

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

OFFICER-INVOLVED ANIMAL SHOOTING 035-06

<u>Division</u>	<u>Date</u>	<u>Duty-On(x) Off()</u>	<u>Uniform-Yes() No(x)</u>
Southwest	04/27/2006		

<u>Involved Officer(s)</u>	<u>Length of Service</u>
Officer A	7 years, 7 months

Reason for Police Contact

Officers were on duty and conducted a follow up to locate the address listed on a felony warrant.

<u>Subject(s)</u>	<u>Deceased ()</u>	<u>Wounded (x)</u>	<u>Non-Hit ()</u>
Rottweiler dog.			

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 Chief of Police; and the report and recommendations of the Inspector General. The Department Command Staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

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 February 27, 2007.

Incident Summary

Officers A and B were on duty and were attempting to locate an address listed on a felony warrant. Both officers were dressed in plain clothes, and were wearing body armor and raid jackets. The officers' intent was to identify and survey the address in order to plan the service of the warrant.

The officers were unable to find the address from the street, so they walked through a walkway. From there, they saw a structure to the rear of a residence.

Prior to entering the yard, the officers saw a beware of dog sign posted on a tree. They rattled the gate and whistled several times and heard a dog bark. However, they did not see a dog and formed the opinion that the dog they heard was secured. The officers entered the yard and walked towards the rear. As they did so, the officers were confronted by a Rottweiler dog which charged toward them. Officer B sprayed oleoresin capsicum (OC) spray at the dog, and Officer A drew his pistol. Officer B shouted, "Get back, get back," and Officer A shouted, "Police, police, come get your dog." The dog then ran away, into the open door of the residence. Officer B informed Officer A that he had exhausted his canister of OC spray. Officer A passed his ASP baton to Officer B.

The officers then saw a light come on in a motor home that was parked in the yard. Officer A knocked on the door and announced, "Police." Officer A spoke with the occupants of the motor home, and was informed that the entire property was not the address they were looking for. Believing that the address they were seeking did not exist, the officers decided to leave the property. As they walked towards the front of the property, the officers were confronted by five dogs – three Rottweilers and two Pit Bulls. Officer A drew his pistol for a second time and Officer B swung at the animals with the ASP baton. Officer A repeatedly shouted, "Police, come get your dogs." As the dogs lunged at them, the officers retreated until they were backed up against a wall and had no avenue of escape. One of the Rottweiler dogs advanced to within two or three feet of Officer A. Fearing he was about to be bitten by the dog, Officer A fired one round from his pistol, striking the Rottweiler in its right front leg. The Rottweiler collapsed to the ground and the remaining four animals fled. The wounded animal then got back up and moved away, out of the officers' sight. The officers retreated from the yard and then broadcast a request for a supervisor.

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 determined that Officers A and B would benefit from additional tactical training.

B. Drawing/Exhibiting/Holstering

The BOPC found Officer A's drawing to be in policy.

C. Use of Force

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

Basis for Findings

Tactics

The BOPC noted that, after being confronted by a Rottweiler dog, Officers A and B elected to remain on the property and continue their investigation. The BOPC noted that it would have been tactically safer to re-deploy off of the property and attempt to contact the owner of the dog to secure it, or to return at a later date.

The BOPC determined that Officers A and B would benefit from additional tactical training.

Drawing/Exhibiting/Holstering

The BOPC noted that Officer A drew his pistol when he and his partner were initially charged by a Rottweiler, and again when they were confronted by five growling, lunging dogs. The BOPC determined that Officer A had sufficient information to believe the incidents might escalate to the point where deadly force may become necessary and found his drawing and exhibition of a firearm to be in policy.

Use of Force

The BOPC noted that, after being left with no avenue of escape, and fearing that he was going to be bitten by a dog and seriously injured, Officer A fired one round from a distance of approximately two to three feet. The BOPC determined that Officer A reasonably believed the vicious dog presented an immediate threat of serious injury and found his use of force to be in policy.