

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

**OFFICER-INVOLVED ANIMAL SHOOTING 074-07**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes(x) No( )</u></b>
Hollenbeck	07/16/07		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer A	13 years, 1 month
Officer B	4 years, 11 months

**Reason for Police Contact**  
Officer encountered a Pit Bull.

<b><u>Subject(s)</u></b>	<b><u>Deceased (x)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
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 July 01, 2008.

## **Incident Summary**

On July 16, 2007, Officer A and B responded to an unknown trouble call. The officers knocked at the front door of the address, but got no response from inside. The Officers were then informed by a neighbor that the occupants were in a house to the rear of the property. The officers approached the rear of the property via a walkway and an open gate. A Beware of Dog sign was attached to the open gate, but due to the open position of the gate the officers did not see the sign.

As the officers continued toward the rear house, a large, growling Rottweiler dog charged toward them from a distance of approximately 20 feet. Both officers immediately unholstered their pistols. As the dog continued toward them, Officer A fired four rounds at it from a distance of approximately five to seven feet. Meanwhile, Officer B ensured his partner was not in his line of fire and fired six rounds at the dog as it continued to close in from a distance of approximately four feet.

The dog was struck by the officers' gunfire and retreated. The officers holstered their pistols and the owner of the dog, Witness A, came out of the rear house. The officers verified with Witness A that nobody inside the house was hurt and they secured the scene. The officers then requested the response of additional units, a supervisor, and Animal Services. The injured dog was transported to a veterinarian facility, where it subsequently died.

## **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 warrant additional training.

### **B. Drawing/Exhibiting/Holstering**

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

## **C. Use of Force**

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

### **Basis for Findings**

#### **A. Tactics**

The BOPC noted that the officers responded to the call for service and appropriately attempted to locate the residence. Officers A and B walked down a pathway to answer the call for service. Unfortunately, when the officers entered the gate leading to the rear yard, they did not observe the "Beware of Dog" sign affixed to the gate. Had the officers noticed the sign, their alert level would have been heightened and perhaps they would not have been surprised when confronted by a charging vicious dog.

The BOPC determined that Officers A and B will benefit from additional tactical training. The BOPC will direct the Commanding Officer to provide and document the necessary training to both officers.

#### **B. Drawing/Exhibiting/Holstering**

The BOPC noted that, while attempting to find the location of the radio call, the officers were suddenly confronted by a vicious charging dog. Fearing that the dog was going to bite them, Officers A and B drew their service pistols.

The BOPC determined that Officers A and B had sufficient information to believe the incident might escalate to the point where deadly force may become necessary. The BOPC found Officers A and B's drawing to be in policy.

## **C. Use of Force**

The BOPC noted that as the dog charged toward Officer A, he was unable to retreat or seek cover because of the cluttered yard. Fearing that the dog was going to bite him or his partner, Officer A fired four rounds in a southwesterly direction from an approximate distance of five to seven feet.

Simultaneously, Officer B observed the dog charging toward her and feared she or her partner would be bitten. Once Officer A was out of her line of fire, Officer B fired six rounds in a southwesterly direction. The dog then staggered in a southeasterly direction where it lay until Animal Regulations personnel arrived and transported the dog for treatment.

The BOPC determined that based on the aggressive action demonstrated by the charging dog, it was reasonable for Officers A and B to believe that the dog presented an immediate threat of serious bodily injury to them.

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

