

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

OFFICER-INVOLVED ANIMAL SHOOTING 021-08

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes(x) No()</u>
Hollywood	02/28/2008		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	9 years, 6 months

Reason for Police Contact

Responding to a radio call of loud music when encountered by a Pit Bull.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (x)</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 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 January 20, 2009.

Incident Summary

On February 28, 2008 Officers A and B responded to a loud music radio call at a residence. The officers arrived at the location and went Code 6, via their vehicle's Mobile Digital Computer. The officers heard loud music coming from the residence and observed two individuals, subsequently identified as Subject 1 and Subject 2 engaged in a verbal argument on the second story open window.

Both officers walked to the front door of the residence and listened at the door prior to knocking. Officer B knocked on the front door and heard a loud voice coming from inside the residence. Officer B identified himself as a police officer and requested that someone open the front door. Approximately 30 seconds later, Subject 1 opened the front door and the officers heard Subject 2 tell Subject 1 to not let the police in and to close the door. Officer B told Subject 1 to step outside the residence and stand by a wall near the stairs. Officer B then requested Subject 2 to step outside the residence, but Subject 2 did not comply and continued to curse at the officers. Subject 1 stepped away from the wall and moved his hands in front of his body. Officer B formed the opinion that Subject 1's actions could be an attempt to distract both officers away from Subject 2 so he instructed Subject 1 to face the corner of the building, kneel down, cross his legs, and interlace his fingers behind his head. Subject 1 complied with Officers B's commands.

Officer B covered Subject 1 while Officer A attempted to gain the cooperation of Subject 2. Officer A stood in the open doorway and observed Subject 2 in the kitchen area so he requested Subject 2 to step outside the residence to discuss the loud music. Subject 2 did not comply with Officer A's request and said he had a dog. Officer A asked where the dog was and told Subject 2 to lock the dog in a bedroom. Subject 2 then walked from the kitchen to a rear bedroom and alerted two individuals that the police were there. Officer A again ordered Subject 2 to lock the dog inside a bedroom, but instead Subject 2 entered the bedroom and spoke to two individuals subsequently identified as Subject 3 and Subject 4. The two individuals then appeared in the bedroom doorway holding a Pit Bull dog by its neck and shoulders. The Pit Bull was barking, snarling and snapped its jaws as it looked toward the officers. Officer A ordered Subject 2, 3 and 4 to close the door and to keep the Pit Bull inside the room. None of the three subjects and instead cursed at the officers. Subject 2 then walked away from the bedroom toward the kitchen and then told Subject 3 and 4, "Let her go. Get him. Sic em." Subject 3 and 4 let go of the Pit Bull and the Pit Bull ran toward Officer A growling and baring its teeth. Officer A yelled, "Get control of your dog, call off your dog or I'll shoot it." Subject 2, 3 and 4 responded by shouting profanities at the officers, and made no attempt to stop the Pit Bull's attack.

Officer A retreated backwards to the outside of the residence and warned his partner that the Pit Bull had been released. In fear of his and partner's life, Officer A drew his pistol and observed that Subject 2, 3 and 4 were out of the line of fire and that the Pit Bull was approximately three feet away. Officer A then fired one round at the Pit Bull, but missed it. The Pit Bull continued toward Officer A so he then fired a second round which also missed the dog, but caused it to stop its attack and to retreat.

Officer A reported he did not have time to close the residence door because he would have had to remove one hand from his pistol to reach the door knob. According to Officer A, he instructed Officer B to request a back up when he first observed the Pit Bull, but before Officer B could broadcast the request, the Pit Bull charged toward Officer A and the shooting occurred.

Officer A used his radio to broadcast a help call. Subject 1 then fell to the ground and crawled toward the residence door. Officer A re-holstered his pistol and grabbed Subject 1's left arm while Officer B applied handcuffs to Subject 1. Subject 2 then grabbed Subject 1 by his body and clothes and attempted to pull him inside the residence. Officer A ordered Subject 1 to stand up, and Subject 1 complied. Subject 2 let go of Subject 1 and closed the residence door.

After sufficient officers arrived, entry was made into the residence and Subject 2, 3 and 4 were taken into custody.

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 and B'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 drawing and exhibition of a firearm to be in policy.

Basis for Findings

A. Tactics

1. The officers did not request for a backup or a supervisor to respond.

The BOPC stated the officers should have requested additional resources and a supervisor immediately upon encountering resistance from the occupants of the apartment. The BOPC noted that it would have been tactically prudent for the officers to wait until the arrival of sufficient resources.

2. Officer A's weapon was not inspected within the mandated two business days.

The BOPC noted that according to Sergeant A the date on the weapon report was erroneous. Sergeant A advised that Officer A's weapon was inspected within the mandated two business days on March 3, 2008. The Training Division Firearms Unit was unable to confirm if the date on the inspection report was erroneous or not.

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 determined that he had sufficient information to reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may become necessary.

The BOPC found that Officer A's drawing and exhibiting is in policy.

C. Use of Force

The BOPC evaluated the circumstances relevant to Officer A's use of force. The BOPC determined that Officer A's use of force was objectively reasonable considering the circumstances that he was faced with in this rapidly unfolding tactical situation.

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