

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

**OFFICER-INVOLVED SHOOTING – 014- 05**

<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>
Harbor	2/15/05		

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	8 years, 8 months
Officer B	4 years, 5 months

**Reason for Police Contact**

Officers were investigating a disturbance call and were confronted by an aggressive Pit Bull Terrier, which caused one of the officers to shoot the dog.

**Subject**

Pit Bull Terrier, approximately 65 pounds, 6 years of age (deceased).

**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 involved officers, and other 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.

The following incident was adjudicated by the BOPC on January 17<sup>th</sup>, 2006.

**Incident Summary**

On the morning of February 15, 2005, Officers A and B received a radio call from Communications Division ("CD") of a disturbance at an apartment complex in the area of West 25<sup>th</sup> Street. The officers arrived and searched the area, but were unable to locate a suspect. Officer A requested CD to have the person who reported the call meet with them. Soon after making the request, Officer B heard the front door of an apartment open and the officers met Person Reporting 1 who advised the officers that she had telephoned the police. During the conversation with Person Reporting 1, Officer B observed a Pit Bull Terrier ("dog") place its head outside of the doorway, look in Officer B's direction, and bark. When the 65-pound dog ran, growling and barking,

toward Officer B, Officer B stepped back, alerted Officer A, and reached for Officer B's Oleoresin Capsicum ("OC") spray (commonly referred to a "Pepper Spray."). According to Officer A, he could hear the dog barking and growling prior to approaching the front of Person Reporting 1's residence. Although Officer A did not see the dog, Officer A heard the dog as it ran in their direction. Officer A also indicated that when the dog was at the bottom of the stairs in front of Person Reporting 1's residence, it moved quickly and aggressively toward Officer B.

Based on the dog's actions, Officer A believed that it was going to bite Officer B. When the dog lunged at Officer B, Officer A drew his weapon, evaluated his background, and fired one round to stop the dog. When the dog continued to advance, Officer A fired another round causing the dog to fall to the ground. Officer B indicated that the dog was approximately four feet away when Officer B heard the first shot, and when Officer B looked in Officer A's direction, Officer A fired the second shot which stopped the dog.

The dog sustained a gunshot wound to the right side of its neck. It was transported to a veterinary hospital where it was euthanized with the consent of its owner, Person Reporting 1.

### **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 that Officers A and B's tactics were appropriate and required no action.

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

The BOPC found Officer A's drawing/exhibition/holstering of a firearm to be in policy, requiring no action

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

The BOPC found Officer A's use of force to be in policy, requiring no action.

## **Basis for Findings**

### **A. Tactics**

The BOPC was satisfied with Officers A and B's tactics. The officers were confronted with a sudden attack by a Pit Bull Terrier and responded appropriately. The BOPC determined that the officers' tactics were appropriate requiring no action be taken against them.

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

The BOPC noted that Officer A observed a Pit Bull Terrier at the bottom of the steps leading from the porch, growling and barking, moving quickly in the direction of Officer B. Officer A, in response to the dog's actions, drew his firearm. The BOPC determined that Officer A had sufficient information to believe the situation might escalate to the point where deadly force may become necessary and found Officer A's actions in policy requiring no action be taken against him.

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

The BOPC considered that Officer A observed a Pit Bull Terrier at the bottom of the steps leading from the porch, growling and barking, running in the direction of Officer B. Believing that the dog was going to bite Officer B and cause serious injury, Officer A fired one round at the dog. Officer A observed the dog still advancing toward Officer B and fired one additional round at the dog. The BOPC determined that Officer A reasonably believed that the Pit Bull Terrier presented an immediate threat of serious bodily injury or death and found Officer A's use of force in policy requiring no action be taken against Officer A.