

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

OFFICER-INVOLVED ANIMAL SHOOTING – 060-05

| Division | Date | Duty-On (X) Off () | Uniform-Yes (X) No () |
|-----------------|-------------|----------------------------|-------------------------------|
| Southeast | 07/17/05 | | |

| Officer(s) Involved in Use of Force | Length of Service |
|--|--------------------------|
| Officer A | 8 years, 2 months |

Reason for Police Contact

Officers were conducting parking enforcement activities when an officer was confronted by a charging dog, resulting in an officer-involved animal shooting.

| Animal(s) | Deceased (X) | Wounded () | Non-Hit () |
|------------------|---------------------|--------------------|--------------------|
| 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 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 Los Angeles Police Department Command Staff presented the matter to the Chief 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 July 11, 2006.

Incident Summary

Officers A and B were directed to enforce traffic and parking violations at a location. Prior to entering the location, while issuing citations, the officers encountered a male walking a large Rottweiler dog without a leash. The officers instructed the male to put a leash on the dog and the male complied. The officers had no further contact at that time with the male or the dog.

The officers entered a parking lot, parked and exited their vehicle and began looking for violations. The officers observed vehicles in opposite corners of the parking lot. Their intent was to check the vehicles parked in each respective corner. As Officer A exited his vehicle and began to walk toward the vehicles in the corner of the parking lot, he heard a loud growling sound. Officer A turned and observed a large Rottweiler dog charging at him, growling and baring its teeth. Officer A determined he could not escape the charging dog. Officer A also determined that his oleoresin capsicum (OC) spray and baton would not have been effective. Officer A then unholstered his pistol and fired two rounds at the charging dog. Officer A believed the rounds were not effective, so he fired an additional three rounds at the dog. The dog fell to the ground, picked itself up and walked slowly away.

Meanwhile, Officer B heard the first two rounds fired by Officer A and believed someone had set off fireworks. However, he turned and observed Officer A with his weapon drawn. Officer B then drew his pistol and moved toward Officer A. Officer B observed the dog on the ground.

At that time, the apparent owner of the dog approached the officers and inquired if the dog had charged them. The officers recognized him as the person they had earlier instructed to keep his dog on a leash.

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 revolver 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 A's actions to be appropriate.

B. Drawing/Exhibiting

The BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Use of Force

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

Basis for Findings

A. Tactics

In this instance, as Officer A walked away from his vehicle, he observed a large Rottweiler dog charging at him with its teeth bared. The BOPC determined that Officer A's actions were limited due to the actions of the dog.

In conclusion, the BOPC found Officer A's actions to be appropriate.

B. Drawing/Exhibiting

In this instance, Officer A was confronted with a charging dog, growling and baring its teeth. The BOPC determined that Officer A, fearing serious bodily injury or death, had sufficient information to believe that incident might escalate to a point where deadly force may become necessary.

Additionally, Officer B heard shots behind him and observed Officer A with his service pistol drawn. Thus, Officer B had sufficient information to believe the incident might escalate to a point where deadly force may become necessary.

In conclusion, the BOPC found Officers A and B's drawing and exhibition of a firearm to be in policy.

C. Use of Force

In this instance, Officer A feared being bitten by the charging dog, and in response fired two rounds at the dog. The dog seemed unaffected by the rounds and continued to advance. Officer A then fired three additional rounds striking the dog in the upper torso.

In conclusion, the BOPC found Officer A's use of lethal force to be in policy.