

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

**OFFICER-INVOLVED ANIMAL SHOOTING 080-09**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes(x) No()</u></b>
Harbor	11/13/2009		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	1 year, 5 months

**Reason for Police Contact**

Radio call of an assault when encountered by a Pit Bull.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit (x)</u></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 subject 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 June 29, 2010.

## **Incident Summary**

On November 13, 2009, uniformed Officers A and B responded to a radio call of a female assaulting a male. Upon arrival, the officers first observed Subject 1 standing over the male in the middle of the street and then observed Subject 1 run toward a chain-link fence that was surrounding a storage yard. Officer A exited his police vehicle and chased Subject 1. Officer B also exited the vehicle and told the male that an ambulance had been requested and joined the pursuit of Subject 1.

Subject 1 reached the fence, and opened a gate, at which point a large Pit Bull ran through the gate and charged Officer A, who unholstered his Beretta pistol. The dog then jumped on Officer A and put its mouth around Officer A's upper thigh. In response, Officer A fired three shots at the dog, which released its hold and then ran away. The officers did not follow the dog, and instead took Subject 1 into custody. The dog, which was not injured, was subsequently located by the Department of Animal Regulations and was returned to its owner.

## **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 and B's drawing and exhibition of a firearm to be in policy.

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

The BOPC found Officers 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. Each tactical incident inherently results in considerations for improvement. In this instance, although there were identified areas for improvement, 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 Officers A and B to evaluate the events and actions that took place during this incident and assesses the identified tactical considerations to better handle a similar incident in the future.

Therefore, the BOPC directed that Officers A and B attend a tactical debrief.

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

In this situation, Officers A and B observed the dog unexpectedly charge and attack Officer A. Believing that the situation had escalated to the point that lethal force was necessary to protect themselves from serious bodily injury or death, both officers drew their service pistols.

Based on the circumstances, Officers A and B's drawing and exhibiting was reasonable and within Department guidelines.

Therefore, the BOPC found Officers A and B's drawing and exhibiting to be in policy.

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

In this situation, Officer A was attacked by a large dog. As such, it was objectively reasonable for Officer A to utilize lethal force to protect him from serious bodily injury.

Therefore, the BOPC found that Officer A's use of force to be in policy.