

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

**OFFICER-INVOLVED ANIMAL SHOOTING 013-06**

<b><u>Division</u></b>	<b><u>Date</u></b>	<b><u>Duty-On(x) Off( )</u></b>	<b><u>Uniform-Yes(x) No( )</u></b>
West Valley	02/09/06		

<b><u>Involved Officer(s)</u></b>	<b><u>Length of Service</u></b>
Officer C	16 years, 6 months

**Reason for Police Contact**

Officer encountered a Chow when conducting a search of a residence.

<b><u>Subject(s)</u></b>	<b><u>Deceased ( )</u></b>	<b><u>Wounded ( )</u></b>	<b><u>Non-Hit (x)</u></b>
Chow			

**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 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 December 12, 2006.

**Incident Summary**

Officers A and B conducted a traffic stop. During the traffic stop, Officer A and B discovered numerous pieces of mail, credit cards and a fraudulent California Driver's License (CDL) inside the vehicle that were not in the name of Subject 1. The officers arrested Subject 1 and retrieved information connecting a second subject involved in criminal activity.

Two days later, Officers A and B conducted another traffic stop of a vehicle they saw leaving a residence where Subject 2 was known to frequent. Officers A and B developed information that Subject 2 was currently inside the residence. Officers A and B contacted Sergeant A and advised him of the information and requested assistance to visit the residence to contact Subject 2. Sergeant A advised Officers A and B to contact Sergeant B.

Officers A and B met with Sergeant B to advise him of the on-going forgery investigation. Officers C, D, E and F were contacted and directed to meet with Sergeant B and Officers A and B in order to formulate a tactical plan to go to the residence in an attempt to locate Subject 2.

Upon formulating a tactical plan, Sergeant B and uniformed Officers A, B, C, D, E and F all approached the residence. Officers A and B observed an unknown male standing in the front yard look in the direction of the police car. The male turned and then ran to the rear yard of the residence and out of sight. Officer B broadcast to Communications Division (CD) that they were Code-6 at the location. Sergeant B and the officers exited their marked police vehicles and Officers B and C approached the front door of the residence. Officers A and F approached the rear of the residence from the north side of the yard, and Officers D, E, and Sergeant B remained in the front yard of the residence.

Officer C knocked on the front door of the residence and stated police. Officer C observed a white male (later identified as Subject 3) through a window of the residence turn off the lights in a room. Officers B and C then heard what they believed were people running through the house. Approximately two minutes later, a white female (later identified as Witness A) came to the front door and exited the residence through the front door and left it open. Officer C maintained visual contact with the front door as Officer B told Witness A that they were looking for Subject 2 and requested permission to enter the residence. Witness A told them that Subject 2 was inside the residence and gave them permission to enter.

Simultaneously, a large brown dog appeared in the doorway, looked in the direction of Officer C, exposed its teeth, and began growling at him. Officer C realized the potential danger and alerted Officers B, D, E, and Sergeant B. The dog then rose to its hind legs and charged at Officer C. Fearing for his safety, Officer C drew his duty pistol, pointed it at the dog and began walking backwards. Officer C fearing he was going to be bitten and seriously injured fired one round in the direction of the dog to stop it. After firing the single shot, the dog turned and ran back into the residence. Officer C then holstered his firearm.

Officer B broadcast shots fired and several seconds later, Officer E broadcast a Code-4. Sergeant B obtained a public safety statement from Officer C and secured the scene.

It was determined that Witness A was the owner of the dog and identified it as a female Chow. Witness A reported that she heard the gunfire, but did not witness the shooting. Officers located six non-Department witnesses, all of which indicated that they heard "one-shot," but did not witness the incident.

Witness B reported that the dog had a history of aggressive behavior and in December 2005; the dog growled, snapped, and lunged at him while he was conducting a check of the property. The dog was not struck or injured by the gunfire and was released to Los Angeles City Animal Regulation.

### **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 C's tactics to be appropriate.

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

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

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

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

### **Basis for Findings**

#### **Tactics**

The BOPC noted that Officers B and A received information from a citizen who had personal knowledge of the location of the follow-up investigation and told officers there were no dogs at the residence.

Upon arrival, Officer B properly contacted CD that they were on-scene and that officers were deployed at the front and rear of the residence. The officers made contact with a female and directed her away from the front door when a large dog sprinted out of the residence, rose to its hind legs and lunged at Officer C.

The BOPC determined that the tactics utilized by Officer C were appropriate and do not require any action.

### **Drawing/Exhibiting/Holstering**

The BOPC noted that Officer C observed the large dog charge towards him, rise to its hind legs and lunge at him. Fearing the dog would bite and seriously injure him, Officer C drew his service pistol.

The BOPC determined that Officer C had sufficient information to believe that the situation might escalate into a deadly force situation and found Officer C's drawing and exhibiting to be in policy.

### **Use of Force**

The BOPC noted that Officer C feared he was about to be bitten by the charging dog and fired one round from a distance of two-to-three feet in the direction of the dog. The round missed the dog and the dog fled back into the residence.

The BOPC noted the decision to use deadly force was reasonable given that the vicious dog presented an immediate threat of serious bodily injury. The BOPC found Officer C's use of force to be in policy.