

ABRIGED SUMMARY OF CATERGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED ANIMAL SHOOTING – 044-06

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Southeast	05/28/06		

Officer(s) Involved in Use of Force	Length of Service
Officer A	15 year and 4 months

Reason for Police Contact

Officer encountered a dog during a search for wanted subject.

Subject	Deceased (X)	Wounded ()	Non-Hit ()
Pit Bull dog			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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.

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 February 2, 2010.

Incident Summary

K-9 Unit Sergeant B and Officers A and B responded to a request to assist in the search of a subject who had fled from Officers E and F, and who had discarded a pistol during a foot pursuit. Sergeant A briefed Sergeant B and Officers A and B regarding the incident. A search team consisting of Officers A and B, A's K-9, and Officer C and D was deployed to conduct a systematic search of the area. Officers A, B, C, and D drew their service pistols during the search of the possibly armed Subject.

Officers A, B, C, and D approached the yard of a residence and while at the mouth of the driveway, Officer A observed an unidentified Pit Bull dog and another unknown type dog inside the front yard. Officer A reported that he attempted to contact the owner of the residence to secure the dogs, but was unable to do so, due to the vicious nature of the dogs in the yard.

Officers A, B, C and D, and the K-9 proceeded down the driveway to the rear yard and saw an approximate 7-foot high wooden fence locked by chain and padlock, which prevented entry into the yard. Officer B cut the chain attached to the padlock and upon opening the gate, observed the Pit Bull dog, which remained inside a kennel. The chain-link kennel had four sides, a roof, and floor. On one side of the kennel was a door with a metal latch that held the door secure. Officers A, B, C and D, conducted a search of the yard with the assistance of the K-9. Prior to and during the search, the Pit Bull dog inside the kennel barked at the officers and the K-9. The search of the rear yard for the Subject was met with negative results.

Officers A, B, C and D, and the K-9 exited the yard in preparation to search the rear yard west of their location. Officer B was to the rear and closed the gate behind them and entered the adjacent yard. Officer A observed Officer B close the gate and believed it would remain secure due to the weight of the gate resting on the concrete. After searching the adjacent yard, Officers A, B, C, D, and K-9 exited the adjacent rear yard and began walking south through the driveway toward the sidewalk. Without warning, the Pit Bull dog that had originally been in the Kennel, charged from behind the wooden gate and ran past Officers B, C and D, and toward Officer A and the K-9. Officers B, C and D yelled to Officer A to warn him of the charging dog. Officer A turned and saw the Pit Bull dog charging toward him, and fearing that he or the K-9 would be attacked by the Pit Bull dog, he pointed his service pistol at a forty-five degree angle toward the ground and in the direction of the Pit Bull dog. As Pitt Bull dog approached and was approximately five-feet from Officer A and the K-9, so Officer A fired one round striking the Pit Bull dog. According to Officer A, the force of the gunshot caused the dog to collide into the chain link fence surrounding the front yard, but the Pit Bull again violently charged toward Officer A and the K-9. Officer A, then fired a second round, which struck the Pitt Bull, who then ran approximately two steps and collapsed. The Pit Bull succumbed to its injuries in the driveway. Officer A exited the driveway and broadcast the shots had been fired and that it was related to an animal being shot. Officer A holstered his weapon and waited for Sergeant B to arrive.

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 that Officer A, B, C, D, E, and F's actions were appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A, B, C, and D's drawing and exhibition of a firearm to be in policy.

C. Use of Force

The BOPC found Officer A's use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that:

- The BOPC noted that Officers E and F observed a Subject that they believed might be armed; flee from them as they approached to conduct a possible curfew violation. A foot pursuit ensued during which time the officers observed the Subject discard a handgun. After the Subject dropped his gun, Officers E and F properly elected to establish a perimeter.

Note: The investigation indicated that Officers E and F initiated the foot pursuit with the intent to monitor the Subject's progress to better establish a perimeter.

Once a perimeter was established, a search team was formed consisting of Officers A, B, C and D. The officers initiated a systematic search of the area utilizing a K-9 to search for the Subject. Although the officers noted that there was a dog in the rear yard that they planned on searching, they noticed that it was contained in a kennel and did not reasonably pose a threat to the search team. In fact, the yard was searched without incident and it was not until the officers had searched a second yard that the dog, unknowingly how, became free and charged through the wooden fence at Officer A.

Note: This incident occurred during the events of a tactically tense and fluid search for a potentially armed Subject. The wooden gate was approximately seven-feet high and of heavy construction. Due to the belief that the dog was secure in the dog kennel, it was deemed appropriate to have secured the gate by allowing the weight of the gate against the concrete to keep it closed. The tactical considerations of the search reasonably prevented the search team from securing the gate with a replacement lock or other device.

The BOPC determined Officers E, A, B, C and D's tactics were appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC noted that:

- The BOPC noted that Officers A, B, C and D were assembled to conduct a search for a Subject that had just discarded a handgun. Prior to commencing the search and fearing an armed confrontation with the Subject, Officers A, B, C and D drew their service pistols.

The BOPC determined that Officers A, B, C and D had sufficient information to believe the incidents might escalate to the point where deadly force may become necessary.

The BOPC found Officers A, B, C and D's drawing in policy.

C. Use of Force

The BOPC noted that:

- The BOPC noted that as the officers exited the driveway, the Pit Bull dog they originally observed inside the kennel at the rear of a residence, crashed through the wooden gate, forcing it open and charged Officer A and his K-9. Officers B, C and D who were to the rear of Officer A, warned him of the approaching dog. Officer A looked northbound and observed the large Pit Bull running toward him. Believing the dog posed an immediate threat of serious bodily injury or death, Officer A fired one round at the dog in a downward and easterly direction from a distance of approximately five feet, striking the animal in the top shoulder area and knocking it into a chain link fence. The dog bounced off the fence and again charged at Officer A. Officer A fired his service pistol once more striking the dog a second time. After being struck a second time, the dog ran southbound through an opening in a wrought iron fence, collapsed and expired. I have determined that Officer A reasonably believed the vicious dog presented an immediate threat of serious bodily injury or death. The BOPC determined that Officer A's use of force was in policy.