

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

OFFICER-INVOLVED ANIMAL SHOOTING – 051-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
77th Street	06/01/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	12 years, 1 month

Reason for Police Contact

Officers responded to a “vicious animal” radio call and observed a dog threatening a group of pedestrians, resulting in an officer-involved animal shooting.

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 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 Chief and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, 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 February 28, 2012.

Incident Summary

In the early morning hours, Witness A was walking on the sidewalk when she observed a group of three Pit Bull dogs lying on the ground. As she walked by them, one of the dogs charged her several times and bit her right hand, causing two puncture wounds. Witness A called the police.

Officers B and A were on patrol when they received a “vicious animal” radio call at a location, and responded. Upon their arrival, Officers B and A met with Witness A, who pointed out the dog to the officers. Witness A also showed the officers her injuries. Officer A then observed the dog, along with approximately four other dogs. According to Officer A, the dog was approximately 80 to 90 pounds, and very muscular. Officer A broadcast a request for additional units and for Department of Animal Regulation personnel to respond to the location. Officers C and D heard Officer A’s broadcast, and responded to the location.

While the officers waited for Department of Animal Regulation to respond, the dogs began to move north and west. The officers followed the dogs in their vehicles. Officer A observed numerous pedestrians, mainly young children, on both sides of the street. According to Officer A, the dogs were traveling on the north side of the street, when the dog that had attacked Witness A ran toward a group of pedestrians. The dog then ran toward the south curb and toward another group of pedestrians. Officers B and A attempted to block the dog by placing their police vehicle in its path; however, the dog turned and ran in a northeast direction toward the pedestrians on the north side of the street. At that time, Officer A, believing the dog was an immediate threat to the pedestrians on the north curb, exited their vehicle and drew his pistol. According to Officer A, he assessed his background, determined there were no pedestrians in danger of being in his line of fire and fired one round at the dog from a distance of approximately eight to ten feet. The round struck the dog in the right shoulder/rib cage area, briefly knocking it down to the ground. The dog immediately got up, barking and growling, and ran. According to Officer A, the round appeared to have no effect on the dog as it ran full speed toward other pedestrians in the area.

Officer A holstered his pistol and pursued the dog on foot. The dog ran into an east/west alley. Officer A approached the mouth of the alley in order to maintain a line of sight of the dog and, with the assistance of Officers C and D, contain the dog in the alley. According to Officer A, the alley was gated at the entrance, with a wrought iron gate. The gate was secured with a lock and chain; however, there was space between the gate doors. According to Officer A, there was also an approximate eight to 12 inch gap between the bottom of the gate and the ground.

While approaching the gate, Officer A observed the dog running in his direction, growling and baring its teeth. Fearing the dog was going to exit the gate and attack him, Officer A drew his pistol again, assessed his background and fired two rounds at the dog from a distance of approximately ten to 12 feet. According to Officer A, the rounds appeared to have no effect on the dog and it ran eastbound in the alley. Officer

A observed the dog run approximately 300 feet, and then lay down in some brush, out of his sight. Officer A holstered his pistol.

Meanwhile, Officer C, who approached the mouth of the alley as Officer A fired at the dog, broadcast that there had been an officer-involved animal shooting (OIAS) and requested the response of a supervisor.

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 Officer A'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. Lethal 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. However, in this instance, there were no areas for improvement identified.

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

B. Drawing/Exhibiting

In this instance Officer A had received information that a dog had attacked and bitten at least two people. The officers attempted to contain and monitor the dog, and observed the dog charge at nearby pedestrians. Officer A, believing that the dog presented an immediate threat to the pedestrians, exited his police vehicle and drew his service pistol.

After the initial OIAS, Officer A holstered his service pistol and chased the dog on foot. As Officer A approached a gate that blocked the entrance to the alley, the dog had turned and was walking in Officer A's direction while growling and baring its teeth. As a result, Officer A drew his service pistol a second time.

The BOPC determined that in both instances, an officer with similar training and experience would reasonably believe that the dog represented a credible 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. Lethal Use of Force

In this instance, Officer A was aware that the dog running loose through the neighborhood had viciously attacked a woman and a young boy. Due to the time of morning there were several pedestrians walking in the area mostly consisting of young children walking to school. The dog began to charge at a crowd of people. Fearful that the dog was going to inflict serious injuries to the pedestrians, Officer A fired one round at the charging dog from a distance of approximately eight to 10 feet.

The dog briefly fell to the ground; however, it quickly got back up and ran away. Officer A holstered his weapon and chased the dog into an alley. The dog again turned and began advancing toward Officer A while growling and baring its teeth. Fearing he was about to be attacked by the dog, Officer A fired two rounds at the dog from a distance of approximately 12 feet at the dog.

The BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the dog represented a substantial threat of serious bodily injury to the pedestrians at the time of the initial OIAS and to Officer A at the time of the second OIAS.

The BOPC determined that both applications of lethal force by Officer A were objectively reasonable and consistent with Department guidelines.

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