

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

**OFFICER-INVOLVED ANIMAL SHOOTING 096-06**

<b>Division</b>	<b>Date</b>	<b>Duty-On(x) Off( )</b>	<b>Uniform-Yes(x) No( )</b>
Northeast	10/26/06		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Officer A	11 years, 7 months

**Reason for Police Contact**

Officer responded to 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 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 September 11, 2007.

## **Incident Summary**

Officers A and B were assigned a vicious animal radio call involving two dogs attacking a female walking her dog. The officers arrived at the location and went Code-6.

Officers A and B initiated contact with Victim A, who confirmed that she had been chased by two dogs. Victim A pointed the officers to a second location, where the officers spoke with Witness A and B. Witness A advised the officers that the dogs had climbed onto the roof of his garage, but had subsequently returned to their owners' rear yard.

As the officers were speaking with Witness A, Witness C approached and advised them that the dogs were beginning to exit the rear yard. Officers A and B deployed to the rear yard and closed a wood gate on the south side of the property to prevent the dogs from returning to the street. Officer A approached the gate via a walkway and Officer B stood adjacent to a four-foot cement wall in the front yard so he could watch the gate and the rear yard. Both officers carried their oleoresin capsicum (OC) spray.

As Officer A climbed the first three stairs up the walkway, Officer B advised him that two dogs were exiting the rear yard. As the dogs approached, both officers sprayed the dogs with their OC spray. A brown/white pit bull retreated to the rear yard, but a second brown pit bull continued to approach the officers. Officer A drew his Taser, which he had holstered on his left side, and discharged it at the dog. Although the Taser darts struck the dog and briefly stunned him, the Taser was not effective and the dog continued to charge at the officers.

Officer A advised Officer B that he was going to shoot the dog, so Officer B moved to a safe position behind Officer A. Officer A unholstered his pistol and fired two rounds in a southwestern direction from a distance of approximately five feet at the oncoming dog. Officer A observed that the dog was still charging at him, so he fired three additional rounds at the dog's body and one into the dog's head. The dog fell onto the walkway dead.

## **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 Officer A and B's tactics to be appropriate.

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

The BOPC found Officer A's drawing and exhibiting 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**

The BOPC noted that Officers A and B arrived at the scene and received information that two vicious dogs attacked a pedestrian and subsequently returned to their owners' rear yard. The officers were further alerted to the fact that a gate leading to the rear yard was unsecured. Officers A and B then observed two witnesses approaching the location. Concerned that the dogs might exit the yard and attack them, the officers communicated to one another that immediate action was warranted and tactically approached the residence with the intention of securing the open gate. The Department of Animal Regulations was notified regarding the call for service but was unable to provide an estimated time of arrival.

Officer B maintained a position on the sidewalk behind a cement wall as cover while Officer A ascended the steps leading to the side gate. By deploying in this manner, Officer B was able to monitor the gate for activity and advise Officer A if the dogs appeared. Had the officers approached the gate together, they would have momentarily lost view of the gate and been placed at a tactical disadvantage. When Officer A approached the open gate, a dog appeared and charged at him. In an effort to stop the dog's attack, the officers utilized OC spray and a Taser. With both tools proving ineffective and the distance between the dog and Officer A decreasing, Officer A drew his service pistol and an OIS occurred.

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

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

The OC spray and Taser proved ineffective as the dog continued to advance toward Officer A, while growling and baring its teeth. Fearing serious bodily injury, 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. The BOPC found Officer A's drawing and exhibiting to be in policy.

## **Use of Force**

While approaching the open gate with the intention of securing it and containing the dogs in the rear yard, one dog charged toward Officer A as it growled and bared its teeth. Fearing the dog would attack him and cause serious bodily injury; Officer A sprayed the dog with OC and deployed the Taser. When both tools proved ineffective, and the dog continued to advance toward Officer A, he drew his service pistol and fired five rounds in a downward southwestern direction, from a decreasing distance of five to three feet at the dog.

The BOPC determined that Officer A reasonably believed the vicious dog presented an immediate threat of serious bodily injury or death. The BOPC found Officer A's use of force to be in policy.