

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

OFFICER-INVOLVED ANIMAL SHOOTING – 015-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
77th Street	02/25/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	5 years, 8 months

Reason for Police Contact

Officers responded to a request to assist with taking a felony suspect into custody when an officer was attacked by a dog, resulting in an officer-involved animal shooting.

Animal	Deceased ()	Wounded ()	Non-Hit (X)
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 Department Command Staff presented the matter to the Chief and made itself available for any inquiries by the Commission

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 December 20, 2011.

Incident Summary

Officers A and B responded to a request for units to assist with taking the Subject into custody. Officers A and B drove to the location and met with Detective A and Officers C and D. Detective A advised the officers that he had a felony arrest warrant for the Subject and provided them a photograph of the Subject. Detective A told the officers that he had seen the Subject on the sidewalk when he drove by the Subject's residence. Detective A also gave the officers the Subject's clothing description. Detective A advised the officers to communicate via Tactical Frequency, and that he would first drive by the Subject's last known location to verify if he was still there.

Detective A entered his vehicle and drove to the location where he had last seen the Subject. Detective A observed that the Subject was no longer there and he advised the officers of this. The officers decided to resume patrol duty.

Shortly thereafter, Detective A saw the Subject standing by the front gate of a residence and advised the officers via radio of his observations. Detective A stopped his vehicle south of the location to establish a perimeter.

Officers A, B, C and D drove to the location in their respective vehicles, parked on the street north of the Subject's residence, and approached south on foot.

As Officers A and C entered the driveway, Officer C observed the Subject running through the yard. Officer C alerted Officer A that the Subject was running as they entered the yard. As Officer A was moving west in the yard, he observed a large Pit Bull dog running toward him, with its ears in a downward position and its teeth exposed. Officer A yelled, "Back, back!" at the dog; however, it continued to advance toward him closing the gap between them to approximately ten feet. Fearing the dog was about to attack him, Officer A drew his pistol and fired one round at the dog. Officer A observed his round strike the ground directly in front of the dog, which caused the dog to stop its approach. A female approached the dog and took control of it. Officer A checked the area for additional threats before holstering his pistol. Officer A broadcast he had been involved in a dog shooting and requested a supervisor.

The Subject was not found during a subsequent search of the area.

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 C'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

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 substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

In this instance, Officer A was assisting Detective A in conducting a follow-up investigation for a felony warrant suspect. The Subject was observed at a residence. As Officers A and C entered the driveway, Officer C advised Officer A that he observed the Subject running through the yard. Officers A and C ran through the yard in an attempt to apprehend the Subject. While Officer A proceeded through the yard, he observed a large, Pit Bull breed dog approach him. Officer A estimated the animal was approximately ten feet from his location when he observed the dog had its ears in a downward position and its teeth were exposed. The dog continued to advance toward Officer A. Fearing the dog was going to attack him, Officer A drew his service pistol.

Based on the circumstances, an officer with similar training and experience would reasonably believe that the dog posed a threat of serious bodily injury and that there

was a substantial risk that the situation may escalate to the point where deadly 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, as Officers A and C entered the driveway, Officer C advised Officer A that he observed the Subject, a felony warrant suspect, running through the yard. Officers A and C ran through the yard in an attempt to apprehend the Subject. While Officer A proceeded through the yard, he observed a large, approximately 70 pound, Pit Bull breed dog approach him with its ears in a downward position and its teeth exposed. Fearing the dog was going to attack him, Officer A drew his service pistol and fired one round at the charging dog.

An officer with similar training and experience as Officer A would reasonably believe that the advancing dog presented an imminent threat of serious bodily injury. Therefore, the BOPC found that Officer A's use of Lethal Force was objectively reasonable and consistent with Department guidelines.

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