

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

Officer Involved Animal Shooting – 006-10

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
77 th Street	01/25/10		

Officers(s) Involved in Use of Force	Length of Service
Officer A	6 years, 6 months

Reason for Police Contact

Officers were assigned to assist in the arrest of a felony suspect when they encountered a vicious dog.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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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 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 July 13, 2010.

Incident Summary

Officers A and B responded to a location to assist other officers in the arrest of a felony suspect. Upon arrival at the location, Officers A and B were assigned to monitor a residence where the suspect was believed to be.

Officers A and B then proceeded to enter the yard of an adjacent residence. Officer A next jumped over a chain-link fence into another yard as a fence obscured his view of the residence where the suspect was believed to be.

After jumping over the fence, Officer A focused his attention on vehicle in the driveway and observed a Pit Bull dog appear from the rear of the vehicle. Officer A then retreated from the dog, who was barking and growling, as it ran toward him. Fearing for his safety, Officer A unholstered his pistol and fired two rounds at the dog. The dog continued to run toward Officer A and he fired two more rounds at it. The dog then turned and ran toward the porch of the residence, while Officer A retreated from the yard.

Note: Officer A stated that he fired a total of four rounds at the dog, and Sergeant A and Officer B stated that they heard Officer A fire four rounds. However, three expended cartridge casings were recovered at the scene and the number of rounds remaining in the weapon, as documented following a weapon inspection, was consistent with three rounds having been fired.

Note: The dog was struck once in the tail. Personnel from the Los Angeles Department of Animal Regulations, who were summoned to the scene, took custody of the dog.

Subsequent to the shooting, the occupants of residence and the suspect was taken into custody without incident.

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 unanimously made the following findings.

A. Tactics

The BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A's drawing and exhibiting 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 that 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. However, in this instance, there were no areas for improvement identified.

The BOPC believed that a Tactical Debrief was the appropriate mechanism for Officer A to evaluate the events and actions that took place during this incident.

B. Drawing/Exhibiting/Holstering

The BOPC noted that in this instance, Officer A was confronted by a growling dog charging toward him. Believing that the situation had escalated to the point where lethal force had become necessary to protect himself from serious bodily injury, Officer A drew his service pistol.

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

C. Use of Force

The BOPC noted that in this instance, Officer A was focusing his attention on a residence where the suspect was believed to be when a dog appeared from between parked vehicles, and charged at him while growling. Officer A simultaneously drew his service pistol and stepped rearward in an attempt to create distance between himself and the dog. Fearing for his safety, Officer A fired two rounds at the dog. The dog appeared unaffected and continued to advance toward Officer A. In response, Officer A fired two additional rounds at the dog.

Based on the dog's actions, it was reasonable for Officer A to believe that the dog presented an immediate threat of serious bodily injury.

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