

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

OFFICER-INVOLVED ANIMAL SHOOTING - 008-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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West LA	02/05/12		
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Involved Officer	Length of Service
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Officer A	4 years, 8 months
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Reason for Police contact

Officers responded to a radio call of a severely injured deer. Upon arriving at the location, Officer A observed the deer to be gravely injured and suffering, and he used lethal force to euthanize the deer.

Animal(s)	Deceased (X) Wounded () Non-Hit ()
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Deer.	
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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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 the incident was adjudicated by the BOPC on January 8, 2013.

Incident Summary

Witness A telephonically contacted Communications Division (CD) to report a severely injured deer. The deer appeared to have two broken rear legs, was bleeding from its hind quarter, and was struggling to stand.

Communications Division attempted to contact the Department of Animal Regulation, but no one answered the telephone. Communications Division initiated a radio call and dispatched Officers A and B to the location.

Officers A and B arrived at the location. Upon their arrival, they were met by Witnesses B, C, and D. Both officers believed the deer to be gravely injured and gave the appearance of extreme suffering. Officer A telephonically contacted Sergeant A, the Area Watch Commander, who authorized deadly force to euthanize the deer.

The deer was located on an uninhabited dirt embankment on the south side of the roadway. As Officer A prepared to shoot the deer, Witnesses B, C, and D held east and westbound vehicular traffic. There were no pedestrians immediately near the deer, nor any commercial or residential structures. Utilizing a Department issued shotgun, Officer A fired three rounds at the deer from a distance of approximately six feet, killing it.

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 weapon 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 Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officer A's 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. Each tactical incident inherently results in considerations for improvement. However, in this instance, there were no areas for improvement identified.

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

B. Drawing/Exhibiting

- In this instance, Officers A and B responded to a deer hit by a car radio call. Officers A and B located the deer and determined it had sustained serious injuries, causing critical suffering. Once Sergeant A authorized the use of lethal force to euthanize the deer, Officer A retrieved the Department shotgun from the police vehicle in order to destroy the animal.

The BOPC determined that Officer A had sufficient information to believe the incident had escalated to the point where deadly force may be justified.

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

C. Lethal Use of Force

- **Officer A** – 12 Gauge Department shotgun, three rounds from a distance of approximately six feet.

Once Sergeant A authorized the use of lethal force to euthanize the deer, Officers A and B asked Witnesses B, C, and D to hold eastbound and westbound traffic. Once the road was safe and cleared of pedestrian and vehicle traffic, Officer A approached the critically injured animal and pointed the Department shotgun in a southeasterly direction at the deer. The background was a grassy hill embankment free of any commercial or residential structures.

An officer with similar training and experience as Officer A would reasonably believe that use of lethal force would be justified in humanely destroying the critically injured animal. While the use of a firearm should occur only if other methods have been considered, in this case, the use of a shovel, hoe or other tool would have been impractical.

The standards set forth in Department Policy dictate that the decision to use force must be judged through the perspective of a reasonable officer with the same/similar training and experience, facing the same/similar circumstances. With that said, an

officer with similar training and experience faced with similar circumstances would reasonably believe that use of lethal force would be justified in humanely destroying a critically injured animal.

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