

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

OFFICER-INVOLVED ANIMAL SHOOTING – 021-10

Division	Date	Duty-On()	Off(X)	Uniform-Yes()	No(X)
Outside City	3/10/10				

Officer(s) Involved in Use of Force	Length of Service
Detective A	12 years, 11 months

Reason for Police Contact

Officer's pet dog confronted by opossum.

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

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 BOPC of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission. 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 25, 2010.

Incident Summary

Detective A was off-duty at his home when he heard a noise from his backyard. Detective A ran to the backyard and saw his pet dog being confronted by an opossum, which had its lips retracted and was baring its teeth and hissing. According to Detective A, "[a]lthough there is a common belief that opossums feign death as a defensive tactic it should be noted that they have fifty sharp teeth, sharp claws and have been known to aggressively attack."

Note: The opossum was subsequently determined to weigh 3.67 pounds. Detective A's dog weighed 45 pounds.

According to Detective A, the opossum repeatedly lunged at his dog. Detective A made several attempts to verbally call the dog back to him, but every time the dog moved right or left the opossum would cut off her avenue of escape. Detective A then tried to shout at the opossum and shoo it away, but it continued to lunge at the dog. Detective A noted there were no brooms, rakes, shovels, or poles of any kind readily accessible in his backyard. There were several chairs; however, Detective A eliminated using them to protect the dog and himself because, according to Detective A, "[t]hrowing a chair would not have been accurate, it is likely that I could have missed the opossum and struck [the dog]; or if I had struck the opossum, further enraged it ultimately causing more injury to [the dog] or myself."

Detective A then positioned himself approximately 10 feet away from the opossum. The dog then let out a scream, and the opossum turned in Detective A's direction, with its lips retracted, teeth bared, and hissing. Fearing that the opossum might begin attacking him, Detective A drew his pistol. Based on the opossum's actions, Detective A believed he and his dog were in immediate danger, and that "shooting the opossum was necessary to prevent great harm." According to Detective A, "[n]ot only would an attack have resulted in serious lacerations to both [the dog] and I, but a possibility of death or serious illness due to the fact that opossum carry parasites and have been known to carry rabies." Detective A then fired one round, striking the opossum. According to Detective A, the opossum flinched, but continued to move in his direction with its lips retracted, teeth bared, and hissing. Still in fear for the dog and his own safety, Detective A fired a second round, striking the opossum in the upper body and rendering it incapacitated.

Note: Detective A stated that he had a line of fire that did not place his dog in any harm. In addition, by firing downward toward the opossum, any round that missed the opossum would strike the ground.

Detective A holstered his weapon and placed his dog inside the house. Detective A then contacted the local police department and an LAPD supervisor to report what had occurred.

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 made the following findings by a vote of four-to-one.

A. Tactics – Does Not Apply.

B. Drawing/Exhibition – Does Not Apply.

C. Use of Force – The BOPC found Detective A's use of force to be out of policy.

Basis for Findings

Use of Force

In adjudicating this incident, the BOPC considered that:

Detective A encountered a 3.67 pound opossum confronting his 45 pound dog. Detective A described the opossum as acting aggressively toward his dog and himself. In determining its findings in this case, the BOPC reviewed Detective A's actions and evaluated them based on established Department policy on lethal force and training provided to officers specifically related to encounters with wild animals.

In this case, although Detective A stated that his act of shooting the opossum was necessary to prevent great harm, given the distances involved and the alternatives available to Detective A in the form of items located in his yard, the BOPC determined it was not objectively reasonable for Detective A to perceive that the opossum presented an immediate threat of death or serious bodily injury. Therefore, Officer A's use of a firearm to stop the threat perceived to be posed by the small animal was determined to be out of policy. In this instance, Detective A should have continued to monitor the opossum's actions and utilized available items such as patio chairs or spray from a nearby water hose as a barrier between the opossum, himself and his dog.