

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

OFFICER-INVOLVED ANIMAL SHOOTING 040-08

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes(X) No()</u>
77th	04/10/08		

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

Reason for Police Contact

While investigating a call of a vehicle blocking an alley, an aggressive dog charged from the vehicle towards officers, resulting in an officer-involved animal shooting.

<u>Animal</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Dog.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 and addenda items); the 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 March 24, 2009.

Incident Summary

Police Officers A and B responded to a report of a motor home blocking an alley. Upon arrival, the officers approached the motor home on foot. As they did so, the officers saw a subject alongside the motor home, and saw that the passenger side door to the motor home was open.

Officer B asked if there was anybody inside, and the subject replied there was only a dog inside. Officer B then heard a growl and a bark from inside the motor home. A dog

then exited the motor home and ran toward Officer B, growling, barking and displaying its teeth. Officer B backed up against the motor home as he attempted to create distance between himself and the dog. Officer B reached for his pistol; however, before he had time to draw his weapon, the dog changed direction and ran toward Officer A.

Officer A told the subject to restrain the dog. When Officer A spoke, the dog turned its attention to Officer A and charged toward him, growling as it did so. Officer A stepped backwards in an attempt to create distance between himself and the dog and drew his pistol. Officer A backed into a fence. The dog then lunged at Officer A with its mouth open. In order to protect himself from serious bodily injury or death, Officer A fired two rounds at the dog, striking it. The dog then turned and ran away.

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 made the following findings.

A. Tactics

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

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

The BOPC found Officer A and B's Use of Force to be in policy.

Basis for Findings

A. Tactics

Although no tactical considerations were identified, the officers will benefit from the opportunity to review the incident.

The BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC evaluated the circumstances relevant to Officer A's drawing and determined that he had sufficient information to reasonably believe that there was a substantial risk of serious injury or death and that the situation might escalate to the point where deadly force could become necessary.

Therefore, the BOPC found that Officer A's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

In this situation, the officers were unexpectedly confronted with an aggressive dog that charged at them. The dog growled, barked and displayed its teeth, then lunged with its mouth open at Officer A. Fearing that he was going to be attacked by the dog and suffer serious injury, Officer A fired two rounds at the dog in order to protect himself.

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