

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

OFFICER-INVOLVED ANIMAL SHOOTING 066-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
77 th Street	08/01/2008		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer C	5 years, 6 months
Officer D	18 years, 8 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>
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 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, 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 June 09, 2009.

Incident Summary

On August 1, 2008, uniformed Officers A and B responded to a report of two dogs that had attacked a postal worker and chased down pedestrians. Officers C and D also responded to the incident.

When Officers A and B arrived on scene, they observed three Pit Bull dogs in the driveway of a residence. Officers A and B parked their vehicle in the driveway in an attempt to contain the dogs. Officers C and D exited their vehicle. Officer D deployed a shotgun and requested that another officer deploy a fire extinguisher. Officers C and D were approached by Witness A, who informed them that he had been bitten by one of the dogs. As the officers were speaking to Witness A, the dogs ran passed Officers A and B, who were still seated inside their vehicle. The dogs ran toward Officers C and D and bared their teeth, barked, and growled. The officers began to back away, but Witness A remained in the dogs' path. The officers believed that the dogs would injure Witness A, so Officer D fired one round from his shotgun from a distance of approximately 10 feet at what he perceived to be the most aggressive dog, striking the animal in the left rear paw. Simultaneously, Officer C drew his Glock pistol and fired one round at the same dog from a distance of approximately six feet and struck it in the torso. The fatally injured dog stopped its advance and fell to the ground. The remaining two dogs ran back down the driveway to the rear of a residence.

Witness A sustained abrasions to his right leg as a result of having been bitten by one of the dogs prior to the officers' response.

Animal Services responded and took control of the two additional Pit Bulls, as well as another dog chained up at the rear of a residence. Animal Services also removed the remains of the deceased dog.

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, B, C and D's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers C and D's drawing and exhibition of a firearm to be in policy.

C. Use of Force

The BOPC found Officers C and D'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.

Therefore, a Tactical Debrief is the appropriate mechanism for the significantly involved personnel to evaluate the events and actions that took place during this incident. Although no tactical considerations were identified, the involved officers will benefit from the opportunity to review the incident.

Therefore, the BOPC directed that Officers A, B, C, and D attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

Officer D responded to a radio call of a vicious animal. The comments of the radio call were that two Pit Bulls attacked a mailman. Based on the comments of the radio call and the inherent dangers with vicious animals, Officer D exited his police vehicle and deployed a Department approved shotgun.

Officers C and D observed the Pit Bull dogs charging toward them and Witness A with open mouths, baring their teeth, barking and growling. Witness A was not able to react as quickly as the officers. Believing the dogs would cause Witness A serious bodily injury, Officer C drew his service pistol.

The BOPC evaluated the circumstances relevant to Officers C's drawing and D's exhibiting and determined that they had sufficient information to reasonably believe that there was a substantial risk of serious injury or death and that the situation had escalated to the point where deadly force was necessary.

The BOPC found that Officers C and D's drawing and exhibiting to be in policy.

C. Use of Force

The BOPC evaluated the circumstances relevant to Officers C and D's use of force and determined that Officers C and D's use of force was objectively reasonable to protect themselves and Witness A from the immediate threat of serious bodily injury or death.

The BOPC found that Officers C and D's use of force to be in policy.