

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

**OFFICER INVOLVED SHOOTING - 034-05**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off()</b>	<b>Uniform-Yes(X) No()</b>
Devonshire	4/25/2005		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	15 years, 10 months
Officer B	
Officer C	
Officer D	
Sergeant A	
Lieutenant A	

**Reason for Police Contact**

Radio call of vicious animal at a location. When the officers responded to the call they were confronted by a Pit Bull Terrier. When the dog became aggressive and charged an officer, an officer involved shooting occurred.

<b>Subject</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (x)</b>
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Pit Bull Terrier, one year-old weighing approximately 50 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 March 14, 2006.

**Incident Summary**

During the late morning of April 25, 2005, Officers A and B, Devonshire Patrol Division, received a radio call from Communications Division ("CD") of a vicious animal, a dog

originally described as a Doberman, that was chasing residents. Sergeant A, Devonshire Patrol Division, also heard the radio call and responded to the broadcast location. While at the scene, Sergeant A met Witness 1, a security guard who had confronted the dog. The witness was advised that the police would handle the situation, and Witness 1 complied with Sergeant A's request and left the scene.

When Sergeant A heard Officers A and B go Code-6 at the location, he directed them to the alley behind the location and advised them that the dog was a Pit Bull Terrier ("dog"), not a Doberman as had been described in the radio call. Officers C and D also heard the radio call and subsequently arrived at the location.

When the officers arrived at Sergeant A's location, they formulated a plan to corral the dog by using their police cars. Officer B and Sergeant A used their respective police cars as a moving barrier to contain the dog between their vehicles and a closed garage. Concerned for the safety of residents in the condominium complex, Officer A exited his police car and deployed a Department issued shotgun, utilizing the front portion of his partner's police car as cover. When Sergeant A and Officer B moved their vehicles back and forth in an effort to corral the dog, a ten feet wide gap was created and the dog escaped. Wanting to prevent the dog's escape, Officer A re-positioned himself near the open space and continued to track its movement. Agitated and aggressive, the dog charged Officer A from a distance of approximately 20 feet, baring its teeth and growling as it advanced. In fear for his safety, Officer A fired one round from the shotgun at the dog from a distance of approximately 15 feet. Unaffected by the round, the dog continued to advance causing Officer A to fire a second round from the shotgun from a distance of approximately 12 feet. The dog was struck on its right paw and ran to the garage area of the complex.

After the shooting, Officer A lowered the shotgun and placed his finger along its frame. Sergeant A and Officers B, C, and D exited their police cars, unholstered their weapons, holding them in the lowered ready position, and monitored the dog as well. The Department of Animal Regulation's representative arrived at the scene shortly after the shooting. Officers B, C, and D holstered their weapons while Officer A down loaded his shotgun and returned it to his police car. Sergeant A kept his pistol in a low ready position and monitored the dog while a plan was developed for its capture. After the plan was established, the officers approached the dog and captured it without further incident.

Once the dog was secure, Sergeant A ordered Officers A and B not to discuss the incident and separated them. When Watch Commander Lieutenant A, Devonshire Patrol Division, arrived at the scene, he obtained a Public Safety Statement from Officer A. Lieutenant A later learned that Officers C and D had heard the shots and had them separated as well. The Sergeant and the four officers were then transported to the station and monitored.

### **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 warranted divisional (informal) training and could be improved.

### **B. Drawing/Exhibiting/Holstering**

The BOPC found Sergeant A, and Officers B, C and D's drawing and exhibiting to be in policy. The BOPC found Officer A's drawing to be in policy, but warranted informal training.

### **C. Lethal Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that while en route to the radio call, Officers A and B discussed deploying the shotgun. The BOPC would have preferred that the officers had a more in-depth discussion regarding how to handle the radio call specifically including a discussion of the use of other options such as OC spray and/or a fire extinguisher.

The BOPC also noted that Sergeant A maintained radio communications with Officers A and B while he remained inside his vehicle and that they positioned their vehicles between two residential buildings to block the dog's avenue of escape. The BOPC further noted that Sergeant A directed Witness 1, a local security guard, to leave the area immediately to avoid being attacked by the dog. The BOPC determined that the sergeant should have attempted to ascertain if the security guard had information regarding the dog, such as its owner or where it resided.

Sergeant A moved his vehicle forward and blocked the dog's path from a resident that exited into the alley from his garage. The dog displayed repeated aggression toward persons at the location. The BOPC determined that Officers A or B or Sergeant A should have requested additional officers to assist in cordoning off the area and notifying residents that it was not safe to enter that alley.

Based on the foregoing, the BOPC determined that the officers and the sergeant would benefit from divisional training regarding the above issues.

### **B. Drawing/Exhibiting/Holstering**

The BOPC noted that Officers B, C and D and Sergeant A believed the dog presented a possibility of serious bodily injury or death and drew their service pistols as a result. Officer A exhibited a Department-issued shotgun to provide protection from the dog. The BOPC determined that Officers A, B, C and D, and Sergeant A, were involved in a situation that might escalate to the point where deadly force might become necessary.

However, after observing the dog's aggressive advances toward several residents, Officer A decided to take action to protect persons unknowingly entering the area. Officer A exited his police car, armed himself with the shotgun, chambered a round, placed his trigger finger along the frame and utilized the front of the police car as cover. Officer A was reminded that his trigger finger should be maintained on the safety button while holding the shotgun in a low ready position.

Accordingly, the BOPC determined that Officers B, C, D, and Sergeant A's drawing to be in policy. The BOPC found Officer A's exhibition of the shotgun to be in policy, but warranted divisional (informal) training.

### **C. Use of Force**

The BOPC noted that while attempting to contain a vicious dog, Officer A armed himself with the shotgun and utilized the front of his police vehicle as cover. Sergeant A and Officer B moved their vehicles to prevent the dog from escaping as it attempted to walk out of the containment area. When the vehicles came to rest, Officer A was exposed and the dog charged at Officer A growling and baring its teeth. Fearing the dog would attack him and cause serious bodily injury, Officer A fired one round down at the dog from approximately 15 feet. The round seemed to have no effect on the dog and as the dog continued to charge toward Officer A, Officer A fired a second round down at the dog from approximately 12 feet. This second round caused the dog to retreat.

The BOPC found that Officer A was confronted by a vicious dog that charged at him, presenting an immediate threat of serious bodily injury or death. The BOPC determined that Officer A's use of deadly force was reasonable and in policy and required no action.