** (pistol, 2 rounds)

In this instance, the dog emerged from the backyard and ran toward Officer A. Officer A feared that the charging dog would bite or injure him or his partner and he fired two rounds at the dog.

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