

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

OFFICER-INVOLVED ANIMAL SHOOTING – 055-05

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Pacific	07/07/05		

Officers(s) Involved	Length of Service
Officer A	4 years, 3 months

Reason for Police Contact

Officers were searching for potential narcotics suspects when they encountered an aggressive dog, resulting in an officer-involved animal shooting.

Animal(s)	Deceased ()	Wounded (X)	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 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, 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 June 27, 2006.

Incident Summary

Officers A and B were patrolling an area when they observed two males engaged in possible narcotics activity. The officers parked their vehicle a block away from the males, which allowed Officers A and B to observe the males further. Officers A and B watched the males for approximately five minutes and observed them engage in suspicious behavior during that time. Officers A and B then contacted Officers C and D and requested they drive by the males to see their reaction to a visible police presence.

Officers C and D drove by the two males and upon seeing the police vehicle, the two males ran in the direction of Officers A and B. The two males then observed Officers A and B's police vehicle and ran away from the officers, and scaled a fence into a vacant apartment complex.

Officers A and B did not pursue the two males, but wanted to make sure that the males had not entered an adjacent residence or were concealing themselves in the yard. Officers A and B notified Officers C and D that they were going to search the yard for the males. Officers A and B also discussed tactics related to a possible dog encounter.

Officers A and B checked the front yard and found no evidence of a dog. The officers then unlocked a side gate and walked toward the rear yard. There the officers encountered a gate in the backyard with a "beware of dog" sign posted on it. Officer A rattled the gate several times, as the officers scanned the backyard for any signs of a dog, which they did not see.

The officers searched the backyard and as they did so, were approached by Witness A, who lived at the residence. The officers informed Witness A that they had completed their search and were leaving. As the officers turned to exit the yard, the front door of the rear house opened and a large Pit Bull dog exited from the doorway. As the dog exited, it ran directly at Officer A, barking and baring its teeth. Officer A shouted to call of the dog, and simultaneously drew his weapon and fired three rounds at the advancing dog. The dog, struck once in the right paw, once in the left paw and once in the left hip area, retreated behind the house.

Meanwhile, according to Witness B, the dog had awakened him and he thought the dog had to go outside. As he let the dog outside, Witness B observed the dog run toward the front yard and then heard gunshots.

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 B's actions to be appropriate.

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 BOPC found the tactics utilized were appropriate. The BOPC noted that they would have preferred that Officers A and B utilized Officers C and D in the search of the residence. Further, the BOPC would have preferred that the officers, upon observing the "beware of dog" sign, had contained the area then contacted the resident to secure the dog, or had requested an air unit to search the location. The BOPC also noted that they would have preferred the officers had considered retrieving a fire extinguisher to use should they encounter a vicious dog.

In conclusion, the BOPC found Officers A and B's actions to be appropriate.

B. Drawing/Exhibiting

The BOPC found that during a search for two narcotics suspects, a large aggressive Pit Bull dog charged Officer A. The BOPC determined that Officer A, fearing serious bodily injury or death, had sufficient information to believe the incident might escalate to a point where deadly force may become necessary.

In conclusion, the BOPC found Officer A's drawing and exhibition of a firearm to be in policy.

C. Use of Force

The BOPC found that Officers A and B were searching for two possible narcotics suspects in the rear yard of a residence. When the officers turned to exit the yard, the front door of the rear house opened and a large Pit Bull dog ran out. The dog, barking and baring its teeth, ran directly at Officer A. Officer A called the owner to call the dog

back. Officer A, fearing serious bodily injury or death, fired three rounds at the dog. The BOPC determined that Officer A reasonably believed the dog presented an immediate threat of serious bodily injury or death.

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