

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

OFFICER-INVOLVED ANIMAL SHOOTING 050-07

| Division | Date | Duty-On(x) Off() | Uniform-Yes(x) No() |
|-----------------|-------------|--------------------------|-----------------------------|
| Southwest | 05/28/07 | | |

| Involved Officer(s) | Length of Service |
|----------------------------|--------------------------|
| Officer A | 2 years, 2 months |

Reason for Police Contact

Officer encountered a Pit Bull when responding to a radio call.

| Subject(s) | Deceased () | Wounded (x) | Non-Hit () |
|-------------------|---------------------|--------------------|--------------------|
| Pit Bull | | | |

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 subject 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 BOPC; 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.

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 March 11, 2008.

Incident Summary

Officers A and B were on duty and in uniform driving a marked police vehicle. The officers responded to a back-up request of a unit in foot pursuit of a burglary subject. An Air Unit over the scene of the incident located the subject and directed Officers A and B to stop and exit their vehicle. Officers A and B attempted to broadcast their location and their status to Communications Division (CD), but were unable to do so because the radio frequency was busy. The Air Unit directed the officers toward the subject, who was fleeing through residential backyards.

Officers A and B observed the fleeing subject, and initiated a foot pursuit and broadcast to CD that they were in foot pursuit.

When Officers A and B crossed the rear yard of a residence, Officer A saw a tan Pit Bull charge toward Officer B from behind him. Believing that the Pit Bull presented an immediate threat of great bodily injury or death to Officer B, Officer A drew his service pistol and fired one round at the Pit Bull from a distance of approximately five feet. The round struck the Pit Bull, causing it to change direction and retreat. Officer A then reholstered his pistol.

Officer B did not see the initial approach of the Pit Bull, but heard a gunshot from behind him and turned to see the Pit Bull approximately two feet away.

Witness A, exited her residence and secured her Pit Bull. The officers told Witness A to go back inside her residence and that they would return when it was safe to do so.

Sergeant A responded to the scene and obtained Public Safety Statements from Officers A and B. The involved Pit Bull sustained a through-and-through gunshot wound to its shoulder.

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 be **appropriate**.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

Tactics

Pursuing subjects is inherently dangerous and Officers A and B did so in a safe manner. Due to the aggressive actions of the Pit Bull, Officer A believed his partner was in danger of being injured and took immediate and decisive action to stop that threat.

The BOPC determined that Officers A and B's tactics were **appropriate**.

Drawing/Exhibiting/Holstering

Officer B was confronted with a vicious and rapidly advancing pit bull breed Pit Bull. Officer A believed Officer B was in immediate danger of being seriously injured and 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 Officer A's drawing to be in policy.

Use of Force

The BOPC noted that, as the vicious Pit Bull ran toward Officer B, Officer A stopped, drew his service pistol and fired one round in a downward southeasterly direction from approximately five feet at the Pit Bull to stop its attack. The Pit Bull was struck on the right shoulder by the round and retreated in the opposite direction.

The BOPC determined that based on the aggressive action demonstrated by the charging Pit Bull, it was reasonable for Officer A to believe that the Pit Bull presented an immediate threat of serious bodily injury to Officer B.

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