

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 088-12**

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

77 <sup>th</sup> Street	12/27/12		
-------------------------	----------	--	--

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

Officer A	6 years, 7 months
-----------	-------------------

**Reason for Police Contact**

As officers were conducting a search for a possible felony burglary suspect, an officer was confronted by a charging dog, resulting in an officer-involved animal shooting.

<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 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 27, 2013.

## **Incident Summary**

Witness A was home alone inside his residence when he heard a loud, hard knocking on the front door. He went to the living room to look outside and saw a male banging on the front door and looking into the residence through the front window. Witness A became very afraid, ran to the bathroom, and locked the door. Witness A called 9-1-1 and informed the operator that a person was trying to get into his house. Communications Division (CD) broadcast a "possible hot prowler" radio call and assigned Officers A and B to the call. Due to the nature of the call, Officers C and D notified CD they would back Officers A and B.

Officers A and B arrived at the location. Officers A and B exited their vehicle and approached the residence. The location was a one story, single family residence with a detached garage in the back. The driveway to the garage was on the west side of the property. The rear and side yards were enclosed with a chain link fence and wrought iron gates.

Officer A positioned himself on the northwest side of the residence and Officer B positioned himself on the northeast. They remained in visual contact with each other and waited for the additional unit to arrive. Within moments, Officers C and D arrived at the scene. Officer C joined Officer A and Officer D teamed up with Officer B. According to all four officers, they discussed the issues they were confronting, the most glaring of which was that Witness A was home alone and in danger of harm from a potential intruder. Secondly, burglars are known to carry weapons while committing their crimes. For those reasons, all four officers unholstered their firearms while approaching the residence.

The officers began to visually check the exterior doors and windows for signs of forced entry. Officer A did not observe or hear any obvious signs of a dog.

Officer A entered the side yard and was mid-way down the length of the residence when a gray Pit Bull dog came around the southwest corner of the residence. The dog charged toward Officer A and Officer A feared the dog was going to attack and bite him. Officer A yelled at the dog, "No! No!" and quickly moved backwards to create distance between himself and the dog. The dog, however, continued to charge toward Officer A. In fear of being bitten, Officer A raised his weapon into a single-handed shooting position and fired one round in the direction of the dog from an approximate distance of six feet. The dog continued to charge and Officer A quickly fired a second round. When the dog still continued to advance, Officer A fired a third round from a distance of approximately two feet. The dog was struck and lay on the ground.

Officer D immediately requested additional units and a supervisor to respond to the officer-involved animal shooting. The responding officers checked the exterior of the location and evacuated Witness A, who was unharmed. The officers then cleared the interior of the residence. No signs of forced entry or tampering were observed at the location.

Animal Control Officer A arrived on scene and transported the injured dog to the Animal Specialty & Emergency Center (ASEC), where sometime later the dog's owner decided to have it put down due to its injuries.

### **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**

- 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.

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

## **B. Drawing/Exhibiting**

- Officer A and his partner responded to a radio call of a possible hot prowl burglary in progress. Due to the nature of the call, and knowing that burglars often carry weapons, Officer A drew his service pistol as he approached the residence on foot.

Given the nature of the radio call, 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.

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, 3 rounds)

Officer A was conducting a search for a possible felony burglary suspect. As Officer A began to walk along the northwest side of the property toward the rear, he observed a Pit Bull type breed dog charging toward him. In an effort to stop the dog, Officer A yelled, "No! No!" but the dog continued to advance toward Officer A. Believing he was about to be bitten and to prevent serious bodily injury, Officer A fired one round in a southerly direction at the dog from approximately six feet. The dog continued to charge and Officer A fired a second round at the dog to stop its advance. Seemingly unaffected, the dog continued advancing and Officer A fired a third and final round which caused the dog to collapse onto the ground.

An officer with similar training and experience 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.

**Note:** Officer A discharged his service pistol utilizing a single-handed shooting position. While gripping the service pistol with both hands is preferred, due to the rapidly advancing dog and Officer A deploying rearward, it was reasonable for Officer A to fire his service pistol in this manner due to the immediate need to stop the dog's attack. Additionally, the Department does train officers how to fire their service pistol utilizing a single-handed shooting position.

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