

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

OFFICER-INVOLVED ANIMAL SHOOTING – 028-10

| <u>Division</u> | <u>Date</u> | <u>Duty- On (X) Off ()</u> | <u>Uniform - Yes(X) No()</u> |
|------------------------|--------------------|------------------------------------|--------------------------------------|
| 77th Street | 3/31/10 | | |

| <u>Officer(s) Involved in Use of Force</u> | <u>Length of Service</u> |
|---|---------------------------------|
| Officer A | 5 years, 1 month |
| Officer B | 7 years, 4 months |

Reason for Police Contact

Officers responded to a vicious animal radio call, which resulted in an officer-involved animal shooting.

| <u>Animal</u> | <u>Deceased (X)</u> | <u>Wounded ()</u> | <u>Non-Hit (X)</u> |
|----------------------|----------------------------|---------------------------|---------------------------|
| Dog 1 Pit Bull | | | |
| Dog 2 Pit Bull | | | |

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 and addenda items); the Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. Department Command Staff presented the matter to the BOPC, and made itself available for any inquiries by the BOPC.

Because state law prohibits divulging the identity of police officers in public reports, for ease of reference 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 August 24, 2010.

Incident Summary

Uniformed Officers A and B responded to a vicious animal radio call. The person reporting advised the officers that two large vicious Pit Bulls had chased him from his yard and into his house attempting to bite him. The officers began to search the neighborhood for the dogs and observed Witness A walking on the sidewalk. The officers warned Witness A about the dogs being in the area and then continued their search for the dogs.

The officers found two Pit Bulls a short distance away and just as the dogs began to run in the direction of Witness A, the officers immediately negotiated a U-turn and drove toward Witness A. As the officers arrived at Witness A's location, they observed the dogs charge Witness A. Dog 1, a larger Pit Bull, leaped into the air and grabbed Witness A's raised left arm, while Dog 2 attacked Witness A. The officers immediately parked and exited their vehicle to assist Witness A. As the officers approached Witness A, Dog 1 released its hold on Witness A's left arm, but continued to snarl at her. Fearing that Dog 1 would continue the attack on Witness A, Officer A drew his pistol and fired one round at Dog 1 from a distance of approximately 10 feet. Dog 1 then turned his attention toward Officer A, who fearing for his own safety, fired two additional rounds at Dog 1.

Officer B unholstered his service pistol upon observing the dogs attack Witness A. Dog 2 turned in Officer B's direction, growled, and then charged. Fearing for his safety, Officer B fired two rounds at Dog 2 from a distance of approximately nine feet with his pistol. Dog 2 then turned and ran from the location.

Dog 1 then charged in Officer B's direction. Fearing for his safety, Officer B fired four rounds at Dog 1 from a distance of approximately 12 feet. Dog 1 stopped his advance toward Officer B and collapsed on the lawn. Dog 1 subsequently expired from multiple gunshot wounds to his upper torso.

Witness A was treated for bite wounds, inflicted by Dog 1 and by Dog 2.

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 a tactical debrief.

B. Drawing/Exhibiting/Holstering

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

C. Lethal Use of Force

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

Basis for Findings

A. Tactics

In their analysis of this incident, the BOPC noted that in this instance, no specific areas of improvement were noted nor did the actions of Officers A and B individually or collectively unjustifiably and substantially deviate from approved Department tactical training.

Therefore, the BOPC found that a Tactical Debrief is the appropriate mechanism for Officers A and B to evaluate the events and actions that took place during this incident.

B. Drawing/Exhibiting

Department policy instructs that an officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified.

In this instance, Officers A and B encountered two large vicious Pit Bulls attacking a victim. Believing that the situation had escalated to the point where lethal force had become necessary to protect her from serious bodily injury or death, Officers A and B drew their service pistols.

Therefore, the BOPC found that Officer A and B's drawing and exhibiting of a firearm to be in policy, requiring no further action.

C. Lethal Use of Force

Department Training instructs that officers may use lethal force to protect self or others from a dog that presents a threat of serious bodily injury or death.

In this instance, Officers A and B encountered Witness A under attack by two large vicious Pit Bulls. Both officers exited their police vehicle in order to render aid. Dog 1 released his bite on Witness A's arm momentarily while continuing to snarl. Believing Dog 1 was going to continue the attack of Witness A, and to protect her from obtaining further bodily injuries, Officer A fired one round at the Dog 1.

Dog 1 then turned his attention toward Officer A and, in fear for his own safety, Officer A fired two additional rounds at the attacking Pit Bull.

Subsequently, Dog 2 growled and ran toward Officer B. Fearing an imminent attack and in order to protect himself from great bodily injury, Officer B drew his service pistol and fired two rounds causing Dog 2 to flee.

Dog 1 then turned toward Officer B and charged while growling and baring his teeth. Fearing for his safety and in order to protect himself from great bodily injury, Officer B fired four rounds at the attacking Pit Bull. Dog 1 discontinued his attack, turned and collapsed on the lawn where he died as a result of his injuries.

Based on the Pit Bulls' actions, it was reasonable for Officers A and B to believe that the Pit Bulls presented an immediate threat of serious bodily injury or death. Therefore, the BOPC found Officer A and B's lethal use of force to be objectively reasonable and in policy, requiring no further action.