

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

OFFICER-INVOLVED ANIMAL SHOOTING 067-09

Division	Date	Duty-On(x) Off()	Uniform-Yes(x) No()
Mission	10/09/2009		

Involved Officer(s)	Length of Service
Officer A	2 years, 6 months

Reason for Police Contact

Officer A encountered a dog while securing the rear exit of a residence.

Subject(s)	Deceased (x)	Wounded (x)	Non-Hit ()
American Staffordshire 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 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 July 20, 2010.

Incident Summary

Officer A attended a tactical briefing regarding the service of a warrant. The briefing provided all personnel in attendance with their assignments and Officer A was tasked with rear containment of the residence. According to Officer A, there was no mention or indication on the tactical plan that there were dogs at the location, however, his partner, Officer B, was assigned to the rear perimeter with a fire extinguisher in the event one was encountered.

The briefing was completed and all personnel proceeded to the staging location. The officers and detectives then approached the residence and assumed their positions. Officers A and B, along with Sergeant A and Officer C approached the residence, opened a gate to the backyard and did not observe any signs of dogs. Officer A took a position approximately five feet from a rear sliding door to the residence. As Officer A was monitoring the rear sliding door, he could hear Officer D knock and announce their presence as the Los Angeles Police Department.

After several minutes, Officer A observed an unknown male (later identified as Suspect 1) approach the rear sliding door from inside the residence. Officer A and other members of the rear containment team illuminated the rear door with their flashlights. Sergeant A directed Suspect 1 to go back inside the residence and move toward the officers in the front of the residence. At that time, Officer A observed a large dog just inside of the residence. Officer A stated, "Do not let go of that dog." Suspect 1 opened the sliding door and the dog exited the residence and ran toward Officer A. Fearing for his safety, Officer A attempted to back away from the dog, but was unable to do so due to an air conditioning unit behind him. The dog then bit Officer A's lower left leg. Officer A's Glock service pistol was already drawn due to service of the warrant, and so fired one round at the dog in a downward angle. Officer A observed the round strike the dog in the upper chest area and saw the dog then retreat to the north side of the backyard. Sergeant A broadcast that a dog shooting had occurred, and after the search concluded and a Code Four was broadcast by the entry team. Officer A was treated for an abrasion to his lower left calf area. There were no puncture wounds on Officer A's calf and at his request he was not transported to a local hospital.

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 Officer A'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 decision under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific. Each tactical incident inherently results in considerations for improvement. In this instance, the tactical considerations neither individually nor collectively *"unjustifiably and substantially deviated from approved Department tactical training."*

In conclusion, a Tactical Debrief is the appropriate mechanism for Officer A to evaluate the events and actions that took place during this incident to better handle a similar incident in the future.

The BOPC directed that Officer A attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

In this incident, Officer A determined that the situation had escalated to the point that lethal force was necessary to protect him from serious bodily injury and drew his service pistol.

In conclusion, Officer A's drawing and exhibiting was reasonable and within Department guidelines.

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

C. Non-Lethal Use of Force

In this instance, the dog bit down on Officer A's leg and maintained its hold. Based on the dog's actions, it was objectively reasonable for Officer A to believe that the dog presented an immediate threat of serious bodily injury.

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