

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

OFFICER-INVOLVED ANIMAL SHOOTING 007-08

Division	Date	Duty-On(x) Off()	Uniform-Yes(x) No()
Hollywood	01/29/2008		

Involved Officer(s)	Length of Service
Officer D	3 Years, 11 months

Reason for Police Contact

Officer encountered a Pit Bull at a residence during an arrest.

Subject(s)	Deceased (x)	Wounded ()	Non-Hit ()
Pit Bull			

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 subject 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 BOPC; 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 December 9, 2008.

Incident Summary

Two robberies were reported to have occurred in nearby locations in Hollywood. Sergeant A realized that both robberies occurred within minutes of each other, and that the subject descriptions were similar, and the robberies occurred in close proximity to each other. Sergeant A conducted a registration check on the license plate number that was provided by a witness and said to belong to robbery subject's vehicle. The check indicated that the vehicle was a 1997 Honda Civic two-door registered to a residence in the city.

The following day, Sergeant A instructed uniformed Officers A and B to drive by the residence on the registration to see if the subject's vehicle was there. The officers went to the residence and observed the subject's vehicle parked in the driveway.

Sergeant A requested several additional officers to respond to the residence to assist in arresting the subjects. Sergeant A developed a tactical plan which included an airship and officers assigned to perimeter control.

Uniformed Officers C and D were assigned to contain the west side exterior of the residence. Officer C was assigned to deploy a fire extinguisher in the event the officers encountered a dog.

Prior to arriving to their assigned location, Officers C and D looked for any signs of a dog's presence at the residence, but they did not observe any dogs or indications that a dog was present. The officers climbed over a six foot wall to enter the backyard of the residence to obtain a better tactical position.

Once inside the yard, Officers C and D observed a tarp which was hung, similar to a curtain, from the west property wall to the west wall of the residence. The tarp prevented the officers from observing the west side of the residence and backyard, so Officer D began to pull the tarp down as Officer C stood behind him. After the tarp was down, Officer D stepped back to advise Officer C that he did not observe any movement in the backyard. Officer D then observed a large Pit Bull dog emerge from underneath the tarp. The Pit Bull charged at Officer D growling and baring its teeth. Officer D feared the Pit Bull would attack and injure Officer C or him, so Officer D drew his pistol and fired two rounds at the Pit Bull from a distance of two feet. The Pit Bull was struck in the shoulder and neck area and retreated to another part of the yard. Officer C broadcast that a dog shooting had occurred.

The Pit Bull died at the scene as a result of the injuries it sustained during this 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 Sergeant A, Officers C and D's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer D's drawing and exhibition of a firearm to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

In analysis of this incident, the BOPC identified the following tactical considerations:

1. Sergeant A developed a tactical plan and organized the officers to make entry into the residence.

After confirming the subject's vehicle was parked at the residence, Sergeant A should have secured the residence and attempted to obtain a search warrant or at the very least obtained consent from the home owner to search the residence.

2. Officers C and D entered the subjects' yard by climbing over a cinder block wall.

The BOPC decided the decision to jump over the cinder block wall was appropriate in this incident and ensured the subjects could not flee the area through the rear of the residence.

3. Officer D moved the tarp and was confronted by large Pit Bull breed dog. The dog began to bare its teeth and growl at Officers C and D.

When the officers entered the yard there were no visible signs of a dog on the property. Additionally, the officers had prepared themselves with a fire extinguisher

in the event they encountered a dog, but in this incident the officers did not have time to deploy it.

Therefore, the BOPC directed that Sergeant A, Officers C and D attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC evaluated the circumstances relevant to Officer D's drawing and exhibiting and determined that he had sufficient information to reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may become necessary.

Therefore, the BOPC found that Officer D's drawing and exhibition to be in policy.

C. Use of Force

The BOPC has evaluated the circumstances relevant to Officer D's use of force. The BOPC determined that the use of force was objectively reasonable to protect his partner and himself and that the use of the fire extinguisher would have been impractical in this instance.

Therefore, the BOPC found that Officer D's use of force to be in policy.