

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

**OFFICER-INVOLVED ANIMAL SHOOTING 092-07**

<b>Division</b>	<b>Date</b>	<b>Duty-On(x) Off( )</b>	<b>Uniform-Yes(x) No( )</b>
Foothill	09/28/07		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Officer B	1 year, 8 months

**Reason for Police Contact**

Officer responded to radio call involving a dog attack.

<b>Subject(s)</b>	<b>Deceased (x)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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 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, 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 July 8, 2008.

**Incident Summary**

Sergeant A, Officer A, and B responded to a radio call of two dogs attacking a third dog at a residence. Upon the officers' arrival, witnesses directed them to the involved animals, which were located in a residential yard. The yard was enclosed by a fence with a locked gate. Some witnesses were throwing items at the Pit Bulls in an attempt to stop their ongoing mauling of a smaller dog. The two witnesses also attempted to enter the yard to rescue a smaller dog, but were stopped from doing so by Sergeant A.

Sergeant A, Officer A, and B developed a tactical plan to enter the yard to steer the Pit Bulls away from the smaller dog using fire extinguishers. Sergeant A and Officer A would deploy fire extinguishers, and Officer B would deploy a shotgun to use as a last resort, should the use of force become necessary.

Sergeant A broke the lock on the gate using a hammer provided by a witness, and entered the yard with the officers. Sergeant A and Officer A yelled at the dogs and as they approached, the Pit Bulls both turned toward them. The smaller dog's owner entered the yard and walked up next to Sergeant A. Officer A sprayed a fire extinguisher at one of the Pit Bulls that began to charge toward the officers and the owner of the dog. The Pit Bull continued to advance, and the spray from the fire extinguisher began to run out. The Pit Bull came within four to six feet of Officer B, who fired a round from the shotgun. The round struck the Pit Bull and immediately stopped its advance. The injured Pit Bull retreated to a corner of the yard.

Sergeant A called the smaller dog to him, and guided the dog and owner from the yard to a closed gate. The sergeant and officers held their positions in the yard until Animal Regulation personnel responded. The Pit Bull that was shot expired as a result of its wound.

### **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 Sergeant A's tactics to warrant Administrative Disapproval, and Officer A and B's tactics to warrant a Tactical Debrief.

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

The BOPC found Officer B's drawing and exhibiting to be in policy.

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

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

## **Basis for Findings**

### **Tactics**

The BOPC reasoned that under the circumstances, it was reasonable for the officers to intervene to rescue a smaller dog from a mauling attack by two larger, aggressive dogs. The officers entered the yard with fire extinguishers in an effort to end the aggression without lethal use of force. However, the response of the larger dogs to the officers' entry resulted in the officers having to use force to defend themselves.

Given that Sergeant A clearly oversaw the tactical aspects of the incident, it would have been preferred that Sergeant A had taken the opportunity to remind the officers of the Department's policy regarding the use of deadly force, as well as the prohibition against using deadly force to protect property. Sergeant A should have kept the officers in a safe location and awaited Animal Regulation personnel. The BOPC was also critical of Sergeant A's allowing the smaller dog's owner to enter the location with the officers. This action exposed the citizen to unnecessary risk.

The BOPC determined that Sergeant A, Officers A and B will benefit from additional tactical training. The BOPC found that Sergeant A's tactics warranted Administrative Disapproval. The BOPC also found that Officers A and B's tactics warranted a Tactical Debrief.

### **Drawing/Exhibiting/Holstering**

The BOPC noted that Sergeant A and Officers A and B formed a tactical plan to enter the yard and rescue the injured animal. Sergeant A and Officer A were both armed with fire extinguishers while Officer B deployed the Department shotgun. Based on the officers' experience, Pit Bulls are known for violent and aggressive behavior towards animals and humans. Officer B deployed the shotgun as a last resort in the event that the Pit Bulls attacked one of the officers or citizens.

The BOPC determined that Officer B had sufficient information to believe the incident might escalate to the point where deadly force may become necessary.

The BOPC found Officer B's drawing and exhibiting to be in policy.

### **Use of Force**

The BOPC noted that once the officers began to execute their tactical plan, one of the Pit Bulls noticed the officers and immediately began to charge at them. The fire extinguisher proved ineffective and the dog continued to charge toward the officers, rapidly closing the distance. Fearing that the dog would attack them and possibly cause great bodily injury, Officer B fired one round in a northwesterly direction at the advancing dog from a distance of six feet.

The BOPC determined that based on the aggressive actions demonstrated by the charging dog, it was reasonable for Officer B to believe that the dog presented an immediate threat of serious bodily injury to himself and the other officers.

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