

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

OFFICER-INVOLVED ANIMAL SHOOTING 004-08

Division	Date	Duty-On(x) Off()	Uniform-Yes(x) No()
Rampart	01/19/2008		

Involved Officer(s)	Length of Service
Officer B	7 months

Reason for Police Contact

Officer encountered a Pit Bull during a burglary radio call.

Subject(s)	Deceased (x)	Wounded ()	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 November 18, 2008.

Incident Summary

Uniformed Officers A and B were on duty in a marked police vehicle. Communications Division (CD) assigned the officers a radio call involving a burglary and two males wearing white shirts and black pants.

An airship was on the scene prior to Officers A and B's arrival. Tactical Flight Officer A illuminated the scene and observed two male subjects hiding behind a telephone pole and directed Officers A and B to the location of the possible subjects via his radio.

Officers A and B approached the location, when Tactical Flight Officer A informed the officers that Subject 1 was walking southbound on the street and that Subject 2 (a male), was still near the telephone pole. The officers parked their vehicle and exited and Officer B detained Subject 1 on the east side of the street while Officer A detained Subject 2 approximately 30 feet north of Officer B's location.

Officer B ordered Subject 1 to face a nearby wall and to place his hands behind his back. As Officer B started to put the handcuffs on Subject 1's left hand, he heard movements and a Pit Bull growling to his right, so he immediately turned to his right and observed a large black Pit Bull running towards him in an aggressive manner with its mouth open. In fear for Subject 1's safety, Officer B, who was approximately 3 feet away from the dog, removed his handgun from his holster and fired two rounds striking the Pit Bull. The Pit Bull then turned and ran southbound.

Officer B broadcast that shots had been fired and provided the Pit Bull's direction of travel. Tactical Flight Officer A illuminated the Pit Bull as it ran away and observed the Pit Bull run up the stairs to a residence. The Pit Bull circled the front porch and then ran back toward Officer B's location. Tactical Flight Officer A warned Officer B that the Pit Bull was returning to his location. Officer B observed the Pit Bull running toward him and was concerned for his personal safety and the safety of Subject 1, so he placed himself between the Pit Bull and Subject 1. Officer B then fired a third round at the Pit Bull, striking it in the front leg. The Pit Bull continued toward Officer B, who fired a fourth round, which struck the Pit Bull in the head. The Pit Bull fell to the ground 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 Officers A, B, and Tactical Flight Officer A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

In his analysis of this incident, the BOPC identified the following tactical considerations:

Officers A and B did not adhere to the roles of contact and cover. Both officers assumed roles as contact officers and attempted to detain separate subjects. In doing so they did not work as a team. Officers' safety was compromised, as Officer B was left to simultaneously manage Subject 1 and engage the charging Pit Bull alone. Although Officer B intentionally placed himself between the subject and the advancing Pit Bull prior to the second sequence of fire, this action was objectively reasonable as there were limited tactical options available to him and he remained cognizant of the handcuffed subject's location.

Therefore, the BOPC directed that Officers A, B, and Tactical Flight Officer A to attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC evaluated the circumstances relevant to Officer B's drawing and exhibiting and determined that he had sufficient information to reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may become necessary.

Therefore, the BOPC found that Officer B's drawing and exhibition to be in policy.

C. Use of Force

The BOPC evaluated the circumstances relevant to Officer B's use of force. The BOPC has determined that Officer B's use of force was objectively reasonable considering the circumstances that he was faced with in this rapidly unfolding tactical situation.

Therefore, due to Officer B's reasonable belief that he was about to be attacked by the Pit Bull and that he may suffer serious bodily injury, the BOPC found Officer B's use of force to be in policy.