

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 020-09**

<b>Division</b>	<b>Date</b>	<b>Duty-On (X) Off ()</b>	<b>Uniform-Yes(X) No()</b>
Southeast	03/28/09		

<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
Officer A	9 years, 6 months

**Reason for Police Contact**

Officers were involved in monitoring a large, possibly gang-related party at a warehouse when one officer encountered an aggressive Rottweiler dog, resulting in an officer-involved animal shooting.

<b>Animal</b>	<b>Deceased ()</b>	<b>Wounded ()</b>	<b>Non-Hit (X)</b>
Rottweiler 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 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, 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 23, 2010.

### **Incident Summary**

On March 28, 2009, Officers A and B conducted a traffic stop. During the stop, the officers noticed a large amount of pedestrian and vehicle traffic in the area and observed several gang members whom they recognized. Concerned about possible gang activity, the officers concluded their traffic stop, then searched the area and located a party inside a warehouse.

The officers decided to monitor the party, and drove behind the warehouse to locate a position from which they could observe the party. The officers decided to enter a rear yard of the warehouse to look for an observation post. Officer A climbed on top of a stack of wooden pallets and used his flashlight to illuminate the yard area. Officer A looked for any indication a dog was present, but did not observe any signs. Officer A rattled the fence, called, and whistled for a dog, but he did not get a response.

Officer A climbed over the fence, located a position to observe the party and notified his partner of his findings. Officer A waited for his partner to climb over the fence, when Officer A heard a dog growling.

Officer A observed a Rottweiler dog, running toward him, baring its teeth. Officer A moved backward as he yelled at the dog, but the dog kept running toward him. Fearing for his safety, Officer A drew his pistol and fired one round at the dog. The dog was not deterred, and continued running toward Officer A, so he fired another round, which caused the dog to turn and run away from him. Both rounds missed the dog.

### **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 made the following findings.

#### **A. Tactics**

The BOPC found Officer A'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. Use of Force**

The BOPC found Officer A's Use of Force to be in policy.

## **Basis for Findings**

### **A. Tactics**

In adjudicating this incident, the BOPC identified no tactical considerations.

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

The BOPC evaluated the circumstances relevant to Officer A's drawing and determined that Officer A was involved in attempting to conduct observation of a possible large gang-related party. Prior to entering a fenced warehouse yard, Officer A recognized the possibility a dog could be present, and took appropriate steps to try and determine if a dog was in the yard. After receiving no response, Officer A entered the yard, but was immediately confronted by a charging dog. Officer A issued commands to the dog, but when the dog did not respond, Officer A drew and exhibited his weapon to protect himself from bodily injury.

In conclusion, the BOPC found that Officer A's Drawing/Exhibiting to be in policy, requiring no further action.

### **C. Use of Force**

During this incident, Officer A was attacked by a Rottweiler, which presented a significant risk of serious bodily injury or death. The BOPC found Officer A's use of force to be in policy.