

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 087-08**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off ()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
North Hollywood	11/13/09		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	5 years, 4 months
Officer B	5 years, 8 months

**Reason for Police Contact**

Officers were conducting a burglary investigation when one officer encountered an aggressive dog.

<b><u>Animal</u></b>	<b><u>Deceased ()</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
Boxer dog.			

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate the 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 and addenda items); the 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

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 August 25, 2009.

### **Incident Summary**

North Hollywood Police Officers A and B were in full uniform and driving a black and white police vehicle. The officers were dispatched to a burglary investigation.

Upon their arrival, the officers approached the partially open front door to the residence. The officers glanced inside and observed an elderly female. The officers observed a full-grown Boxer breed dog lying on an ottoman in the living room. Officer A ordered the female to secure the dog. Suddenly and without apparent provocation, the Boxer charged off the ottoman and out of the residence via the front door. Both officers retreated and Officer A ordered the female to call the dog back. A brick wall blocked Officer A's retreat, and fearing the charging dog was about to attack him, Officer A unholstered his pistol.

The growling, snarling dog advanced to within five feet of Officer A, so fearing he was about to be attacked by the dog, Officer A fired one round at the dog from his pistol. The dog continued to charge at Officer A, so Officer B unholstered his pistol and fired two rounds at the dog. The dog stopped charging and staggered back to the house where it was brought under control by the elderly female's daughter. Both officers holstered their pistols.

The dog was struck by one round and was transported by the owners to a veterinarian hospital for treatment.

### **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/Holstering of a weapon 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 and B's tactics to warrant a Tactical Debrief.

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

The BOPC found Officer A and B's drawing and exhibiting to be in policy.

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

The BOPC found Officer A and B's Use of Force to be in policy.

## **Basis for Findings**

### **A. Tactics**

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. Each tactical incident inherently results in considerations for improvement. In this instance, although there were identified areas for improvement, the tactical considerations neither individually nor collectively *“unjustifiably and substantially deviated from approved Department tactical training.”*

Therefore, a Tactical Debrief is the appropriate mechanism for Officer A and Officer B to evaluate the events and actions that took place during this incident. Based on the officers' statements as to their positions when they fired at the dog and direction their rounds were fired in, there are no obvious cross fire issues; however, upon a review of the photographic evidence at the scene, one round struck the driveway area just behind Officer A. Although no tactical considerations were identified, the officers will benefit from the opportunity to review the incident.

The BOPC will direct that Officer A and Officer B attend a Tactical Debrief.

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

The BOPC evaluated the circumstances relevant to Officer A's drawing/exhibiting and determined that Officers A and B were attempting to conduct a burglary investigation when Officer A encountered an aggressive Boxer dog which charged him. Officer A drew and exhibited his weapon to protect himself from bodily injury. Officer B saw the dog charging Officer A, and Officer B drew and exhibited his weapon to protect Officer A from bodily injury

In conclusion, the BOPC found that Officer A and B's Drawing/Exhibiting to be in policy, requiring no further action.

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

During this incident, Officer A was attacked by a large dog, which presented a significant risk of serious bodily injury or death. Officer B observed the dog attack Officer A. As such, the BOPC found Officer A and B's use of lethal force to be objectively reasonable, and, thus, in policy, requiring no further action.