

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

OFFICER-INVOLVED ANIMAL SHOOTING – 004-16

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

Southeast 1/7/16

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

Officer A 10 years, 3 months

Reason for Police Contact

Officers responded to a call of two “vicious” dogs wandering in a neighborhood. One of the dogs eventually charged the officers and an animal officer-involved shooting (AOIS) occurred.

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

2 x Pit Bull dogs.

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 September 27, 2016.

Incident Summary

A Person Reporting (PR) contacted the Los Angeles Police Department (LAPD) Communications Division (CD) and reported “two vicious pit bulls loose,” next to her residence. When asked if the dogs were chasing anyone, Witness A informed CD, “they were about to chase me,” and added, “but luckily I got in my gate.” The “vicious animal” Code-3 (emergency) radio call was broadcast, and the dogs were described as two Pit Bull dogs, one grey and one white. Officers A and B notified CD that they would handle the call.

As Officers A and B arrived in the area, they observed the two dogs walking on the west sidewalk. Officer A notified CD that they had arrived at the location. The officers noted the dogs were not aggressive and followed them in their police vehicle while scanning the immediate area for any pedestrians or other animals the dogs may encounter.

The dogs began to bark at a German Shepard dog that was secured within a front yard of a residence. The officers attempted to call the two Pit Bull dogs to their vehicle to determine if they were docile and, although they did not respond, they remained calm.

As the dogs continued northbound, Officer A notified CD that the incident had been resolved (Code-4), citing their apparent unaggressive nature. Furthermore, he requested an Animal Control Officer to respond, where he and his partner would be standing by. The officers continued to monitor the dogs’ activity while following them in their vehicle. The officers saw, and warned a person walking her dog, of the pit bull dogs’ presence and suggested she vacate the area, which she did.

The officers then reacquired a visual on the Pit Bull dogs. The dogs continued as the officers followed them. The officers observed the dogs enter the front yard of a residence. The officers noted that the yard was fenced in and that the dogs had accessed the front yard via a sliding wrought iron gate which had been left open. Officer B parked his vehicle in front of the residence, and he and Officer A discussed and decided to close the gate in an effort to contain the dogs until an Animal Control Officer responded.

Officer B, being nearest to the north side of the street, exited the driver’s side of his vehicle and approached the residence. When Officer B came within ten to 15 feet of the gate, the dogs exited the front yard and proceeded on the north sidewalk. Officer B entered his vehicle with the intent of continuing to follow the dogs. As he began to move his vehicle, he and his partner realized that both dogs had crossed the street and entered the front yard of another residence, directly across the street.

Officer B stopped his vehicle, in the middle of the street, and the officers continued to monitor the dogs. The officers noted that the fenced yard the dogs were now in also possessed a sliding wrought iron gate, which had been left open. Furthermore, they observed that the female Pit Bull dog was now lying on the raised front porch of the residence while the male was lying on the ground at the base of the porch. The officers

again discussed and opted to attempt to close the gate in an effort to contain the dogs until the arrival of an Animal Control Officer. Officer A, nearest to the south side of the street, exited the passenger side of the vehicle. Officer B exited the driver's side of the vehicle, walked around the front, and began to follow behind Officer A.

As Officer A neared the sidewalk in front of the residence, the female Pit Bull dog growled, barked, and ran at Officer A. Officer A, in fear for his safety and that of his partner, unholstered his service weapon. As the female Pit Bull dog continued to advance, Officer A, from a distance of approximately nine feet and ten inches, fired one round downward in a southwesterly direction at the dog, missing it. Officer B noted that, "she [the dog] was running at my partner and she was barking. She appeared aggressive like she wanted to bite him [Officer A]." The female Pit Bull immediately ran back onto the raised porch and lay back down. The male Pit Bull then exited the front yard and ran west down the street.

Simultaneously, Witness B, who had moments earlier been advised by his sisters that the police were in front of their residence, looked out his front window. Witness B observed Officer A holding his service weapon with the barrel pointed toward the ground. As he continued to look out his window, Witness B observed Officer A step backward away from the sidewalk and holster his weapon.

Officer A then removed his hand held radio and notified CD that he had been involved in an AOIS. Neither animal, nor any person was injured during the incident.

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 unanimously made the following findings.

Tactics

- During the review of this incident, the following debriefing point was noted:
 - Dog encounters

A. Tactics

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing and 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 lethal use of 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, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were additional areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review the individual actions that took place during this incident.

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

B. Drawing and Exhibiting

- According to Officer A, as he walked toward the gate he observed a female Pit Bull dog charging toward him, and he drew his service pistol.

The BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe that there was a risk the situation may escalate to the point where deadly force may be justified.

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

C. Lethal Use of Force

- **Officer A** – (pistol, one round)

Officer A observed a Pit Bull dog charge towards him, as he approached to close the wrought iron gate. Fearing for his safety and that of his partner, he fired one round in the direction of the dog, missing his target.

Given the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the attacking dog represented an immediate threat of serious bodily injury and that the use of lethal force would be justified in order to stop the dog's advance.

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