

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

OFFICER-INVOLVED ANIMAL SHOOTING 100-07

Division	Date	Duty-On(x) Off()	Uniform-Yes() No(x)
Outside City	11/02/07		

Involved Officer(s)	Length of Service
Officer D	11 years, 1 month

Reason for Police Contact

Officer encountered a Pit Bull while conducting an interview.

Subject(s)	Deceased ()	Wounded (x)	Non-Hit ()
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 2, 2008.

Incident Summary

Officer A and Detective A were on duty, attired in plain clothes, and driving an unmarked police vehicle. The officers parked their vehicle and notified Communications Division (CD) of their location and status.

Prior to entering an adjacent wooded area to interview people concerning a robbery subject, it was determined that Detective A would be the contact officer and Officer A would be the cover officer. Detective A and Officer A entered the wooded area on foot and interviewed several people. Detective A and Officer A then walked down a path leading to a tent which had been set up in a clearing. Seated outside the tent was a woman (subsequently identified as Witness A). As the officers approached Witness A, Detective A verbally identified himself and Officer A as police officers and asked if they could speak with her. Witness A responded, but Detective A and Officer A could not hear what she said.

When the officers were approximately 12 to 15 yards from the tent, a Pit Bull started running towards the officers from the side of the tent. Officer A observed that the Pit Bull was growling, baring its teeth, and that its ears were low against its head. Witness A called the Pit Bull, but the Pit Bull did not respond and continued running toward Detective A and Officer A. Officer A and Detective A both retreated backwards and drew their pistols. Detective A told Witness A to call off her Pit Bull and assumed a position of cover behind a downed tree. The Pit Bull continued to advance toward Officer A and came within approximately two feet of him. In fear for his safety, Officer A discharged two rounds from his pistol at the Pit Bull. The Pit Bull stopped its advance and ran away into the woods.

Officer A broadcast a request for a supervisor to respond to the scene and Detective A used a cell phone to contact Sergeant A to notify him that an animal shooting had occurred.

Immediately following the OIS, Detective A observed that the Pit Bull had sustained an injury to its left front leg. Animal Control responded and searched for the wounded Pit Bull, but was unable to locate the dog.

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 Detective A and Officer A's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Detective A's and 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 Detective A and Officer A developed a tactical plan, which involved clearly defining their respective roles as contact and cover officers and properly notified Communications Division of their location. Detective A's and Officer A' actions were dictated by the Pit Bull's attack and their options were limited.

The BOPC determined that Detective A's and Officer A' tactics were appropriate.

Drawing/Exhibiting/Holstering

The BOPC noted that Detective A and Officer A observed the Pit Bull emerge from the north side of the tent and begin to bark. The Pit Bull began to charge toward the officers while growling and baring its teeth. Believing that deadly force may become necessary, Detective A and Officer A drew their service weapons.

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

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

Use of Force

The BOPC noted that the vicious Pit Bull charged toward Officer A while growling and baring its teeth. Officer A attempted to create distance between the Pit Bull and himself by walking backward; however, the Pit Bull continued to charge at him. Due to the rapid advance of the Pit Bull and the lack of cover afforded him, Officer A drew his service pistol and fired two rounds in a downward and westerly direction from approximately two feet at the Pit Bull.

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

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