

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

OFFICER-INVOLVED ANIMAL SHOOTING – 062-11

Division	Date	Duty-On () Off (X)	Uniform-Yes () No (X)
Outside City	07/09/11		

Officer(s) Involved in Use of Force	Length of Service
Detective A	30 years, 3 months

Reason for Police Contact

An officer observed a rattlesnake in the backyard of his residence, which resulted in an officer-involved animal shooting.

Animal	Deceased (X)	Wounded ()	Non-Hit ()
Rattlesnake.			

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 suspect 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 Chief and made itself available for any inquiries by the BOPC.

In accordance with state law, divulging the identity of police officers in public reports is prohibited, so 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 January 24, 2012.

Incident Summary

Detective A was taking the trash outside at his residence. The trash bin was located in the dog run in the backyard of the residence, which was separated with a wrought iron gate that surrounded that side of the property. As he took the trash out, Detective A heard the rattling sound of a snake and observed a coiled rattlesnake on the ground approximately two feet from him. According to Detective A, the snake was in its "striking mode." Further according to Detective A, his three dogs were in the backyard at the time and the two small dogs were being aggressive toward the snake.

Detective A feared the snake would bite him or his dogs and yelled for Officer A, who was inside the residence, to load his (Officer A's) weapon with a round of snake shot.

Meanwhile, Detective A continued to swat at his dogs to keep them away from the gate and snake. Detective A then walked over to the rear sliding door of his residence, and Officer A handed Detective A his weapon. Detective A took possession of the pistol and then returned to the gate where he again swatted at his dogs to get them to leave. According to Detective A, one of the small dogs continued to put its head through the wrought iron gate. Detective A, unable to control the dogs by himself, crouched down and, with a two-handed grip on the pistol, fired one snake shot round at the snake from a distance of approximately three feet, striking the snake.

Detective A gathered the dogs and secured them in the house.

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 Detective A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

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

C. Use of Force

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

Basis for Findings

A. Tactics

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific. In this instance, no specific areas of improvement were noted nor did the actions of Detective A did not unjustifiably and substantially deviate from approved Department tactical training.

In conclusion, the BOPC found Detective A's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

In this incident, Detective A encountered a rattlesnake and armed himself to protect his animals and himself.

California law permits an individual to carry loaded weapons on their own property and Detective A's status as a police officer does not limit his right to do so. As such, the Department's policy relative to exhibiting a firearm does not apply to off-duty officers under these circumstances.

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

C. Use of Force

In this incident, Detective A encountered a rattlesnake while attempting to take out his trash. Detective A observed the snake coiled with its tail rattling and feared for his safety and that of his dogs. Detective A attempted to remove his three dogs, two of which were trying to gain access to the snake, from the area but was unable to do so. As a venomous reptile, a rattlesnake represents a substantial threat of serious bodily injury or death to both people and animals. As a result, the use of a firearm to destroy the snake under these circumstances was objectively reasonable and within Department guidelines.

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