

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

OFFICER-INVOLVED ANIMAL SHOOTING – 067-10

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Harbor	08/21/10		

Officer(s) Involved in Use of Force	Length of Service
Officer A	17 years, 3 months

Reason for Police Contact
Officers responded to an armed and barricaded attempt murder suspect.

Animal	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 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 July 12, 2011.

Incident Summary

Sergeant A and Officers A, B, C, D, E and F responded to an armed and barricaded attempt murder subject incident. Upon arriving at the scene, Officers A and B were directed to take a position in the rear yard of a residence. Officers A and B were tasked with making sure that the Subject did not escape through the windows of the target location.

Officers A and B entered the rear yard and saw a Pit Bull dog. The dog barked upon seeing the officers but did not approach them. Officer A could not tell whether the dog was on a leash due to darkness and they did not want to illuminate the dog and alert the Subject to their position. As the officers moved along the fence, the dog stopped barking and lay down. Officer A began to move around the yard to familiarize himself with the surroundings. He stayed at least 30 feet from the dog, and the dog did not react to him.

Officer C contacted Officer A via radio and asked Officer A to visually verify the location of other officers. Officer A walked along the side of a camper that was parked on the property. When he reached the end of the camper, Officer A saw that the dog was approximately 20 feet away. Suddenly, Officer A heard the dog growl and saw it start to run toward him. Officer A began to move backwards, away from the dog. Officer A, believing he would not be able to escape the dog's attack and that it was going to bite him, fired one round in a downward direction at the dog from a distance of approximately three feet. Officer A observed the round strike the dirt, missing the dog. The dog immediately ran away and hid behind several trash cans. Officer A continued to move away from the dog to the rear of the residence, and the dog did not attempt to approach Officer A again.

Officer A notified Sergeant A over the radio that an officer-involved animal shooting had occurred. Given the on-going tactical situation, Sergeant A told Officer A to remain in his position. Officers A observed that the dog was on a long leash. Officer A contacted Officer G via radio and requested that he secure the dog. Officer G responded and moved the dog to the adjoining yard.

Officers subsequently took the Subject into custody. Sergeant A met with Officer A and obtained a Public Safety Statement from him. Officer A was separated from the other officers and advised not to discuss the incident.

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'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

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.

Each incident must be looked at objectively and the areas of concern must be evaluated based on the totality of the circumstances. In this case, the tactics utilized did not *"unjustifiably and substantially deviate from approved Department tactical training."*

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

B. Drawing/Exhibiting

In this situation, Officer A responded to the scene of an armed and barricaded attempt murder suspect.

Based on the circumstances, it was reasonable for Officer A to believe that the barricaded subject, who was armed and a known attempt murder suspect, posed a threat of serious bodily injury or death and 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 Officer A's Drawing/Exhibiting to be in policy.

C. Use of Force

In this instance, as Officer A was attempting to verify the location of containment officers, he was charged by a dog. Officer A indicated that he heard the dog growl and observed the dog running directly toward him. Officer A began moving backward but observed that the dog was rapidly overtaking him. Officer A believed he would not be able to escape the dog's attack and that it was going to bite him. Officer A fired one round downward at the dog.

An officer with similar training and experience as Officer A would reasonably believe that the charging dog presented an imminent threat of serious bodily injury.

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