

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

OFFICER-INVOLVED ANIMAL SHOOTING 066-07

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Wilshire	06/29/07		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	8 Years, 4 months

Reason for Police Contact

Officer encountered a dog while responding to a traffic collision.

<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 May 20, 2008.

Incident Summary

Uniformed Officer A responded to the scene of a traffic collision. During the collision investigation, Officer A determined that one of the involved drivers had a suspended license. Officer A requested a tow truck so that Subject's vehicle could be impounded.

As Officer A was completing the impound report, the Subject approached and informed him that a Pit Bull dog had entered her vehicle and was laying down on the right front passenger floorboard. The Subject informed Officer A that the dog was not hers, and that she had never seen it before. Officer A looked into the Subject's vehicle and saw a huge dog, which he took to be a Pit Bull or Bullmastiff. Officer A attempted to verbally scare the dog away, but the dog began to growl at him. Officer A closed the vehicle's doors and windows to contain the dog for the safety of others and himself. Officer A checked the immediate area in an attempt to locate the dog's owner, but he was unable. A tow truck, operated by Witness A, arrived at the scene. Officer A asked Witness A if he had any tools in his truck that could be used to remove the dog from the vehicle.

Officer A and Witness A formed a plan, whereby Officer A would spray the dog with oleoresin capsicum (OC) spray, and Witness A would use a broom to push the dog out of the vehicle.

Officer A opened the front passenger door, then moved to the front driver's door, from where he sprayed the dog in the face. The OC had no effect and the dog began to growl louder and repositioned itself in a threatening manner. When Witness A attempted to push the dog with the broom, the dog moved to the rear passenger side of the vehicle and remained inside. Officer A opened the left rear passenger door and sprayed the dog with OC one more time as he verbalized with it to get out of the vehicle. The dog growled, ground its teeth and assumed a fighting stance. Officer A then used Witness A's broom to push the dog out of the vehicle. The dog began walking away, but then moved to a position by the tow truck where it barked at Officer A. Officer A approached the dog in an attempt to move it away so Witness A could safely continue with the tow, but instead the dog continued to bark and did not move.

Officer A then used a fire extinguisher to spray the dog twice. The dog backed up, and then advanced toward Officer A, barking and jumping. The dog continued to advance, Officer A sprayed it a third time with the fire extinguisher, but the dog continued to advance toward Officer A.

Realizing that the fire extinguisher was ineffective as a means of repelling the dog's advance, and fearing for his safety, Officer A drew his Beretta pistol and fired two rounds at the dog from a distance of three to four feet. After the second round was fired, the dog ran away to the a yard that was nearby.

Following the shooting, Officer A broadcast an officer needs help call, prompting the response of additional units and a supervisor.

The dog involved in this incident sustained two gunshot wounds. The dog's owner surrendered the dog to Animal Regulations personnel, who transported it for treatment by a veterinarian.

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's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

The BOPC noted that when Officer A was impounding a vehicle, the front passenger door was left open for him to complete an impound inventory. A large mixed Pit Bull dog entered the vehicle and sat on the passenger floorboard. Officer A attempted to scare the dog out of the vehicle by yelling, however the dog started growling. Officer A secured the dog inside the vehicle out of fear for the public and himself. Officer A attempted to locate the dog's owner in the area and was unsuccessful. At this point, it would have been tactically safer for Officer A to leave the dog inside the vehicle and request Los Angeles City Animal Regulations to respond.

Officer A made the decision to remove the dog from inside the vehicle. Verbal commands and the use of OC spray proved ineffective. The dog continued to growl while baring its teeth. Officer A pushed the dog out of the vehicle with the use of an industrial broom. The dog walked to the corner but turned around and began to come

back. Officer A noted that the dog appeared to be returning and removed a fire extinguisher from his trunk. Officer A sprayed the dog with the fire extinguisher but it had no effect. Officer A drew his service pistol and an officer involved shooting occurred.

The BOPC determined that Officer A will benefit from a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A observed a large mixed breed Pit Bull dog charging directly at him. The dog jumped within four feet of Officer A and attempted to bite him. Fearing serious bodily injury, Officer A drew his service pistol.

The BOPC determined that Officer A had sufficient information to believe the incident might escalate to the point where deadly force was necessary and found the officers' drawing and exhibition to be in policy.

C. Use of Force

The BOPC noted that, believing the charging dog was going to bite him and possibly cause serious bodily injury, Officer A fired two rounds in a northeasterly direction at the dog from a distance of approximately four feet.

The BOPC determined that, based on the aggressive actions demonstrated by the charging dog, it was reasonable for Officer A to believe that the dog presented an immediate threat of serious bodily injury to him. Therefore, the BOPC found that Officer A's use of force to be in policy.