

Incident Summary

Officers A and B responded to a radio call of a vicious dog that had attacked two victims. Upon their arrival, the officers searched the area. Officer A observed the dog on the north sidewalk with fresh blood on its front paws. As the dog passed their vehicle, Officer A noticed the dog growl at them and observed a clear liquid coming from its mouth. Officer B positioned the police vehicle to block the dog's path, but the dog walked around the vehicle. The officers planned to lure the dog inside the back seat of their police vehicle. Officer B opened the back door and called to the dog. The dog did not respond.

Officer A exited the police vehicle and noticed that the dog was approximately ten feet away from their vehicle's driver's door. Officer A also noticed a person pushing a baby stroller toward the officers and dog's location. Officer A indicated he immediately became concerned for the safety of the person pushing the stroller. Officer A walked front of the police vehicle and motioned with his hands for her to stop and she complied.

Officer A observed the dog look in his direction and growl at him. He then noticed the dog's tail between its legs as the dog moved towards him in what he perceived to be an aggressive manner. Officer A assessed the area and his background when the dog lowered its stance. Believing the dog was ready to attack and the situation could escalate to the use of deadly force, Officer A unholstered his pistol and held it at the low ready position. As the dog advanced toward Officer A, Officer A fired two rounds at the dog's upper torso area. After being shot, the dog ran from the location. To ensure the dog did not attack anyone else, the officers entered their police vehicle and followed the dog. The dog eventually fell to the ground and succumbed to its injuries.

Witness A stated that the dog was not acting aggressively and did not approach the officers prior to the shooting. Witnesses B and C stated that the dog was acting aggressively prior to the shooting.

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. Use of Force

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

Basis for Findings

A. Tactics

- In adjudicating this incident, the BOPC considered the following:

- Conflicting Statements

Although one witness reported that he did not see the dog acting aggressively or approach the officers, two other witnesses advised investigators that they observed the dog acting aggressively prior to the shooting. The BOPC determined that the preponderance of the evidence supported the officers' account of the incident.

- Evidence

The investigation revealed that an unidentified person picked up both expended casings fired by Officer A after the officers followed the dog to the location where it expired. Investigators were unable to determine the identity of this person; therefore, the expended casings were not recovered or booked as evidence. The BOPC determined that all facts and evidence determined throughout the investigation were consistent with the officers' account that two rounds were fired by Officer A.

Both officers decided to track the dog after the shooting to protect the public, therefore they left the scene of the shooting and evidence was lost. The BOPC determined that the actions of Officers A and B were reasonable under the circumstances.

- 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.

Each tactical incident merits a comprehensive debriefing. In this case, although there were no additional identified tactical points or issues, 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.

The BOPC noted that Officers A and B decided to follow the dog after the shooting, leaving the scene to track its whereabouts for continued public safety. This is what the BOPC expects of officers faced with similar circumstances and was a prudent tactical decision, possibly preventing injury to additional victims.

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

B. Drawing/Exhibiting

- Once he located the dog, Officer A observed fresh blood on its paws and was aware that the dog had already bitten two people.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the advancing aggressive dog represented an imminent threat 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 exhibition of a firearm to be in policy.

C. Lethal Use of Force

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

Upon locating the dog, Officer A exited the police vehicle and drew his service pistol. After alerting other persons in the area to the dog, the dog advanced toward Officer A and Officer A fired two rounds at the dog's upper torso to stop its advance. Officer A believed the rounds struck the left side of the dog's chest.

An officer with similar training and experience as Officer A would reasonably believe that a vicious dog, that had already bitten a person, and was growling and advancing toward him, 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 in policy.