

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 023-12**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Hollenbeck	04/17/12		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer C	8 years, 9 months
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**Reason for Police Contact**

Officers were conducting a follow up investigation when one of the officers was confronted by an aggressive dog, resulting in an officer-involved animal shooting.

<b>Animal(s)</b>	<b>Deceased ( ) Wounded (X) Non-Hit ( )</b>
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Pit Bull dog	
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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.

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 incident was adjudicated by the BOPC on January 15, 2013.

## **Incident Summary**

Sergeant A along with Officers A, B, C, and D spoke with Witness A regarding a problem location in the area. Witness A stated that gang members used a nearby residence for narcotics activity. Furthermore, there was a possible stolen vehicle in the alley to the rear of the residence.

The officers checked on the possible stolen vehicle and determined it was not reported stolen. The officers made a plan to check for trespass suspects inside the residence. Officer A was designated as the contact officer.

Officer A approached the house. The officers then heard a large dog barking and running around inside the house. Officer D broadcast that he observed people moving and talking in the house.

As Officer A approached the rear side door, the dog startled him when it crashed against the rear wrought iron door. Officer A feared that the dog was going to break free outside the house. Officer A called out to the occupants of the house and told them to secure the dog and to prevent it from escaping residence.

An occupant of the house, later identified as Subject 1, acknowledged Officer A's commands and pulled the dog away from the door. Officer A told Subject 1 that once the dog was secured, to return to the rear door and exit the house. Moments later, Subject 1 exited the rear door and was handcuffed. Officer A asked Subject 1 if there was anyone else in the house. Subject 1 stated, "Just my friend." Officer A then asked where he placed the dog. Subject 1 replied, "The bathroom." Officer A asked him which bathroom and where the bathroom was located. Subject 1 replied, "The bathroom...the bathroom." Officer A directed Subject 1 to the front yard toward Sergeant A and Officer D.

Officer A then called out for anyone else inside the house to exit the rear door. A second occupant, later identified as Subject 2, exited the rear door, was also handcuffed and directed toward the front yard.

Officer A called out and identified the presence of the police at the rear door. Officers A, B and C then entered the house to clear the residence. The officers moved through the house, clearing room by room as they did so.

Officers A and B focused their attention on a doorway in a bedroom in which the door was approximately one inch ajar. Officer A and B paused and listened for any noise or movement of the dog. They heard none. Officer A grasped the door knob and shook it to make noise and again listened for any sound or movement. The officers heard no response from the dog and decided to open the door. Officer A pushed the door open for Officer B to visually clear the room. As soon as the door was opened, a large Pit Bull dog charged out barking and growling at Officer B. Both officers yelled, "Dog! Dog! Dog!" Officer B retreated backward and stepped on top of a bed to escape the dog.

The dog then ran into the kitchen toward Officer C barking, growling and exposing its teeth. Officer C retreated backward until his back was against the kitchen counter. The dog lunged upward toward Officer C and jumped on him placing its front paws on Officer C's left leg. The dog came within two inches of biting Officer C's face.

While being attacked by the dog, Officer C drew his pistol. He pointed it downward and fired one round at the dog's face. The dog yelped and ran into the living room. Officer B broadcast that a dog had been shot, and requested the response of the Department of Animal Control.

Animal Control Officer A arrived on scene and entered the house accompanied by the officers. The dog was impounded and transported to an animal shelter, where it was treated for a gunshot wound.

The officers arrested Subject 1 and Subject 2 for outstanding misdemeanor warrants and transported them to the station.

### **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 C's tactics to warrant a Tactical Debrief.

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

The BOPC found Officer C's drawing and exhibition of a firearm to be in policy.

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

The BOPC found Officer C'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.

After a thorough review of the incident, the Chief has determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training. Therefore, 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 with the objective of improving overall organizational and individual performance.

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

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

- In this instance, the officers were conducting a trespass investigation when they heard a large dog barking and striking the security door from inside the house. An occupant in the house advised the officers that he secured the dog in a bathroom. Believing that he may encounter an armed narcotics suspect or a vicious dog, Officer C drew his pistol.

Given that entering the residence where additional trespass suspects or the dog may be, the BOPC determined that an officer with similar training and experience, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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

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

- **Officer C** (pistol, one round)

In this instance, Officer C entered the residence in search of additional trespass suspects. Officer C was searching when he was attacked by an aggressive dog. The dog was barking, growling and baring its teeth. Officer C tactically redeployed rearward until his back was against the kitchen counter. The dog lunged upward and attempted to bite Officer C's face. Fearing that the dog was going to bite him, Officer C fired one round from his pistol to stop the attacking dog.

Given the totality of the circumstances, an officer with similar training and experience as Officer C would reasonably believe that the attacking dog posed an imminent threat of serious bodily injury or death and that the use of lethal force would be justified.

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