

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

OFFICER INVOLVED ANIMAL SHOOTING-026-06

Division	Date	Duty-On(X) Off()	Uniform-Yes(X) No()
77 th Street	4/14/06		

Officers(s) Involved in Use of Force	Length of Service
Officer A	7 years, 1 month
Officer B	8 years, 11 months

Reason for Police Contact
Officers responded to a vicious animal radio call and encountered a dog.

Subject(s)	Deceased ()	Wounded (X)	Non-Hit ()
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.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 February 2, 2006.

Incident Summary

Officers A and B responded to a vicious animal radio call. The comments of the radio call indicated that an unidentified female was running in the street in front of the location, yelling for help. When they arrived at the scene, Officers A and B observed a group of individuals holding large sticks, located near the intersection. Officer B reported that two of the males were chasing a large Pit Bull away and were able to hold the Pit Bull.

As Officers A and B exited their police vehicle and the individuals near the intersection informed them that a female Victim was being attacked by two Pit Bulls underneath a black vehicle that was parked nearby. Officer A retrieved a shotgun from his police vehicle and chambered one round. Officer B formed the belief that the group of individuals might have assaulted the Victim and driven the black vehicle over her. Due to this belief, Officer B broadcast a help call.

Officers A and B observed the black vehicle on the street, facing northbound, with the front of the vehicle pinned against the north curb. A male (later identified as Witness A) was seated in the driver's seat of the black vehicle. Officer A approached the black vehicle and spoke with Witness A. Witness A confirmed the statements made by the group of individuals, indicating that the female underneath the front of his vehicle was being attacked by Pit Bulls. Witness also indicated that he had previously attempted to assist the Victim by maneuvering his vehicle toward the attacking Pit Bulls and activating his vehicle's horn in order to distract them.

Officer A then heard a voice coming from underneath the black vehicle. Officer A told Officer B to keep an eye on the Pit Bull that was located near the northwest corner of the intersection, and he began moving toward the front of the black vehicle. As Officer A tried to see the Victim trapped underneath the front of the vehicle, but another Pit Bull charged in his direction. Officer A took a few steps backward, but the Pit Bull continued to pursue him. Officer A then fired one round from the shotgun, striking the Pit Bull, who paused momentarily before resuming its charge toward Officer A. In response, Officer A fired a second round from the shotgun, striking the Pit Bull again and dropping it to the ground. After the Pit Bull dropped, it dragged itself back toward the front of the black vehicle and laid itself down on top of Victim's legs.

Sergeant A arrived at the scene and learned what had happened. Sergeant A walked to the black vehicle and observed the Victim, who was covered in blood and the Pit Bull. The Pit Bull was approximately one foot away from the Victim's face and throat, and it was growling and attempting to pull itself further toward the Victim. Also around this time, a rescue ambulance arrived at the scene but was unable to render assistance to the Victim due to the presence of the Pit Bull.

Sergeant A then directed Officer B to unholster his service weapon and fire one round at the crown of the Pit Bull's head in order to remove the threat it posed and allow medical personnel at the scene to attend to the Victim. Officer B held his service weapon approximately one foot away from the Pit Bull's head as the Victim's head pointed east bound. Officer B fired one round in a northwesterly direction at the Pit Bull's head, fatally wounding it. Officer B then holstered his weapon and Officer A returned the shotgun to his vehicle. The second Pit Bull remained in the area, but it had ceased its aggressive behavior. The Victim was transported to a hospital.

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 warrant divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A and B's drawing and exhibiting to be in policy.

C. Use of Force

The BOPC found Sergeant A, Officer A, and Officer B's use of force to be in policy.

Basis for Findings

A. Tactics

In adjudicating this incident, the BOPC considered that:

Upon arrival, Officers A and B notified Communications Division (CD) of their status and location. The officers observed two males waving sticks in the air, shouting frantically, and chasing a pit bull dog away from them. The officers also observed a parked vehicle, facing northbound on the street, approximately 30 feet west. The vehicle was against the north curb of the street and there was a female trapped underneath the front end of the vehicle. Believing that the males had possibly been involved in an assault with a deadly weapon and that the driver of the parked vehicle possibly ran the female over, Officer B requested "Help," via CD. Based on the circumstance, requesting "Help" was appropriate and commendable. By requesting help, rather than a lower level backup or assistance, the officers on scene quickly garnered additional resources, which ultimately proved invaluable during this incident. Officer A unlocked the shotgun from the shotgun rack, chambered a round, and approached the vehicle that the Victim was beneath. Officer A made contact with the driver of the vehicle and determined that the driver did not run the Victim over but rather was attempting to protect her from the dog. After speaking to the driver, Officer A heard a voice coming from beneath the

vehicle. As Officer A attempted to get a closer look, a Pit Bull dog suddenly charged toward him. Due to Officer A's reaction to the dog, it was apparent that the officers had not prepared for the dog encounter. Based on the nature and comments of the radio call, it would have been tactically safer for Officers B and A to develop a plan for a vicious dog encounter prior to approaching.

B. Drawing/Exhibiting/Holstering

Upon arrival, officers were directed by several citizens to victim the Victim, who was being mauled by a Pit Bull dog as she lay on the ground underneath a vehicle. Officer A armed himself with a Department shotgun and proceeded to walk northbound toward Victim.

Sergeant A determined that the dog still posed a threat to the Victim and that she required immediate medical attention for her injuries. At the direction of Sergeant A, Officer B unholstered his service pistol and approached the dog. The BOPC has determined that Officers A and B had sufficient information to believe the situation might escalate to the point where deadly force may become necessary.

The BOPC finds Officer A and B's drawing and exhibiting to be in policy.

C. Use of Force

Officer A observed the dog charging at him after learning that it had mauled the Victim. Fearing serious bodily injury or death to himself and to the Victim, Officer A fired one round in a northerly direction at the charging dog from a distance of approximately 12-15 feet. The dog paused, then charged Officer A a second time. Officer A fired a second round at the dog. The injured dog stopped its attack and walked back and sat on the Victim's legs.

Sergeant A arrived after Officer A discharged the shotgun and was briefed by Officers A and B regarding the incident. Sergeant A observed the dog growling and in close proximity to the Victim's throat and face. Additionally, fire department personnel were unable to safely approach the Victim to render medical treatment. Fearing for the Victim's safety, Sergeant A directed Officer B to shoot the dog. Officer B unholstered his service pistol and approached the injured dog. With the grassy area as his background, Officer B fired one round in a northerly direction from an approximate distance of one foot, striking the dog in the head. Sergeant A's actions are commendable. His quick and decisive leadership action allowed medical personnel to render treatment and transport the Victim to a nearby hospital.

The BOPC has determined that, based on the dogs' actions, it was reasonable for Sergeant A and Officers A and B to believe that the dog presented an immediate threat of serious bodily injury or death.

The BOPC finds Sergeant A's and Officers B and A's use of force in policy.

