

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

OFFICER-INVOLVED ANIMAL SHOOTING 063-07

Division	Date	Duty-On(x) Off()	Uniform-Yes() No(x)
77 th Street	06/27/07		

Involved Officer(s)	Length of Service
Officer A	10 Years, 3 months

Reason for Police Contact

Officer encountered a Pit Bull during a foot pursuit of a subject involved in a narcotics investigation.

Subject(s)	Deceased ()	Wounded ()	Non-Hit (x)
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 18, 2008.

Incident Summary

Officers A and B were advised by a detective that an anonymous citizen had provided information that a subject was selling heroin from the rear gate of a residence. Officers A and B set up an observation post (OP) in an alley to the rear of the residence. The OP afforded the officers an unobstructed view of the rear gate in question. After a few minutes, the officers observed a male exit the rear gate of the location and converse with another male. Officer A advised Communications Division (CD) that his unit was Code-6 at the residence. The officers, who were attired in plain clothes, approached the subject and verbally identified themselves as police officers and displayed their badges.

The subject turned and ran through the back yard of the residence. The officers told him to stop running, and again identified themselves as police officers. Officer A then advised CD that they were in a foot pursuit and requested a back-up and an Air Unit. The officers pursued the subject westbound and into the front yard of another residence. The officers did not see any indications of the presence of dogs as they entered the yard.

The officers pursued the subject as he ran to a gate that led to the back yard of the residence. The subject ran through the gate and the officers lost sight of him. Immediately thereafter, two large dogs, described as a Pit Bull and a German Shepherd, emerged from the back yard. The dogs ran toward the officers, and the Pit Bull barked and bared its teeth. Officer A advised his partner about the dogs and both officers began to retreat toward the front yard, but the dogs continued to advance on the officers. Officer A drew his pistol and fired one round at the body mass of the Pit Bull from a distance of approximately three feet. The dogs then turned and ran back toward the rear of the residence. Officer A reholstered his pistol.

Officer A requested a supervisor and an additional unit, and he broadcast the subject's last known direction of travel. The owner of the residence came out and asked the officers if they were okay. Officer B asked the owner to verify whether the dogs were injured.

Sergeant A responded to the scene of the incident, and obtained a Public Safety Statement from Officer A, and also initiated an investigation of the incident.

The round fired by Officer A did not strike either of the dogs involved in this incident.

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

A. Tactics

The BOPC noted that Officers A and B obtained information from a detective regarding narcotics sales at the location and took the initiative to investigate further. The officers developed a plan and notified CD of their location. The officers observed what they believed to be a narcotics transaction from a safe distance and approached to detain the subject.

It would have been tactically prudent to obtain additional officers to provide containment in the event the subject fled, as he did in this case. Officers A and B, observing only one subject, decided to approach in an effort to detain him. The officers had no additional information to lead them to believe that the subject would flee and the BOPC supported their decision to approach him without additional officers. During the foot pursuit, Officers A and B had no indication that dogs were present in the rear yard of the residence. Officers are encouraged to utilize all available force options in dealing with vicious dogs (i.e., fire extinguisher, Oleoresin Capsicum spray) when possible. However, this incident was spontaneous in nature, requiring immediate action.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that, while pursuing a wanted suspect through the rear yard of the

residence, Officers A and B were confronted with two vicious dogs rapidly advancing on them. Officer A believed the dogs were about to attack and seriously injure him or his partner, 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.

Therefore, the BOPC found that Officer A's drawing and exhibition to be in policy.

C. Use of Force

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

Therefore, the BOPC found that Officer A's use of force to be in policy.