



## Incident Summary

Los Angeles Police Department (LAPD) Communications Division (CD) created a non-coded radio call for a 507R (loud radio) at a designated location. The comments stated, "Male inside loc[ation] playing loud music disturbing neighbors." The radio call was assigned to uniformed Police Officers A and B. Officers A and B arrived at the location in their marked black and white police vehicle. Officer A was the driver, and Officer B was the passenger. Officers A and B discussed tactics and decided Officer B would be contact officer and Officer A would be cover officer.

Officers A and B exited their police vehicle. Officers A and B both heard loud music coming from the location, and as they approached the front gate of the location, they found it to be locked. Officer A was able to confirm the address of the house by looking at mail within the mail box near the front fence, which had mail with the address.

Officer A noticed that the interior front door to the location was open but the heavy screen security door was closed. Officer A could clearly see movement and lights on through the screen door. Officer A shined his flashlight at the door and called out, "It's the police," in an attempt to alert the residents to come outside. No one from inside the house responded nor exited the location.

Officer B then moved to the end of the fencing at the location to the closed sliding driveway gate. Officer B found that it was not locked, and opened the driveway gate approximately three feet to allow passage to the location. Both Officers A and B noticed a dark colored dog in the yard of the neighboring residence, which shared a fence line with the location of the call. The dog was growling at the officers.

Officer B walked toward the front door and Officer A followed approximately ten feet behind to provide tactical cover. After passing through the driveway gate, Officer A observed that the dark colored dog, which was previously in the neighboring yard, was now in the same yard as the officers.

Officer A yelled to his partner, "Dog!" Officer A advised the dog appeared to possibly be a mixed-breed pit bull and boxer with a muscular build. The dog charged at Officer A while "growling with stiff legs and bristling back hair." Fearing for his safety, Officer A stepped backward away from the charging dog. The dog continued toward Officer A while growling. Officer A feared the hostile dog would cause great bodily injury to him or his partner, and drew his pistol from his holster and held it at the low ready position. The hostile dog continued growling and running toward Officer A. Officer A then fired one round at the dog. The dog took an additional two steps and collapsed on the ground.

**Note:** Based on the investigation, the dog was approximately 4 feet from Officer A when he fired his pistol. Officer A was approximately 3 feet inside the fence line of the location. At the time of the OIAS, the background consisted of a cinder block wall. The wall was 129 feet 2

inches behind the dog down the long concrete driveway. The dog's estimated weight was approximately fifty pounds.

Officer B observed the dog charge at Officer A while growling, and observed Officer A fire one round from his pistol at the dog. Immediately after the OIAS, Officer B advised that he and Officer A exited the yard and closed the gate behind them in case other dogs were present in the yard.

No radio communication indicating an OIAS had occurred was broadcast. Officer B requested a supervisor via handheld radio. After receiving no response via radio, Officer B called uniformed Sergeant A on his personal cellular telephone. Officer B advised Sergeant A that he and Officer A had been involved in an officer-involved animal shooting and requested his response. Sergeant A arrived shortly thereafter.

Watch Commander Sergeant B did not contact Real Time Analysis and Critical Response Division (RACR) for notification until over an hour after the incident had occurred. Sergeant B believed the incident would be handled at the Area level. This was due to Sergeant B referencing an outdated Special Order, which gives investigative responsibility of animal shootings to the Area involved.

### **Witness Statements**

Sergeant A was the first supervisor at scene, and assumed command of the incident. Sergeant A separated Officers A and B and obtained Public Safety Statements from them. Sergeant A caused responding officers to canvass the immediate area and secure the scene. Officers spoke with various neighbors at nearby addresses, but none heard or saw anything.

Force Investigation Division (FID) personnel interviewed Witness A in front of his residence. Witness A advised that he is the owner of the dog which had been shot by the "deputies." He advised the dog was approximately 12 years old. He advised that "Boxer" was a "Purple Ribbon" dog because both of "Boxer's" parents were award-winning dogs.

Witness A went on to explain that both properties, including the one where the OIAS occurred, were both owned by his family. He advised that there are two openings in the fence between the two properties to allow his dog access to both yards. Witness A advised that his dog had access to both yards so that the dog could protect both yards.

Witness A advised that he and his dog were sitting in the backyard of his residence when he observed flashlights at the front of the driveway of the adjacent property. Simultaneously, the dog ran toward the front of the house. Witness A could not see what happened at the front of the houses because of a van parked in the driveway. Witness A heard a "pop" and responded to the front of the property.

Witness A advised he observed his dog laying on the driveway inside the closed gate at the adjacent property. He advised one male “deputy” and one female “deputy” were standing outside the closed gate of the property. Witness A indicated he believed that the “deputies” had shot the dog through the closed fence.

**Note:** Officer B advised that he had closed the gate after his partner fired his handgun at the dog because he was uncertain if other dogs might be present at the location.

Officer A contacted Los Angeles County Animal Control Animal Control personnel to have them respond to the location. The responding Animal Control officer advised that the dog was not licensed in Los Angeles County. He also advised that the dog was not a pure bred and was not well taken care of due to the presence of ticks. The Animal Control officer took custody of the dog for final disposition and observed one apparent gunshot wound over the dog’s right eye. The Animal Control officer advised there were no prior Animal Control contacts with the dog or the owner, and advised that the owner would not be cited for the unlicensed 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 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 Officer A’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:

- **Communication Broadcast**

In this instance, after the OIAS, Officer B broadcast a request for a supervisor. Officers A and B believed that a broadcast indicating an OIAS had occurred was not necessary due to the fact that no officers were injured and the dog was no longer a viable threat. Subsequently, Officers A and B were reminded of the importance of broadcasting all pertinent information after an OIAS. This issue was to be addressed with Officer A during the Tactical Debrief. Furthermore, the matter was also documented and discussed with Officer B by his Commanding Officer.

- 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.

## **B. Drawing/Exhibiting**

- In this instance, Officer A was confronted by a dog charging toward him. Believing that the situation escalated to the point where lethal force had become necessary and to protect himself from serious bodily injury, Officer A drew his service pistol.

In conclusion, based on the circumstances, Officer A's drawing and exhibiting of a firearm was reasonable and within Department guidelines. Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

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

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

An officer with similar training and experience as Officer A would reasonably believe that the attacking dog represented an immediate threat of serious bodily injury and that the use of lethal force would be justified in order to address the threat.

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