

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

OFFICER-INVOLVED ANIMAL SHOOTING 017-08

| Division | Date | Duty-On() Off(x) | Uniform-Yes() No(x) |
|-----------------|-------------|--------------------------|-----------------------------|
| Southeast | 02/21/2008 | | |

| Involved Officer(s) | Length of Service |
|----------------------------|--------------------------|
| Officer A | 11 months |

Reason for Police Contact

Officer encountered a dog while walking his mother's dog.

| Subject(s) | Deceased (x) | Wounded () | Non-Hit () |
|-------------------|---------------------|--------------------|--------------------|
| 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, 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 December 16, 2008.

Incident Summary

Off-duty Officer A was walking his mother's dog on a leash when he observed a Pit Bull dog approximately 25 feet away from him. The Pit Bull advanced on Officer A growling and baring its teeth. Officer A attempted to repel the Pit Bull by yelling and stomping his feet, but the Pit Bull continued to advance toward him. Officer A then looked for a stick or item which he could use to defend himself, but could not locate any item that might be useful.

Officer A ran eastbound with his mother's dog in an attempt to get away from the Pit Bull. When Officer A ran, he felt a pull on his right pants leg and observed the Pit Bull attempting to bite him on his leg. Officer A stopped running and kicked the Pit Bull in the chest approximately three times, but the kicks had no effect on the Pit Bull.

Officer A's mother's dog then ran between his legs wrapping the leash around his left leg, which caused him to begin to lose his balance. Officer A yelled for help, but the street was deserted. The Pit Bull bit Officer A's right pant leg a second time so he kicked the Pit Bull in the jaw, which caused the Pit Bull to release his pant leg.

Officer A feared he was going to lose his balance, fall to the ground and suffer serious bodily injury from the Pit Bull, so Officer A drew his duty pistol from the holster attached to his waistband, and then kicked the Pit bull a final time with no effect. The Pit Bull was within one foot of Officer A as it continued its attempt to bite his leg so Officer A then fired one round from his pistol, striking the Pit Bull in the torso area. The Pit Bull fell to the ground.

Officer A re-holstered his pistol, then called 911 from his cellular phone, and requested assistance.

The Pit Bull died as a result of the injuries it sustained during this incident.

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's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A'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

Does not apply.

B. Drawing/Exhibiting/Holstering

The BOPC evaluated the circumstances relevant to Officer A's drawing and exhibiting and determined that he had sufficient information to reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may become necessary.

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

C. Use of Force

The BOPC evaluated the circumstances relevant to Officer A's lethal use of force. The BOPC has determined that Officer A's use of lethal force was objectively reasonable to protect himself from the immediate threat of serious bodily injury or death.