

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

OFFICER-INVOLVED ANIMAL SHOOTING 073-09

Division	Date	Duty-On (X) Off ()	Uniform-Yes(X) No()
Hollenbeck	10/17/09		

Officer(s) Involved in Use of Force	Length of Service
Officer F	11 years, 4 months

Reason for Police Contact

Officers were conducting a narcotics investigating when one officer encountered a dog.

Animal	Deceased ()	Wounded (X)	Non-Hit ()
Pit Bull dog.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 and addenda items); the 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.

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 June 15, 2010.

Incident Summary

Uniformed officers A and B received information regarding the sale of narcotics. In response, the officers investigated the information and parked their vehicle in an area where they were able to observe the alleyway behind an apartment complex. Officer A observed two subjects standing behind a metal fence, apparently engaged in a narcotics transaction with two other unidentified individuals who stood in the alleyway.

Officer A requested additional officers and an Airship to assist with the investigation. Officers C, D, and E responded to assist. Officers A, B, and E approached the front of the apartment complex, and observed a Pit Bull dog inside the gate, barking and showing its teeth. The officers decided to avoid the dog and instead entered the adjacent property. Officers C and D covered the back of the apartment complex.

Officers F and G arrived at the location to assist, and approached the front of the complex.

Officer B ordered the subjects that were at the apartment complex to exit the front yard through the front gate. Officer B also ordered the subjects to not let the dog out of the yard. Instead one of the subjects opened the front gate and let the dog out. The dog ran down the stairs toward Officer F, who backed up in order to create some distance from the rapidly approaching dog. Officer F retreated approximately 15 feet, but the dog came within approximately four feet of Officer F, who then fired his weapon four times at the dog until the dog stopped its forward motion. The dog sustained gunshot wounds to the right front leg and the chest, and then ran away.

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 made the following findings.

A. Tactics

The BOPC found Officer C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

The BOPC found Officer C's Use of Force to be in policy.

Basis for Findings

A. Tactics

- In adjudicating this incident, the BOPC considered the following:

Communication

As Officers F and G drove toward the unfolding tactical situation, neither officer made any attempt to communicate and or coordinate their response with the personnel at scene.

Communication (Code 6)

According to Communications Division, Officers F and G were code six at a radio call when the OIS occurred. The officers did not update their status and location.

Simultaneous Commands

As Officer B ordered the subjects to maintain the dog inside the property, Officer F approached the location and also began issuing similar commands to the subjects.

B. Drawing/Exhibiting

The BOPC evaluated the circumstances relevant to Officer F's drawing/exhibiting and determined that Officer F was attempting to assist other officers in the investigation of possible narcotics sales. Officer F encountered an aggressive Pit Bull dog which charged him. Officer F drew and exhibited his weapon to protect himself from bodily injury.

In conclusion, the BOPC found that Officer F's Drawing/Exhibiting to be in policy, requiring no further action.

C. Use of Force

During this incident, Officer F's was attacked by a large dog, which presented a significant risk of serious bodily injury or death. As such, the BOPC found Officer F's use of lethal force to be objectively reasonable, and, thus, in policy, requiring no further action.