

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

OFFICER-INVOLVED ANIMAL SHOOTING – 035-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Harbor	04/12/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	15 years, 3 months

Reason for Police Contact
Officers responded to a radio call of a Pit Bull dog attacking a child.

Animal(s)	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 Department Command Staff presented the matter to the Chief 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 January 31, 2012

Incident Summary

Three young boys were playing in a backyard when a Pit Bull dog from a neighboring yard jumped over the wall and attacked one of the boys. Several adults attempted to free the boy; however, the dog would not release him. Two men ultimately pried the dog's jaws from the boy's arm. A 9-1-1 call was made, and Officers A and B responded to the location. Los Angeles Fire Department (LAFD) paramedics also responded.

Upon arrival at the location, the officers encountered several people gathered around the boy. The officers were informed that the Pit Bull was still in the yard and that this was not the first time the dog had attacked people. The officers devised a plan in case the dog attacked again, wherein Officer B would deploy a beanbag shotgun and Officer A would deploy lethal force, if necessary. Additionally, the officers requested an airship, animal control and a dog restraint device from the station. Officers C and D responded to the scene.

Officer A broadcast to Officers C and D that the dog had severely bitten a child, appeared to be vicious, was in the backyard attempting to jump over the fence and needed to be prevented from coming in contact with the people in the area.

Meanwhile, Officers A and B located the dog in an alley. The dog charged at the officers and Officer B fired one beanbag round, striking the dog; however, the dog continued to charge. Officer B fired two additional beanbag rounds, both of which struck the dog, but did not have an effect. The dog ran toward the crowd around the injured boy. The paramedics came between the dog and the crowd, diverting the dog, which ran back to the alley.

Officers C and D responded to the alley, where the Pit Bull ran past their police vehicle. Officer C drove in reverse and hit the dog with the rear passenger-side bumper of the vehicle; however, the dog continued to run. Officers A and B entered the alley on foot and the Pit Bull charged at them. Officer B fired three rounds from the beanbag shotgun, hitting the dog; however, the dog was not stopped. Officers A and B then pursued the dog, which again ran toward the crowd. Officer A fired a round from his service pistol at the dog.

Although the dog was hit, it continued running toward the crowd so Officer A fired a second round, hitting the dog and stopping it.

The Pit Bull sustained two gunshot wounds and died 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, B 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

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

1. Dog Encounters

In this instance, the officers elected to pre-deploy a beanbag shotgun as a tool to assist them in preventing the dog from attacking additional victims. Here, although current Department standards state that, "*generally,*" officers should not rely on a beanbag shotgun while containing a dog, the deployment of a beanbag shotgun is not prohibited.

The BOPC determined the officers' decision to deploy a beanbag shotgun did not substantially deviate from approved Department tactical training.

2. Tactical Driving

In this instance, in order to prevent the dog from attacking additional victims, Officer C elected to intentionally strike the dog with his police vehicle.

Although there is no specific standard to utilize while evaluating the use of this tactic and striking a dog with a vehicle does not constitute a use of force, the BOPC found that based on the totality of the circumstances, although unorthodox, Officer C's decision to strike the dog with a police vehicle was reasonable.

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

B. Drawing/Exhibiting

In this instance, a vicious dog was running loose in the neighborhood. After several unsuccessful attempts had been made to restrain the dog, the dog began charging in the direction of a group of LAFD personnel and citizens resulting in Officer A drawing his service pistol.

Based on the totality of the circumstances, an officer with similar training and experience faced with a similar incident would reasonably believe there was a substantial risk that the situation may escalate to a level 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, Officer A was aware that the dog running loose through the neighborhood had viscously attacked a young boy and that multiple efforts to contain the dog had been unsuccessful. The dog began to charge at a crowd of firemen and citizens. Fearful that the dog was going to inflict serious injuries to someone in the crowd, and as a last resort, Officer A fired one round at the charging dog from a distance of approximately four feet. Officer A believed the dog was struck with the round, however the dog continued on its path. Officer A, still fearing for the safety of the crowd, fired another round at the dog, striking the dog on its right side. The dog collapsed to the ground, succumbing to its injuries.

An officer with similar training and experience as Officer A would reasonably believe that the dog represented an imminent threat of serious bodily injury to the people in the crowd and that the use of lethal force in order to address the threat would be warranted. The BOPC found that Officer A's use of Lethal Force was objectively reasonable and within Department guidelines.

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

Note: The Department Manual states that, under any circumstances, the discharge of a less-lethal projectile weapon (in this case, a beanbag shogun) **that does not contact a person** is not reportable as a non-categorical use of force.