

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

OFFICER-INVOLVED ANIMAL SHOOTING 026-10

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Southwest	03/28/2010		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	15 years, 2 months

Reason for Police Contact

Officer encountered pit bull while responding to a radio call.

<u>Subject(s)</u>	<u>Deceased (x)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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 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 July 20, 2010.

Incident Summary

On March 28, 2010, uniformed Officers A and B responded to a radio call regarding a large crowd causing a disturbance. Upon their approach to the residence, Officers A and B did not observe any sign or other indication that a dog may be present. The officers knocked at the front gate, but did not receive a response. The officers walked along the driveway and entered the rear yard in an attempt to make contact with the residents. As the officers approached an open garage door, they observed a large Pit Bull dog running in their direction. Officer A warned Officer B about the dog and both officers moved back toward the gate. The dog suddenly ran in Officer A's direction with its teeth exposed and ears flattened. Officer A feared the dog was about to attack so he unholstered his pistol. The dog then leaped toward Officer A while baring its teeth and Officer A fired two rounds at the dog in a downward direction from a distance of approximately nine feet. The dog continued to advance so Officer A fired two additional rounds at the dog, which caused the dog to fall to the ground. The officers secured the front gate and sought cover. Officer A notified Communications Division of the incident and requested a supervisor and additional units.

Lieutenant A responded to the scene as well as personnel from the Department of Animal Services, who recovered the dog's remains.

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 Officers A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing and exhibition of a firearm 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

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. In this instance, although there were identified areas for improvement, the tactical considerations neither individually nor collectively *“unjustifiably and substantially deviated from approved Department tactical training.”*

In conclusion, a Tactical Debrief is the appropriate mechanism for Officers A and B to evaluate the events and actions that took place during this incident and assesses the identified tactical considerations to better handle a similar incident in the future.

Therefore, the BOPC directed that Officers A and B attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

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

In conclusion, based on the circumstances, Officer A's drawing and exhibiting was reasonable and within Department guidelines.

Therefore, the BOPC found Officer A's drawing and exhibiting to be in policy.

C. Use of Force

In this instance, Officers A and B entered the property through the driveway and made their way to the source of the disturbance when a dog appeared. As the dog charged, 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 in a downward direction at the dog from a distance of nine feet. The dog appeared unaffected and continued to advance toward Officer A. In response, Officer A fired two additional rounds at the dog.

In conclusion, 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.

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