

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

OFFICER-INVOLVED ANIMAL SHOOTING – 033-16

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
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Outside City	06/05/16		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	22 years, 10 months
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Reason for Police Contact

Officer A was assisting his neighbor with two Pit Bull dogs, who were attacking each other in her residence. As Officer A confronted the dogs, one of them began growling and bearing its teeth. Fearing that he was about to be attacked and was in danger of great bodily injury, Officer A fired multiple rounds from his pistol, resulting in an Officer-Involved Animal Shooting (OIAS).

Subject(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Two Pit Bull dogs.			
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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 April 11, 2017.

Incident Summary

Witness A was sitting in her living room talking with her sister-in-law, Witness B. According to Witness A, one of her two family dogs was acting strange. The dog was sitting and staring at her daughter. Witness A separated the dogs, placing one of them in the backyard and the other in an indoor crate. After a few hours, she let the dogs back into the living room and continued her visit.

Note: According to Witness A, the year prior to this incident, the two dogs had attacked each other, and her father-in-law broke his hand while trying to separate them.

Witness A walked into the kitchen and heard the dogs begin to fight. Knowing her young daughter was in the room with the dogs, she immediately sent her to the playroom, which was immediately adjacent to the room containing the dogs, to get her away from the dogs. Her other daughter, (12 years old), brought her a cooking pan to use against the dogs to break up the fight. Witness A told her to go into the bathroom and lock the door.

According to Witness A, she was going to call her husband who works as a police officer at an outside agency, but she was unable to locate her phone. Witness A ran out of the house, through the garage, with the intention of getting a neighbor to help her. Upon exiting the garage, she observed Officer A's (neighbor's) vehicle parked in his driveway. Witness A, knowing he was a Los Angeles Police Department officer, ran across the street to his house and banged on his door.

According to Officer A, he was in his house watching television when he heard loud banging on his front door. He looked through the peep hole in the door and saw Witness A crying. Officer A opened the door, and she told him she needed him to come over. Witness A said her dogs were killing each other, her daughters were inside the house, and they were in danger. She went on to say, "Please, please, please, come over."

According to Witness A, when Officer A came to the door, she told him that her dogs were fighting viciously and she was worried for her kids, her family, and herself.

Note: Witness A was unsure if she told Officer A to bring his gun or if he asked if he should bring his gun.

According to Officer A, he started to walk out of the house, and Witness A told him he needed to bring his gun. Because he was concerned about the safety of the girls and believed the situation could rise to the level of deadly force, Officer A went upstairs and retrieved his gun, still in a holster, from his bedroom. Officer A ran across the street while holding the holster with the gun inside.

Note: Officer A was wearing gym shorts. Officer A said if he attached his holstered gun to the waistband of the shorts, it would have fallen to the ground.

According to Witness A, Officer A entered her garage. Upon seeing Witness B in the garage, he asked her if she was in fear for her safety as well as the safety of her nieces. Witness B replied yes. Officer A formed the opinion that if he did not take action, the children could possibly be mauled by the dogs. According to Officer A, Witness B told him one of the girls was in a bathroom to the right of the entry door. Witness B was unsure where the second girl was located. Officer A believed that immediate action needed to be taken to protect the girls. He entered the residence with the intention of locating the missing child and ensuring her safety. Other than his weapon, Officer A carried no other equipment or tools.

Officer A entered the house, unholstered his weapon, dropped the holster to the ground, and held his pistol in a two-handed, low-ready position. Officer A proceeded down the hallway, past the closed bathroom door, toward the fighting dogs, searching for the missing child. Officer A could hear the dogs fighting and was able to see blood on the wall as well as on the dogs. Officer A was calling loudly, "girls, girls" when the dogs abruptly stopped fighting and turned their attention toward him. The grey dog started growling and moving toward him while bearing its teeth. Officer A saw the dog had blood on its face and teeth. Fearing he was about to be attacked, Officer A fired his weapon at the dog, in a southerly direction, from a distance of 12 to 14 feet. After firing the third round, the grey dog fell to the ground approximately 4-5 feet in front of him. Officer A stopped firing and moved seven to ten feet to his left.

The brown dog charged toward him, and Officer A believed he was going to be attacked. Officer A again fired his weapon in a southerly direction at the brown dog from a distance of approximately 10 feet. The dog collapsed on the floor.

Note: The background of Officer A's shooting was the southern internal drywall of the living room. Outside of the wall was a block wall.

Officer A believed he could not retreat because one of the daughters was still somewhere in the house and in danger from the dogs. Officer A stated he did not believe he had any other options but to use deadly force against the dogs.

Witness B, who had followed Officer A into the house, stated that the dogs were still tearing each other up. Witnesses A and B retreated into the laundry room and heard shots fired. When Witness A did not hear any more gunfire, she went out through the garage, re-entered the house through the front door, and escorted her daughter to the front yard. Witness A then entered the house again, retrieved her other daughter from the playroom, and escorted her to the front yard. According to Witness B, once the incident was over, everyone was in the front yard. Officer A's wife called 911 and waited until the local police agency arrived.

Note: Officer A said that while in the house, he had called the local police agency to report the incident. Officer A stayed on the phone until the first police officer arrived. Officer A then laid his pistol on the landing and walked outside to the officer.

Officer A called Sergeant A and informed him that he had been involved in an animal shooting. Sergeant A contacted Sergeant B and directed him to respond to the scene of the animal-related incident. Sergeant B arrived and obtained a Public Safety Statement from Officer A. Sergeant B monitored Officer A until the arrival of Force Investigation Division (FID).

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.

A. Tactics

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

B. Drawing/Exhibiting

The BOPC found Officer A's drawing and exhibiting 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

- In its analysis of this incident, the BOPC identified the following tactical consideration:
- Dog Encounters
- The BOPC additionally considered the following:

1. Maintaining Control of Equipment

According to Officer A, upon the arrival of police personnel, he placed his service pistol on the floor inside of the residence and exited to meet with them. Although the BOPC understood that Officer A did not want to confront responding police personnel armed with his service pistol, Officer A was reminded of the importance of ensuring that the weapon is properly secured in the event that there were additional individuals inside of the residence.

- 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 identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

Note: In addition to the above mentioned topics, the Tactical Debrief shall include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code-Six);
- Tactical Planning;
- Command and Control; and,
- Lethal Force.

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

B. Drawing/Exhibiting

- According to Officer A, he believed that immediate action needed to be taken to protect the two young girls that were reportedly inside the residence. Officer A then drew his service pistol and proceeded down the hallway in an effort to locate the girls and get them to safety.

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

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

C. Lethal Use of Force

- **Officer A** – (pistol, seven rounds)

First Sequence of Fire – Round Nos. 1-3 from a decreasing distance of approximately fourteen to twelve feet.

According to Officer A, as he proceeded down the hallway, he observed two large Pit Bull type breed dogs, one gray and one tan, bloody and fighting. As he called out to the girls, the dogs abruptly stopped fighting and turned their attention toward him. The gray Pit Bull dog started growling and bearing its teeth, and then charged toward him. Fearing for his life, Officer A fired three rounds from his service pistol at the gray Pit Bull dog to stop the dog's attack.

Second Sequence of Fire – Round Nos. 4-7 from a distance of approximately ten feet.

According to Officer A, the tan Pit Bull dog then began to charge toward him. Fearing for his life, he fired four rounds from his service pistol at the tan dog to stop the dog's attack.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the charging dogs represented an immediate threat of serious bodily injury to himself and that the use of lethal force would be justified.

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