

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

OFFICER-INVOLVED ANIMAL SHOOTING – 048-10

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Northeast	05/29/2010		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	4 years, 7 months
Officer B	4 years

Reason for Police Contact

Officers responded to a domestic violence radio call.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (x)</u>	<u>Non-Hit ()</u>
Subject: 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 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 26, 2011.

Incident Summary

Officers A and B responded to a domestic violence radio call. The officers arrived at the location, and Officer A stopped the police vehicle approximately two houses west of the location on the north side of the street. The officers exited their vehicle and started to walk north down the driveway toward the location and as they did so, Officer A listened for any noises of fighting or any other evidence of domestic violence. According to Officer A, as he and Officer B approached the front staircase of the residence, Officer B

yelled out "Dog!" and Officer A saw a large brown Pit Bull dog running south directly at him. As described by Officer A, "The pit bull was growling and aggressively charging with its mouth open and teeth showing as if to bite." Officer A decided to move his position and deploy his side-handled baton; however, the dog was approximately two feet away and still aggressively charging him, and so Officer A believed that he did not have time to deploy his baton. Officer A, in fear for his safety and believing that the dog was going to cause him bodily harm if allowed to continue its attack and bite him, unholstered his pistol, acquired a two-handed firing stance and fired three rounds at the dog in a north/western direction from a distance of approximately four feet. According to Officer A, the dog stopped its attack, fell back, staggered around and shook its head in a violent manner. The dog then retreated to the rear of the location. Officer A believed that the dog no longer posed a threat and he holstered his pistol. Officer A broadcast that shots had been fired, and that he needed back-up and a supervisor to respond. Officer A then relayed that he had been involved in an officer-involved animal shooting (OIAS) and requested that "animal regulations" respond as well.

Meanwhile, according to Officer B, he and Officer A walked up to the residence when he observed a large brown dog, possibly a pit bull, walking southbound in their direction from the rear of the location. Officer B observed a piece of leash hanging from the dog's collar, which appeared to him to have been chewed off. Officer B immediately advised Officer A of his observations. According to Officer B, the dog charged aggressively toward the officers, growling and baring its teeth. Officer B formed the opinion that the dog was going to bite him or his partner and he unholstered his service pistol and maintained it in a two-handed low ready position. According to Officer B, due to the lack of time and space, the officers were unable to deploy batons or oleoresin capsicum (OC) spray. Simultaneously, Officer A drew his weapon and fired three rounds in a northwesterly direction at the dog. Officer B did not fire his weapon because according to him, Officer A was in his line of fire. The dog appeared to Officer B to have been struck by Officer A's rounds, and it stopped its aggressive behavior and ran to the rear of the location. Officer B holstered his weapon and the officers broadcast a request for back-up and a supervisor.

According to Witness A, who was inside her apartment that sits adjacent to the driveway of the location, she saw two police officers walk up the driveway with their flashlights on. Witness A heard a dog begin to bark and then saw the dog "charge" toward the officers. Witness A then heard one of the officers yell out, "Dog!" and she saw one officer draw his gun and fire four to five gunshots in a downward direction. Subsequent to the OIAS, Witness A saw additional officers arrive at the location, some of whom came inside her residence to determine if anyone was injured and to check for possible ballistic evidence. Witness A advised the officers that no one in her residence was injured and there was no ballistic evidence.

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 and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A and B'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

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

Tactics

1. Dog Encounters

The BOPC found Officers A and B's actions did not unjustifiably or substantially deviate from approved tactical training. In conclusion, the BOPC found Officer A and B's tactics to warrant a tactical debrief.

Drawing/Exhibiting

In this situation, Officers A and B observed a large Pit Bull charging toward Officer A while snarling and barking causing the officers to draw their service pistols. Based on the dog's aggressive behavior, an officer with similar training and experience as Officers A and B would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified. In conclusion, the BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

Use of Force

In this instance, Officer A observed a large Pit Bull charging toward him. Fearing he would be severely injured, Officer A drew his service pistol and fired three rounds at the Pit Bull. The Pit Bull stopped charging, turned and fled to the rear yard of the location.

Based on the Pit Bulls' actions, an officer with similar training and experience as Officer A would reasonably believe that the charging Pit Bulls represented a threat of serious bodily injury. Therefore, it was reasonable for Officer A to utilize lethal force to defend himself. In conclusion, the BOPC found Officer A's application of lethal force to be in policy.