

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

OFFICER-INVOLVED ANIMAL SHOOTING – 089-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
77th Street	10/05/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	7 years, 4 months

Reason for Police Contact

Officers responded to an “Assault with a Deadly Weapon” radio call and upon approaching the residence, they were confronted by two Pit Bull dogs, 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 and addenda items); the 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 Los Angeles Police 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 May 8, 2012.

Incident Summary

Officers A and B were working in full uniform, and were driving in a marked black and white police vehicle. Communication Division (CD) assigned the officers a radio call of an "Assault with a Deadly Weapon (ADW) Suspect there now." The notes of the call indicated that a male was armed with a knife and metal pipe and was threatening Witness 2. The male was subsequently identified as the Subject.

The officers arrived on the scene. As Officers A and B approached the location they heard loud screaming and banging on metal.

Officer A drew his pistol and Officer B deployed his TASER. Upon reaching the location, the officers observed the male within the gated front yard area, and heard him threatening to kill Witness 1. The Subject, apparently unaware of the officers' presence, picked up a shovel and proceeded to hit the shovel against the metal security door of the residence.

Officer A opened the unlocked gate and he and his partner entered the front yard. As Officer B approached the Subject, Officer A remained behind his partner providing cover. When Officer B was approximately 15 to 20 feet behind the Subject, he ordered him to drop the shovel and move away from the doorway. The Subject complied, immediately placed his hands on his head and after descending the stairway, turned away from the officers and got down onto his knees.

While still providing cover, Officer A observed two large Pit Bull dogs emerge from behind a truck that was parked along the east-west driveway located on the south side of the property. Both dogs converged on Officer A as he began to shout at them. When the dogs came within two feet of Officer A, he pointed his weapon at them and retreated several feet. The dogs continued to pursue Officer A and one of the dogs began to growl and suddenly lunged forward in his direction. Officer A, believing the dog was going to bite him and knowing that Pit Bull dogs can cause great bodily injury or death, fired one round at the dog, striking it on the right shoulder.

Both dogs immediately ran away and Officer A was able to regain cover on the Subject as Officer B took him into custody, without incident. The officers notified CD of the OIS and requested a supervisor and Los Angeles City (LAC) Animal Control Services to respond for an injured dog. The dog was euthanized due to its injuries.

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 Officers A and B's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

- In their analysis of this incident, the BOPC identified the following tactical considerations:

1. Requesting Backup

In this instance, the officers were about to confront the Subject, who was very agitated, running around in the yard and threatening to kill Witness 1. Although the Subject's actions were potentially violent, neither officer requested backup or the response of additional units prior to making contact with the suspect.

The BOPC noted that based on the totality of the circumstances, including the fact that the Subject did not arm himself until after the officers entered the yard, the officers decision not to request back up was reasonable at that time.

The BOPC determined that Officers A and B's decision not to request backup prior to making contact with the Subject 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, due to the nature of the radio call of an ADW suspect there now, Officer A drew his pistol while Officer B deployed a TASER. An officer with similar training would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified when confronting a suspect who was potentially armed with a weapon.

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

C. Lethal Use of Force

While the officers attempted to take the Subject into custody, two Pit Bull dogs emerged from the back yard and one dog converged on Officer A, while growling with exposed teeth.

An officer with similar training and experience as Officer A would reasonably believe that the charging dog represented an immediate threat of serious bodily injury and that the use of lethal force would be justified in order to address the threat. The BOPC determined Officer A's belief that the charging dog presented a threat of serious bodily injury or death to be objectively reasonable.

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