

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

OFFICER-INVOLVED ANIMAL SHOOTING 020-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Van Nuys	02/20/2008		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	3 years

Reason for Police Contact

Domestic violence radio call when encountered by two dogs.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (x)</u>
2 x Dog (Bullmastiff and Labrador Pit Bull mix).			

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 suspect 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 Chief of Police; 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, the masculine pronouns (he, his, and him) will be used in this report in situations where the referent could in actuality be either male or female.

The following incident was adjudicated by the BOPC on December 16, 2008.

Incident Summary

On February 28, 2008, Officers A and B were assigned a domestic violence radio call by Communications Division (CD) that indicated a male suspect was arguing with his ex-girlfriend, and threatening to break down the door of the ex-girlfriend's residence. The comments of the call also indicated the victim was locked inside of her bedroom, and the suspect was banging on the door.

Officers A and B notified CD that they had arrived at ex-girlfriend's residence, and parked their police vehicle north of the residence. Officers A and B observed that the front door of the residence was wide open and immediately exited their vehicle. Officers A and B crossed the street and approached the driveway of the residence, with Officer A walking approximately five to ten feet ahead of Officer B. After reaching the west sidewalk, Officers A and B observed a male, subsequently identified as Suspect 1, standing in the living room with two large brown dogs at the doorway.

Officer A yelled at Subject 1 to secure his dogs, but according to Officer A, the dogs looked startled by the officers' presence. The dogs exited the residence and ran toward Officers A and B, baring their teeth and growling aggressively. Believing that the dogs were going to bite him or Officer B, Officer A upholstered his Glock pistol and fired one round in a westerly direction at the dogs from a distance of approximately five to ten feet. One of the dogs ran back inside the residence while the other ran to a neighboring front yard before running back inside the ex-girlfriend's house. Officer A holstered his pistol and again asked Subject 1 to secure his dogs. Subject 1 complied and secured both dogs in the rear yard.

Officer A broadcast a request for an additional unit and a supervisor to respond to the scene. Officer A also telephoned Lieutenant A and advised him that he was involved in an officer-involved dog shooting. Sergeant A arrived at the scene, separated Officer A, and obtained a Public Safety Statement.

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 a tactical debrief.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

In conclusion, a Tactical Debrief is the appropriate mechanism for Officers A and B to evaluate the events and actions that took place during this incident and assess the identified tactical considerations to better handle a similar incident in the future.

Therefore, the BOPC directed that Officers A and B attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC evaluated the circumstances relevant to Officer A's drawing and exhibiting and determined that he had sufficient information to believe that the situation might escalate to the point where deadly force may become necessary.

C. Use of Force

The BOPC evaluated the circumstances relevant to Officer A's use of force. The BOPC determined that the use of force was objectively reasonable to protect his partner and himself from the attack by the dogs.