

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

**OFFICER-INVOLVED ANIMAL SHOOTING 107-06**

<b>Division</b>	<b>Date</b>	<b>Duty-On(x) Off( )</b>	<b>Uniform-Yes(x) No(x)</b>
Foothill	11/27/2006		

<b>Involved Officer(s)</b>	<b>Length of Service</b>
Officer A	10 years, 7 months
Officer B	1 year, 1 month
Officer F	6 years, 11 months

**Reason for Police Contact**

Officer responded to a burglary radio call.

<b>Subject(s)</b>	<b>Deceased (x)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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 October 23, 2007.

**Incident Summary**

Officer A and B were in full uniform, driving a marked police vehicle. The officers responded to burglary radio call. The burglary subjects were described as four males, 15 to 16 years, with backpacks, who had entered a window to a house. Officer F and plainclothes Officers G and H also responded to the location. While en route to the location, the officers communicated with each other using cellular phones.

Officer A took charge of the scene and formulated a plan to contain the target location and identify the point of entry. Once the point of entry was discovered, the officers would cover the point of entry and request Department resources including an airship, K-9, and possibly SWAT to respond. Officer A indicated he would check the front door of the house. Officer A directed Officers B and C to cover the front of the house. Officers G and H were assigned to cover the north side of the house. Officers D and E were assigned to cover the south side of the house, including the backyard (to the west side of the residence). Officer D unholstered his firearm as he approached the south side of the house due to the possibility of burglary subjects inside the residence.

As Officer D positioned himself on the south side of the house toward the backyard, he noticed an open door that led to the garage. Officer D told Officer E of his observation. Officer E, in turn, told Officer C, who was covering the driveway in front of the house. Officer C relayed the information to Officers A and B.

Once the officers had positioned themselves, Officers A and B drew their pistols and approached the front of the house. The officers heard noises coming from inside the house. Officers A and B verbally acknowledged with one another that they heard something. As Officer A moved toward the front door, Officer B, who had positioned himself behind a small palm tree in the front yard, observed an individual look out from a large window at the front of the house. After discovering the front door was locked, Officers A and B decided to check the garage via its open door. Officer C was advised by Officer A to hold the front of the house to ensure the subjects did not exit the residence. In preparation to enter the garage, Officer A assembled an entry team, which he would lead, followed by Officers E and B. Officer E drew his pistol prior to entering the garage. Officer F remained in the walkway on the south side of the house.

According to Officer B, the intent of going to the garage was to clear it and make sure there were no subjects inside. At this point, the officers suspected that burglary subjects were inside the house, based on the information from the radio call, the noises they heard inside the residence, and the actions of the individual observed by Officer B at the front window. There was no communication between the entry team and the officers on the perimeter regarding Officers A, E, and B's intent to enter the garage. Officer A looked inside the garage through the open door then made entry, followed by Officer E. According to Officer A, his eyes had to adjust from being in daylight and moving into darkness. Just as Officer A's eyes adjusted, he observed a large Rottweiler dog run toward him with its mouth opened and growling. Officer A took one step back, moved out of the garage, and yelled. Fearing for his life, Officer A fired one round in a northeasterly direction from a distance of 12 to 18 inches at the dog, which caused the dog to change direction slightly.

The officers did not observe any posted signs or other indicators of a dog being at the residence such as food or water dishes or animal waste in the yard or. The officers did not hear any barking prior to encountering the dog.

After backing out of the garage, Officer B went to Officer A's left, in a southwesterly direction. Officer E moved to the right in an easterly direction, passing Officer F. Officer F recalled Officer E running past him and mentioning dog. Officer F drew his firearm after hearing the first gunshot. After Officer A fired his round, the dog ran in Officer B's direction. Officer B, fearing for his safety, fired one round at the dog from a distance of three to four feet. The dog ran past Officer B in a westerly direction, made an immediate U-turn, and ran toward the walkway leading to the front of the house, passing Officers A and B. According to Officer B, after the dog made a U-turn he believed the dog was coming after him to maul him. However, being aware that Officer D was in the background, he kept his firearm in a low ready position and jumped back allowing the dog to pass him.

Officer F, who was still at the walkway, approached the rear of the garage in a westerly direction with his pistol in a low ready position. He observed the Rottweiler running towards him. Officer F backed up to retreat, but the dog continued to charge. Fearing for his safety and the safety of the officers that were behind him, Officer F fired one round in a downward westerly direction at the dog from a distance of approximately nine feet, which appeared to have no effect. Officer F then fired two additional rounds in a downward westerly direction from a distance of approximately four to five feet, which caused the dog to slow down and then run past Officer F. Officer F saw the dog slow down quite a bit, kind of lost its aggression, and then go toward the front of the house. Once the dog was out of his sight, Officer F holstered his firearm.

