

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 013-09**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Duty-On (X) Off ( )</u></b>	<b><u>Uniform-Yes (X) No ( )</u></b>
Newton	03/07/09			

<b><u>Officer(s) Involved in Use of Force</u></b>	<b><u>Length of Service</u></b>
Officer A	3 years, 9 months
Officer B	3 years, 9 months
Officer E	4 years, 3 months

**Reason for Police Contact**

Officers detained a suspect wanted for a robbery related to a domestic violence incident. During the detention, the Subject's German Shepherd dog charged the officers, resulting in an officer-involved animal shooting.

<b><u>Animal</u></b>	<b><u>Deceased (X)</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit ( )</u></b>
German Shepherd 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 2, 2010.

**Incident Summary**

On March 7, 2009, uniformed Police Officers A and B were assisting Police Officers C and D in locating Subject 1, a suspect wanted for a robbery related to a domestic violence incident. With information provided by Officers C and D, Officers A and B proceeded to the area of where Subject 1 maintained a residence.

Officers A and B observed Subject 1 walking. They detained and handcuffed him without incident. Officers A and B notified Communications Division (CD) that they were out for investigation and requested that Officers C and D respond to their location.

As Officer B searched Subject 1 for weapons, Officer A assumed the role of cover officer. As Officer B was patting down Subject 1, he observed a German Shepherd dog growling and bearing its teeth as it ran toward them. Officer B warned his partner of the rapidly approaching dog. Officer B, realizing that Officer A was unable to protect himself, placed himself between the dog and Subject 1.

Both officers drew their pistols and yelled at the dog to stop. As the dog came to within approximately 10 to 12 feet of them, the officers assessed the background behind the dog and did not observe any pedestrians or vehicles in their line of fire. Both officers fired one round at the dog, missing it. The dog then ran behind a parked vehicle and out of the officers' view.

Subject 1 said, "You motherf\*\*kers. You shot my dog," and then attempted to strike the officers with his feet and elbows. Officer A holstered his pistol, grabbed the back of Subject 1's sweatshirt and ordered him to the ground; however, Subject 1 did not comply and struggled to free himself from Officer A's grasp. As Officer A used his body weight to force Subject 1 to the ground, Officer B holstered his pistol and went to assist his partner. As Officer B began to kneel down to control Subject 1's legs, he heard the dog growling and observed it running toward them again, baring its teeth. Officer B drew his pistol, assessed the background and fired one round, striking the dog on its right side. The dog lay down in the street and expired.

Officer B then holstered his pistol and assisted his partner by applying his body weight to Subject 1's legs. Officer B requested a back-up and a supervisor to respond to their location.

Meanwhile, members of Subject 1's family exited their residence, approached the officers and demanded Subject 1's release.

Uniformed Police Officer E arrived at the scene, along with other officers in response to the request for a back-up. The officers ordered the family members to move back and they complied.

Subject 1 would not comply with verbal requests to stop resisting and continued his attempt to kick the officers. Officer A requested that a Hobble Restraint Device (HRD) be applied to Subject 1. Officer E applied an HRD to Subject 1's ankles, then immediately placed him in an upright position. Officers then carried Subject 1 to a police vehicle, where he was placed inside and seated in an upright position.

Sergeants A and B responded to the scene. Sergeant A obtained a Public Safety Statement from Officer B and Sergeant B obtained a Public Safety Statement from Officer A.

#### **A. Tactics**

The BOPC found Officer A, B and E's tactics to warrant a Tactical Debrief.

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

The BOPC found Officers A and B's Drawing/Exhibiting to be in policy.

#### **C. Non-Lethal Use of Force**

The BOPC found Officers A, B, and E's non-lethal force to be in policy.

#### **D. Use of Force**

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

### **Basis for Findings**

#### **A. Tactics**

In adjudicating this incident, the BOPC found the following:

In this instance, Officer B broadcast a request for a back-up unit and a supervisor once the dog had approached them a second time resulting in a second OIS. The investigation revealed that following the initial OIS, Subject 1 became combative with the officers.

It was apparent that the officers' attentions were initially split between Subject 1 and the dog, thereby preventing them from maintaining their roles of contact and cover as one officer struggled with Subject 1 while the other addressed the still present threat posed by the dog and tracked its movements.

Additionally, according to the arrest report, the officers had requested that Officers C and D respond to their location to assist with the investigation prior to the OIS. A request for a back-up or help along with additional information provides responding personnel with information that delineates the method in which they respond.

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

In this situation a dog unexpectedly charged toward Officers A and B and the suspect while growling and baring its teeth resulting in Officers A and B's drawing of their service pistols. It was reasonable for Officers A and B to believe that the attacking dog presented a threat of serious bodily injury and that the situation had

escalated to the point where lethal force may become necessary to defend themselves and the suspect.

Therefore, the BOPC found Officers A and B's Drawing/Exhibiting to be in policy.

### **C. Non-Lethal Use of Force**

The officers used the following non-lethal force in connection with this incident:

#### Officer A

- Firm Grip
- Physical Force
- Bodyweight

#### Officer B

- Take down
- Physical Force
- Firm Grip
- Physical Force

#### Officer E

- HRD

In this instance, after the officers fired at the dog, Subject 1 began to scream about the officers shooting his dog, as he flailed his elbows and attempted to kick the officers. Officer A holstered his service pistol and grabbed the back of Subject 1's sweatshirt with both hands in an attempt to control him while verbalizing with him to get down on the ground. Subject 1 refused to comply and continued to flail his elbows attempting to run away from Officer A. Officer A utilized his bodyweight to force Subject 1 to the ground.

As a result of the suspect's aggressive actions, Officers A, B and E were forced to utilize Non-Lethal force in order to control Subject 1.

Therefore, the BOPC found the Non-Lethal applications of force utilized by Officers A, B and E to be in policy.

### **D. Use of Force**

In this instance, the charging dog reasonably presented a threat of serious bodily injury to Officers A, B and the handcuffed suspect. After determining that there was no available cover or avenue of escape from the dog, the situation escalated to the point where lethal force was necessary to defend themselves and the handcuffed suspect.

Therefore, due to Officers A and B's reasonable belief that they or the suspect were about to be attacked by the dog and that they may suffer serious bodily injury, the BOPC found Officers A and B's use of lethal force to be in policy.