

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

OFFICER-INVOLVED SHOOTING – 015- 05

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
Newton	2/10/05		

Officer(s) Involved in Use of Force	Length of Service
Officer A	10 years, 6 months
Officer B	8 years, 8 months
Officer C	4 years, 9 months
Officer D	10 years, 8 months

Reason for Police Contact

The officers were in the area in response to outstanding complaints related to quality of life issues.

Subject

Pit Bull Terrier mix, approximately 70 pounds, unknown 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 February 14th, 2006.

Incident Summary

On the afternoon of February 16, 2005, Officers A B, C, and Officer D were assigned to the Bicycle Detail. The four officers were riding their bicycles through the alley at the 900 block of Mateo Street. The officers were in the area in response to outstanding complaints related to quality of life issues.

The officers were riding in a line with Officer D in the lead position, followed by his partner, Officer C, and Officers B and A respectively. As the officers were riding down

the alley, Officer D observed a large dog lying, apparently asleep, in the alley outside the gate of a business parking lot. Officer D did not perceive the dog as a danger and did not believe an announcement regarding the dog to the other officers was needed. Officer C, who was following Officer D, however, did announce “doggie.” The trailing officers did not hear that announcement. Officer C also noted an individual inside the gate with a second dog that had started to bark when the officers passed.

Upon seeing the dog outside the gate, Officer C began to pedal faster to gain distance from that dog. Officer B, the third rider in the column, observed the dog outside the gate. Officer B noted that it appeared that the dog woke up as he rode past. Officer B recalls hearing the dog growl as it got to its feet. Officer A, the last rider, did not hear Officer C’s warning and had just passed a dumpster when Officer A heard a dog barking to her right. As Officer A looked to the right she observed the large dog advancing from the other side of the alley. Officer A attempted to pedal faster to get away from the dog, but the dog closed the distance between them. As the dog neared Officer A’s right foot, Officer A drew her service 9 millimeter service pistol and fired one round downward at the dog.

Officer A’s round struck the dog in the head and caused it to immediately stop its advance. Officer A proceeded a short distance up the alley before stopping. Officer A then assessed if the second dog was a threat and, upon determining that the second dog was not a threat, returned to the location of the shooting.

The dog was pronounced dead upon arrival at the North Figueroa Animal Hospital after being transported by representatives from the Los Angeles City Department of Animal Services (“Animal Services”) from the scene. The dog had a single penetrating gunshot wound to its head, in front of its left ear.

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 C’s tactics were appropriate and required no action, but found that Officers B and D required divisional training (informal training).

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing/exhibition/holstering 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

The BOPC noted that upon observing the dog in the alley, Officers B and D did not attempt to alert the other officers of the dog's presence. The BOPC has determined that these Officers' will benefit from additional tactical training.

The BOPC has determined that Officers A and C's tactics were appropriate requiring no action.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A observed a Pit Bull dog charging towards her, growling and barking and, concerned for her safety, Officer A drew her firearm. The BOPC determined that Officer A had sufficient information to believe the incident might escalate to the point where deadly force may become necessary and found Officer A's actions in policy.

C. Use of Force

The BOPC noted Officer A pedaled faster but the dog closed in on Officer A's right foot. As the dog charged, it was growling and barking. Officer A considered deploying Oleoresin Capsicum (OC) spray but believed if she missed, the dog would bite her and drag her down to the ground. Officer A fearing she was about to be bitten by the dog, drew her service pistol, extended her arm toward the ground and fired one round at the dog.

The BOPC determined that Officer A reasonably believed the dog presented an immediate threat of serious bodily injury or death. However, the BOPC noted that Officer A fired the round at the dog while still riding her bicycle. Although officers are not trained to fire their weapon from a moving bicycle, the BOPC considered this case was an exception. Due to the suddenness of the dog's advance on Officer A and the limited time afforded to her to react, it was reasonable in this instance for her to fire prior to dismounting her bicycle.

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