

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

OFFICER-INVOLVED ANIMAL SHOOTING – 071-10

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Hollywood	09/01/10		

Officers(s) Involved	Length of Service
Officer A	5 years, 8 months
Officer B	6 years, 6 months

Reason for Police Contact

Officers serving a search warrant were attacked by Pit Bull dog.

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

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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

Police officers attended a briefing regarding the service of a felony arrest warrant. During the briefing, a tactical plan was formulated and personnel were assigned specific responsibilities.

Once the officers arrived at the residence, they noticed that there was a padlocked chain-link gate leading to the residence, with signs attached indicating there was a dog on the premise.

Officers A and C began to shake the fence and gate so that the noise would alert the residents and/or cause any dogs within the yard to emerge. In addition, Sergeant A began to whistle several times. The officers' noise and the sergeant's whistling did not cause any dogs to come into view or bark. Sergeant A instructed Officer B to use bolt cutters to cut the padlock so that the officers could make entry onto the property.

The officers approached the staircase leading to the front door of the residence. Officer A used his flashlight to illuminate the area, while Officer B provided cover. As the officers approached the staircase, they saw a Pit Bull dog emerge from the upper staircase. The dog was barking and growling as it ran down the staircase, toward the officers.

Officer A, fearing that the dog was going to attack him or the other officers, unholstered his pistol and fired one round in a downward direction at the dog. Simultaneously, Officer B, also fearing that the dog was going to attack him or other officers, unholstered his pistol and fired two rounds in a downward direction at the dog. The dog was struck and injured.

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

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered the following:

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

B. Drawing/Exhibiting

In this tactical situation, Officers A and B drew their service pistols as they entered the front yard of the location.

The BOPC determined that in both instances, officers with similar training and experience and faced with similar circumstances as Officers A and B would reasonably believe 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 Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Use of Force

In this instance, Officer A observed a Pit Bull dog charging toward him. Based on the dog's aggressive actions and to protect himself and his partner from the threat of serious bodily injury, Officer A fired one round at the attacking dog.

An officer with similar training and experience would reasonably believe that the charging dog represented a substantial risk of serious bodily injury and that the use of lethal force would be justified.

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

In this instance, Officer B observed a Pit Bull dog charging toward him. Based on the dog's aggressive actions and Officer B's belief of imminent serious bodily injury or death, and to protect him and his partner, Officer B fired at the attacking dog.

An officer with similar training and experience would reasonably believe that the charging dog represented a substantial risk of serious bodily injury and that the use of lethal force would be justified.

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