

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 044-11**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
Newton	05/14/11		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	14 years

**Reason for Police Contact**

Two witnesses were walking on the street when they were bitten by two large Pit Bulls. The witnesses called 9-1-1 and officers subsequently responded to the scene, resulting in an officer-involved animal shooting.

<b>Animal</b>	<b>Deceased ( )</b>	<b>Wounded ( )</b>	<b>Non-Hit (X)</b>
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 Chief 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 February 7, 2012.

## **Incident Summary**

Officers A and B responded to a “vicious animal” radio call indicating that two Pit Bull dogs were attacking people on the street.

When Officers A and B arrived at the location, they were met by two dog bite victims, Witnesses 1 and 2. Witness 1 indicated that he was walking home from work when he observed two Pit Bull dogs charging at him. Both dogs bit each of his legs and pulled him to the ground.

Witness 2 relayed that he was walking to work when he observed two Pit Bull dogs charging at him. One dog bit his leg, forcing Witness 2 to the ground, and the second dog bit his neck and arm. Officer A observed Witness 2 with multiple lacerations on his left leg, as well as a three-inch laceration on the right side of his neck, and multiple lacerations to his left arm.

The dogs were no longer in sight, but the officers initiated a request to the Department of Animal Services to respond to the area.

Witnesses 1 and 2 were treated at the scene by Los Angeles Fire Department (LAFD) personnel. Witnesses 1 and 2 then directed Officers A and B to the general area where they had last seen the two dogs.

As Officers A and B were taking Witness 2’s statement, they observed Witness 1 walking across the street, as he attempted to depart the scene. The officers also observed the two dogs suddenly reappear and start charging at Witness 1. The officers immediately drove in the direction of the pit bulls. Officer A was able to get the Pit Bulls’ attention by banging on the door of his police vehicle and direct the dogs to the northeast corner of a nearby parking lot.

Prior to exiting the vehicle, Officer A advised his partner that they should contain the dogs before they attacked any additional pedestrians and while they waited for personnel from the Department of Animal Services to arrive. Officer B, upon direction from Officer A, grabbed his TASER and was also equipped with his OC spray and baton. Officer A parked the vehicle, and the officers exited.

As Officer A exited the police vehicle, both Pit Bulls immediately charged towards him. Fearing that the dogs were about to bite him, Officer A fired one round at the larger dog, missing it.

One of the dogs retreated to the rear yard of a nearby residence, such that the officers were able to secure the dog behind a gate in the yard. Meanwhile, the second dog fled down the street. Officer A requested a supervisor’s response.

Subsequent to the officer-involved shooting (OIS), Animal Control personnel arrived at the scene, impounded the secured dog and initiated a search for the second dog, with negative results.

## **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 a tactical debrief.

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

The BOPC found Officer A's drawing and exhibition of a firearm to be in policy.

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

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

## **Basis for Findings**

### **A. Tactics**

In this instance, the officers developed a tactical plan which included the deployment of a TASER to utilize as a less-lethal force option while attempting to contain the vicious dogs and prevent them from attacking additional citizens. Overall, the BOPC was pleased with the level of tactical planning and forethought that went into this incident.

The BOPC found that the involved personnel's actions relating to tactical planning and dog encounters did not substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Officers A and B's tactics to warrant a tactical debrief.

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

Officer A received information regarding two dogs that had viciously attacked two victims. The officers located the dogs and attempted to contain them to prevent attacks on additional victims. As Officer A exited the driver's side door of the police vehicle, both Pit Bull dogs immediately charged toward him, and he feared that the dogs were

about to bite him and cause injury, so he unholstered his weapon. Based on the violent and aggressive nature of the dogs, an officer with similar training and experience as Officer A's would have reasonably believed that there was a substantial risk that the situation might escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officer A's drawing and exhibition of a firearm to be in policy.

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

In this instance, Officers A and B were aware that two Pit Bull dogs viciously attacked two separate victims. Upon observing the dogs and fearing the dogs may attack additional victims, the officers developed a tactical plan to contain the dogs in a nearby parking lot. Officer A exited the police vehicle and both dogs immediately began to charge toward him. Officer A unholstered his weapon and fired a single round at the larger dog. Both dogs stopped their attack and fled in opposite directions.

Based on the totality of the circumstances, an officer with similar training and experience as Officer A's would have reasonably believed that the charging dogs represented an imminent threat of serious bodily injury and that the use of lethal force to stop the dogs was reasonable.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.