

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

OFFICER-INVOLVED ANIMAL SHOOTING – 062-05

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
Southeast	07/22/05		

Officer(s) Involved in Use of Force	Length of Service
Officer A	7 years 7 months

Reason for Police Contact

Officers were searching for a suspect at a residence when a dog attacked an officer, 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, 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.

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 July 11, 2006.

Incident Summary

Officers, including Lieutenant A, Sergeant A, and Officers A, B, C, D, E and F, assisted Detective A in the apprehension of the Subject. Detective A had requested these officers' presence in an effort to arrest the Subject, who was believed to be at a certain location.

The detective and officers gathered near the location to determine if the Subject was at his residence. While Detective A was speaking to the officers, a male exited the residence and walked in the direction of the officers. That individual, Witness A, was detained. Witness A confirmed to the officers that the Subject was in the backyard of the residence. Officers E and F responded to the rear of the residence to obtain information regarding the presence of the subject. Officer F observed two males in the backyard of the residence and advised the other officers that one of the individuals in the backyard did match the description of the Subject. Sergeant A and Officers A, B, C and D responded to the rear of the residence and prepared to enter the backyard. Officer A was in the lead carrying the Department-approved shotgun. As the officers approached the corner of the residence, Officer A observed a male, Witness B, standing in the backyard. Officer A ordered Witness B to raise his hands and he complied.

At this point, a Pit Bull dog came running from around the corner of the residence past Officers A and B. Officer A kicked the dog as it ran by. The dog ran over to Witness B, who had called the dog to him. The dog then circled Witness B while the officers ordered him to control his dog. The dog circled around Witness B a second time then ran back toward the officers, growling and baring its teeth.

Officer A retreated to a wall and when the dog was approximately two feet from him, Officer A fired one round at the advancing dog. The round struck the dog in the upper torso and it collapsed to the floor. The Department of Animal Regulations responded to the scene and removed the dog's body.

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 Lieutenant A, Sergeant A, and Officers A, B, C, D, E and F's tactics to warrant divisional training.

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 noted that when the officers arrived at the location, a male was seen leaving the residence and when that male was questioned, he confirmed that the Subject was in the backyard. The BOPC found that the officers formulated a tactical plan and initiated an entry to the rear of the residence, but noted that the plan did not provide for a contingency of a possible encounter with a dog. The BOPC would have preferred that the officers had attempted to gather additional information from the male, such as the presence of any dogs at the location. Additionally, the BOPC noted that the tactical plan should have included officers that were prepared to use a fire extinguisher and or Oleoresin Capsicum (OC) spray.

In conclusion, the BOPC found Lieutenant A, Sergeant A, and Officers A, B, C, D, E and F to warrant divisional training.

B. Drawing/Exhibiting

The BOPC found that during a search for a felony subject, Officer A had exhibited a Department-approved shotgun. The BOPC found that Officer A 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 Officer A had deployed into the backyard of a residence where he was confronted by a pit bull dog. In an attempt to deter the dog, Officer A kicked at the dog, but the dog was not deterred as it ran past Officer A to the owner of the dog, who called its name. The dog then circled back at Officer A, growling and baring its teeth. Officer A retreated to a wall and was unable to move away from the dog. When the dog approached within two feet of the Officer A, who in fear of being bitten, fired one round at the dog.

The BOPC determined that Officer A reasonably believed that the vicious 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.