

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

OFFICER-INVOLVED ANIMAL SHOOTING 018-11

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off()</u>	<u>Uniform-Yes(X) No()</u>
Southeast	03/03/11		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	14 years, 5 months
Officer B	1 year, 6 months

Reason for Police Contact

Officers were conducting a pedestrian stop when an officer-involved animal shooting occurred.

<u>Subject(s)</u>	<u>Deceased (x)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
German Shepard 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 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

Officer A and B were in the area of a stolen vehicle that had just been located by other officers.

The officers saw a male (Witness A) walking a leashed dog. The dog was a German Shepard mix, weighing approximately 80 pounds.

The officers began to follow Witness A in their police vehicle. As they were following him, the officers received information from another officer that a male walking a dog was observed near another recovered stolen vehicle in the same area approximately one

week earlier.

The officers decided to make contact with Witness A. Upon contacting him, Witness A's dog immediately became aggressive, lurching at the officers and attempting to bite them. Officer A asked Witness A to tie his dog to a nearby tree so officers could safely speak with him. Witness A complied but the dog remained agitated. Officer B began a pat-down search of Witness A for weapons and as he did so, the dog became increasingly agitated, attempting to escape his leash and collar.

The dog broke free and approached Officer B. Officer B stopped his pat-down search of Witness A and backed up into the street. Meanwhile the dog started to run toward Officer B. Fearing for his safety, Officer B un-holstered his pistol and fired two rounds at the dog. The dog was struck both times and died at the scene.

Officer A immediately notified Communications Division (CD) of the officer-involved animal shooting and requested a supervisor. Sergeant A heard Officer B's request for a supervisor and responded.

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 B's drawing/exhibiting to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

In this case, the tactics utilized did not “unjustifiably and substantially deviate from approved Department tactical training.” Therefore, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident with the objective of developing peak individual and organizational performance.

The BOPC directed that Officers A and B attend a Tactical Debrief.

B. Drawing/Exhibiting

In this situation, Officer B was assisting with an investigation. The dog broke free from its leash and moved toward Officer B. The dog, while growling, then charged at Officer B. Officer B tactically retreated while simultaneously drawing his service pistol.

Based on the violent and aggressive nature of the dog, an officer with similar training and experience as Officer B would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

The BOPC found Officer B’s drawing and exhibiting to be in policy.

C. Use of Force

In this instance, according to Officer B, “I observed the dog walk around my partner and A while constantly growling and maintaining its focus on me. In fear for my life, I immediately retreated by walking backward (E/B) onto the street from the sidewalk. As I neared the center of the street, the dog began running toward me while growling. To protect myself from serious bodily injury and / or death from the dog, I drew my City-owned duty issued handgun (assuming the two handed Weaver Stance) and I discharged one (1) round at the charging dog. The dog immediately yelped, but continued to advance toward me. I then discharged one (1) additional round at the charging dog, after which it yelped then fell to the ground.”

Based on the dog’s actions, an officer with similar training and experience as Officer B would reasonably believe that the dog represented an imminent threat of serious bodily injury to him.

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