

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

OFFICER-INVOLVED ANIMAL SHOOTING 068-09

<u>Division</u>	<u>Date</u>	<u>Duty-On() Off(x)</u>	<u>Uniform-Yes() No(x)</u>
Outside City	10/10/2009		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	8 months

Reason for Police Contact

Officer encountered pit bull at his residence.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (x)</u>	<u>Non-Hit ()</u>
Pit Bull			

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, 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 June 29, 2010.

Incident Summary

Officer A was off-duty and in plainclothes at the front of his residence as he prepared for a bike ride when he observed two stray Pit Bull dogs running loose in front of his residence. One of the Pit Bulls ran out of sight, but Officer A observed the other Pit Bull jump a six-foot tall fence into his neighbor's, yard. According to his neighbor, while in the yard, the Pit Bull attacked his dog. The neighbor and Officer A met in front of the neighbor's residence to call the Riverside Sheriff's Department for a response. As they were standing in the neighbor's front yard, they observed the Pit Bull jump over the fence again and into the backyard of another residence, where they knew small children lived. The neighbor and Officer A went to that residence to warn the occupants. Officer A and the neighbor then returned to their own residences because they believed the pit bull would stay put in the other residence's yard.

Officer A returned to his own backyard to protect his own dog. And his 18-month-old daughter was watching him through a nearby sliding screen door. Officer A's dog began barking, and Officer A noticed the Pit Bull standing on the corner of the six-foot tall wooden fence that separated his yard from his neighbor's. Officer A threw a rock at the Pit Bull, but it did not have any effect. Instead, the Pit Bull made eye contact, bared its teeth, growled, and jumped off the fence, and landed directly in front of Officer A. The Pit Bull continued to walk toward him. Officer A had knowledge of the dog's aggressive tendencies, so he removed his revolver from his pocket and fired one round at the Pit Bull from a distance of two feet to protect himself and his family's safety.

The Pit Bull was struck on the left side of its neck, just behind the skull. Upon being struck, the Pit Bull ran to the end of Officer A's driveway and sat down. Officer A holstered his pistol and went inside to secure his residence and called 911, the Riverside Sheriff's Department, and his supervisor Lieutenant A. Lieutenant A then notified Los Angeles Police Department (LAPD) and assigned Sergeant A to respond to the scene.

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

Does not apply.

B. Drawing/Exhibition

Does not apply.

C. Use of Force

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

Basis for Findings

Use of Force

In this incident, Officer A had an encounter with a Pit Bull dog that had attacked his neighbor's dog. The Pit Bull jumped towards Officer A. In order to protect himself from serious bodily injury or death, Officer A fired one round at the Pit Bull from a distance of two feet, striking him on the left side of the neck.

In conclusion, another officer with similar training and experience would have believed that an attack by a Pit Bull dog could result in serious bodily injury or death. It was objectively reasonable for Officer A to use lethal force in his own defense.

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