

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

OFFICER-INVOLVED ANIMAL SHOOTING – 065-10

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
Newton	08/09/10		

Officer(s) Involved in Use of Force	Length of Service
Officer A	20 years, 3 months

Reason for Police Contact
Officers responded to a radio call of suspects stealing parts off a vehicle.

Animal	Deceased (X)	Wounded ()	Non-Hit ()
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.

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 28, 2011.

Incident Summary

Officers A, B and C heard a radio broadcast of two subjects taking parts off of a vehicle. The officers responded to the address provided in the broadcast and observed a vehicle exiting the alley. The officers conducted a traffic stop and detained the driver for investigation.

The officers conducted a follow-up investigation to the rear of the identified location, along with additional officers. Officer A exited his police vehicle and observed a subject standing in front of a partially stripped vehicle that was parked in the rear yard of a residence. Officer A then observed the subject duck down and ordered him to stop and place his hands on his head. Officer A unholstered his weapon, believing the subject could be armed.

The subject ran into the rear yard and out of sight. Officers A and B followed the subject, engaging him in a short pursuit. Officer A broadcast that he was in foot pursuit of a potentially armed subject running through the residential neighborhood and also requested a backup unit and an Air Unit. Officer B unholstered his weapon as the officers entered the rear yard. Officers A and B did not see the subject, but they observed two Pit Bull dogs. The Pit Bulls did not charge at the officers. However, as the officers were communicating about the need to set up a perimeter, Officer A observed a third Pit Bull in the walkway of the primary residence suddenly charge toward him. The Pit Bull was barking and extremely aggressive towards him. Officer A believed his life and Officer B's life were in danger, so he fired four rounds in rapid succession at the Pit Bull from a distance of approximately five feet. The dog continued to charge at Officer A, who backed up and observed that the four rounds had not affected the dog. Officer A fired what he believed to be another two rounds, and observed the dog fall to the ground. Officer A then broadcast that a dog shooting had occurred. Officers A and B observed the bleeding Pit Bull limp toward the front porch of the residence. The officers reholstered their weapons. Upon arrival of a supervisor, Officers A and B were separated and provided Public Safety Statements.

Note: The investigation revealed that Officer A fired a total of five total rounds.

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 Officers A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

The BOPC found Officers A and B'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

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, the tactical considerations neither individually nor collectively *"unjustifiably and substantially deviated from approved Department tactical training."*

In conclusion, the BOPC found Officers A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

In this situation, Officers A and B unholstered their firearms believing the subject was arming himself when he ducked down behind the vehicle. The subject refused to comply with the officers' orders and fled.

Based on the nature of the radio call, the presence of subjects engaged in the commission of a felony crime and the subject's actions, it was reasonable for Officers A

and B to believe that the subject may be arming himself and that there was a substantial risk that the situation could have escalated to the point where lethal force was required.

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

C. Use of Force

Officer A observed a Pit Bull aggressively charging toward him. Based on the Pit Bull's actions, it was reasonable for Officer A to believe that the dog presented a substantial risk of serious bodily injury or death to himself and his partner. It was objectively reasonable for Officer A to fire his weapon at the Pit Bull in defense of himself and Officer B.

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