

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

OFFICER-INVOLVED ANIMAL SHOOTING – 068-10

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

Officer(s) Involved in Use of Force	Length of Service
Officer B	3 years

Reason for Police Contact
Officers responded to a radio broadcast of a vicious animal.

Subject(s)	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 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 and Officer B responded to a radio broadcast of a vicious animal at a location. The broadcast also indicated that Los Angeles Fire Department (LAFD) personnel were at the scene and had requested backup, because the dog had bitten a victim. Officers A and B arrived and Officer B immediately armed himself with his shotgun. LAFD personnel pointed out the Pit Bull dog, and told the officers that the dog had already attacked two people. Additionally, LAFD personnel related to the officers that while attempting to treat the victims, the dog had also tried to attack them. According to Officer B, while speaking with one of the victims, the dog charged at a male, who was riding by on a bicycle. The unidentified male was able to escape harm and rode away. Officer B noted the dog was growling, barking and baring his teeth.

Officers C and D arrived at the location and met with Officers A and B. The officers determined that they would wait until the arrival of Animal Control before approaching the dog. Officer A deployed the beanbag shotgun, Officer D carried a fire extinguisher and Officer B maintained the shotgun.

Animal Control Officer A arrived at the scene. He attempted to capture the dog, but the dog aggressively charged and tried to bite him. The dog then walked away from him. Animal Control Officer A moved into the street to the driver's side of his vehicle, with the intent of trying to keep the dog from going further west.

Meanwhile, Officers A, B, C and D had crossed the street and were approximately 50 feet west of Animal Control Officer A's location. Officer B took up a position of cover behind an electrical box and watched as Animal Control Officer A tried to gain control of the dog. According to Officer B, the dog then turned and faced the officers, and charged toward them. At this point, Officer B knew that the other officers as well as civilians at the scene were behind him. Additionally, Officer B was aware that Animal Control Officer A had moved behind his vehicle and was not in his line of fire.

According to Officer D, when he observed the dog charge Animal Control Officer A, he drew his pistol in fear for Animal Control Officer A's safety.

As the dog continued to charge toward him, Officer B raised his shotgun, disengaged the safety and placed his finger on the trigger. As the dog approached to within 10 to 15 feet, Officer B was in fear for his life, his partner's life and the lives of the other bystanders. Officer B fired one shotgun round, which caused the dog to stagger, but it continued to charge. Officer B fired the shotgun a second time and the dog fell to the ground, fatally wounded.

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

B. Drawing/Exhibiting

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

C. Use of Force

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

Basis for Findings

A. Tactics

In this case, the tactics utilized did not unjustifiably and substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officers A, B, C and D's to warrant a tactical debrief.

B. Drawing/Exhibiting

In this situation, the officers were en-route to a radio call of a vicious animal that had attacked community members and firefighters. While responding to the location, Officers B and A discussed tactical options and determined that Officer B should deploy the shotgun.

Based on the circumstances, it would be reasonable for an officer with similar training and experience as Officer B to believe that during a confrontation with a vicious Pit Bull, there was a substantial risk that the situation may escalate to the point where deadly

force may be justified. Therefore, Officer B's exhibiting of the shotgun was reasonable and within Department guidelines.

Having observed the dog's actions during this incident, it would be reasonable for an officer with similar training and experience to Officer D to believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified. Therefore, Officer D's drawing of his service pistol during the incident was reasonable and within Department guidelines.

In conclusion, the BOPC found Officer B's exhibition and Officer D's drawing to be in policy.

C. Use of Force

In this instance, Officer B observed a Pit Bull, which had already bitten two community members, attack an animal control officer and then charge toward himself and his fellow officers.

An officer with similar training and experience would reasonably perceive that the Pit Bull presented a threat of serious bodily injury. Therefore Officer B's use of lethal force was objectively reasonable and within Department guidelines.

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