

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

**OFFICER-INVOLVED ANIMAL SHOOTING 084-09**

<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>
Southeast	11/24/09		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	6 years, 4 months

**Reason for Police Contact**

Officer encountered pit bull while searching the rear door of a residence.

<b><u>Subject(s)</u></b>	<b><u>Deceased (x)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</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 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 June 15, 2010.

## **Incident Summary**

Officers A and B assisted with a search, and were assigned to cover the rear door of a residence. Officers A and B walked toward an open metal gate leading into the backyard, when they heard someone yell that there was a dog in the back. Officer A attempted to close the gate, but was unable to because a metal stake held it open. Both officers then heard a dog running in their direction, and then observed a Pit Bull dog growling and baring its teeth as it ran toward them. Both officers drew their pistols to defend themselves as they moved backward to find a safe location. The dog came within five feet of Officer A who then fired two rounds at the dog with his Beretta pistol. The dog appeared to be unaffected and continued toward Officer A. Officer A continued to backup as he fired three more rounds at the dog, striking it. The dog fell to the ground and expired. Both officers holstered their pistols.

Sergeant A arrived at scene and obtained a Public Safety Statement from Officer A.

## **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 exhibiting to be in policy.

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

The BOPC found Officer A 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. In this instance, the tactical decisions of the officers neither individually nor collectively *“unjustifiably and substantially deviated from approved Department tactical training.”*

In conclusion, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident. The BOPC will direct that Officers A and B attend a Tactical Debrief.

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

In this situation, a dog unexpectedly charged toward Officers A and B while growling and baring its teeth resulting in Officers A and B drawing their service pistols. It was reasonable for Officers A and B to believe that the attacking dog presented a threat of serious bodily injury and that the situation had escalated to the point that lethal force may become necessary to defend themselves.

In conclusion, Officers A and B's drawing and exhibiting was reasonable and within Department guidelines. The BOPC found Officers A and B's drawing and exhibiting to be in policy.

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

In this incident, the charging dog represented a threat of serious bodily injury to Officers A and B. After realizing that there was no available cover or avenue of escape from the dog, the situation escalated to the point where lethal force was necessary in order to defend themselves.

In conclusion, due to Officer A's belief that he and his partner were about to be attacked by the dog and that they may suffer serious bodily injury, it was objectively reasonable for Officer A to use lethal force in their defense. The BOPC found that Officer A's use of force is in policy.