

**ABRIDGED SUMMARY OF AN OFFICER-INVOLVED ANIMAL SHOOTING AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS**

**OFFICER-INVOLVED ANIMAL SHOOTING – 060-09**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(X) Off()</u></b>	<b><u>Uniform-Yes() No(X)</u></b>
77 <sup>th</sup> Street	09/03/09		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	9 years, 6 months

**Reason for Police Contact**

Officers were conducting a narcotics investigation and one officer was confronted by a large dog.

<b><u>Animal</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
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; 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, 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 April 27, 2010.

**Incident Summary**

Sergeant A and Officers A, B, C and D were on a plainclothes surveillance detail. Sergeant A, Officer A, B, and D were all driving plain vehicles, and Officer C was driving a marked police vehicle.

As Officer C was driving, he observed two males who appeared to be engaged in a narcotics transaction near a residence. Officer C notified Communications Division (CD) that the officers were Code Six at an intersection location. Sergeant A directed the officers to detain one of the male subjects as part of the narcotics investigation. The officers then proceeded to the residence, without updating their status with CD.

Officer C arrived at the residence, and exited his vehicle. Officer C then observed a Subject with a handgun in his hand, running toward the front door of the residence. Officer C alerted the other officers and told them the Subject had a gun. Officer A, who had exited his vehicle, and was, approaching the location to assist Officer C, heard the gun warning. Officer A drew his pistol and took a position of cover behind a pick-up truck that was parked in the driveway. Officer A then heard a dog growling and observed a large pit bull dog running toward him. Officer A began to back away from the dog to create distance, but the dog continued toward him, and came within inches of his person. The dog then lunged upward with its mouth open and fangs showing. Officer A then fired one round at the dog, which struck its neck. 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 while 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 that the tactics of Sergeant A and Officers A, B and C warranted a Tactical Debrief.

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

The BOPC found that the Drawing and Exhibiting by Officer A was in policy.

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

The BOPC found that the Use of Force by Officer A was in policy.

## **Basis for Findings**

In their analysis of this incident, the BOPC identified the following considerations:

### **A. Tactics**

#### Communication Broadcast

Once the decision was made to detain the suspect, it would have been prudent for Sergeant A and Officers A, B and C to update their status and location along with the nature of the investigation.

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

In this instance, Officer A was running after the suspect with the intent of detaining him when he heard Officer C yell, "He's got a gun!" Believing that the suspect was armed with a handgun and that the situation could escalate to the point that lethal force may become necessary to protect Officer C or himself from serious bodily injury or death, Officer A drew his service pistol.

Based on the circumstances, Officer A's Drawing/Exhibiting was reasonable and within Department guidelines. The BOPC found Officer A's Drawing/Exhibiting to be in policy.

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

In this instance, after being alerted that the suspect was armed with a handgun, Officer A drew his service pistol and took a position of cover on the passenger side of a pickup truck parked in the driveway in front of the location. While focusing his attention on the threat the suspect posed, Officer A heard growling and barking near his location, then saw the dog charging toward him with its hackles raised and ears lying back. Officer A stepped rearward in an attempt to create distance between himself and the dog; however, the speed with which the dog ran toward Officer A made it impossible. Fearing great bodily injury or death, Officer A fired one round in a downward direction at the dog.

Based on the dog's actions, it was reasonable for Officer A to believe that the dog presented an immediate threat of serious bodily injury or death. The BOPC found Officer A's Use of Force to be in policy.