

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

**OFFICER-INVOLVED ANIMAL SHOOTING 014-07**

<b>Division</b>	<b>Date</b>	<b>Duty-On(x) Off( )</b>	<b>Uniform-Yes(x) No( )</b>
77 <sup>th</sup> Street	02/09/2007		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Officer A	1 year, 2 months

**Reason for Police Contact**

Officer encountered a dog when responding to a radio call.

<b>Subject(s)</b>	<b>Deceased ( )</b>	<b>Wounded (x)</b>	<b>Non-Hit ( )</b>
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 subject 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 BOPC; 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 September 18, 2007.

## **Incident Summary**

On February 9, 2007, Officers A and B received an unknown trouble radio call from a residence. The comments stated that only static could be heard on the line and that several callbacks had been attempted. The officers responded Code-3 to the call.

Officers A and B arrived at the location and they observed that the residence was secured with a five-foot wrought iron and cinder block fence. The officers attempted to enter the property through the front yard, the driveway, and to the east of the residence, but each area was locked. The officers attempted to verbally contact a resident of the apartment, but there was no response. Although the radio call did not indicate that there was a dog on the property, Officers A and B looked for a dog or signs of a dog, but did not observe any. Officer A then climbed over a fence using a cinder block pillar on the northwest corner of the property and Officer B also began to climb the fence.

As Officer A walked east towards the driveway and behind a parked white minivan, he observed a pit bull advancing toward him from an easterly direction. The pit bull was barking and baring his teeth. Officer A advised Officer B that there was a dog in the yard and told him to stop climbing over the fence. Officer A backed away from the pit bull until he reached a dirt planter that was located in the northwest corner of the yard. The pit bull was approximately two feet away from Officer A, when he unholstered his service Glock pistol and fired downward at the body mass of the pit bull. The pit bull turned and walked back in the direction from which it came. Officer A secured and holstered his service pistol. Officer B drew his service pistol to provide cover for Officer A as Officer A climbed back over the fence.

Witness A exited the residence and observed her pit bull bleeding from an injury to his leg. Witness A approached the officers and Officer A explained what had occurred. Witness A stated she would take the pit bull to her personal veterinarian 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 Officers A and B's tactics to be appropriate.

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

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 Officer A's use of force to be in policy.

## **Basis for Findings**

### **A. Tactics**

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

The BOPC noted Officers A and B responded to an unknown trouble radio call at a residence. After the officers exited their police vehicle, they approached the residence and found it to be secured by a wrought iron fence. The officers were unsuccessful with their verbal attempts to contact any potential persons within the location. They believed that someone within the residence may need immediate police assistance and decided to scale the fence to facilitate the continuance of the investigation.

Officers A and B assessed the immediate surroundings and interior yard area and determined that there was no evidence of the presence of a dog prior to making the decision to scale the fence.

Officer A scaled the fence, and as soon as he stood on the residence side, was confronted by a charging pit bull breed dog. Officer A communicated to Officer B of the vicious dog, so he would remain safely on the other side of the fence. Officer A fired two rounds at the dog, causing it to retreat. Officer B then covered for Officer A as he climbed back over the fence to safety.

The BOPC determined that Officers A and B's tactics were appropriate.

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

The BOPC noted that, after climbing the fence onto the property, Officer A observed a vicious pit bull breed dog charge at him. Officer A, fearing serious bodily injury, drew his service pistol. Officer B drew his service pistol to provide cover as Officer A scaled the fence to safety.

The BOPC determined that Officers A and B had sufficient information to believe that the incident might escalate to the point where deadly force may become necessary.

Therefore, the BOPC found that Officers A and B's drawing and exhibition to be in policy.

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

Officer A scaled the fence, stood on the residence property and observed a vicious pit bull breed dog charge at him. The charging dog was barking and baring its teeth. Officer A backed away until he was against the fence. Officer A drew his service pistol and fired two rounds in a downward southerly direction at the dog from approximately two feet. The dog was struck in the right hind leg by one round and retreated.

The BOPC determined that the dog presented the circumstances that made it reasonable for Officer A to believe that was in immediate threat of serious bodily injury.

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