

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

OFFICER-INVOLVED ANIMAL SHOOTING – 066-12

Division Date Duty-On (X) Off () Uniform-Yes () No (X)

77th Street 10/3/12

Officer(s) Involved in Use of Force Length of Service

Officer A 6 years, 1 month

Reason for Police Contact

Officers were attacked by a Pit Bull dog, during the service of a search warrant, resulting in an officer-involved animal shooting (OIAS).

Subject(s) Deceased () Wounded () Non-Hit (X)

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 subject 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 May 14, 2013.

Incident Summary

Officers were serving a narcotics related search warrant at a single family residence. A formal briefing was conducted prior to the service. The time of service was scheduled for the early afternoon.

During the briefing, officers were given their individual assignments and responsibilities. Partner Officers A and B participated with the service of the warrant. During the briefing, Officers A and B were assigned rear containment and were directed to position themselves in the alley directly south and east of the location.

Since the plan called for Officers A and B to position themselves in the alley behind the warrant location, Officer B drove one street south of the target location. The officers discovered the alley providing access to the location was closed off with a locked wrought iron gate. Officer B parked the officers' vehicle in front of a nearby residence.

The officers exited their vehicle and continued their search on foot looking for a viable access to the alley. Officers A and B located a point of entry and approached the backyard of that location. Prior to entering the backyard, Officers A and B noted that they observed a dog bowl on the ground. They visually checked the yard and made noises to see if there was a dog. After officers received no response from a dog, they were satisfied that there was no dog and felt safe to enter the backyard.

As Officers A and B entered the backyard, Officer B yelled, "Police Officer, Police Officer." Officer A then followed behind Officer B. Without warning, the rear door of the home opened and a Pit Bull dog ran out. The Pit Bull dog, baring its teeth, ran toward Officer B. The dog then opened its jaw and attempted to bite Officer B from a distance of approximately 3 feet. Fearing the dog was about to bite Officer B and cause serious bodily injury, Officer A drew his service pistol and fired one round in a downward direction, missing the dog and impacting the dirt. The Pit Bull dog ran away and the homeowner called the dog back inside the residence. Officer B was not bitten and no other injuries occurred.

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 of a firearm 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 Officer A and B's drawing and exhibiting of a firearm to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

- In its analysis of this incident, the BOPC identified the following tactical consideration:
- Dog Encounters
- 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, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

After a thorough review of the incident, the BOPC determined that the officer's actions did not substantially deviate from approved Department tactical training. Therefore, a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident with the objective of improving overall organizational and individual performance.

In conclusion, the BOPC determined that Officer A's tactics warranted a Tactical Debrief.

B. Drawing/Exhibiting

- Officers A and B entered the backyard to gain access to the rear alley to assist with containment during a search warrant. Upon entering the backyard, the dog ran out of the back door of the house and charged toward Officer B, while barking and baring its teeth. Fearing for his own life, Officer B drew his service pistol. Fearing for his partner's safety, Officer A drew his service pistol. Therefore, the BOPC found Officer A and B's drawing and exhibiting of a firearm to be in policy.

C. Use of Force

- **Officer A** – (pistol, one round)

While assisting during a search warrant, Officers A and B entered the backyard of a residence to gain access to the rear alley. The officers observed the dog charge out of the rear door and run toward them. The dog, baring its teeth and barking, focused on Officer B and continued to charge toward him.

As the dog approached within several feet of Officer B with its jaws open, Officer A drew his service pistol and fired one round in a downward direction at the dog to stop its attack.

Given the totality of the circumstances, an officer with similar training and experience as Officer A would reasonably believe that the situation posed an imminent threat of serious bodily injury and that the use of lethal force would be justified.

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