

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

OFFICER-INVOLVED ANIMAL SHOOTING 086-09

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes() No(X)</u>
Devonshire	12/14/09		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	6 years, 10 months
Officer B	9 years, 4 months

Reason for Police Contact

Officers were involved in the execution of a search warrant, which resulted in an officer involved animal shooting.

<u>Subject(s)</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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 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, 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 were involved in the execution of a search warrant at the time of the incident. Officer A was the lead officer on the entry team, and was armed with a shotgun. Officer B was armed with a pistol. Officer B used a hand-held ram to breach the location's front door and almost immediately Officers A and B heard the sound of barking coming from the residence. While standing in the doorway, Officers A and B then observed a Pit Bull dog running towards them, barking and baring its teeth.

Fearing for his safety, Officer A fired one round at the dog with his shotgun. Simultaneously, Officer B dropped the ram, drew his pistol and fired one round at the dog. The dog stopped its advance, fell to the floor and subsequently expired.

Officers at the front and the rear of the residence were aware that dogs were possibly in the residence and carried CO2 fire extinguishers to fend off the dogs, but were unable to utilize them due to the rapid advancement of the Pit Bull.

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 revolver 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

The BOPC found Officers A and B's drawing/exhibiting to be in policy.

C. Use of Force

The BOPC found Officers A and B's use of lethal force to be in policy.

Basis for Findings

In adjudicating this incident, the BOPC found the following:

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 assess the identified tactical considerations to better handle a similar incident in the future.

B. Drawing/Exhibiting

The BOPC noted that personnel assigned to the entry team drew their service pistols in preparation to make entry into the residence. Their actions were reasonable and do not require a specific finding.

During the service of a search warrant related to narcotics, it was reasonable for Officer A to exhibit the shotgun. Officer B observed the dog charging, dropped the ram and drew his service pistol. It was reasonable for Officer 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 had become necessary to defend himself and his partners.

In conclusion, Officer A's Exhibiting of the Department shotgun and Officer B's Drawing/Exhibiting of his service pistol were reasonable and within Department guidelines.

Therefore, the BOPC found Officer A's Exhibiting and Officer B's Drawing/Exhibiting to be in policy.

C. Use of Force

In this incident, the charging dog presented a threat of serious bodily injury to Officers A and B in addition to the other entry team members. As such, the use of lethal force by both officers was objectively reasonable in order to defend themselves and other officers.

In conclusion, the BOPC found Officers A and B's use of lethal force to be in policy.