

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

**OFFICER-INVOLVED ANIMAL SHOOTING 096-07**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes(x) No( )</u></b>
Hollenbeck	10/18/07		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer B	12 years, 11 months

**Reason for Police Contact**

Officer responded to a dog attack.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit (x)</u></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 09, 2008.

## **Incident Summary**

Officer A and Officer B were on duty in a marked police vehicle and were assigned a vicious dog radio call by Communications Division (CD).

Officers A and B responded and advised CD that they were Code Six at the location. Los Angeles Fire Department (LAFD) personnel were present at the scene and were treating two dog bite victims. Victim A and B told the officers they were in the area when two Pit Bulls, one white in color and the other tan in color, bit them. Victim A had been bitten on her left middle finger and abdomen and Victim B on her left knee.

Residents of the neighborhood advised the officers the Pit Bulls were in the area. The officers drove off in search of the Pit Bulls and observed two Pit Bulls matching the description provided by the victims. The dogs were chasing two male youths who were riding bicycles and one male youth on foot. As the officers stopped their vehicle and exited, the Pit Bulls ran into the backyard of a residence. The officers contained the Pit Bulls in the backyard of the residence to prevent their escape. Meanwhile, Animal Control Officer A responded to the location. Officer A then requested an additional unit armed with a beanbag projectile shotgun and a TASER, to assist them. Officers C and D responded and arrived to assist.

The officers, along with Animal Control Officer A, devised a tactical plan to protect Animal Control Officer A while he captured the Pit Bulls. According to the tactical plan, Officer D would equip himself with the beanbag projectile shotgun and TASER. Officer B would be the designated cover officer, and Officers A and C would deploy fire extinguishers. Officer D was assigned to guard the front gate to prevent the Pit Bulls from escaping. Animal Control Officer A would use his animal retrieval pole to capture the Pit Bulls.

The Pit Bulls had moved to the front yard of the residence, which was surrounded by a brick wall. As the officers and the animal control officer entered the yard, they were able to corner both Pit Bulls. The officers formed an "L" shaped tactical line as they approached the Pit Bulls.

As the officers approached, the Pit Bulls were barking, growling and baring their teeth. Animal Control Officer A was able to capture the white Pit Bull with his animal retrieval pole, and removed the Pit Bull from the yard.

The remaining Pit Bull then became more aggressive and it charged at Officer B. Officers A and C sprayed the Pit bull twice with their fire extinguishers, but the spray had no effect on the dog. Officer B began walking backwards, backed himself up against a trash can and could not retreat any further. Officer B felt he had no escape route and fearing the Pit Bull would bite him and cause a serious injury, he fired one round from his pistol. The round missed the Pit Bull and struck the ground. The Pit Bull ran into the backyard where Animal Control Officer A subsequently captured it with his retrieval pole.

## **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, B, C, and D'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 noted that the officers awaited the arrival of the responding Animal Control Officer before taking action after the animals were contained within the yard. The tactical plan accounted for any eventuality by deploying two fire extinguishers, a beanbag projectile shotgun and a designated cover officer. Although the officers initiated the tactical plan prior to the arrival of a supervisor, the BOPC found that this action was reasonable based on the circumstances of the incident and thoroughness of the tactical plan.

The BOPC concurred with the Chair of the Use of Force Review Board's recommended finding of Standard Debrief. The BOPC will direct the Commanding Officer to facilitate a Tactical Debrief to be conducted by Training Division. Officers A, B, C and D shall attend a Tactical Debrief.

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

The BOPC noted that Officer B responded to a radio call where two vicious Pit Bull

breed dogs attacked several citizens.

The dogs ran into a yard and were subsequently contained. The officers formed a tactical plan with the assistance from a Los Angeles County Animal Control Officer. Officer B was the designated cover officer and believing that deadly force may become necessary, Officer B drew his service pistol.

The BOPC has 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 a Pit Bull breed dog was aggressively charging at the officers. The officers deployed two fire extinguishers on the dog; however, they proved ineffective. Officer B attempted to move out of the way of the advancing dog; however, he had retreated as far as he could. With no other options available, Officer B fired one round from his service pistol, in a northwesterly direction, at the aggressive dog.

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

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