

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 052-12**

| <b>Division</b> | <b>Date</b> | <b>Duty-On (X) Off ( )</b> | <b>Uniform-Yes (X) No ( )</b> |
|-----------------|-------------|----------------------------|-------------------------------|
|-----------------|-------------|----------------------------|-------------------------------|

|           |          |  |  |
|-----------|----------|--|--|
| Southwest | 08/17/12 |  |  |
|-----------|----------|--|--|

| <b>Officer(s) Involved in Use of Force</b> | <b>Length of Service</b> |
|--|--------------------------|
|--|--------------------------|

|           |                   |
|-----------|-------------------|
| Officer A | 2 years, 3 months |
|-----------|-------------------|

**Reason for Police contact**

Officers received and responded to a radio call of vicious Pit Bull dogs that had attacked one victim at the call location, when one of the dogs advanced toward an officer an officer-involved animal shooting occurred.

| <b>Animal(s)</b> | <b>Deceased (X) Wounded ( ) Non-Hit ( )</b> |
|------------------|---|
|------------------|---|

|               |  |
|---------------|--|
| 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 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 June 18, 2013.

## **Incident Summary**

Witnesses A and B exited their residence to walk their small dogs. Upon reaching the walkway in her front yard, Witness A observed two Pit Bull dogs (one male and one female) running at her and her dog. Witness A believed the Pit Bull dogs were going to harm her or her dog and became extremely fearful. She picked up her small dog and held it in her hands. The female Pit Bull continued running at her, jumped up, and bit her hand. Simultaneously, the male Pit Bull collided with her lower body causing her to fall to the ground. Witness A held her small dog under her body, protecting it from both Pit Bulls that were scratching her arms while trying to get to the small dog. She was able to hand her dog to Witness B, who, in turn, was able to take the dog to safety inside of her residence. Witness A entered her residence, where she realized she was bleeding from her hand and felt pain in her hand and foot.

Shortly after the incident, Witness B called Communications Division (CD) via 9-1-1 and was transferred to the Los Angeles Department of Animal Services (LADAS). A representative of LADAS advised her that someone would respond. She waited approximately 30 minutes, while the dogs remained in front of the residence. Witness B called CD again. She described the aforementioned incident to the operator and a radio call was generated.

Communications Division broadcast a "vicious animal" radio call, and Officers A and B responded to the location.

Upon their arrival, Officers A and B met with Witness B. Witness B advised the officers that Witness A had been bitten by a dog and she (Witness B) was going to transport her to the hospital. Witness B pointed to the location of the dogs.

Officers A and B discovered the dogs walking eastbound. The officers followed the dogs while they remained in their vehicle. The officers described the Pit Bulls as large muscular dogs, weighing approximately 50-70 pounds. Officer A requested the estimated time of arrival from LADAS. Communications Division advised the officers that LADAS did not answer upon calling them. Officer A reminded CD that they had two vicious Pit Bulls that had already bitten one person.

The officers continued following the dogs until they observed them both walk through an open gate leading to the rear yard of a residence. The officers believed the dogs may belong to the owner at the residence and decided to exit the vehicle to close the gate to prevent further harm to others.

Due the violent behavior of the dogs, both officers determined the situation could escalate to the use of deadly force. Officer A armed himself with the Department-issued shotgun, while Officer B armed himself with a TASER and considered the use of Oleoresin Capsicum (OC) Spray.

Officer B proceeded to the front door of the residence as Officer A kept his eyes on the gate leading to the rear yard. Officer B made contact with the resident, Witness C, at the front door. Witness C explained that she did not own any dogs. Officer B warned her about the dogs and told her to stay in her residence.

The officers approached the rear gate and closed it. Officer A recognized the dogs may not be secured in the yard due to openings in the rear fence that led to an alley.

Officer A returned to the front door of the residence as Officer B walked towards their police vehicle. Shortly after Officer A stepped off the front porch, the female Pit Bull dog appeared from the south side of the property and ran towards Officer A. According to Officer A, the dog was growling and displaying its teeth in an aggressive manner as it was running towards him.

Officer B also observed the dog run towards Officer A in what he believed was an aggressive manner. Officer B believed the dog was going to attack them. He unholstered his service pistol and moved to a position behind their vehicle.

Officer A took several steps backwards across the front yard, away from the charging dog, trying to create distance between them. The dog closed the gap between itself and Officer A to a distance of approximately six feet. Officer A believed the dog was going to attack him or others and felt that he was in an immediate threat of serious bodily injury or death. Officer A turned the safety off of the shotgun and fired one round at the dog. The dog took one to two more steps and fell to the ground. The dog expired shortly thereafter. The second dog was located in an alley and taken into custody by the LADAS.

### **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 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 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 drawing and exhibition of a firearm to be in policy.

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

The BOPC found Officer A's use of lethal force to be in policy.

## **Basis for Findings**

### **A. Tactics**

- During their review of this incident, the BOPC noted the following debriefing point:
  - 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 substantially deviate from approved Department tactical training.

In conclusion, a Tactical Debrief is the appropriate outcome for Officer A to evaluate the events and actions that took place during the incident with the objective of developing peak individual and organizational performance.

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

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

- After following the dogs, Officer A, believing that the situation could escalate to the point where deadly force may be justified, retrieved and exhibited a Department-issued shotgun. Officers A and B entered the property to secure the dogs in the rear yard of a residence. While speaking with the property resident, one of the dogs advanced upon Officer A.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the situation represented an imminent threat of serious bodily injury and that there was a substantial risk that the situation might escalate to the point where deadly force may be justified.

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

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

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

Officers A and B received a radio call of vicious Pit Bull breed dogs that had attacked one victim at the call location. Officers A and B ensured the dogs were contained in the fenced rear yard; however, they realized the dogs may not be completely secure due to an opening in the fence that led to the rear alley. Officer B went to the front door of the residence to speak with the residents, while Officer A visually monitored the gate leading to the rear yard. The resident advised she did not own any dogs.

Officer A returned to the front door of the residence and advised the resident not to exit her residence until the dogs were effectively secured. As Officer A stepped down from the porch, one of the dogs ran toward him while growling and baring its teeth. Officer A deployed rearward across the front yard attempting to create distance between him and the charging dog. The dog continued to close the distance, and believing the dog was about to attack him, Officer A disengaged the safety and fired one round from his shotgun at the dog. The dog continued toward Officer A approximately two more steps and collapsed to the ground.

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 to be objectively reasonable and consistent with Department policy.

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