

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 036-16**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Southeast	6/20/2016		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	14 years
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**Reason for Police Contact**

Officers responded to a call of a possible dog fight and discovered three Pit Bull dogs attacking a fourth dog in the middle of the street. An officer involved-animal shooting (OIAS) resulted.

<b>Animal(s)</b>	<b>Deceased (X) Wounded ( ) Non-Hit ( )</b>
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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 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 May 2, 2017.

## **Incident Summary**

Patrol Officers A and B were driving in a marked black and white police unit. Officer B was the driver and Officer A was the passenger. They had worked together on approximately four prior occasions and often discussed tactical considerations while responding to their assigned radio calls.

Communications Division (CD) received a 911 call from Witness A regarding vicious dogs fighting in the roadway approximately three houses east of his residence. In response, CD broadcast a call for two pit bulls fighting at the location.

Officer A broadcast that he and Officer B would handle the call and advised they would be at the scene shortly. According to both officers, as they proceeded toward the location, they observed and stopped their vehicle near four brown or gray aggressive and highly agitated Pit Bull breed dogs.

Officer A directed Officer B to back up their vehicle to create space between them and the dogs and to facilitate the ability to better assess the situation. Officer B also indicated there was a large van parked at the curb by the dogs that initially obstructed his view, hindering his ability to observe the dogs.

Officer B initially stopped the vehicle at what he estimated to be five feet from the dogs. He then backed up the vehicle to what he approximated to be 15-20 feet from the dogs. The investigation determined the vehicle was stopped approximately 24 feet from the dogs.

According to the officers, they used their headlights and both external spotlights to illuminate the dogs. Officer B stated he also used his tactical light on his pistol as a source of illumination. Officer A did not have a tactical light.

According to Officer A, the officers quickly assessed the situation while they remained in the police vehicle. Three of the dogs were ripping, shredding, and tearing at one of the dogs that was on the ground. The dogs would periodically hesitate and look in the officers' direction. Officer A described that the dogs were barking and growling as in a territorial defining manner, and he was concerned they would attack a person.

Officer B described that three of the dogs were attacking the fourth one on the ground. One or two of the dogs would attack the wounded dog with one looking at the officers, growling and walking around. The three vicious dogs would "switch positions" with one always watching the officers. Officer A believed that if one of the dogs charged at him, the others would follow because they were acting as a pack.

Officer A was concerned that it was early in the morning and residents would be getting up to leave for work. If the dogs were to leave the area, they would maintain their pack mentality and be a threat to public safety as they could attack residents leaving their homes for work. He further elaborated that he knew the area to be plagued with

narcotics sales as well as narcotic users frequently walking the streets at all hours of the night.

Although neither officer reported seeing bystanders during their initial contact with the dogs, the 911 call indicated that the caller (Witness A) observed a group of men around the dogs. Furthermore, Officer A explained that in one instance he had to direct a woman to remain inside her home as she peeked out of her security gate. According to Officer B, there was pedestrian traffic in the area, and it was not uncommon for people to be walking around at any given time. He observed pedestrians after the shots were fired and the situation was still active, requiring the pedestrians be instructed to leave the area to ensure their safety.

According to Officer A, he quickly assessed the situation and weighed what options he had to most effectively respond to the circumstances he was confronted with. In his assessment, he believed the TASER was not feasible because the maximum distance for deployment (21 feet) placed the officer at undue risk of being attacked. The beanbag shotgun would only serve to disperse the vicious dogs and place unsuspecting citizens at risk of attack. Officer A did not want to leave the cover of his police vehicle, which limited his options to address the situation.

Officer B recalled discussing with Officer A that the officers needed to be aware of the dogs since they were mentioned in the radio call. They discussed being mindful of their surroundings and the fact that the dogs might be off leash and coming toward them.

Officers A and B exited their police vehicle, unholstered their service pistols, and held them in a low-ready position. According to both officers, their decision to unholster their service pistols was based on their belief that the dogs posed a threat to them and potential pedestrians in the area.

Officer A then moved to the right front fender of the police vehicle while Officer B maintained a position of cover behind the driver's door. He described that as two of the dogs attacked the dog that was on the ground, a third dog stood up and looked like it was going to charge. As Officer A quickly assessed the situation and identified the most aggressive dog, which was the one most aggressively attacking the injured dog on the ground.

