

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

OFFICER-INVOLVED ANIMAL SHOOTING 064-07

Division	Date	Duty-On(x) Off()	Uniform-Yes(x) No()
Mission	06/29/07		

Involved Officer(s)	Length of Service
Officer A	2 Years, 4 months

Reason for Police Contact

Officer encountered dog while making a traffic stop.

Subject(s)	Deceased (x)	Wounded ()	Non-Hit ()
Rottweiler			

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 February 5, 2008.

Incident Summary

Officers A and B were in uniform and on duty driving a marked police vehicle. The officers initiated a traffic stop of a vehicle that was not displaying a front license plate. Officer B broadcast the officers' Code-6 status to Communications Division (CD).

The vehicle drove into a nearby driveway and stopped. The Subject (driver) exited his vehicle and asked the officers why he was being stopped. The officers directed the remaining occupants of the vehicle to exit. The Subject told the officers that one of his passengers was in a wheelchair and that his wife and his friend were also passengers.

As the officers continued to direct the occupants to exit the vehicle, a dog ran towards the officers. Officer B saw the dog, a back up was requested via CD and Officer B shouted a warning to his partner about the dog. Officer B began to draw his weapon, but then reholstered and ran around to the rear of the police vehicle.

Officer A observed the dog suddenly charge toward him. Officer A began to back up behind his vehicle door and grabbed his canister of oleoresin capsicum spray, but before Officer A was able to spray the dog, it began to bite his left calf. Officer A drew his pistol and fired five rounds at the dog from a distance of approximately three feet. The dog was struck by one round and ran away into a nearby yard. Officer A secured his pistol.

Officer B verified that Officer A had been bitten by the dog and requested a Rescue Ambulance (RA) for him. The dog died as a result of the single gunshot wound it sustained during the incident.

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 and B's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officers A and B'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, as Officers A and B initiated a traffic stop, they properly advised Communications Division (CD) of their status and location. Additionally, once the officers realized there were additional passengers in the vehicle, they appropriately requested a back-up unit.

The officers were focused on the occupants of the vehicle when Officer B observed the dog charging toward his partner. Officer B warned his (sic) partner of the oncoming danger and attempted to redeploy to a position of advantage to assist Officer A. Officer A's attention was then focused on the dog charging toward him. Officer A attempted to use non-lethal tools to stop the attack, but was unable to defend himself prior to the dog biting his leg.

Following the attack, the officers maintained their composure until additional officers arrived and assisted with the tactical situation.

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

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer B observed the dog bearing (sic) its teeth and charging in the direction of Officer A. Fearing the dog would cause serious bodily injury or death to his partner, Officer B drew his (sic) service pistol.

Officer A observed the dog charging toward him while growling. Fearing serious bodily injury as the dog bit into his left leg, Officer A drew his firearm.

The BOPC determined that Officers A and B 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

Officer A fired five rounds at the dog from a distance of approximately two feet because he the Pit Bull would continue to bite him. One round struck the Pit Bull, causing it to retreat back into the yard of the residence.

The BOPC determined that it was reasonable for Officer A to believe that the dogs presented an immediate threat of serious bodily injury or.

Therefore, the BOPC found that Officer A's use of force to be in policy.