

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

OFFICER-INVOLVED ANIMAL SHOOTING 105-07

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Newton	11/09/07		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer B	10 years, 6 months

Reason for Police Contact

Officer encountered a Pit Bull when conducting an interview.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (x)</u>	<u>Non-Hit ()</u>
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 16, 2008.

Incident Summary

Officer A and B were on duty in a marked police vehicle. The officers were traveling in their vehicle when they observed two males drinking beer in front of a residence. Officers A and B stopped and exited their vehicle, with the intent of issuing citations to the males for drinking alcoholic beverages in public.

As the officers exited their vehicle, one of the male subjects dropped his beer can onto the sidewalk. The Subject then clutched his waistband area and ran toward the front door of the residence. Officer B believed that the Subject might be concealing a weapon or contraband, so the officers began chasing the Subject on foot and ordered him to stop, but the Subject ran into a residence. Officer A then broadcast their Code Six location to Communications Division (CD).

The officers pursued the Subject through the interior of the residence and into the backyard. The Subject attempted to climb over a 12-foot-high gate located in the backyard. The Subject was ordered to stop and to lie down on the ground. The Subject complied. Officer B drew his service pistol and covered the Subject as Officer A began to approach the Subject in order to take him into custody. A Pit Bull then approached Officer B, bit him on his left foot and locked its jaw. Officer B attempted to shake the Pit Bull loose, but was unable to. Fearing that the Pit Bull was going to severely damage his foot, Officer B fired three rounds from his pistol at the Pit Bull. The Pit Bull was struck twice on its torso area and released its grip on Officer B's foot.

Following the officer-involved shooting (OIS), the Subject was taken into custody without further incident. The area was checked for a weapon and other contraband, but none was located.

The Pit Bull involved in this incident sustained two gunshot wounds to its torso area and survived. Animal Control responded to the scene and took custody of the Pit Bull.

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 warrant additional tactical training.

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 once officers observed the two males drinking and intended to conduct a pedestrian stop for the violation, they should have advised CD of their status and location. Officers are trained to advise CD when they conduct officer-initiated activities, which makes nearby units aware of their location and creates the circumstance wherein they can respond more rapidly if needed. According to Officer B, it was not until the subject entered his residence that Officer A broadcast their location. At that point, Officer B should have at minimum requested a "back up" via CD for a foot pursuit of a male subject who was possibly armed with a handgun.

Officers B and A chased the subject whom they believed to be armed through his residence and into the rear yard. Officers are reminded that foot pursuits are inherently dangerous, and require officers to think, rather than blindly succumb to the natural urge to give chase. Using a perimeter rather than chasing the subject through unfamiliar territory greatly decreases the likelihood of an ambush.

The BOPC determined that Officer A and B will benefit from additional tactical training.

Drawing/Exhibiting/Holstering

The BOPC noted that once in the rear yard of the residence, the subject complied with the officers' commands and lay down on the ground. As Officer A approached the subject to take him into custody, Officer B drew his service pistol to protect the contact officer. 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 as the officers were in the process of taking the subject into custody, a Pit Bull breed approached from an unknown location and bit Officer B's left foot. Officer B attempted to shake his foot loose from the Pit Bull without success. Fearing that the Pit Bull was going to cause serious bodily injury, Officer B fired three rounds at the Pit Bull in a downward direction from an approximate distance of two feet.

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

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

