

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

OFFICER INVOLVED ANIMAL SHOOTING – 042-10

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
77th Street	05/27/10		

Involved Officer	Length of Service
Officer B	6 years, 9 months

Reason for Police Contact

Officers responded to a residence to apprehend a subject wanted in connection with a crime.

Subject	Deceased ()	Wounded ()	Non-Hit (X)
Two Pit Bull dogs			

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 Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 April 12, 2011.

Incident Summary

The following uniformed personnel attended a briefing at the police station: Sergeant A, Officer A, B, C, D, E, F and G. The briefing was held to develop a tactical plan to apprehend a subject involved in a rape, which had occurred earlier in the morning. The location of the subject was identified as a residence.

Sergeant A responded with the officers to the residence and upon arrival, he found that the location was enclosed by a wrought iron fence secured with chains and padlocks. Sergeant A and the officers spent approximately two minutes trying to open the gate, without success. There was no indication to Sergeant A, or to any of the officers, that there were any dogs within the fenced area. In order to gain access to the residence, Sergeant A formulated a plan with the officers.

Sergeant A was the first one over the fence and as soon as he landed, he heard an officer shout a one word warning, "Dogs." Sergeant A then observed two large Pit Bull dogs charging at him, growling and barking. Sergeant A backed away, but did not have time to unholster his pistol due to the speed that the dogs were approaching. In fear for his life, Sergeant A told Officer B to shoot the dogs.

Officer B was covering the east side of the residence as Sergeant A climbed over the fence. Officer B had unholstered his pistol due to the possibility of a felony subject being at the location. As soon as Sergeant A was on the other side of the fence, Officer B heard Officer C yell out, "Dogs." Officer B then saw two large Pit Bull dogs charging at Sergeant A. Officer B, believed that the dogs were going to brutally attack and cause severe injury to Sergeant A, so he fired one round toward the dogs from a distance of approximately six feet. Both dogs turned and fled to the rear of the location.

Sergeant A was not injured and exited the yard. Shortly after the shot was fired, the subject was located and taken into custody without further incident. The dogs were not struck by the round fired by Officer B.

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 B and Sergeant A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers B drawing and exhibiting to be in policy.

C. Use of Force

The BOPC found Officers B's Use of Force to be in policy.

Basis for Findings

A. Tactics

In the analysis of the incident, the BOPC noted the following tactical considerations:

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."*

Therefore, a Tactical Debrief is the appropriate mechanism for the substantially involved personnel to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better aide with a similar incident in the future.

The BOPC recommended that Officers B, and Sergeant A attend a tactical debrief.

B. Drawing/Exhibiting

In this situation, Officer B was a member of a pre-planned tactical team directed to respond to a residence and apprehend a wanted felony suspect. Based on the violent nature of the crime, an officer with similar training and experience as Officer B would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified. The BOPC found that Officer B's Drawing/Exhibiting to be In Policy.

Officer G was armed with a Patrol Rifle; therefore, he did not draw his service pistol during the entire incident. In addition to Officer B, there were additional personnel that drew and exhibited firearms during this incident. This drawing and exhibiting was appropriate, and requires no specific findings or action in regard to these officers.

C. Use of Force

In this instance, Officer B observed two large Pit Bulls charging Sergeant A. Realizing he was not going to be able to un-holster his service pistol to defend himself, Sergeant A advised Officer B to shoot the Pit Bulls. Officer B fired one round at the lead Pit Bull to protect Sergeant A from the attack. The uninjured Pit Bulls fled to the rear yard of the location. Based on the Pit Bulls' actions, an officer with similar training and experience as Officer B would reasonably believe that the charging Pit Bulls represented a threat of serious bodily injury to Sergeant A. Therefore, it was reasonable for Officer B to utilize Lethal Force to defend Sergeant A.

In conclusion, the BOPC found that Officer B's use of Lethal Force to be objectively reasonable and In Policy.