

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

OFFICER-INVOLVED ANIMAL SHOOTING – 115-11

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

Southwest	12/23/11		
-----------	----------	--	--

Officers(s) Involved in Use of Force	Length of Service
---	--------------------------

Officer A	5 years, 4 months
-----------	-------------------

Reason for Police Contact

Officers were conducting an investigation of narcotics use and alcohol consumption coupled with illegal lodging when they were attacked by a Pit Bull dog, resulting in an officer-involved animal shooting.

Animal	Deceased (X)	Wounded ()	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 Chief 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 August 21, 2012.

Incident Summary

Officers A and B were on patrol in full uniform driving a black and white police vehicle. Officers A and B stopped at the location to investigate narcotics and alcohol consumption coupled with illegal lodging. The officers observed a male seated in a chair looking at a Pit Bull dog. The location is enclosed with a chain link fence to the north, a freeway to the west, and an approximately six foot cinder block wall topped with an approximate three foot wrought iron fence to the east. The area has a sloping dirt hill extending from the freeway wall. Officer B parked the police vehicle and the officers notified Communications Division (CD) of their location and status.

Officer B observed the Pit Bull dog, which appeared to be secured. According to Officer A, he and his partner were approximately 10 to 15 yards south of the chain link fence approaching the encampment when he and his partner observed the dog look in their direction. The dog stood up and charged in their direction, barking loudly. The dog's weight was estimated to be approximately 100 pounds.

Observing the dog's aggressive behavior and believing he and his partner were being attacked, Officer A drew his pistol. Officer B also drew his pistol. Officer A then fired five rounds at the dog, broadcast "shots fired" over the radio, and requested a supervisor and two additional units to secure the scene.

Officer B observed the dog run toward Witness A, who attempted to take control of the dog. Officer B told Witness A to secure the dog and observed him to grab the dog's chain in an attempt to secure it to a tree.

Witness A had a difficult time securing the dog to the tree with the metal link chain and began to slide east, down the sloping hill. Officer A observed the dog pulling side to side and away from Witness A. The dog leapt up and ran toward the officers, barking loudly. Officer A, fearing the dog would attack him and his partner, fired one final round at the dog. The dog walked east down the hill and collapsed, and expired at the scene.

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

The BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

The BOPC found Officer A's use of lethal force to be in policy.

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Defensive Tactics Against Hostile Dogs

In this instance, Officers A and B had been to the location the day prior and observed a Pit Bull breed dog secured to a bush. Afforded the knowledge of the potential for the presence of a dog, consideration should have been given to deploying a fire extinguisher to best handle an encounter with a dog.

The BOPC determined the actions of Officers A and B did not substantially deviate from approved Department tactical training.

2. Dog Encounters

- 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, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Each tactical incident merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to review and discuss the incident and individual actions that took place during this incident.

In conclusion, the BOPC found Officers A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

- In this instance, an attacking Pit Bull breed dog was advancing toward Officers A and B when they drew their pistols, reasonably believing that there was a substantial risk that deadly force may be justified.

The BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe that the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Lethal Use of Force

- In this instance, Officer A was confronted by an aggressive Pit Bull breed dog. Fearing the dog was about to bite him and cause serious bodily injury, he fired five rounds at the dog. The dog immediately reeled backward and retreated.

Officer B directed Witness A to secure the dog. Witness A grabbed the dog's chain and struggled as he attempted to secure the chain to a bush. Witness A began to slide down the sloping hill, which allowed the dog the opportunity to pull away and again ran toward the officers barking loudly.

Officer A fired one final round at the attacking dog. The dog was struck on his upper left leg, walked east down the hill and collapsed.

Based on the totality of the circumstances, an officer with similar training and experience would reasonably believe that the advancing hostile dog was about to attack and cause serious bodily injury. Therefore, the BOPC found that Officer A's use of lethal force was objectively reasonable and consistent with Department policy.

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