

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

OFFICER INVOLVED ANIMAL SHOOTING 021-09

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Newton	03/30/09		

Involved Officer	Length of Service
Officer A	3 years, 11 months

Reason for Police Contact

Officers became involved in a foot pursuit of a subject armed with a gun. During the search for the subject, one of the officers encountered a dog, which resulted in an officer involved shooting incident.

Subject	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, 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 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 February 23, 2010.

Incident Summary

Newton Area Community Law Enforcement and Recovery (CLEAR) Officers A and B were driving and conducting a gang suppression detail due to recent gang related shootings in that area. Officers A and B observed a silver parked vehicle with three occupants.

The officers approached the silver vehicle and observed that the front seat passenger, subsequently identified as Subject 1 behaving nervously and slide down in his seat. Officers A and B exited their police vehicle and made contact with the driver, subsequently identified as Subject 2, who advised the officers that she did not live in the area and was just there talking with Subject 1. Subject 1 advised the officers that he was waiting for his friends down the street. Officer A asked Subject 1 to exit the vehicle and to step onto the sidewalk and Subject 1 complied. As Officer A was walking from the driver's side of the vehicle toward the sidewalk, Subject 1 turned and ran east on the south sidewalk. Officers A and B observed Subject 1 reach into his waistband area with his right hand and remove a large silver handgun. Officer A drew his service pistol and Officer B gave chase. Officers A and B observed Subject 1 throw the silver pistol into the front yard of a residence. Officer B advised Communication Division that they were in foot pursuit of a 415 man with a gun and requested assistance. Officer B recovered the pistol that Subject 1 had thrown on the ground.

Officers A and B continued their pursuit of Subject 1 who was now running south on the west side of the Street toward the rear yard. Officer A lost sight of Subject 1 and moved south and held his position on the southwest corner of the residence while Officer B took a position on the northwest corner of the residence. Officer A looked in rear yard for Subject 1 and did not locate him. Officer A proceeded east into the yard with Officer B following behind him. Officer A walked north on the east side of the residence. As Officer A reached the front yard, he observed a large black Pit bull dog approximately four feet away, barking and snarling at him. As Officer A walked slowly backward, the dog charged at Officer A. Officer A backed into a wall and was unable to find cover. The dog then jumped up toward Officer A's face with its mouth open. In response, Officer A raised his left arm up to protect his face and from a right handed close contact position fired six rounds in a downward direction at the dog's left torso area. Officer A moved north away from the dog; however, the dog continued to advance and attempted to bite Officer A's left leg. In response, Officer A fired another two rounds at the dog in a downward southeasterly direction. After the second volley of gunfire, the dog ran behind a tree.

The investigation revealed that the dog was chained to the base of a tree with a six foot chain around its neck; however, the investigation did not address whether Officer A made this observation.

After shooting the dog, Officers A and B ran to the front of the residence, took cover and awaited the arrival of additional resources. A perimeter was established and Subject 1 was subsequently located during a K-9 search and taken into custody without further incident. The dog was struck by Officer A's gunfire and succumbed to its injuries.

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 Officers A's drawing and exhibiting to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

In their analysis of the incident, the BOPC noted the following tactical considerations:

In this instance, Officers A and B initiated a foot pursuit in an attempt to apprehend Subject 1 who was armed with a handgun. Additionally the officers were aware of the presence of at least one additional subject in the vehicle. It would have been prudent that Officers A and B remained behind cover and established a perimeter. The officers' decision to run past an occupied vehicle placed them at a tactical disadvantage. In conclusion, Officers A and B are reminded of the importance of coordinating their actions and taking into account the presence of additional suspects when making tactical decisions. Furthermore, Officers A and B are reminded that by establishing a perimeter the suspect will be contained and when combined with discontinuing the foot pursuit, the inherent risks associated with foot pursuits are reduced.

In this instance, Officer A observed Subject 1 in possession of a firearm and unholstered his service pistol. Officer A engaged in a foot pursuit with his service pistol drawn. There is a heightened concern for an unintentional discharge when an officer runs with his service pistol drawn. Officer A should have re-holstered his weapon to reduce the risk of an unintentional discharge. In conclusion, Officer A is reminded of the hazards associated with running with his service pistol drawn.

The BOPC determined that Officers A and B warranted a Tactical Debrief.

B. Drawing/Exhibiting

In this situation, Officer A drew his service pistol upon observing that Subject 1 was armed with a handgun. It was reasonable for Officer A to believe that Subject 1 presented a threat of serious bodily injury or death and that the situation had escalated to the point that lethal force may become necessary to defend himself.

The BOPC found Officer A' Drawing to be in policy.

C. Use of Force

In this situation, the attacking dog presented a threat of serious bodily injury to Officer A. After realizing that there was no available cover or avenue of escape from the dog, the situation escalated to the point where Officer A was forced to defend himself. Officer A recalled, *"The dog then jumped up towards my face with its mouth open in an attempt to bite me"* Due to the dog's attack and his inability to retreat further, Officer A fired six rounds from a close contact position at the charging dog from a distance of approximately two feet. Officer A side stepped northbound in an attempt to avoid the attacking dog. The dog continued to advance toward Officer A, at which time, from a close contact position, Officer A fired two additional rounds in a downward direction at the dog. The investigation revealed that the dog was secured to a tree by an approximately six foot length of chain. The incident occurred during hours of darkness and the yard had a great deal of debris in it that would have obscured the view of officers. However, the investigation does not indicate whether or not Officer A observed that the dog was chained to the tree prior to the OIS.

Due to Officer A' reasonable belief that he was about to be attacked by the dog and that he may suffer serious bodily injury, it was objectively reasonable for Officer A to use Lethal Force in his own defense.

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