

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

OFFICER-INVOLVED ANIMAL SHOOTING 002-08

<u>Division</u>	<u>Date</u>	<u>Duty-On() Off(x)</u>	<u>Uniform-Yes() No(x)</u>
Foothill	01/03/2008		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Reserve Officer A	26 years, 2 months

Reason for Police Contact

Reserve Officer encountered a mountain lion attacking his dog.

<u>Subject(s)</u>	<u>Deceased (x)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Mountain Lion			

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 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, 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 November 18, 2008.

Incident Summary

On January 3, 2008, off-duty Reserve Officer A was outside his residence with his two small dogs (Dachshunds). As they walked toward his car, one of his dogs walked approximately five feet ahead of him. A mountain lion appeared from a culvert across the street, ran up to the dog, grabbed it with its mouth, and ran northbound approximately 30 feet toward the hillside.

Reserve Officer A ran after the mountain lion, screaming, in an attempt to scare the mountain lion into dropping his dog. The mountain lion jumped over a small retaining wall at the bottom of the hillside and then ran approximately 20 feet up the hillside, to the base of a large oak tree. Reserve Officer A stopped behind the retaining wall and observed the mountain lion with his dog still in its mouth. The mountain lion climbed approximately 30 feet up a tree and perched itself.

Reserve Officer A drew his Smith & Wesson pistol from his ankle holster, assessed his background, which he observed to be more trees and the hillside, and fired three rounds at the mountain lion from a distance of approximately 35 feet. The mountain lion released his dog, causing the dog to fall to the ground and slide down the hillside to the retaining wall approximately 30 feet away from Reserve Officer A. The mountain lion then began climbing down the tree. Fearing the mountain lion was going to come after him or his dog, Reserve Officer A fired his last two rounds at the mountain lion. Reserve Officer A yelled for his wife, Witness C, to get his service pistol. Witness A and Witness B reported that a mountain lion had been seen in the neighborhood on several occasions.

A shot fired call was broadcast by Communications Division with comments advising a male neighbor was shooting at a mountain lion that had attacked a dog. Officers A and B were assigned the radio call and responded to the scene along with several other units and an air unit.

Reserve Officer A walked over to his dog and observed that it had a puncture wound on the top of its head and abrasions on its stomach and nose, and that it was covered in saliva. Witness C arrived with another pistol belonging to Reserve Officer A. At this point, the mountain lion had climbed down the tree and was in a crouched position facing Reserve Officer A and believed that it still posed a threat, so Reserve Officer A aimed his pistol at the mountain lion and fired six additional rounds from a distance of approximately 31 feet. After the sixth round, the mountain lion dropped down to a prone position and lay motionless. Reserve Officer A then picked up his dog and handed it to his wife.

According to Witness C, after she brought Reserve Officer A his gun, Reserve Officer A picked up their dog and handed it to her. Witness C proceeded to return to her residence while Reserve Officer A continued to shoot at the mountain lion. Reserve Officer A returned to his residence and secured both pistols and reported that he was aware that his neighbor had already called the police department.

Sergeant A arrived at scene and obtained a Public Safety Statement from Reserve Officer A and conducted the Categorical Use of Force investigation.

The mountain lion was later determined to be a 110-pound female and was removed by the Department of Animal Regulations.

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 Reserve Officer A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting/Holstering

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

C. Use of Force

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

Basis for Findings

A. Tactics

Reserve Officer A had limited cover to protect himself from a potential attack from the mountain lion. Reserve Officer A directed his wife away from her position of cover to retrieve a firearm from their residence. In conclusion, a Tactical Debrief is the appropriate mechanism for Reserve Officer A 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 Reserve Officer A attend a Tactical Debrief.

B. Drawing/Exhibiting/Holstering

The BOPC evaluated the circumstances relevant to Reserve 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.

Therefore, the BOPC found that Reserve Officer A's drawing and exhibition to be in policy.

C. Use of Force

The BOPC evaluated the circumstances relevant to Reserve Officer A's use of force. The BOPC determined that Reserve Officer A had sufficient reason to believe that it was necessary to protect himself and his domestic animal from the immediate threat of death or serious bodily injury and that other methods were impractical in this instance (e.g. use of a shovel, hoe or other tool).

Therefore, due to Reserve Officer A's reasonable belief that he was about to be attacked by the mountain lion and that he may suffer serious bodily injury, the BOPC found Reserve Officer A's use of force to be in policy.