

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

OFFICER INVOLVED ANIMAL SHOOTING 082-09

Division Date Time Duty-On (X) Off () Uniform-Yes (X) No()

Southeast 12/02/09

Officer(s) Involved in Use of Force Length of Service

Officer A 5 years, 7 months

Animal Deceased () Wounded (X) 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 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, 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 August 24, 2010.

Incident Summary

On December 2, 2009, Officers A and B were on patrol when they observed a group of approximately seven or eight males blocking the sidewalk in front of a residence.

Using their police vehicle's spotlight, the officers observed two males, subsequently identified as Subject 1 and Subject 2, running to a side gate of the residence. Subject 1 was observed holding his waistband, which led Officers A and B to believe that Subject 1 was attempting to conceal a firearm or other contraband.

Note: According to Subject 1, he heard the officers yelling at him not to run, but he ignored their commands.

Officers A and B advised Communications Division (CD) of their status and requested backup units. The officers exited their vehicle and ordered the Subjects to “stop,” and to put their hands in the air. Subject 1 opened a gate along a wall of the residence, while Subject 2 held the gate open and said, “Get him,” to his Pit Bull. According to Officer B, “[i]t was apparent that suspect Subject 2 was ordering the dog to attack.”

Officers A and B observed a Pit Bull dog “explode” from behind the gate and “rush” toward Officer A, growling, with its teeth exposed. Believing the dog presented an immediate threat of serious injury and/or death, Officer A drew his pistol and fired two rounds at the Pit Bull, stopping the attack.

The Pit Bull retreated to the front porch of the residence, where a female resident opened the front door and secured the dog, which was injured on the right side of his neck and on his left rear paw.

Officer A directed Subject 1 and Subject 2 into a prone position and they complied. Backup units arrived, and placed the suspects in handcuffs. Officer A holstered his pistol. Officer B advised CD that the suspects were in custody and requested a supervisor response. Subject 2 was arrested for 245(c) PC (Assault with a Deadly Weapon on a Police Officer). Subject 1 was arrested for violation of 777 WIC (Violation of juvenile probation conditions).

Sergeant A responded to the scene, separated Officers A and B, obtained public safety statements, and notified the Watch Commander of the incident.

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 A and B’s tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A and B's drawing and exhibiting 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

In adjudicating this incident, the BOPC considered that:

1. Officers A and B had transitioned into a containment mode during their foot pursuit. During the incident, additional potential suspects moved into a position behind the officers. Although the officers adapted to the evolving tactical situation regarding the additional suspects, the Chief believed both officers would benefit from a discussion of crowd control tactics.
2. Both Officers A and B went in foot pursuit of suspects who they believed were either armed or in possession of contraband. Both officers indicated that their intention was to "track" the suspects. While their decision to pursue the suspects was consistent with being in containment mode, both officers would benefit from a discussion of foot pursuit tactics.
3. At the termination of the foot pursuit, Officer B used his foot to maintain control of one of the suspects, while simultaneously dealing with several other potential suspects who entered the yard behind the officers. Both Officers B and A are reminded of the hazards associated with controlling a suspect in that manner.

Drawing/Exhibiting

In this incident, Officers A and B attempted to detain two suspects who were running away from them. As the officers were following the suspects, a dog charged toward Officer A. Officers A and B determined that the situation had escalated to the point that lethal force may be necessary in order to protect themselves from serious bodily injury or death, and drew their service pistols.

Accordingly, the BOPC found Officers A and B's Drawing/Exhibiting to be reasonable and within Department guidelines, and, thus in policy.

Lethal Use of Force

In this incident, one of the suspects ordered the dog to attack Officer A. The dog charged Officer A while growling and baring his teeth. In order to protect himself from serious bodily injury or death, Officer A utilized lethal force. 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.

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