

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

OFFICER-INVOLVED ANIMAL SHOOTING 079-06

Division	Date	Duty-On(x) Off()	Uniform-Yes(x) No()
Southeast	09/20/2006		

Involved Officer(s)	Length of Service
Officer A	9 years, 10 months

Reason for Police Contact

Officers were flagged down by a citizen and encountered a Pit Bull dog.

Subject(s)	Deceased (x)	Wounded ()	Non-Hit ()
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 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 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.

Because state law prohibits divulging the identity of police officers in public reports, 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 April 10, 2007.

Incident Summary

Officers A and B were patrolling in the area when they were flagged down by Witness A, who informed the officers that a dog had bitten three people.

Officers A and B responded to the scene. The officers located four victims who had been bitten and injured by the dog. Meanwhile, the dog's owner, Witness B, was sitting on top of the dog in the front yard of the address. The front yard was surrounded by a three-foot-high chain-link fence.

Witness B told the officers, "I am sorry the dog bit the people. He just got out and started biting people!" Officer B handed his hobble restraint device (HRD) to Witness B and told him to place the device around the dog's neck. Witness B did as instructed, and the officers tied the loose end of the HRD to the chain-link fence. The officers then instructed the occupants of the residence to exit the house and the yard.

The officers then broadcast a request for the Los Angeles Fire Department to respond to treat the victims and for the Department of Animal Regulations to respond to handle the dog. The officers also requested additional units, a supervisor, and a less-lethal shotgun.

As Officers A and B waited for additional units to arrive, the dog began to chew through the HRD. Fearing that the dog would continue attacking people if it freed itself, Officer A sprayed it with multiple bursts of oleoresin capsicum (OC) spray, emptying his canister; however, the OC spray was ineffective. Officer B retrieved a fire extinguisher from the officers' vehicle and used it to spray the dog, but this too proved ineffective.

As the dog continued to chew through the HRD, Sergeant A arrived at the scene. Sergeant A deployed a less-lethal shotgun and fired a round at the dog, in a further attempt to stop the animal from freeing itself. The round struck the dog, but was ineffective. The dog then succeeded in chewing through the HRD, freeing itself. Sergeant A fired a second round from the less-lethal shotgun. The round struck the dog, but was ineffective. The dog, while still in the front yard bared its teeth and growled at the officers, who were positioned on the sidewalk. Fearing that the dog would scale the fence that separated the officers and the dog, Officer A drew his pistol. The dog then began to climb over the fence. Fearing that the dog was about to escape and attack officers and pedestrians, Officer A fired one round at the dog, striking it. The dog moved a few feet to the west and again began to climb the fence. Officer A fired a second round, which struck the dog. The dog then ran a short distance in the yard, collapsed, and expired.

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 determined that Sergeant A, Officers A and B's tactics were appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing to be in policy.

C. Use of Lethal Force

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

Basis for Findings

Tactics

The BOPC noted that Officer A and B were flagged down and notified that a vicious dog was attacking pedestrians. The officers located four victims and were directed to the dog at a nearby residence. Upon arrival at the residence, the officers observed the dog in the front yard of the residence, with the owner sitting on the dog. Based on the previous attacks, the officers determined that the dog should be removed by the Department of Animal Regulations.

In an attempt to contain the dog and prevent its escape, the officers, with the assistance of the dog's owner, placed a hobble restraint device (HRD) around the dog's neck and attached the device to a chain link fence. The officers then directed all of the occupants of the residence and the front yard to exit the location for their safety. The dog started to chew its way through the HRD, prompting the officers to use OC spray and a fire extinguisher in a failed attempt to contain the dog and keep it from chewing through the HRD.

Sergeant A arrived on the scene and observed Officers A and B attempting to contain the dog. Sergeant A observed the dog chewing through the HRD and feared that, if the dog were to free itself, it would attack the officers and residents. Sergeant A fired a super sock round from a less-lethal shotgun at the dog. The round had no effect on the dog, which then chewed through the HRD and freed itself. Sergeant A fired a second super sock round at the dog; however, it, too, failed to affect the dog.

The BOPC determined that Officers A and B, and Sergeant A's tactics were appropriate and require no action.

Drawing/Exhibiting/Holstering

The BOPC noted that Officer A observed a dog that had already attacked four people attempting to scale a fence. Officer A believed that, if the dog were successful in scaling the fence, it would attack additional area residents or officers.

Fearing serious bodily injury to himself, additional officers and the area residents, 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 and exhibition of a firearm to be in policy, requiring no action.

Use of Force

The BOPC noted that the dog freed itself from the HRD and began scaling a short fence surrounding the front yard of the location. Realizing that all other attempts to contain the dog had failed, and fearing that if the dog was allowed to escape the front yard it would attack the officers and area residents, Officer A fired one round from his pistol at the dog, striking it. The dog ran to another portion of the fence and again began to scale the fence. Officer A, believing that the dog was about to scale the fence and attack persons on the other side, fired a second round from his pistol, striking the dog and causing it to collapse and expire at the scene.

The BOPC determined that it was reasonable for Officer A to believe that the dog represented an immediate threat of serious bodily injury to him, the other officers and area residents. The BOPC found Officer A's use of force in policy.