

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

**OFFICER-INVOLVED ANIMAL SHOOTING 033-12**

**Division      Date                      Duty-On (X) Off ( )    Uniform-Yes (X) No ( )**

Southwest    05/21/12

**Officer(s) Involved in Use of Force      Length of Service**

Officer A    16 years, 2 months

**Reason for Police Contact**

Officers responded to a "vicious animal" call when they were attacked by a dog, resulting in an officer-involved animal shooting (OIAS).

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

Pit Bull dog.

**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 February 26, 2013.

## **Incident Summary**

Patrol Division uniformed Police Officers A and B responded to a radio call of a vicious animal at a designated location. Due to the aggressive and vicious behavior of the dog heard in the background, Communications Division (CD) upgraded the call to a code-three (emergency) response. CD contacted the Los Angeles Department of Animal Services and requested assistance, then CD updated the comments of the call to reflect the request. The officers advised CD they had arrived at the location.

Upon arrival, Officers A and B met with the 911 caller, Witness A, at a designated intersection. Witness A informed Officers A and B that he had exited his residence and observed his neighbor's Pit Bull dog wandering in his front yard. The dog had blood on his mouth and was agitated. When Witness A approached his vehicle, the dog growled and advanced towards him in an aggressive manner. Witness A backed away and the dog stopped advancing toward him but continued to move around in the front yard. Eventually, Witness A was able to enter his vehicle and drive away from the location. The dog chased after the vehicle but soon stopped and continued to aggressively pace in front of his residence. Witness A drove to a different location, and contacted CD via his cell phone.

Witness A directed the officers to the dog's location, which was now in front of the residence of the dog's owner, Witness B. The officers observed the dog barking, growling, and baring his teeth. Officers planned to approach and contain the animal in a safe area away from residents and wait for Animal Services officers to secure the animal. Officer B obtained a fire extinguisher from the trunk of his black and white police vehicle, while Officer A deployed his shotgun.

As the officers approached, the dog ran into the driveway of a residence. The driveway was enclosed by the house on one side, a four-foot cinder block wall at the edge of the property line, and a chain link fence at the edge of the driveway. The dog retreated to the fence area of the driveway. The officers contacted CD and reported the animal had been contained and requested an estimated time of arrival for Animal Services officers.

Officers A and B maintained a distance of approximately 20 feet from the dog and approximately three feet apart from each other. Officer A held the shotgun in a right shoulder, low-ready position. Suddenly, the dog charged at the officers. Officer B deployed a single, one-second burst from his fire extinguisher from an approximate distance of five feet at the aggressive dog. The dog was unaffected and continued charging at the officers, growling and baring his teeth. Officer A, fearing for his safety and believing the dog was going to attack him, discharged one round from his shotgun from a distance of approximately one to three feet. Officer A missed the dog, which ran by him and into the backyard via the walkway on the side of the house. Officers A and B followed the dog and were able to block the entry and exit to the backyard with a wooden pallet and contained the dog.

Additional police personnel arrived on scene after the officer-involved animal shooting and developed a plan to corner and capture the dog. The plan consisted of the officers providing cover for the Animal Services officers to capture and secure the animal. The dog was captured without any further incident.

Witness C, a neighbor, was in her bathroom when she heard one gunshot which she believed sounded like a shotgun. She did not witness the actual shooting.

Witness D, another neighbor, was also in his bathroom when he heard a loud boom. Approximately ten minutes later, he exited his residence and observed police officers across the street.

Witness E resides one block away and was in her front yard watering her lawn when she heard a gunshot described as a "loud boom." She saw an officer with a gun but did not witness the actual shooting.

Witness F was in her bedroom when she heard a gunshot. Approximately 30 minutes later, Witness F exited her residence and observed Animal Services officers secure the animal in the Department of Animal Services truck.

Approximately one month later, during a telephonic interview, Witness F informed Force Investigation Division personnel about similar problems she had with the same dog. In the past, the same dog had wandered onto her property and displayed vicious and aggressive behavior, by growling and barking at her.

No officers were injured as a result of the incident. The dog was also not injured.

### **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 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 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 Officer A'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 officers are forced to make split-second decisions under very dynamic circumstances. Tactics are conceptual and intended to be flexible and incident-specific. Each tactical incident inherently results in consideration for improvement.

Each incident must be looked at objectively and the areas of concern must be evaluated based on the totality of the circumstances. In this case, the tactics utilized did not "unjustifiably and substantially deviate from approved Department tactical training."

In conclusion, the BOPC determined that a Tactical Debrief is appropriate so Officers A and B can evaluate the events and actions that took place during the incident with the objective of developing peak individual and organizational performance.

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

- In this instance, Officers A and B entered the front yard of a residence in an attempt to contain an aggressive dog and prevent it from attacking any of the community members in the area. Officers A and B formulated a tactical plan to safely contain the dog. Officer B obtained the fire extinguisher from the trunk of the police vehicle. Believing that the situation could escalate to the point where deadly force would be justified, Officer A removed his Department approved shotgun and chambered a round to confront the dog.

According to Officer A, he and Officer B discussed tactics for a vicious animal call and formulated a tactical plan that included Officer B equipping himself with a fire extinguisher and Officer A deploying his shotgun.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the dog presented a threat of bodily injury and 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 A's drawing and exhibiting of a firearm to be in policy.

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

- **Officer A** (shotgun, one round)

In this instance, Officer A observed Officer B deploy the fire extinguisher, which had no effect on the dog. Consequently, Officer A believed that the Pit Bull dog posed a serious threat to himself and his partner and fired one round at the dog. Officer A's shotgun round missed the dog and subsequently struck the ground. The dog ran into the rear yard of the residence and was contained until the Animal Control personnel arrived.

Officer A recalled that the dog suddenly charged at him and his partner. His partner deployed a one-second burst from the fire extinguisher at the dog but it had no effect. The dog continued to charge directly at Officer A, growling and baring his teeth. Fearing for his safety and believing that the dog was going to attack him, Officer A raised his shotgun, deactivated the safety, and fired a single round at the dog from a distance of approximately one to three feet.

The BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the charging dog presented an imminent threat of serious bodily injury. Therefore, the BOPC found that Officer A's use of lethal force was objectively reasonable and consistent with Department guidelines.

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