Officer A was concerned the dog would kill someone and noted that the other two vicious dogs were following what that dog did. He believed that the other two dogs would remain calm if the most aggressive dog was neutralized.

Officer A thought about what he could do to avoid shooting the dogs but could not think of any other viable option at that time. He feared that he and his partner would not be able to protect themselves or bystanders from the vicious dogs if they turned their attention to them and attacked in the pack mentality observed.

Therefore, Officer A assessed his background and noted a red car and a house. He focused on his front sight, aimed at the left ribcage of the most aggressive dog, and fired a single round from approximately 30 feet, striking the dog on the left side of the neck above the shoulder. The dog then soon fell to the ground. According to Officer A, the dog looked up at him and then proceeded to tear at the injured dog just prior to him discharging his service pistol. Officer A emphasized that the rationale for discharging his service pistol was to ensure public safety.

Simultaneously, Officer B described that two of the dogs were attacking the injured dog on the ground while the third dog was growling and looking in his and his partner's direction. He believed that the dog looking directly at the officers would have charged them, and if it did, the other two dogs would follow suit. Officer B then began to align his sights on the dog looking at them with the intent to fire when he heard his partner discharge his service pistol. He then returned to a low-ready position to assess and observed the dog he had targeted move back toward the dog that was being attacked. In his opinion, this round was effective in keeping this dog from focusing on him.

Officer A moved forward to the front of the police vehicle to further assess and observed the two remaining vicious dogs still attacking the dog on the ground. He then moved back to his previous position behind the cover of the police vehicle. Although the round struck and neutralized the intended dog, the two remaining vicious dogs continued with their violent, aggressive behavior.

Officer A described that one of the remaining vicious dogs established his dominance over the other vicious dog by momentarily attacking it before reasserting the attack on the injured dog on the ground. Officer A focused on the newly identified most aggressive dog and aimed for the left side of the dog, behind the front shoulder, and fired a round from approximately 34 feet, striking the dog on the left shoulder. However, the dog continued with the violent attack. According to Officer A, he feared the observed aggressive attack would be redirected toward him and his partner or an unsuspecting bystander.

Meanwhile, Officer B stated the two remaining vicious dogs continued to attack the injured dog on the ground with one of them directing its attention toward them. He could not recall specifically whether it was directed at him or his partner. As he raised his service pistol, Officer B heard his partner discharge a second round.

According to Officer A, he knew the round struck the dog. However, the round appeared to not have the desired effect. Rather, it appeared to make the dog angry and more aggressive. Officer A said he again assessed as the dog continued to violently attack the injured dog on the ground and was concerned for the welfare of the residents who may be leaving for work.

Officer A then focused on his sights, aimed for the dog's head and fired from approximately 34 feet, striking the dog in the head. This neutralized the dog and caused the remaining, lone, vicious dog to cease the violent behavior. The dog began

to lick the wounds of the injured dog on the ground. Officer A said the threat was not over but the situation had at least calmed down. At times, this dog would become agitated and start barking at and walking toward the officers. Officer A described that the dog would walk approximately six feet in the officer's direction, then returned to the side of the injured dog on the ground.

Officer A broadcast to CD the officers' status and location (Code Six) and that a dog shooting had occurred. He also requested the response of a supervisor and Animal Control. In addition, he activated his Digital In-Car Video System (DICVS). Officer B stated he knew when his partner activated the DICVS because he felt his microphone attached to his gun belt vibrate.

**Note:** According to the officers, Animal Control was not requested immediately because Animal Control is known to have a delayed response time to incidents. The viciousness of the dogs and the officers' concern for public safety required immediate action.

The incident was captured on the officers' Digital In-Car Video System (DICVS). Although not definitive as to when all three rounds were discharged, the video depicts expended gases/smoke consistent with the discharge of a firearm illuminated by the police vehicle's spotlights. The video also depicts Officer A move in front of the vehicle and then rearward and off camera.

Officer A stated that he fired the first round "relatively quickly" and estimated it to be five seconds after he exited the police vehicle. He then estimated he fired the second shot three to five seconds later and the third shot approximately three seconds after the second.

Officer B stated the first and second rounds were fired in "relatively quick succession...within a couple of seconds of each other." He believed the third round could not have been fired more than 10 seconds after the second round. However, he estimated the time between the second and third round to be approximately four seconds.

