

Incident Summary

Police Officers A and B, who were in full uniform and driving a black and white police vehicle, responded to a radio call at a particular location. The comments on the call from Communications Division advised the officers that the Subject had removed the backdoor of a storage room and was refusing to put it back. Additionally, the comments gave a description of the Subject, 45-year-old male, and directed the officers to meet the person reporting (PR) the incident, who would direct them to the Subject. Finally, the comments indicated that the Subject was from the Incident Recall indicated that the Subject was “known to be violent towards person reporting, police department sent to keep the peace.”

At the location, Officers A and B observed the “Beware of Dog” sign on the closed gate in front of the residence and asked the PR if the dog was secured prior to entering the property. The PR informed Officers A and B that the dog was to the rear of the residence and secured. The PR went to the rear of the residence and when she returned, she verified the dog was secure and inside the residence. Officers A and B entered the property and followed the PR on the walkway to the rear of the street. The PR explained to the officers that the rear door to the storage room, located to the rear of the residence, had been removed. The PR informed the officers that a resident had removed the door and she wanted the door placed back on. Officer A inspected the storage room and observed the rear door missing. The storage room contained two dual beds located on either side of the room with dressers.

As the officers stood in the common walkway area with the PR, Officer A heard his partner state, “Hey.” He looked in his partner’s direction as Officer B moved backwards looking up the walkway. According to Officer A, he observed a Pit Bull dog running and growling aggressively in his direction. Officer A began to re-position himself away from the dog. Officer A reached the threshold of the storage room when the Pit Bull dog darted in his direction. Officer A, observing the Pit Bull dog’s demeanor, drew his service pistol and held it with his right hand in fear of the dog attacking himself, his partner, and the PR. Officer A backed into the storage room, out of the view of Officer B. Officer A stumbled at the foot of the bed and fell backwards. Officer A was facing the door in a semi-squatting position, holding his service pistol with his right hand in a close contact position against his torso. As the Pit Bull dog charged at Officer A closing the distance on him, he fired one round at the dog, which was approximately 2 or 3 feet from Officer A’s chest area. The Pit Bull dog immediately reeled backward and fled towards the PR. Officer A walked out of the storage room and heard the dog whimpering as it was being secured by the owner.

According to Officer B, he observed a large Pit Bull dog charging in his direction as it barked and growled. Observing the dog’s aggressive behavior and believing he and his partner were being attacked, Officer B drew his service pistol with his right hand and held the weapon in a two-hand low ready position with his finger along the frame. As the Pit Bull dog ran passed Officer B he heard Witness A, who resided at the rear

residence, yell at the dog to stop. The dog ran in the direction of Officer A, who was positioned at the open doorway. Officer B heard Witness A scream.

Officer B then heard a round being discharged and observed a muzzle flash as the Pit Bull dog retreated towards the other side of the property. Officer B advised the owner to secure the dog and issued a broadcast requesting a supervisor.

Witness Statements

The two witnesses to the Officer-Involved Animal Shooting (OIAS) were identified as the PR and Witness A. This is a brief synopsis of their recorded interviews.

According to the PR, she called the police regarding a door being removed from her storage room. The police arrived on scene and inquired about the dog being secured. The PR went to the rear of the residence and did not see the dog or any other person and advised the officers of her findings. As the officers and the PR entered the property and stood near the storage room, she heard a dog running and growling as it approached her and the officers. The PR stated the Pit Bull dog looked in her direction. She turned away, shielded her stomach and observed Officer A enter the storage room followed by the sound of a single gunshot.

Witness A is the owner of the Pit Bull dog who stated the dog was not secured and outside of his residence. Witness A was with his dog when he observed the illumination of a flashlight. The Pit Bull dog ran towards the illumination as Witness A chased after the dog yelling for it to stop. As Witness A rounded the corner of his residence, he observed the Pit Bull dog's tail protruding from inside the storage room when he heard a single gunshot and saw a muzzle flash. Witness A observed the dog exit the storage room and run towards his dog house. Witness A was then able to secure the dog.

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 and Exhibiting 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 Officers A and 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 lethal use of force to be in policy.

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical considerations:
 - Dog Encounters
 - 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 BOPC 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.

The BOPC found that Officers A and B's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B were conducting an investigation when Officer B observed a large dog barking and running toward him in an aggressive manner. Officer A re-deployed rearward inside of the storage room. Officer A believed his partner, himself, or the PR was in danger of being bitten by the dog and drew his service pistol.

Officer B was the designated cover officer during the investigation. Officer B was positioned in the walkway outside the storage room. Officer B observed a large dog

charging toward Officer A, the PR, and himself. Believing that the dog may attack, Officer B drew his service pistol.

Given the fact that a large dog was aggressively advancing toward Officers A and B and a citizen, the BOPC determined that an officer with similar training and experience, when 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.

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, one round)

Officers A and B entered the property after the PR assured them that the dog that resided in the rear house was secured. Upon positioning themselves near the storage room, Officer B alerted Officer A that a large dog was running in their direction on the walkway. The Pit Bull dog was barking and growling as it focused its attack on Officer A. Officer A drew his service pistol and redeployed rearward inside of the storage room. As Officer A redeployed, he backed into a bed, falling into a semi-squatting position. Officer A held his service pistol in his right hand in a close-contact position. The Pit Bull dog continued its charge toward Officer A while barking and growling. Believing that the Pit Bull dog was going to bite him, his partner, or the PR, Officer A fired one round from his service pistol to stop the attacking dog.

According to Officer A, the growling Pit Bull dog leaped in his direction as he was squatting on the bed. The dog got approximately 2-3 feet from his chest area, and he feared that the dog was going to cause him serious bodily injury, so he held his firearm in a close contact position to the right side of his torso using a single hand. He then fired one round in the direction of the Pit Bull dog.

Given the totality of the circumstances, an officer with similar training and experience as Officer A 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 A's use of lethal force to be in policy.