

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

**OFFICER-INVOLVED ANIMAL SHOOTING 075-08**

<b>Division</b>	<b>Date</b>	<b>Duty-On(x) Off( )</b>	<b>Uniform-Yes(x) No()</b>
77 <sup>th</sup> Street	08/24/2008		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Officer A	12 years, 4 months

**Reason for Police Contact**

Officer encountered a pit bull while responding to a radio call.

<b>Subject(s)</b>	<b>Deceased (x)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
Pit Bull			

**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 BOPC of Police; and the report and recommendations of the Inspector General. The Los Angeles Police Department Command Staff presented the matter to the Commission 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 June 30, 2009.

## **Incident Summary**

On August 24, 2008, uniformed Officers A and B were assigned a radio call regarding an Assault with a Deadly Weapon (ADW), wherein a neighbor had reportedly harassed and threatened Witness A with a gun.

Officers A and B responded to the residence and spoke with Witness A. The officers discovered that there was an ongoing neighbor dispute, and that an ADW had not occurred.

The officers walked along a driveway with Witness A with the intent to contact the neighbor involved in the dispute. As they did so, a Pit Bull dog growled and charged toward Officer A baring its teeth. Officer A feared he would be injured so he drew his Glock pistol and fired one round at the approaching dog. The round was fired in a downward direction from a distance of approximately two feet and struck the dog. The dog fell to the ground and subsequently expired.

## **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/Holstering**

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

### **C. Use of Force**

The BOPC found Officer 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.

Therefore, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident. Although no tactical considerations were identified, the officers will benefit from the opportunity to review the incident.

The BOPC will direct that Officers A and B attend a Tactical Debrief.

### **B. Drawing/Exhibiting/Holstering**

In this situation, the officers arrived at the location in response to a radio call. As the officers attempted to resolve the neighbor dispute, a dog unexpectedly charged toward Officer A. Due to the dog's attack and his prior encounters with dogs, it was reasonable for Officer A to believe that the attacking dog presented a threat of serious bodily injury and that the situation had escalated to the point that lethal force was necessary to defend himself.

The BOPC found Officer A's drawing and exhibition to be in policy.

### **C. Use of Force**

In this situation, the officers were attempting to resolve a neighbor dispute when a dog unexpectedly attacked Officer A. Due to the dog's attack and his prior encounters with dogs, it was reasonable for Officer A to believe that the attacking dog presented a threat of serious bodily injury and that the situation had escalated to the point that lethal force was necessary to defend himself.

Therefore, due to Officer A's reasonable belief that he was about to be attacked by the dog and that he may suffer serious bodily injury, the BOPC found Officer A's use of force to be in policy.