

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

**OFFICER-INVOLVED ANIMAL SHOOTING 032-09**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On (X) Off ()</u></b>	<b><u>Uniform-Yes(X) No()</u></b>
Southeast	05/08/09		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Sergeant A	31 years, 2 months

**Reason for Police Contact**

The sergeant responded to a call of a victim being attacked by two pit bull dogs and subsequently encountered the dogs as they continued to attack the victim.

<b><u>Animal</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded (X)</u></b>	<b><u>Non-Hit ()</u></b>
Two Pit Bull dogs.			

**Board of Police Commissioners' Review**

This is a brief summary designed only to enumerate the 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 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 23, 2010.

## **Incident Summary**

Sergeant A responded to a radio call involving Pit Bull dogs attacking a male victim. Upon arrival, Sergeant A observed the victim sitting on the ground with two Pit Bull dogs attacking him. Sergeant A also observed that the victim was bleeding from numerous injuries to his body.

Sergeant A immediately exited his police vehicle with his baton in hand and approached the victim and the dogs. Sergeant A struck one of the dogs with his baton, but the baton strike had no effect on the dog, which continued to bite the victim. The victim pleaded with Sergeant A to shoot the dogs. Sergeant A did not believe that he could fire his weapon without injuring the victim, so Sergeant A used his baton to strike the second dog. The baton strike had no effect and the second dog continued to bite the victim.

One of the dogs moved from the victim's torso and began to bite the victim's right calf area, which gave Sergeant A a clear shot. Sergeant A then drew his service pistol and fired one round at the dog from an approximate distance of five feet. The dog took a step back and charged at the victim again. Again fearing for the victim's safety, Sergeant A fired a second round at the dog, and it stepped backward and collapsed on the street.

Sergeant A then focused his attention on the second dog, which was now standing approximately ten feet away from the victim, apparently frightened by the gunshots. The dog then advanced towards the victim, and Sergeant A fired one round at it. The round struck the dog on the right side of its head, which resulted in the dog turning and running away. The second dog was subsequently contained at a nearby residence by its owner.

## **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 made the following findings.

### **A. Tactics**

The BOPC found Sergeant A's tactics to warrant a Tactical Debrief.

## **B. Drawing/Exhibiting/Holstering**

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

## **C. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

In adjudicating this incident, the BOPC identified no tactical considerations.

### **B. Drawing/Exhibiting**

The BOPC evaluated the circumstances relevant to Sergeant A's drawing and exhibiting and determined that Sergeant A was involved in attempting to protect a victim from bodily injury or death due to an ongoing attack by two aggressive dogs. Sergeant A first attempted to use baton blows to end the dog attacks, but when the baton use proved to be ineffective, Sergeant A drew and exhibited his weapon to protect the victim from further bodily injury or death.

In conclusion, the BOPC found that Sergeant A's Drawing/Exhibiting to be in policy.

### **C. Lethal Use of Force**

During this incident, Sergeant A was attacked by a Pit Bull, which presented a significant risk of serious bodily injury or death. As such, the BOPC found Sergeant A's use of lethal force to be objectively reasonable, and, thus, in policy.