

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

OFFICER-INVOLVED ANIMAL SHOOTING 064-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes() No(x)</u>
Newton	07/24/2008		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Detective A	12 years, 11 months

Reason for Police Contact

Officer encountered pit bull while responding to a radio call.

<u>Subject(s)</u>	<u>Deceased (x)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Pit Bull			

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 BOPC; 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 June 16, 2009.

Incident Summary

On July 24, 2008, Detective A, who was in plain clothes and was part of auto theft taskforce. On that day, members of the taskforce arrested an auto theft suspect in an alley to the rear of the residence. Following the arrest, Detective A observed three males within a gated area of an auto mechanic body shop business and believed they were also auto theft suspects. Detective A and other taskforce members entered the yard of the business via an open rolling chain-link fence. Detective A who was in the lead position, entered the yard and walked about 12 feet into the property when he observed a Pit Bull dog that began to bark. Detective A slowly backed away, but the dog ran at full speed toward him. Detective A continued backing away and yelled at the dog in an attempt to scare it off, but the dog lunged several times at his mid and upper body. Detective A believed his life was in danger so he drew his pistol and fired two consecutive rounds in a downward direction at the dog. Following the discharge of the second round, the dog fell to the ground. Detective A then assessed the scene and holstered his pistol.

The dog was struck by two of Detective A's rounds and was fatally injured.

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 Detective A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Detective A's drawing and exhibition of a firearm to be in policy.

C. Use of Force

The BOPC found Detective A's use of 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. In this instance, although there were identified areas for improvement, the tactical considerations neither individually nor collectively *“unjustifiably and substantially deviated from approved Department tactical training.”*

In conclusion, a Tactical Debrief is the appropriate mechanism for Detective A to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better handle a similar incident in the future.

Therefore, the BOPC directed that Detective A attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

In this situation, Detective A was attacked by an aggressive dog that repeatedly lunged at him. Believing that the situation had escalated to one in which he needed to use lethal force in defense of his life Detective A drew his service pistol.

Therefore, due to Detective A reasonable belief that the situation had escalated to a level where deadly force had become necessary, Detective A’s drawing and exhibiting to be in policy.

C. Use of Force

In this situation, Detective A was unexpectedly attacked by an aggressive dog. In defense of his life, Detective A fired two rounds at the dog from his service pistol.

Therefore, due to Detective A’s reasonable belief that he may be killed by the dog, Detective A’s use of force to be in policy.