

ABRIGED SUMMARY OF CATERGORICAL USE OF FORCE INCIDENT AND FINDINGS BY THE LOS ANGELES BOARD OF POLICE COMMISSIONERS

OFFICER-INVOLVED ANIMAL SHOOTING – 051-06

Division	Date	Duty-On (x) Off()	Uniform-Yes(x) No()
West Valley	06/13/06		
Officer(s) Involved in Use of Force		Length of Service	
Officer A		17 years, 8 months	
Subject	Deceased ()	Wounded ()	Non-Hit (x)
Bullmastiff 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 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, 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 April 10, 2010.

Incident Summary

Uniformed Sergeant A responded to a report of a screaming man at an apartment location. Upon arrival, Sergeant A observed a large "Beware of Dog" sign on the window of the apartment, water running down an exterior wall, and several window screens partially removed or torn away. Sergeant A used her PR-24 baton to bang loudly on the door and yelled, "Hello, Police!" As Sergeant B stood at the door waiting for a response, the person reporting (PR) approached and told her that he had observed a large dog barking at him through a window adjacent to the apartment's front door, and that he had heard screaming coming from inside the apartment. A neighbor approached Sergeant A and also told her that a dog barking at the window was inside the apartment.

Sergeant A checked the front door knob, turned it and discovered that the front door was unlocked. Sergeant A then pushed the door open, remained outside and immediately smelled a strong odor of animal feces. Sergeant A yelled "Police" numerous times, but received no response. Based on her observations and the lack of a response from inside the apartment, Sergeant A opined that someone might be inside the location in need of assistance, and that a search of the apartment was warranted. Sergeant A closed the door and requested an additional unit to respond.

Officers A and B responded to the request for an additional unit, and were briefed by Sergeant A. A plan was developed to search the apartment for possible victims or injured persons. It was decided that Officer A would lead the search, followed by Officer B (who was equipped with a fire extinguisher), followed in turn by Sergeant A. According to the plan, if a vicious dog was encountered, Officer A would step to his left and Officer B would deploy the fire extinguisher against the animal.

Prior to making entry into the apartment, Officer A knocked on the door. He then opened the door and announced three times, "Officer A, Los Angeles Police Department, is everything okay?" Receiving no response, the officers and sergeant made entry into the apartment and began the search. Officer A and Sergeant A drew their pistols. The officers searched the apartment, re-announcing their presence as they moved to the second and third floors of the residence. During the search, the officers received no response to the announcements and did not hear a dog.

The final room to be searched was a bedroom on the west-side of the third floor of the apartment. The door to the bedroom was off its hinges, propped up against the doorframe. Officer A pushed the door so that the room could be searched. Upon doing so, Officer A saw a large dog with bared teeth lunge toward him from within the room. Fearing that the dog would cause him great bodily injury, Officer A fired two rounds from his pistol at the dog from a distance of approximately three feet. As Officer A fired his pistol, Officer B sprayed the dog with the fire extinguisher. The dog retreated back into the bedroom, and the officers and sergeant repositioned themselves just inside another bedroom on the east side of the third floor. Hearing voices from the west bedroom, Sergeant A ordered the occupants to come out into the hallway. A male and female exited the bedroom. The dog, which had not been struck by Officer A's rounds, was then secured in a cage the male occupant.

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 that Officer A and B's tactics to require no action and Sergeant A requires divisional training.

B. Drawing/Exhibiting/Holstering

The BOPC found that Sergeant A and Officer A's drawing in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

- The BOPC noted that Sergeant A, the first unit to arrive at the location, observed water running off the third floor balcony. As Sergeant A attempted to make contact with the resident by knocking on the front door, the PR approached. The PR, a contractor hired to paint the exterior of the residence, stated he heard a male screaming from inside the residence. The PR further stated that a large dog barked at him from inside a window. When no one responded to the front door, Sergeant A turned the doorknob to the front door and noted it was unlocked. Sergeant A opened the door and once again identified herself as a police officer; however, there was no response. Sergeant A closed the door without making entry, then appropriately requested an additional unit to respond to her location. Officers A and B arrived to the location and a search team was organized.

Based on the nature of the call, Sergeant A's initial observations and the witness' information, it would have been tactically safer to have waited for the arrival of additional officers prior to opening the front door of the location.

- Based on the witness' statement and a large "Beware of Dog" sign posted in a first floor window, Officer B obtained a fire extinguisher. Officer A, the designated cover officer, was directed to be the first officer to make entry into the residence, followed by Officer B with the fire extinguisher, and then Sergeant A. Officers A and B discussed tactics prior to making entry. The officers had the foresight to develop a plan that if a vicious dog was encountered, Officer A would step to his left to enable Officer B to engage the dog with the fire extinguisher.

- As the officers systematically searched the first and second floors of the tri-level apartment, Officer A made several notifications of their police presence.
- The officers did not hear any noise that would indicate a resident or a dog was present; however, they did observe dog feces scattered throughout the apartment.
- The officers proceeded to the third floor and again announced their presence. When there was no response, they continued their search. The last room to be cleared was the west bedroom. The door leading into the room was off its hinges and propped up against the doorjamb. The search team discussed the best tactical way to gain entry into the room and determined that Officer A would push the door in a westerly direction. As Officer A moved the door, it fell forward into the room.
- A large Bullmastiff breed dog charged at the officers as it barked and bared its teeth. Due to the sudden and immediate attack by the dog, Officer A was unable to wait for Officer B to deploy the fire extinguisher and assess its effectiveness prior to firing. As Officer A fired two rounds from his service pistol at the dog, Officer B simultaneously utilized the fire extinguisher. The uninjured animal retreated back into the bedroom. Following the shooting, the dog's owner as well as a witness made their presence known from within the same bedroom. Neither was injured during this incident. The dog was secured in a kennel by its owner.
- Sergeant A, along with Officers A and B, appropriately entered the residence to ensure the occupants were not in need of assistance. The officers knew they could potentially be confronted by a vicious dog and took the appropriate tools. When a tactical plan was developed, they adhered to their roles and communicated with each other as the incident unfolded.

The BOPC determined that Officers A and B's tactics were appropriate and require no further action. The BOPC determined that Sergeant A would benefit from additional tactical training.

Drawing/Exhibiting/Holstering

- The BOPC noted that Sergeant A and Officers A and B responded to a radio call of a screaming man. Upon their arrival, they were informed that a male was screaming from inside the residence and water was spilling from the third story balcony. They were further advised that a large dog also resided in the home. Believing someone may be seriously injured, a search team was formed with Officer A designated as the cover officer, Officer B as the officer armed with the fire extinguisher and Sergeant A entering last. As Officer A and Sergeant A entered the residence, they drew their service pistols. The BOPC determined that the officers had sufficient information to believe the incident might escalate to the point where deadly force may become necessary and found Sergeant A and Officer A' drawing in policy, requiring no action.

Use of Force

- The BOPC noted that Officer A observed the dog lunge toward him, while baring its teeth. Fearing great bodily injury, Officer A fired two rounds at the dog, from a distance of approximately three feet. The dog stopped its attack and retreated back into the bedroom. The BOPC determined that, based on the dogs' actions it was reasonable for Officer A to believe that the dog presented an immediate threat of serious bodily injury or death to him and found Officer A' use of force in policy.