

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

OFFICER-INVOLVED ANIMAL SHOOTING 015-10

<u>Division</u>	<u>Date</u>	<u>Duty-On()</u>	<u>Off(X)</u>	<u>Uniform-Yes()</u>	<u>No(X)</u>
Outside City	02/17/10				

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	3 years, 5 months

Reason for Police Contact

Officer's dog attacked by Pit Bull.

<u>Subject(s)</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on June 29, 2010.

Incident Summary

On February 17, 2010, Officer A was off-duty and sleeping inside his bedroom residence when the sound of a dog growling in the backyard woke him up.

Officer A reported that his partner also has a key to his residence and occasionally comes to his residence to feed his two dogs while he is asleep.

Officer A thought his partner was in his backyard and had safety concerns because of the growling he had heard. Officer A retrieved his personally owned Glock pistol, and holstered it on his waistband. Officer A went to his backyard and observed that his neighbor's Pit Bull dog had clamped down on the neck of one of his dogs and was shaking the dog on the ground. Officer A approached the dogs to separate them, but the Pit Bull looked in his direction and began growling. Officer A feared that he was going to be attacked by the Pit Bull, so he assessed his background and unholstered his handgun and fired two rounds into the Pit Bull, striking the dog. The Pit Bull dog then ran from the backyard.

Approximately fifteen minutes later, Officer A contacted Lieutenant A and reported the incident. Animal Control personnel responded and took custody of the wounded Pit Bull dog, which was later euthanized.

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

Does not apply to this incident.

C. Use of Force

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

Basis for Findings

A. Tactics

Although no tactical considerations were indentified, Officer A will benefit from the opportunity to review the incident.

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

B. Drawing

The BOPC found that an analysis regarding the drawing of a firearm does not apply to this incident.

C. Use of Force

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

In this instance, Officer A was confronted by a large Pit Bull breed dog that was attacking his dog. Officer A approached the dogs in an attempt to separate them. The dog maintained its hold on the officer's dog while looking in Officer A's direction and began growling. Fearing he was about to be attacked, Officer A fired two rounds at the dog from a distance of about five to seven feet, striking the dog in the torso.

In conclusion, another officer with similar training and experience would believe that an attack by a dog could result in serious bodily injury. Officer A believed that he was about to be attacked by the dog and it was objectively reasonable for him to utilize lethal force in his own defense.

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