

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

OFFICER-INVOLVED ANIMAL SHOOTING – 076-06

Division	Date	Duty-On (x) Off()	Uniform-Yes(x) No()
Foothill	09/07/06		

Officer(s) Involved in Use of Force	Length of Service
Officer A	16 years, 4 months

Reason for Police Contact

Officers were on duty and conducted a follow to a location to look for a wanted subject. During the follow, one of the officers encountered a dog, which resulted in an animal shooting incident.

Subject	Deceased ()	Wounded (x)	Non-Hit ()
Pitt 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 BOPC of Police; and the report and recommendations of the Inspector General. The Department Command Staff presented the matter to the BOPC 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 July 3, 2007.

Incident Summary

Officer A and B were on duty, in uniform, and driving a marked police vehicle. The officers drove toward a location to see if a Subject was present. The officers had taken report from a victim who reported that the Subject had violated a domestic violence restraining order. Follow-up inquiries by the officers revealed that the Subject was

wanted on misdemeanor warrant for possession of methamphetamine, and that he lived at a location.

As the officers approached the location address, they saw a Subject, whom they recognized from his physical description, standing in the driveway of the address. The officers placed themselves Code-six at the address and Officer A told the Subject to stop. The officers exited their vehicle and ran toward the Subject, who ran inside his residence. Officers A and B scaled the wall to the Subject's residence, intending to initiate containment of the location. The officers entered the rear yard, and Officer A observed a large white Pit Bull dog. Officer A drew his pistol and oleoresin capsicum spray; however, the dog did not advance toward him. Officer A then requested additional units and an air unit.

Officer A continued to get into position in the rear yard, as a brown Pit Bull dog charged toward him, growling and bring its teeth. As the dog came within five feet of him, Officer A fired a round from his pistol at the dog. The round struck the dog in the right hind leg and the dog run away.

A male, subsequently identified the Subject's father, exited the rear of the residence and was angry. Officer A told the male to tell the Subject to come outside. The male then went back into the residence. Officer A requested back-up and remained in the yard with his pistol drawn. Additional officers and Sergeant A responded to the scene. Officer A holstered his pistol upon being relieved by the responding officers. The Subject subsequently surrendered to officers and was taken into custody.

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 divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing to be in policy.

C. Use of Force

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

Basis for Findings

Tactics

In adjudicating this incident, the BOPC considered the following:

The BOPC noted that Officers A and B were assigned to a basic car, tasked with answering radio calls for service in their assigned area. After clearing their calls, Officer A and B took a proactive role in their re of assignment to apprehend a wanted subject

Officers A and B proceeded to Subject's residence to conduct drive-by and ascertain if he was in there.

Note: Officer A had prior knowledge of an outstanding misdemeanor arrest warrant for Subject and had been actively looking for him for the two weeks leading up to this incident. Officer A also had reason to believe that Subject was selling marijuana from his residence.

Upon observing Subject in his front yard, Officer A called out to him and ordered him to stop. Subject fled towards his residence and Officers A and B followed him. After Subject locked himself inside his house, Officers A and B jumped fence into the rear yard of the location in order to initiate perimeter. Based on Subject's suspected narcotics involvement, the BOPC would have preferred that the officers had established containment outside of Subject's fence line in order to afford them the added benefit of cover and concealment. Additionally, once Officer A encountered the first dog, he should have given some consideration to the possibility that there may be additional dogs or that the demeanor of the first dog could change from an indifferent nature to an aggressive one.

The BOPC determined that Officers A and B will benefit from additional tactical training.

Drawing/Exhibiting/Holstering

The BOPC noted that, once in the rear yard, Officer A encountered large Pit Bull dog. Fearing that if he came under attack from the dog he could suffer great bodily harm, Officer A drew his service pistol.

The BOPC determined that Officer A had sufficient information to believe the incident might escalate to the point where deadly force may become necessary and found Officer A's drawing, in policy.

Use of Force

The BOPC noted that Officer A was faced with charging dog that was growling and Bering its teeth from decreasing distance of five feet. Fearing the dog would bite him and cause great bodily harm, Officer A fired one round from his service pistol striking the dog in the right rear leg. The dog then retreated to the residence without further incident.

The BOPC determined that, based on the dog's actions, it was reasonable for Officer A to believe that the dog presented n immediate threat of serious bodily injury to him and his partner and found Officer A's use of force in policy.