

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

**OFFICER-INVOLVED ANIMAL SHOOTING 008-11**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off( )</u></b>	<b><u>Uniform-Yes(X) No( )</u></b>
77 <sup>th</sup> Street	01/30/11		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	7 years, 11 months

**Reason for Police Contact**

Officers responding to a radio call, when an officer involved animal shooting occurred..

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit (x)</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 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 Los Angeles Police Department Command Staff presented the matter to the Commission and made itself available for any inquiries by the Commission.

The following incident was adjudicated by the BOPC on October 11, 2011.

**Incident Summary**

Officers A and B were responding to a "Family Dispute" radio call.

Once the officers arrived at the location they were met in the front yard by several family members. The officers spoke with Witness A, who told them that his son was in a room located in the backyard and was attempting to fight with other family members.

Witness A's son lived in a structure that was converted into bedroom that was located at the rear of the backyard.

As the officers were talking with Witness A, they heard a commotion coming from the rear of the residence which sounded like people fighting. The officers responded to the

rear of the residence by walking through the house and exiting the back door of the residence. Once the officers walked outside, a light motion sensor activated which illuminated the yard. The officers did not notice any evidence of a dog being in the backyard. The officers noticed that there was a motor home parked in the yard and as they walked past the motor home, Witness A yelled out in Spanish that there was a dog in the backyard. Officer B yelled back to Witness A for him to secure the dog.

Witness A told the officers to access the backyard by going through the residence, as this would be the fastest route.

According to Officer A, Officer B was about 10 feet in front of him as he walked past the motor home, when he heard a dog growling and then observed a large Pit Bull crawl out from underneath the motor home. As described by Officer A, the Pit Bull charged in a full sprint directly towards him, growling and baring its teeth. Officer A, in fear for his safety and believing that the dog was going to cause him bodily harm if allowed to continue its attack and bite him, unholstered his pistol, acquired a two-handed firing stance and fired one round in a downward direction at the dog from an approximate distance of three and a half feet. The dog was not struck or injured and retreated back underneath the motor home, where it was secured by Witness A.

According to Officer B, as he was about to tell Officer A that Witness G. A had told him there was a dog in the backyard, he heard a gunshot. As he turned and looked towards Officer A, he saw a Pit Bull about two to four feet away from Officer A. Officer A was holding his pistol pointed in the direction of the Pit Bull. The Pit Bull retreated and was secured by Witness A. Officer B said that he unholstered his pistol when he heard the gunshot and saw the Pit Bull, as he thought the situation could lead to a use of force.

Following the shooting, the officers continued to the rear of the backyard and detained Witness A's son who was identified as Witness B. Witness B was not arrested and was released at the scene. Witness B did not witness the shooting.

Sergeant A responded to the scene and secured a Public Safety Statement from Officer A and made appropriate notifications.

### **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's use of lethal 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. 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 case, the tactics utilized did not *"unjustifiably and substantially deviate from approved Department tactical training."*

In conclusion, a Tactical Debrief is the appropriate outcome for Officers A and B to evaluate the events and actions that took place during this incident with the objective of developing peak individual and organizational performance.

Although there were no identified tactical considerations, the BOPC will direct that Officers A and B attend a Tactical Debrief.

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

In this instance, Officers A and B entered the rear yard of a residence to investigate a "Family Dispute" radio call. While in the rear yard, Officer A heard a dog growling on the east side of the yard. He turned his attention toward that area and observed a Pit Bull breed dog approximately 20 feet east of his location crawling out from underneath a motor home. The dog then charged Officer A with its teeth exposed. According to Officer A, when the dog was approximately 10 feet away he unholstered his service pistol, knowing that he may be required to use deadly force.

Simultaneously, according to Officer B the growl of a dog could be heard to his left. He heard his partner say something but could not discern what it was and then heard a gunshot. Officer B turned his head toward the sound of the gunshot and observed a Pit Bull breed dog approximately two to four feet away from Officer A who had his service pistol drawn. According to Officer B, upon hearing a gunshot and believing the tactical situation could lead to the use of deadly force, he drew his service pistol.

Based on the circumstances, it was reasonable for Officers A and B to believe that the dog posed a threat of serious bodily injury or death and that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

The Chief found Officers A and B's Drawing/Exhibiting to be in policy.

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

Officer A then took two steps back in order to create distance between him and the dog. In reaction to the gunshot, the dog retreated underneath the motor home. The dog was not injured during the OIS.

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.