

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

**OFFICER-INVOLVED ANIMAL SHOOTING 102-07**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes( ) No(x)</u></b>
Southeast	11/12/2007		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Detective A	11 years, 8 months

**Reason for Police Contact**

Detective encountered a dog attacking a person.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded (x)</u></b>	<b><u>Non-Hit ( )</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 of Police; 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, 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 September 02, 2008.

## **Incident Summary**

On November 12, 2007, Officer A and Detective A were in plain clothes conducting a homicide follow-up investigation. When Officer A and Detective A returned to their vehicle, they discovered that the vehicle's battery was dead.

Officer A and Detective A waited inside their vehicle for another officer to respond with jumper cables. While seated inside their vehicle, they heard a male, subsequently identified as Witness A, yelling for help. Officer A and Detective A exited their vehicle and observed the victim, subsequently identified as Victim A, underneath a parked vehicle being attacked by a Pit Bull dog. As Officer A and Detective A approached, Victim A rolled out from under the vehicle, in an attempt to get away from the dog. The dog followed and bit Victim A on the left side of his head and face, causing severe bleeding. Detective A formed the opinion that Victim A was in immediate danger of being killed by the dog, so Detective A and Officer A drew their service pistols.

Fearing that shooting the dog would put Victim A in danger, Officer A holstered his weapon and told Detective A not to shoot. Officer A observed a shovel on the ground at the rear of the parked vehicle and used it as a weapon to strike the dog. The dog briefly disengaged from Victim A before resuming its attack. Officer A struck the dog a second time, causing the animal to cease its attack on Victim A. The dog did not leave, and instead circled until it abruptly turned toward Detective A and lunged at him. Detective A raised his pistol, which had been carried at the low ready position, and from a distance of approximately two feet, fired one round in a downward direction striking the dog in the chest. The dog ceased its attack and ran westbound. Detective A holstered his pistol.

Officer A requested a supervisor, additional units, and a Rescue Ambulance (RA) for Victim A. Responding units located and secured the dog. Los Angeles City Animal Regulations personnel also responded and took custody of the dog. The involved dog in this incident sustained one non-fatal gunshot wound to the chest.

## **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's and Officer A's tactics to warrant a tactical debrief.

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

The BOPC found Detective A's and Officer A's drawing and exhibition of a firearm to be in policy.

## **C. Use of Force**

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

## **Basis for Findings**

### **A. Tactics**

The BOPC noted that Detective A and Officer A conducted a follow-up investigation, however, they did not notify Communications Division (CD) of their status and location. Officers are trained to advise CD when they conduct officer-initiated activities, making nearby units aware of their location and creating circumstances wherein they can respond more rapidly if needed. After the officer involved shooting (OIS), Officer A appropriately broadcast their location, a request for additional units and a Rescue Ambulance for Victim A.

The BOPC determined that Detective A and Officer A would benefit from additional tactics training.

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

The BOPC noted that Detective A and Officer A observed a Pit Bull breed dog attacking a victim, who was underneath a parked vehicle. The dog was biting the victim on the face and head causing severe bleeding. 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 escalated to the point where deadly force was necessary.

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

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

The BOPC noted that the dog was aggressively biting the victim on his head and face. Officer A struck the dog twice with a shovel to stop its deadly attack. The dog abruptly turned toward Detective A and lunged at his lower torso.

Fearing great bodily injury, Detective A fired one round from his service pistol, in a northeasterly and downward direction, from approximately two feet at the aggressive dog.

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

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