

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 063-10**

<b>Division</b>	<b>Date</b>	<b>Duty-On( ) Off(X)</b>	<b>Uniform-Yes( ) No(X)</b>
Outside City	08/07/10		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	2 years, 2 months

**Reason for Police Contact**  
N/A

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
Bear			

**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 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 BOPC 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 19, 2011.

**Incident Summary**

Officer A was camping in a national park. Officer A was sleeping in his tent when he was awakened by the sound of an animal breathing heavily and going through a garbage bag. Officer A then retrieved his pistol, which had been holstered and secured in a bag next to his sleeping bag.

Officer A unzipped the tent door and observed a large "cinnamon colored" bear weighing approximately 350 pounds going through the garbage bag. Officer A shouted

at the bear and attempted to scare it away. The bear continued going through the garbage bag.

Officer A exited the tent, holding his pistol. Officer A continued yelling at the bear and waving his arms in the air, but the bear did not leave. Officer A picked up a rock and threw it at the bear. The bear twitched once and looked at Officer A. The bear then charged at Officer A. Officer A fired one round from his pistol into the ground next to the bear. Upon hearing the gunshot, the bear turned and ran toward the adjacent campsite where other people were camping. Officer A ran to the other campsite to warn people that a bear was in the area.

Once at the next campsite, Officer A observed the bear approximately 30 to 40 yards away. According to Officer A, the bear started running toward him and other campers and Officer A fired a second round from his pistol into the ground next to the bear, which scared the bear 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 revolver 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's tactics to warrant a tactical debrief.

#### **B. Drawing/Exhibiting**

The BOPC found Officers A's drawing/exhibition of a firearm to be in policy.

#### **C. Use of Force**

The BOPC found Officers A's use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

In conducting an objective assessment of this case, the Chair of the Use of Force Review Board determined that due to the nature of the incident and the lack of a nexus to law enforcement activity or tactics, the evaluation of tactics is not necessary. The BOPC concurred with that analysis; however, current Department policy states that any officer involved in a Categorical Use of Force incident shall be directed to attend a Tactical Debrief.

In conclusion, the BOPC found Officer A's tactics to warrant a tactical debrief.

### **B. Drawing/Exhibiting**

In this situation, Officer A heard a bear outside of his tent and retrieved his service pistol from his bag. It would be reasonable for any officer, upon hearing a bear nearby, to reasonably believe that the situation may escalate to the point where deadly force may be justified. Given the circumstances, it was reasonable for Officer A to draw his service pistol.

In conclusion, the BOPC found Officer A's Drawing/Exhibiting to be in policy.

### **C. Use of Force**

In this instance, Officer A was attacked by a bear and was compelled to use lethal force consisting of two shots, in an effort to prevent great bodily injury or death himself and others. It was objectively reasonable for Officer A to believe that the bear presented a risk of serious bodily injury or death to himself and others. Therefore, the use of lethal force was justified.

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