

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

OFFICER-INVOLVED ANIMAL SHOOTING 037-07

<u>Division</u>	<u>Date</u>	<u>Duty-On (x) Off()</u>	<u>Uniform-Yes(x) No()</u>
West Valley	04/11/07		

<u>Involved Officer</u>	<u>Length of Service</u>
Officer A	17 years, 4 months

Reason for Police Contact

Officers responded to a report of a Pit Bull attacking a male. During the search for the dog, an officer involved shooting incident occurred.

<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.

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 12, 2008

Incident Summary

Uniformed officers A, B, and C were on duty in a marked police vehicle. The officers responded to a report of a Pit Bull attacking a male heard screaming. Upon arrival at the scene, the officers met with personnel from Los Angeles Fire Department personnel, who informed the officers that the people and dogs involved in the incident had already left. A witness further informed Officer A that two Pit Bull dogs had attacked a man and his dog.

Officers A, B and C then began to drive around the neighborhood in an attempt to locate the Pit Bull dogs. Officer A also requested the response of Animal Regulation personnel. The officers subsequently located and followed two Pit Bull dogs. The dogs ran into the rear yard of a residence and Officer A pulled the police vehicle into a driveway on the north side of the residence, leaving the vehicle's lights and spotlights on in an attempt to contain the dogs. Officer A directed Officer C to the south side of the residence to establish whether there was any escape route available to the dogs there, and directed Officer B to advise the occupants of the residence to stay indoors.

Officer C found the south side of the residence to be secure and returned to Officer A's location. Officer C asked Officer A if he should deploy a less-lethal beanbag shotgun, and Officer A advised him to do so.

Officer A observed that there was a block wall on the north side of the driveway that appeared to have a gate. Officer A approached with the intention of closing the gate to better contain the dogs. However, upon arriving at the place where he anticipated the gate would be, he found that there was none. At that time, the two dogs ran into the driveway and one of them ran toward Officer A, growling and barking. Officer A drew his service pistol and fired a round at the dog from a distance of approximately eight feet, striking it. The dog continued its advance toward Officer A, who fired a second round at the dog, striking it a second time. The dog retreated to the back yard and collapsed. Officer A holstered his pistol. Officer A directed Officers B and C to search for the second dog, which had fled the scene, while he remained at the scene of the officer-involved shooting (OIS). Shortly thereafter, Officers located the second dog, which was subsequently recovered by personnel from the Animal Regulation Department.

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, B, and C's tactics to require no action.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that the officers responded to the call for service and appropriately sought and contacted a witness. As a result of their initial investigation, the officers were able to locate the vicious dogs that were the source of the radio call. Officer A requested Animal Regulations and the officers sought to contain the dogs in a rear yard, afraid that if they were left to roam, they would pose a threat to the community. Officer A walked down a driveway, hoping to locate a gate that would ensure the dogs' containment. Unfortunately, no gate existed and Officer A was subsequently faced with two charging dogs. Officer A's actions were a good faith effort to contain the vicious dogs and based on the circumstances, reasonable.

Officers are encouraged to utilize all available force options in dealing with vicious dogs (i.e., fire extinguisher, OC spray) when possible. However, this incident was spontaneous in nature and the officers initially attempted to corral the dogs in the back yard before they could escape and further threaten the community.

Following the OIS, Officer A directed Officers B and C to return to the police vehicle and follow the dog that fled, while he remained at the shooting scene and notified a supervisor. Officers B and C were probationary officers in the Structured Field Training Program Period. During this period, the probationers are to be closely supervised. Although the BOPC would have preferred that Officer A had kept the probationary officers at scene with him, the BOPC did not believe that this issue is substantive enough in this instance to require a finding for training.

Overall, the BOPC was satisfied with the performance of the involved officers. The BOPC determined that Officers A, B and C's tactics were appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC noted that, while attempting to secure the dogs in the backyard of a residence, both dogs ran in Officer A's direction and one of the dogs charged Officer A. Fearing that the dog was going to bite him, Officer A drew his service pistol.

The BOPC determined that Officer A had sufficient information to believe the incident might escalate to the point where deadly force may become necessary and found the officer's drawing in policy, requiring no action.

C. Use of Force

The BOPC noted that, as both dogs ran toward Officer A, one of the dogs charged him while growling and barking. Fearing that the dog was going to bite him, Officer A fired one round in a westerly direction from an approximate distance of eight feet. The dog was struck by the round, but continued to charge. Officer A fired a second round in a southwesterly direction from a distance of approximately four feet, again striking the dog. The dog staggered a short distance, collapsed and expired.

The BOPC determined that based on the aggressive action demonstrated by the charging dog, it was reasonable for Officer A to believe the dog presented an immediate threat of serious bodily injury to him. The BOPC found Officer A's use of lethal force to be in policy.