

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

OFFICER INVOLVED SHOOTING - 033-05

Division	Date	Duty-On (X) Off()	Uniform-Yes(X) No()
Devonshire	4/12/2005		

Officer(s) Involved in Use of Force	Length of Service
Officer A	
Officer B	
Sergeant A	17 years, 3 months
Sergeant B	

Reason for Police Contact

Radio call of vicious animals at a location. When the officers responded they were confronted by two Pit Bull Terriers. When the two dogs charged the officers, an officer involved shooting occurred.

Subject	Deceased ()	Wounded ()	Non-Hit (x)
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Pit Bull Terrier, three-years-old weighing approximately 60 pounds.

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 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 April 4, 2006.

Incident Summary

On the afternoon of April 12, 2005, Communications Division ("CD") directed Officers A and B to investigate a radio call involving a "vicious animal" at a location. The comments of the call stated that two Pit Bull Terriers ("dogs") had attempted to attack a child on a bicycle. Sergeant A also heard the radio call and responded to the broadcast

location to assist the officers as he knew that they would be responding in separate police cars. While en route to the call, CD advised the officers that the vicious animals had bitten a female and that a Rescue Ambulance ("RA") was responding to the broadcast location.

When Sergeant A and Officer B arrived at the scene, they attempted to corral the dogs by using their police cars while waiting for the Department of Animal Services ("Animal Services") to arrive. As they did so, the dogs charged at a pedestrian causing Sergeant A to reposition his police car between the dogs in an effort to halt their attack and to allow the pedestrian to escape. Sergeant A then exited his vehicle and continued to monitor the dogs. When Officer A arrived at scene, Sergeant A requested Officer A retrieve a shotgun. They then followed the dogs into a church parking lot. Officer B maintained the one side of the perimeter while Officer A maintained the another side of the perimeter. Sergeant A and Officer A then tracked the dogs on foot, maintaining their distance from the dogs while observing them.

As the Sergeant was waiting for animal services, both dogs lowered their heads and charged Sergeant A. Believing that he was going to be seriously injured by the dogs, Sergeant A fired one round at one of the dogs from a distance of approximately 48 feet. That dog was struck once on the left side and fled the scene with the other dog. Moments after the shooting, both dogs were secured by their owner and Animal Services with no further incident.

When Sergeant A requested a supervisor, Sergeant B arrived at scene and obtained a Public Safety Statement from him. She also ordered Sergeant A and Officer A not to discuss the incident and ensured that they were separated.

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 Sergeant A's, and Officers A and B's tactics warrant informal training and could be improved.

B. Drawing/Exhibiting/Holstering

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

C. Lethal Use of Force

The BOPC found Sergeant A's lethal use of force to be in policy.

Basis for Findings

A. Tactics

The BOPC noted that Sergeant A and Officer B arrived at scene and utilized their vehicles to contain the dogs. The officers intended to remain inside of their vehicles until the arrival of Animal Services. Sergeant A and Officer A then positioned their vehicles on the south side of the lot while Officer B maintained a position on the east side of the lot. The BOPC noted that the officers were aware that the dogs were vicious and that they had already bitten someone. Also, the BOPC noted that the officers were concerned that there may be persons within the lot, and Sergeant A and Officers A and B exited their vehicles to monitor the dogs. The BOPC would have preferred that the sergeant and the officers had remained in their vehicles until the arrival of Animal Services. The BOPC further determined that there was a lack of communication and planning between the sergeant and the officers as evidenced when Officer B moved from the east side of the lot to the south side of the lot without communicating that fact to Sergeant A or Officer A. Additionally, the BOPC determined that Sergeant A should have allowed the officers to take the lead position in monitoring the dogs, which would have allowed him to maintain his supervisory role. Further, the BOPC would have preferred that the sergeant or the officers had requested additional units to ensure that persons in the area were made aware of the vicious dogs, thus ensuring their safety.

Based on the foregoing, the BOPC determined that the actions of Sergeant A and Officers A and B warrant informal divisional training regarding the issues identified above.

B. Drawing/Exhibiting/Holstering

The BOPC noted that two vicious Pit Bull dogs confronted Sergeant A and Officer A. The BOPC determined that once Sergeant A and Officer A exited their vehicles, they were involved in a situation that may have escalated to the point where deadly force may become necessary.

In light of the forgoing, the BOPC found Sergeant A and Officer A's drawing to be in policy.

C. Lethal Use of Force

The BOPC noted that after the dogs entered the fenced-in lot, the officers exited their vehicles to monitor the dogs' movement. While the officers monitored the dogs, the

dogs suddenly charged toward Sergeant A as they growled and bared their teeth. Fearing the dogs would attack him and cause serious injury, Sergeant A fired one round at one of the dogs from his service pistol from a distance of approximately 48 feet. The BOPC determined that based on the dogs' previous actions, it was reasonable for Sergeant A to believe that the dogs presented an immediate threat of serious bodily injury or death to him.

Based on the forgoing, the BOPC found Sergeant A's use of force to be in policy.