

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 089-12**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Officer A	7 years, 6 months
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**Reason for Police Contact**

As officers were serving a search warrant, an officer was confronted by a charging dog, resulting in an officer-involved animal shooting.

<b>Animal(s)</b>	<b>Deceased ( ) Wounded ( ) Non-Hit (X)</b>
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Pit Bull dog.	
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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 October 29, 2013.

## **Incident Summary**

Officers in several units, including Officer A, were tasked with serving a search warrant at a location. A tactical briefing and assignment of duties was conducted.

The location had two residences on the same lot, a front and a rear residence.

During the officers' briefing, the officers received information that during a previous search warrant at the same location, an assault rifle had been recovered and that they might encounter violent, armed gang members. Additionally, Officer B advised that a Pit Bull dog had been observed on the property. The officers determined that a fire extinguisher and Oleoresin Capsicum (OC) would be part of their tactical equipment. Officer C was assigned the fire extinguisher. Officers A, D, E, and F, along with Officers G and H, were assigned to the rear perimeter for containment. Officer A was equipped with a shotgun.

Officers responded to the location and prepared to serve the search warrant. Officers were positioned to enter through the wrought iron gate on the south sidewalk when, according to Officer A, a large grey Pit Bull dog aggressively charged the fence, barking, growling, and showing its teeth as though it was going to attack the officers. The dog was inside the gate, approximately two feet north of the officers. To create some distance between them and the dog, an officer sprayed the dog with OC. Simultaneously, Officer C discharged the contents of the fire extinguisher toward the dog. The dog turned and fled north toward the rear yard along the west side of the residence and out of sight.

Officers approached the front residence. Officer A walked northbound along the east side of the property toward the rear yard as the other officers remained near the front of the house. Officer A was in the lead position. Officer A stopped at the northeast corner of the residence and observed several individuals in the rear yard attempting to flee. Officer A immediately identified himself as a police officer and ordered them to place their hands up and to get down on the ground. As he was ordering the subjects to get on the ground, Officer A, from his peripheral vision, observed the dog charging in his direction. Officer A fired one round at the dog in a northwest and downward direction. According to Officer A, his shooting background was free of people. Officer A immediately chambered another round and prepared for an attack by the dog. After the round was fired, the dog stopped charging and turned and fled north in the rear yard. Officer A immediately advised the other officers that he had shot at a dog.

Additional officers responded to the rear yard and assisted with detaining the subjects. A large piece of wood was located and used to enclose the dog on the west side of the location. It was later verified that the dog was not injured or struck by gunfire. Immediately after the scene was secured, Officer A contacted Sergeant A and advised him that he had been involved in a dog shooting. The officers were separated and a Public Safety Statement (PSS) was obtained from Officer A.

Officers were unable to locate the owner of the dog and contacted Los Angeles County Animal Control Services, which took custody of the dog and transported it to an Animal Control Center. At the time of the incident, Witness A was incorrectly identified as the dog's owner. According to Witness A, she did not live at the location and she did not own the dog.

### **Witness Statements**

Witness A stated she was in the backyard when she heard a single gunshot. Witness A was then directed to get down on the ground by the police officers. Witness A observed the dog moving around and barking at the officers. Due to her view being blocked by trashcans, she did not observe the shooting. Witness A was then handcuffed and detained for further investigation.

Witness B stated that she was standing in the rear yard when police officers arrived and directed her to get on the ground. While on the ground, Witness B observed a Pit Bull dog freely moving around. The dog was moving to her left when she heard a single gunshot. The dog yelped and ran, causing her to lose sight of it. Witness B was then handcuffed and detained for further investigation.

Witness C stated that she was in the rear yard when an officer said, "Freeze, stay still. Lay down on the ground." Witness C then observed a Pit Bull dog run toward the officers. She heard a single gunshot and then observed the dog run away. Witness C was directed by an unknown officer to secure the dog, which she did. Witness C was then detained for further investigation.

### **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 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 its analysis of this incident, the BOPC identified the following tactical consideration:

- Code Six

The officers did not place themselves "at scene" with CD upon their arrival at the location.

The purpose of going Code Six is so assistance can be requested quickly in the event of an emergency, and the BOPC would have preferred that the officers notify CD of their status. However, in this instance, a total of 13 officers and two supervisors were at scene for the search warrant service, and therefore sufficient back-up was already present.

After taking into consideration the totality of the circumstances, the BOPC found that the officers' actions of not updating their status by providing CD with their location did not represent a substantial deviation from approved Department tactical training.

- The following debriefing point was also noted: Dog Encounters.
- 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, there were identified areas where improvement could be made and 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.

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

## B. Drawing/Exhibiting

- Officer A was designated as part of the rear perimeter during a search warrant service, where they expected to encounter a group of 30 to 40 gang members. The residence was being used for prostitution, gambling and for illegal drug sales. A past search warrant yielded an assault rifle, so there was a heightened potential for the subjects to be armed. Officer A was also aware that a large dog was previously observed at the residence.

Believing that the situation might escalate to the point where lethal force may become necessary and to protect him and other team members from serious bodily injury, Officer A deployed his shotgun upon his arrival.

The BOPC determined that Officer A's exhibition of a firearm was reasonable and within Department guidelines.

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

**Note:** In addition to the above listed employee, there were additional persons that drew or exhibited firearms during this incident. These drawings and exhibitions of a firearm were appropriate and require no specific findings or action in regard to those officers.

## C. Lethal Use of Force

- **Officer A** (shotgun, 1 round)

Officer A and several team members were confronted by the dog while entering the front gate. The dog fled when it was sprayed with OC and the fire extinguisher while the officers continued to their assigned positions to the rear yard. Officer A was in the process of detaining six to eight subjects in the rear yard when the dog returned and charged toward him.

An officer with similar training and experience as Officer A's 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 in policy.