

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

OFFICER-INVOLVED ANIMAL SHOOTING – 030-08

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes(X) No()</u>
77th	03/16/08		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Officer A	5 years, 5 months

Reason for Police Contact

While investigating a call of a vehicle blocking an alley, an aggressive dog charged from the vehicle towards officers, resulting in an officer-involved animal shooting.

<u>Animal</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Dog.			

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate the 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 and addenda items); the 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, 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 3, 2009.

Incident Summary

Uniformed Police Officers A and B were patrolling in a marked police vehicle when they observed Subject 1, an apparently intoxicated male, stumbling as he walked on the sidewalk, carrying a sharp metal object in his hand.

Based on Subject 1's apparent intoxication, the officers ordered Subject 1 to stop. Subject 1 continued walking and told the officers to leave him alone. The officers got closer to Subject 1 and observed that the object in his hand was a screwdriver.

Officers A and B then approached Subject 1 and took hold of his right and left hands, respectively. Subject 1 told the officers to leave him alone. Subject 1 then opened a gate to a residence, pulled the officers into the front yard, dropped the screwdriver, grabbed the gate with both hands, and screamed at the officers.

The officers ordered Subject 1 to stop resisting. As Subject 1 continued to scream, three males came out of the residence and shouted at the officers to leave Subject 1 alone. As the three males approached the officers' location, the officers attempted to pull Subject 1 to the sidewalk for handcuffing; however, due to Subject 1's resistance, the officers were unable to apply handcuffs and the struggle continued.

Meanwhile, Officer A heard a dog growling and turned to see a Pit Bull dog approximately three feet from the officers, baring its teeth. In defense of himself and his partner, Officer A drew his pistol and fired two rounds at the dog. The dog, injured by the gunfire, then ran through a gate at the side of the residence. Officer A then holstered his pistol and broadcast a call of, "Officer need help, shots fired."

Meanwhile, Subject 1 broke free from Officer B and re-entered the front yard, where he joined the three males.

Subject 2, one of the males, began screaming at the officers that they shot his dog. Subject 2 threw a fork and a butter knife toward the officers before falling over and dropping the remainder of the cutlery he was holding. The officers, who moved backwards, were not struck by the thrown items.

As Subject 2 attempted to get back on his feet, Officer B sprayed oleoresin capsicum (OC) at his face from a distance of 3 to 5 feet. Subject 2 screamed, rose to his feet and ran into the kitchen of the residence.

Subject 1 then walked toward the officers screaming profanity, and threatening to fight with the officers. Officer B ordered Subject 1 to stop and get on the ground, but Subject 1 did not comply. Officer B then sprayed Subject 1 the face with OC from a distance of 3 to 5 feet. Subject 1 screamed and ran back to the porch of the residence.

Additional units arrived on the scene and Sergeant A and an arrest team was assembled, which comprised of Police Officers C, D, E, F, G, and H.

Subjects 3 and 4 were taken into custody without incident in the front yard of the residence. Subject 1 was told to come down from the porch. When he did not do so, he was removed from the porch using firm grips and was taken into custody.

The arrest team entered the kitchen of the residence, where Subject 2 was splashing water on his face. When Subject 2 reached toward a kitchen counter, Officer G punched Subject 2 in the head to prevent him from arming himself with a weapon. A team takedown was then conducted and Subject 2 was 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 Sergeant A's, and Officer A, B, C, D, E, F, G, and H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing and exhibiting to be in policy.

C. Non-Lethal Use of Force

The BOPC found Officer A, B, C, D, E, F, G, and H's non-lethal use of force to be in policy.

D. Lethal Use of Force

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

Basis for Findings

A. Tactics

In their analysis of this incident, the BOPC noted the following tactical considerations:

1. Officers A and B did not advise CD of their status and location.

Department policy directs that when a unit is conducting a field investigation and no assistance is anticipated, a 'Code Six' followed by the location shall be broadcast.

Officers are trained to advise CD of their status when they conduct officer-initiated activities, making nearby units aware of their location and creating a circumstance wherein they can respond more rapidly, if needed. Officers A and B should have advised CD of their status and location.

2. Officers A and B approached Subject 1, who was in possession of a screwdriver.

When efforts to verbalize with the subject failed, Officers A and B should have maintained a safe distance from the subject and utilized other options. By closing the distance between the subject and themselves, the officers placed themselves in a position of possible injury.

3. Officer G used his fist to punch Subject 2 in the head, increasing the likelihood of a self-inflicted injury.

Officers are reminded that striking a hard bone area may cause self-injury, resulting in their ability to utilize other force options. The head is not a recommended area to impact, as striking a hard bone area may cause self-injury resulting in an officer's inability to utilize other force options. However, based on the totality of circumstances, the BOPC concurs that the force used by Officer G was objectively reasonable, as he faced an immediate need to stop the threat from Subject 2.

The BOPC found Sergeant A, and Officers A, B, C, D, E, F, G, and H's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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 of serious injury or death and that the situation might escalate to the point where deadly force could become necessary.

Therefore, the BOPC found that Officer A's drawing and exhibiting of a firearm to be in policy.

C. Non-Lethal Use of Force

The BOPC evaluated Officer A, B, C, D, E, F, G, and H's uses of non-lethal use of force and determined they were objectively reasonable and, therefore, in policy.

D. Lethal Use of Force

Department Training instructs that officers may use lethal force to protect self or others from a dog that presents a threat of serious bodily injury or death.

In this situation, Officer A was unexpectedly confronted with an aggressive dog that was growling and baring its teeth. Fearing that he or his partner were going to be attacked by the dog and suffer serious injury or death, Officer A fired two rounds at the dog in order to protect himself and Officer B.

Therefore, the BOPC found Officer A's lethal use of force to be objectively reasonable and in policy.