

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

OFFICER-INVOLVED ANIMAL SHOOTING – 081-12

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	11/17/12		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	10 years, 2 months
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Reason for Police Contact

As officers responded to a radio call of two Pit Bull dogs attempting to bite people, one officer was confronted by one of the dogs, resulting in an officer-involved animal shooting.

Animal(s)	Deceased () Wounded () Non-Hit (X)
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Pit Bull dogs.	
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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.

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 the incident was adjudicated by the BOPC on August 20, 2013.

Incident Summary

Officers A and B, while on regular patrol, received a radio call that two Pit Bull dogs were attempting to bite people near an intersection. One Pit Bull was brown with white markings and the second Pit Bull was black with white markings.

Note: The incident was captured on Officers A and B's Digital In-Car Video System (DICVS).

Upon their arrival at the location, Officers A and B observed both dogs acting aggressively toward the people seated along the fence.

The officers exited their vehicle. Initially, Officer A deployed his Oleoresin Capsicum (OC) Spray and Officer B deployed his Side Handle Baton. Both dogs then moved north on the sidewalk and began to jump on, bark at, and snip at Witness A, who was seated on a milk crate.

As Officer A approached the dogs, he thought that the brown Pit Bull was biting Witness A's right thigh and abdomen area. Believing that if he used OC spray Witness A would be affected, too, Officer A placed his OC canister in his left front pants pocket and drew his pistol to engage the dogs.

Fearing for Witness A's safety, Officer A held his pistol with both hands and fired one round at the brown Pit Bull in a north and downward direction from a distance of approximately 11 feet.

Both dogs quickly disengaged Witness A and moved west a few feet on the sidewalk toward the street. Momentarily, the brown Pit Bull stopped and faced Officer A. The dog was foaming at the mouth and displaying its teeth. Fearing for his own safety, Officer A fired a second round at the dog in a northwest and downward direction. Both dogs ran away.

Officer B broadcast a request for a supervisor and Sergeant A arrived on scene shortly thereafter. Sergeant A obtained a Public Safety Statement from each officer and assumed the role of Incident Commander.

Witness Statements

Witness A stated that although he was not bitten by the dogs, they were trying to bite him. Witness A saw the dogs three days prior running in the streets unattended and it was the second time they tried to bite someone.

Witnesses B, C, and D were all near Witness A at the time of the officer-involved shooting (OIS).

According to Witness B, she saw the two dogs trying to attack Witness A. She also indicated that the officer (Officer A) saved Witness A's life.

According to Witness C, the dogs were trying to attack them and the officer (Officer A) saved them.

Witness D observed the brown dog start to attack Witness A and the officers attempt to move the dog away. According to Witness D, the dog continued to attack Witness A and Officer A was forced to shoot 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/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

- In their analysis of this incident, the BOPC identified the following tactical consideration:
 - Background / Foreground

Officer A discharged his service pistol at a vicious dog in order to stop it from attacking a citizen. While engaging the actively attacking dog, two other persons

were seated offset to Officer A's right side (foreground), just south of Witness A. Witness A was to the immediate right (east) of the vicious dogs, pressing his back against the chain-link fence in an effort to move away. Additionally, north of Witness A (background), two other persons moved behind a cinderblock wall moments before the OIS. Officer A discharged his service pistol in a slightly downward manner toward the dog.

Any time an officer utilizes lethal force with persons in the immediate area, the BOPC takes into consideration the totality of the circumstances including their articulation of the threat and immediate need to protect the person that is faced with the imminent threat of serious bodily injury or death. Here, Officer A was aware of the other individuals and discharged his service pistol in a precise and controlled manner, effectively stopping the actions of the attacking dogs.

In assessing potential foreground/background concerns during this incident, the BOPC evaluated whether the use of lethal force was in immediate defense of life (IDOL). When officers respond to the imminent threat of serious bodily injury or death, the foreground/background is determined a secondary consideration. The BOPC expects officers to focus on the immediate threat, while making every effort to evaluate the risk to others, when that assessment is reasonable under the specific circumstances.

Although the background/foreground is a consideration, officers have a duty to utilize lethal force in order to protect themselves or others from an imminent threat of serious bodily injury or death. Occasionally, innocent bystanders may be in a position that places them at a heightened level of risk during a critical incident such as this. However, the priority remains stopping the threat posed to the victim.

In conclusion, the BOPC determined that Officer A's actions did not result in a substantial deviation from approved Department tactical training.

- 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 has determined that the identified areas for improvement neither individually nor collectively substantially deviated from approved Department tactical training.

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

B. Drawing/Exhibiting

- In this instance, Officer Corona observed the more aggressive of the two dogs attacking and biting Williams as he sat along the chain-linked fence on the sidewalk. Due to the dog's close proximity to Williams, Officer Corona decided not to deploy his OC spray, placed his OC canister into his left front pants pocket and drew his service pistol to address the deadly threat.

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. Therefore, Officer A's drawing and exhibition of a firearm was reasonable and within Department guidelines.

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

C. Lethal Use of Force

- **Officer A** (pistol, 2 rounds)

Officer A observed one of the dogs attempting to bite Witness A. Believing the dog would cause serious bodily injury to Witness A, Officer A fired one round at the dog in a downward and northerly direction. The dog moved several feet away from Witness A in a westerly direction. Momentarily, the same dog stopped, turned its attention toward Officer A and faced him, while foaming at the mouth and baring its teeth. Due to the close proximity of approximately seven feet, Officer A believed the dog's attack upon him was imminent and Officer A fired a second round at the dog, again in a downward and northerly direction to stop the dog's actions.

Therefore, an officer with similar training and experience as Officer A would reasonably believe that the attacking dog posed an immediate 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 objectively reasonable and in policy.

Note: Officer A initially believed he fired three rounds, and then adjusted the fired round count after viewing the digital in-car video.