

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

OFFICER-INVOLVED ANIMAL SHOOTING 069-07

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Newton	07/05/07		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	24 Years, 9 months

Reason for Police Contact

Officer responded to a vicious animal attack radio call.

<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 June 10, 2008.

Incident Summary

Uniformed Officer A and Officer B responded to a report of a vicious animal. Upon arrival at the scene, the officers encountered numerous people in the street and observed a Pit Bull dog attacking a second dog. The officers stopped their vehicle approximately six feet from the Pit Bull and took positions behind their vehicle doors.

Officer B went to the trunk of the police vehicle in order to retrieve a fire extinguisher, but he experienced difficulty removing the extinguisher and informed Officer A of this fact. Meanwhile, one of the individuals at the scene informed Officer A that the Pit Bull had tried to attack him.

As Officer B was attempting to retrieve the fire extinguisher, Officer A sprayed the Pit Bull twice with his oleoresin capsicum (OC) spray. The OC spray had no apparent effect on the Pit Bull. Officer B returned to his vehicle door with the fire extinguisher, but decided not to use the fire extinguisher because he feared that in doing so might cause the Pit Bull to release the dog it was attacking and instead attack numerous people and children who were present. Noting that numerous people were present in the street, including children; believing that the Pit Bull might attack those present upon releasing the dog it was attacking; and believing that he had no other recourse, Officer A drew his pistol, checked his background and fired one round in a downward direction at the Pit Bull, from a distance of approximately six feet. The round struck the Pit Bull, causing it to cease its attack on the dog and collapse nearby in the street.

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 determined that Officers A and B's actions were appropriate.

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 Officers A and B quickly formulated a tactical plan, which involved the use of a fire extinguisher and OC spray. While Officer B was struggling to get the fire extinguisher out of the trunk, the use of OC spray proved ineffective. Officers A and B's actions were dictated by the aggressive dog's attack and their options were limited.

The BOPC determined that Officers A and B's actions were appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A observed a violent Pit Bull attacking another dog in the street and became aware that the Pit Bull had attempted to attack a sanitation worker in the area. Officer A observed numerous citizens in the area, so Officer A drew his service weapon.

The BOPC determined that Officer A had sufficient information to believe that the incident may escalate to the point where deadly force may become necessary.

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

C. Use of Force

The BOPC noted that, believing the Pit Bull may attack someone in the crowd and cause great bodily injury, Officer A fired one round from his service pistol, in a northeasterly and downward direction, at the aggressive Pit Bull. The BOPC determined that, based on the aggressive actions demonstrated by the dog, it was reasonable for Officer A to believe that the dog presented an immediate threat of serious bodily injury to him and nearby citizens.

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