

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

OFFICER-INVOLVED ANIMAL SHOOTING – 075-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Foothill	08/29/2011		

Officer(s) Involved in Use of Force	Length of Service
Officer A	10 years, 8 months

Reason for Police Contact

Victim A contacted 9-1-1 upon following subjects to their residence. Victim A suspected the subjects were responsible for burglarizing Victim A's residence the previous week. Officers responded to the location, resulting in an officer-involved animal shooting.

Animal	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, 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 March 27, 2012.

Incident Summary

Officers A and B responded to a report of a burglary subject at a residential location. Officers were met by the reporting party, Victim A.

Victim A informed the officers that he believed his home had been burglarized the week prior. According to Victim A, his neighbor, Witness A, had observed three males outside Victim A's home just prior to the burglary, and the same three males had been walking past Victim A's residence again earlier that day. Witness A informed Victim A of what he had seen, and then Victim A followed the males to the residential location, where he observed them enter the rear yard of the residence.

Officer A asked if Witness A observed the males inside Victim A's residence or removing property, and Victim A stated, "No." Officer A advised Victim A that the officers would not be able to arrest the identified subjects for the burglary, but they would talk to the subjects to determine what they may know and/or otherwise identify them for subsequent investigation purposes.

The officers developed information that there were several males who lived in the house to the rear of the property at the location, and that there was normally a large dog in the backyard.

Officers A and B walked along the side of the residence to a closed gate that led to the backyard. Officer B banged on the gate while Officer A stood on a two-foot-high wall to obtain a vantage point of the yard and whistled for the dog for approximately one to two minutes. No dog was observed in the yard. The officers entered the yard, both with OC spray in hand.

Officer B stood on the side of the entrance door to the back house, while Officer A walked up the steps and knocked on the door. The door opened from the force of Officer A's knock. Officer A pushed the door further open and announced his presence. Officer A heard a small dog barking. He again advised the residents to come to the door. Officer A then heard a second dog barking, and observed a Pit Bull dog walk around the corner of the hallway. The dog turned toward Officer A and started barking aggressively and walking toward the door. Officer A immediately closed the door and advised his partner about the dog.

The door opened suddenly, and the Pit Bull exited and stood on the porch, barking aggressively at the officers. Officer B indicated that the dog immediately displayed vicious behavior – positioned in an aggressive stance, barking loudly, and showing his teeth. Officer B drew his pistol and observed Witness C standing in the doorway. Officer B ordered Witness C to gain control of the dog, but the Pit Bull immediately ran in Officer A's direction.

Officer A unholstered his weapon and started walking backwards, toward a tree. Officer A continued to observe the dog aggressively running toward him. Officer A felt he was in severe danger of being attacked by the dog and he fired two rounds in quick

succession at the Pit Bull in a downward direction. The Pit Bull continued moving toward Officer A, within one foot of him, when Officer A fired one additional round at the Pit Bull. The Pit Bull, which suffered gunshot wounds to the chest, top of his left shoulder and left ear, fell to the ground and lay still.

The Pit Bull was determined to be dead at the scene and was removed by personnel from the City of Los Angeles, Department of Sanitation Dead Animal Collection Unit.

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 tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officers A's use of lethal force to be in policy.

Basis for Findings

A. Tactics

The BOPC found that the involved personnel's actions relating to tactical planning and dog encounters did not substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

In this instance, Officers A and B were involved in a follow-up investigation to obtain information regarding a burglary. The officers observed a dog charging at them and immediately drew their pistols.

Based on the circumstances, an officer with similar training and experience would reasonably believe that charging dog represented a substantial risk of serious bodily injury and that the tactical situation may escalate to the point where deadly force maybe justified.

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

C. Lethal Use of Force

As the dog advanced toward him, Officer A fired two rounds at the dog from an approximate distance of three feet. The dog continued charging, resulting in Officer A firing one additional round at the dog. After the third round was fired, the dog stopped and fell to the ground motionless.

An officer with similar training and experience as Officer A would reasonably believe that the charging dog presented an imminent threat of serious bodily injury. Therefore, the BOPC determined Officer A's use of lethal force was objectively reasonable and within Department policy.

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