

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

OFFICER-INVOLVED ANIMAL SHOOTING – 020-06

<u>Division</u>	<u>Date</u>	<u>Duty-On () Off(X)</u>	<u>Uniform-Yes() No(X)</u>
Outside	3/13/06		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	10 years, 5 months

Reason for Police Contact

Officer was off duty and encountered a dog.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Pit Bull dog			

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 Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 November 21, 2006.

Incident Summary

Officer A was off duty and driving his personal vehicle on a residential street outside the city. Officer A observed two unleashed Pit Bull dogs (one brown and one white) run down the street and attack a small dog that was held on a leash by a female, later identified as Witness A. Witness A yelled and screamed at the Pit Bulls in an attempt to separate them from her dog. According to Witness A, the brown Pit Bull clamped its jaws down on her dog's throat and chest area, and the white Pit Bull bit the inside of her dog's left leg.

Witness A freed her dog, picked it up, and held it to her upper body, causing the Pit Bulls to snap, snarl and bite at Witness A. The dogs then jumped up on Witness A and attempted to attack her dog. Needing assistance, Officer A called "911" from his cellular telephone but was placed "on hold" and was unable to speak with a dispatcher. Fearing for the safety of Witness A, so Officer A decided to render aid and exited his vehicle. Simultaneously, two males, later identified as Witness B and Witness C who were also driving down the street, observed the altercation and exited their vehicle to assist.

Witness B and C attempted to distract the Pit Bulls using a cardboard box and a metal anti-theft device used to lock automobile steering wheels. When Officer A yelled at the dogs, the white Pit Bull stopped attacking Witness A and her dog and fled down the street. Witness B or Witness C struck the brown Pit Bull with the metal club; however, the impact had no effect. The brown Pit Bull continued snapping, snarling and biting at Witness A as she held her dog. Witness A's dog broke free from her grasp and was chased by the brown Pit Bull. The brown Pit Bull caught up with Witness A's dog and began to attack it again. Witness A, B, and C attempted to stop the brown Pit Bull from mauling Witness A's dog but were unable to stop the attack. Fearing for Witness A, Witness B and Witness C's safety, Officer A directed them to step away from the dogs, unholstered his semi-automatic handgun, identified himself as an off-duty police officer, and fired one round in a downward direction toward the brown Pit Bull. The round struck the brown Pit Bull in the torso resulting in its death.

Officer A contacted the local outside police agency and advised officers of the incident. Witness A, B and C provided the outside police agency with statements regarding the incident and their contact information.

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 Officer A's actions to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing and exhibiting 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:

- The BOPC noted that A, while off-duty, formed the opinion that Witness A was in danger based on his observations of the first attack by two Pit Bulls on Witness A's dog, stopped and exited his personal vehicle and used his personal cellular telephone to call for emergency assistance for Witness A but was placed on hold. The BOPC further noted that believing the situation was escalating, A attempted to assist Witness A in separating the Pit Bulls from her dog by yelling at them, causing one of the dogs to run away. The remaining dog continued attacking Witness A's dog as two bystanders, Witness B and Witness C arrived on scene to assist. Moments later during a second attack on Witness A's dog, A feared that the efforts by Witness A, Witness B, Witness C and himself to cease the attack would cause the Pit Bull to attack them. He identified himself as an off-duty police officer and directed Witness A, Witness B and Witness C to step away from the dogs.

The BOPC noted that A properly secured the scene after the Officer-Involved Shooting and waited for the arrival of the local law enforcement agency as well as a supervisor from his Area of assignment.

The BOPC determined that the tactics utilized by A were appropriate and do not require action.

B. Drawing/Exhibiting/Holstering

The BOPC noted that:

- The BOPC noted that A observed numerous attempts to cease the attack on Witness A's dog were ineffective. A feared the aggression directed at Witness A's dog by the brown Pit Bull might result in an attack directed at he, Witness A, Witness B or Witness C. A therefore felt deadly force would be necessary to protect them from an attack and he drew his pistol.

The BOPC determined that A had sufficient information to believe that the situation might escalate into a deadly force situation and found A's drawing in policy, no action.

C. Use of Force

The BOPC noted that:

- The BOPC noted that A's assessment of the circumstances were that efforts to cease the attack on Witness A's dog would result in the brown Pit Bull re-directing it's aggression towards A and the other witnesses. A perceived the threat and utilized the only viable option available to him at the time to ensure their safety. A ordered the witnesses to step away and fired one round at the Pit Bull striking it in the chest resulting in its death.

The BOPC noted that the decision to use deadly force was prudent given the numerous attempts to control the situation were futile. The BOPC found A's use of force to be in policy requiring no further action.