

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

OFFICER-INVOLVED ANIMAL SHOOTING – 030-11

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
77th Street	04/01/11		

Officer(s) Involved in Use of Force	Length of Service
Officer A	5 years, 2 months
Officer B	2 years, 3 months

Reason for Police Contact

Officers responded to a “vicious dog” radio call when an officer was confronted by a charging dog, resulting in an officer-involved animal shooting.

Animal(s)	Deceased ()	Wounded (X)	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 November 8, 2011.

Incident Summary

Officers A and B responded to a “Vicious Dog” radio call. The officers received additional information that the dog had attacked an individual. The officers arrived at the location and observed Los Angeles Fire Department paramedics treating Witness A, who had been bitten on his left leg by a Pit Bull dog. Witness B then pointed out to the officers a black Pit Bull across the street. According to Witness B, it was the same dog that attacked Witness A. The officers observed that the dog was in an agitated state, aggressively barking. Officer A then requested animal regulation to respond to their location, which they did.

Officer A retrieved a fire extinguisher from their patrol vehicle. Officers A and B discussed that if the dog attacked them, Officer A would utilize the fire extinguisher. If that was unsuccessful, they would continue to take cover behind their police vehicle and use deadly force if necessary.

Suddenly and without warning, the Pit Bull ran toward the officers. Fearing that they were being attacked by the dog, Officer A deployed the fire extinguisher, giving the dog a two-second blast. The blast from the fire extinguisher did not have an effect on the Pit Bull, which continued to run straight toward Officer A.

Officer A placed the fire extinguisher on the ground, unholstered his pistol and fired a total of three rounds toward the Pit Bull. After firing the first round, Officer A observed the Pit Bull go down on its side, then immediately get back up and resume its attack, at which point Officer A fired two more rounds toward the Pit Bull.

Simultaneously, as Officer B observed the Pit Bull charging in Officer A’s direction, he unholstered his pistol and fired one round at the dog.

After being struck by the gunfire the dog ran into a yard. Attempts by Animal Control Officers and Department personnel to locate the dog or its owner were unsuccessful.

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 actions 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. Use of Force

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

Basis for Findings

A. Tactics

In this instance, the BOPC determined the tactics utilized did not unjustifiably and substantially deviate from approved Department tactical training.

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

B. Drawing/Exhibiting

In this instance, Officers A and B located the dog and witnessed its aggressive and hostile behavior. The officers formulated a tactical plan to include a fire extinguisher, less-lethal and lethal ammunitions. Once the dog began moving in the direction of Officer A, both officers drew their service pistols. It was reasonable for both officers to believe that the situation could escalate to deadly force.

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

C. Use of Force

Based on the dog's actions, officers with similar training and experience as Officers A and B would reasonably believe that the charging dog presented an imminent threat of serious bodily injury. Therefore, the BOPC determined that Officers A and B's use of lethal force was objectively reasonable and consistent with Department guidelines.

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