A supervisor and additional officers responded to assist and control the scene with the remaining loose dog while awaiting the arrival of Animal Control personnel.

Los Angeles City Animal Control subsequently arrived at the scene and attempted to capture the remaining vicious dog. However, the dog eventually escaped and fled out of the immediate area. After checking the area for the dog, it could not be located.

Animal Control transported the injured dog that had been attacked to the Animal Shelter. The dog died while in transit. The Los Angeles Department of Sanitation responded to the scene to further handle the two deceased dogs that had been shot during the incident.

Force Investigation Division Detectives responded to the Animal Control shelter to conduct a visual inspection of the deceased injured dog. The doctor examined the dog in the detectives' presence. The dog was female and did not have any gunshot wounds. The doctor determined death was a result of a fatal bite to the head. The dog had sustained multiple injuries throughout her body and legs, and had a large wound to the head.

### **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 Officer A's tactics to warrant a finding of Administrative Disapproval, and Officer B's tactics to warrant a Tactical Debrief.

#### **B. Drawing/Exhibiting**

The BOPC found Officers A and B'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 out of policy.

### **Basis for Findings**

#### **A. Tactics**

- In its analysis of this incident the BOPC identified the following tactical consideration:
  - Animal Encounters
  - The BOPC additionally considered the following:
    1. Tactical Communication and Planning (Substantial Deviation – Officer A)

Officer A did not effectively communicate or formulate a plan with Officer B, a less experienced officer.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

Based on the totality of the circumstances, the BOPC determined that Officer A's failure to effectively communicate or plan with his partner was a substantial deviation, without justification, from approved Department tactical training.

## 2. Additional Unit Request (Substantial Deviation – Officer A)

Officers A and B did not request an additional unit or a back-up prior to engaging with a pack of vicious dogs.

In this case, the officers had the ability to remain in their vehicle to assess the incident from a position of advantage and request additional resources to assist with the ongoing situation. It would have been advantageous for the officers to request an additional unit as well as the response of Animal Control to minimize the risk to the officers and the community in a safe and effective manner.

Although officers are given discretion regarding the appropriate time to broadcast, a request for an additional unit or back-up unit would have been tactically advantageous prior to engaging the vicious dogs.

Based on the totality of the circumstances, the BOPC determined that Officer A's failure to request any additional resources was a substantial deviation, without justification, from approved Department tactical training.

These topics will be discussed during the Tactical Debrief.

- 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.

In conducting an objective assessment of this case, the BOPC found that the tactics utilized by Officer A substantially and unjustifiably deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also 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.

In conclusion, the BOPC found that Officer A's tactics warranted a finding of Administrative Disapproval and Officer B's tactics warranted a Tactical Debrief.

## **B. Drawing/Exhibiting**

- According to Officer B, he communicated with his partner that these dogs appear to be aggressive. He then exited the driver's side of the vehicle and drew his service pistol in a two-handed, low ready position.

According to Officer A, the dogs were panting and growling and looked very aggressive. He exited his vehicle from the passenger side and drew his service pistol in a two-handed, low ready grip.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, when faced with a 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 Officers A and B's drawing and exhibiting of a firearm to be in policy.

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

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

### First Round

According to Officer A, he identified the most aggressive dog and fired one round from his service pistol at that dog. After firing the round, the dog immediately fell to the ground and then he backed up because he did not want the other dogs to charge at him.

### Second Round

According to Officer A, he observed that the two remaining dogs were still going crazy and were attacking the other dog. He believed if one of the dogs got a hold of anyone, the dog would kill somebody. He then fired a second round at one of the other dogs.

### Third Round



According to Officer A, the second shot appeared to have no effect on the second dog because the dog continued to attack the other dog. Officer A then delivered a placement shot to the dog's head and the dog went down.

Department policy states that officers may not use lethal force against a dog to protect property, including other animals.

Based on the totality of the circumstances, the BOPC found that an officer with similar training and experience as Officer A would not reasonably believe that the dogs presented an imminent threat of death or serious bodily injury to Officers A or B at the time Officer A fired his service pistol. As the dogs were merely fighting with each other, the described actions of the dogs fall short of objectively presenting an imminent threat of death or serious bodily injury.

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