

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

OFFICER-INVOLVED ANIMAL SHOOTING – 059-08

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes(X) No()</u>
Southeast	06/16/08		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	12 years, 7 months
Officer B	9 years, 3 months

Reason for Police Contact

While serving a search warrant, an aggressive dog charged towards officers, resulting in an officer-involved animal shooting.

<u>Animal</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Pit Bull 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 June 2, 2009.

Incident Summary

Police Officers A and B were participating in the execution of a search warrant. Officer A was dressed in plain clothes and Officer B was in uniform.

Officers A and B drew their service pistols and moved along a driveway of the location, encountering two males alongside two partially dismantled vehicles. The males were directed to stand at a nearby fence and to place their hands on their heads. While Officer B provided cover, Officer A started to holster his pistol in preparation for handcuffing the males. A large Pit Bull dog then emerged from underneath one of the vehicles and charged toward the officers, growling as it did so. Officer A, believing the dog was about to attack him, brought his pistol to a close-contact position and fired two rounds at the animal from a distance of three to four feet. Meanwhile, Officer B observed the dog charge toward him and Officer A. Fearing the dog would maul him and cause serious injury, Officer B fired one round at it from his pistol from a distance of approximately three feet. The dog, struck by gunfire, then retreated back underneath the vehicle.

Following the shooting, the officers continued with the detention of the two males.

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

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

Therefore, the BOPC determined that a Tactical Debrief was the appropriate mechanism for Officer A and Officer B to evaluate the events and actions that took place during this incident. Based on the officers’ statements as to their positions when they fired at the dog and direction their rounds were fired in, there are no obvious cross fire issues; however, upon a review of the photographic evidence at the scene, one round struck the driveway area just behind Officer A. Although no tactical considerations were identified, the BOPC determined that officers would benefit from the opportunity to review the incident.

B. Drawing/Exhibiting

In this situation, the officers arrived at the location in an effort to detain potential subjects whom they believed were operating a “chop shop.” Due to the high level of risk associated with serving search warrants, officers are trained to draw their weapons when approaching target locations. In accordance with that training, the officers entered the property and drew their service pistols as they approached the subjects.

Therefore, due to their training and the likelihood that the situation might escalate to the point where deadly force could become necessary, it was objectively reasonable for Officers A and B to draw their weapons. In conclusion, the BOPC found that Officer A and B’s Drawing/Exhibiting to be in policy, requiring no further action.

C. Lethal Use of Force

In this situation, the officers were unexpectedly confronted with an aggressive dog that charged at them. As the dog approached Officers A and B, it growled and barked. Fearing that they were going to be attacked by the dog and suffer serious injury or death, Officer A fired two rounds and Officer B fired one round at the dog in order to protect themselves.

Therefore, due to Officer A and B’s reasonable belief that they were about to be attacked by the dog and that they might suffer serious injury or death, the BOPC found Officer A and B’s use of lethal force to be objectively reasonable and in policy, requiring no further action.