

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

OFFICER-INVOLVED ANIMAL SHOOTING 033-07

Division	Date	Duty-On(x) Off()	Uniform-Yes(x) No()
77 th Street	03/31/2007		

Involved Officer(s)	Length of Service
Officer A	6 years, 9 months

Reason for Police Contact

Officer encountered a dog when responding to a radio call.

Subject(s)	Deceased ()	Wounded ()	Non-Hit (x)
Rottweiler			

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 January 29, 2008.

Incident Summary

On March 31, 2007, uniformed Police Officers A and B were assigned a radio call regarding a group disturbance at a residence. The comments of the call indicated that three males and two females were at the rear of that location, drinking and talking loudly.

Upon arrival at the address, the officers found the front of the house to be dark. They did not observe any signs warning of dogs. With Officer A in the lead, the officers walked down an approximately 50-foot-long sidewalk that ran along the west side of the house. As the officers neared the rear yard, Officer A announced their presence.

The officers entered the rear yard and Officer A saw two dogs rise up from behind some steps. The dogs began barking, and Officer A warned his partner. The officers began to back out of the yard, with Officer B guiding Officer A by grabbing the back of his jacket.

The dogs then charged towards the officers. Officer A saw that one of the dogs, which was black with brown patches and resembled a Rottweiler, and weighed approximately 80 pounds, sprinted forward of the other dog. As it advanced on the officers, this dog was barking and exposing its fangs. Officer A drew his Glock pistol and, when the dog came to within three to five feet of him, fired a single round at the dog. When the round was fired, both dogs turned and ran away from the officers to the other side of the house.

Officer B subsequently requested a supervisor and two additional units.

Sergeant A arrived on the scene. Officer A advised Sergeant A that he had been involved in an officer-involved shooting of a dog and provided the sergeant with a public safety statement. The area of the incident was then searched, and it was established that no people, nor either of the dogs, had been harmed.

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 Officers A and B's tactics to be appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing and exhibition of a firearm 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 analysis of this incident, the BOPC identified the following tactical considerations:

The BOPC noted that, as the officers approached the rear of the residence, they did not observe any signs suggesting the presence of dogs. The officers continued into the rear yard until they were alerted to the presence of the dogs. The suddenness of the dogs' attack dictated the officers' actions and their options were limited.

The BOPC determined that Officers A and B's tactics were appropriate.

B. Drawing/Exhibiting/Holstering

The BOPC noted that Officer A observed two dogs charging toward him and his partner, while growling and baring their teeth. Fearing serious bodily injury or death, Officer A drew his firearm.

The BOPC determined that Officer A had sufficient information to believe the incident might escalate to the point where deadly force may become necessary and found the officer's drawing in policy, requiring no action.

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

C. Use of Force

The BOPC noted that Officer A, fearing he was about to be bitten by the charging dogs, fired one round from a distance of approximately five feet. The round did not strike either of the dogs and both dogs ran to the opposite side of the residence.

The BOPC determined that it was reasonable for Officer A to believe that the dogs presented an immediate threat of serious bodily injury or death and found the officer's use of force in policy, requiring no action.

Therefore, the BOPC found that Officer A's use of force to be in policy.