

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

Officer Involved Animal Shooting – 025-09

| Division | Date | Duty-On(X) Off() | Uniform-Yes(X) No() |
|-----------------|-------------|-------------------------|----------------------------|
| Newton | 04/05/09 | | |

| Officers(s) Involved in Use of Force | Length of Service |
|---|--------------------------|
| Officer A | 5 years, 10 months |

Reason for Police Contact

Officers were in pursuit of a suspect with a firearm when they encountered a vicious dog.

| Subject(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, 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 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, 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 9, 2010.

Incident Summary

Police Officers A and B were on routine patrol in their marked police vehicle when they observed three males walking on the street. One of the males made eye contact with the officers, reversed direction, and ran away from the other two males while holding his waistband area with his right hand. Based upon the male's actions, the officers believed him to be in possession of a weapon and followed him with their vehicle. As the officers followed the male, he suddenly stopped in front of a residence, opened a

gate and entered the front yard. The officers exited their vehicle and approached the gate, from where they observed the male run down a pathway alongside the residence. While running alongside the residence, the male looked back at the officers, removed what appeared to be a gun from his waistband and threw it over a fence. The male then rounded the corner of the residence and the officers lost sight of him.

Note: The officers did not notify Communication Division (CD) of their location or status.

As the officers approached the corner of the residence, they observed a large pit bull aggressively running towards them. The officers immediately reversed their direction of travel to avoid contact with the dog, but the dog continued to run toward the officers in an aggressive manner.

Officer A, fearing that he was about to be seriously injured by the dog, drew his .45 caliber pistol. Meanwhile, Officer B, who was behind Officer A, deployed his collapsible baton.

The dog continued to advance toward the officers and was about two feet from them when Officer A assessed his background and fired several rounds at the dog. The rounds had no effect on the dog as it continued to close ground aggressively on the officers. Officer A then fired several more rounds at the dog. The dog turned around and ran to the rear of the residence, at which point Officer A holstered his pistol and advised CD of the incident.

Note: The investigation file completed in relation to this incident reported that Officer A discharged a total of seven rounds. However, only six expended casings were recovered at the scene and, upon subsequent inspection of Officer A's pistol, the weapon was determined to be six rounds short of full capacity.

The dog was struck once in the left front paw and once in the right side of the upper jaw and was subsequently transported by its owner to an animal hospital for treatment.

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 Officer A and B's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A's drawing and exhibiting to be in policy.

C. Use of Force

The BOPC found Officer A's Use of Force to be in policy.

Basis for Findings

A. Tactics

Officers A and B observed a male whom they believed was armed with a handgun and began to follow him for the purpose of establishing containment. However, the officers did not complete a vital task associated with the containment process, which is notifying Communications Division (CD) of their status and location. Although there may be circumstances that prevent officers from advising CD of their status and location, in this situation, the officers had adequate time to notify CD prior to exiting the police vehicle and taking enforcement action.

B. Drawing/Exhibiting/Holstering

The BOPC noted that in this instance, Officer A was confronted by a growling dog charging toward him. Believing that the situation had escalated to the point where lethal force had become necessary to protect himself from serious bodily injury, Officer A drew his service pistol.

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

C. Use of Force

The BOPC noted that in this instance, Officer A was confronted by a Pit Bull dog that charged him while barking and baring its teeth. Fearing serious bodily injury and realizing he had no avenue of escape, Officer A fired seven rounds, in two volleys, in the direction at the dog from an approximate distance of two feet.

Based on the dog's actions, it was reasonable for Officer A to believe that the dog presented an immediate threat of serious bodily injury.

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