

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

OFFICER-INVOLVED ANIMAL SHOOTING – 002-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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77th Street	01/05/11		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	5 years, 9 months
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Reason for Police Contact

Officer A encountered a dog during a foot pursuit of an armed suspect, which resulted in an officer-involved animal shooting.

Animal	Deceased (X) Wounded () Non-Hit ()
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Pit Bull dog.	
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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 Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 December 20, 2011.

Incident Summary

Officers A and B drove to a location known by both officers to be frequented by gang members. Officers A and B looked west into the rear parking lot area of the location and observed 10 to 12 males engaged in gambling, drinking from open alcoholic beverage containers, and smoking narcotics. Officers A and B decided to conduct an investigation and parked their vehicle.

Officer A advised Communications Division of their status and location. Officers A and B smelled the odor of marijuana as they made their way to the rear courtyard area and heard several males scream out, "One time" and "Five-O," which is street vernacular for police. Officers A and B observed a male (later determined to be Subject 1), look in their direction and state, "Aww [expletive]!" Subject 1 grabbed his right front shorts pocket, revealing a three point bulge, and ran west. Officers A and B formed the opinion that Subject 1 was possibly armed with a handgun. The officers gave chase.

Officer B broadcast a request for a backup and an air unit. Officer B also advised that they were in foot pursuit of an armed suspect and provided their direction of travel.

Subject 1 ran to the fence of the courtyard and into the adjacent property. Subject 1 crossed the yard and began climbing the fence. As Subject 1 was climbing over the fence, Officer A observed the handle of a blue steel pistol protruding from Subject 1's right front pants pocket.

Officer A followed Subject 1 and also climbed over the fence into the rear yard to continue tracking Subject 1's movements. Officer A observed Subject 1 running toward the front of the residence. As Officer A made his way toward the front of the residence, he observed a large Pit Bull dog running toward him with its ears pulled back, growling and barking, and displaying its teeth. To prevent the dog from causing serious injury, Officer A unholstered his pistol and fired three rounds at the dog from a distance of three to four feet, hitting the dog. The dog then ran toward the rear of the house. Officer A remained where he was.

Meanwhile, Officer B was running behind Officer A and observed him climbing over the fence into the rear yard. Shortly thereafter, Officer B heard three gunshots. Officer B broadcast that shots had been fired. Officer B approached the fence, looked over it and saw Officer A. Officer A advised Officer B that he had been involved in an officer-involved dog shooting. Officer B observed Subject 1 running across the street, and eventually out of sight.

Officer B observed officers arriving at Officer A's location. Officer B returned to his vehicle and drove it closer to the shooting location. Officer B coordinated the response of additional personnel with the air unit and established a perimeter.

After a perimeter was established, an unidentified female ran toward officers from her residence and stated that Subject 1 was inside of her house. The officers at the scene

formed a contact team and ordered Subject 1 to exit the residence. After 10 to 15 minutes, the front door of the residence opened and the officers observed Subject 1 standing behind a female who advised that she was being held against her will. The officers ordered Subject 1 to release the female several times. Subject 1 eventually complied and was then taken into custody without further 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 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 Officer A's drawing and exhibition of a firearm to be in policy.

C. 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 the incident, the BOPC noted the following tactical considerations:
 - Dog Encounters
 - Foot Pursuit Concepts
- 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.

Each incident must be looked at objectively and the areas of concern must be evaluated based on the totality of the circumstances. In this instance, the tactics utilized did not unjustifiably and substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

- In this instance, Officer A entered a rear yard while in foot pursuit of Subject 1, who was armed with a handgun, and Officer A was confronted by a dog. Based on the circumstances, an officer with similar training and experience would reasonably believe that the charging dog represented an imminent threat of serious bodily injury and that the situation may escalate to a point where the use of lethal force may be justified.

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

C. Use of Force

- In this instance, Officer A entered the rear yard of a residence via the rear fence in pursuit of Subject 1, who was armed. Officer A observed a large white Pit Bull dog, growling and barking while running toward him. Officer A unholstered his pistol and discharged three rounds, striking the dog in the upper torso. The dog entered a rear house, leaving a trail of blood on the ground. The dog sustained a single gunshot wound. An officer with similar training and experience as Officer A would reasonably believe that the charging dog presented an imminent threat of serious bodily injury.

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