Around the same time Officer F fired his last round, Officer A screamed and said, "You shot me. You shot me," while looking at Officer F, and began hobbling on his foot. Officer B also felt something hit his hand and shin and felt pain; however, he did not immediately inform other officers of his injury. Officer B looked at the garage door. Since nothing else came out, he holstered his firearm.

According to Officer F, he was aware that Officers A, B, and D were in the backyard area; however, he did not see them in the background when he engaged the dog and fired his weapon. Officer E recalled Officer A firing one round and Officer F firing possibly two rounds. Officer D recalled hearing three rounds fired. Officer G heard approximately four rounds and drew his pistol. Officer H recalled hearing three rounds and then one of the officers saying, "I got shot. He shot me." Officer C recalled hearing approximately three rounds. Officers C and H did not draw their weapon at any time during this incident.

Officer D broadcast that shots had been fired and requested a Rescue Ambulance (RA) for an officer who was hit in the leg.

Officer E monitored the dog's movement and observed the dog run east toward the front of the house and then north onto the sidewalk, where the dog collapsed. Officer E holstered his firearm.

## **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, B, F, and E's tactics were severely deficient, requiring administrative disapproval.

### **B. Drawing/Exhibiting/Holstering**

The BOPC found Officers A, B, D, E and F's drawing to be in policy.

### **C. Use of Lethal Force**

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

## **Basis for Findings**

### **Tactics**

The BOPC noted that when CD broadcast the radio call, the officers quickly acknowledged the call and updated their status. Additional officers were attentive to the radio broadcast and responded to assist the uniformed officers. Additionally, the responding officers had the foresight to gather additional information regarding the exact location of the subjects and requested an air unit. As expected, Officer A discussed different scenarios with Officer B, a probationary officer, as they responded to the location. These tactical decisions were exemplary and commensurate with Department training.

However, once the officers arrived on scene and established a perimeter, numerous tactical deficiencies occurred. The officers did not establish a tactical frequency to communicate with each other. As a result, once Officers A and B became aware of noises and movement from within the location, perimeter posts were not informed. Additionally, no subsequent proactive effort was made by Officers A and B to inform all the officers at the scene as to their observation. Once alerted to an open door,

apparently unforced, Officer A elected to assemble an entry team to determine if there was a point of forced entry within the garage. The BOPC was critical of this decision. Based on his knowledge of the call, the established perimeter, and his observations, Officer A should have considered the open garage door a potential point of entry and weighed all of his options.

In Officer A's statement, he indicated that his plan of action was to locate a point of entry, request the necessary resources, ensure that the perimeter was secure and attempt to establish communications with the suspect inside. However, Officer A deviated from his plan by initiating a search of the garage. Officer A and the other officers should have maintained their containment of the residence and attempted to establish communications with the subjects inside the residence. It appears that Officer A discussed his tactics with Officer B; however, he did not continue with his plan of action or advise the other officers at the scene of his initial plan. In addition, the officers did not discuss any contingencies in the event they were confronted with a sudden event such as fleeing subjects or shots fired. Overall, effective communication among the involved personnel in this instance was clearly lacking.

The BOPC was also concerned that no effort was made by any of the personnel present to replace the plainclothes officers occupying perimeter positions. Although their initial response and deployment was prudent, once the location was contained, they should have been replaced with uniformed officers. The investigation into this incident revealed that the plainclothes officers were equipped only with their service pistols and handcuffs. As such, not only were they not easily identifiable as police officers, but they were not properly equipped to handle a combative suspect. Again, had the officers taken a more methodical approach to resolving the incident, proper personnel would have been emplaced before any tactical response was initiated.

Also, Officer E was assigned to second position on the entry team. After Officer A encountered the dog, Officer E abandoned his position and ran past Officers B and F to the front of the residence. This action compromised the integrity of the entry team and therefore diminished overall officer safety. The BOPC would have preferred that Officer E had maintained his position on the entry team in order to facilitate the resolution of the task at hand and to render any aid required by the other officers assigned to the entry team. The investigation revealed that Officers A and F did not have their service pistol magazines loaded to full capacity. Additionally, Officers F, G, E, H, D, and C were not equipped with batons. The officers should be reminded on the importance of carrying the required equipment when working in the field, to ensure that their force options are not limited. Although Officer A was the tenured and ranking officer at the scene of this incident and shouldered the balance of the responsibility to ensure that proper tactical doctrines, policies and procedures were followed, all the personnel at scene and specifically those ultimately assigned to the entry team were responsible in resolving this incident as safely as possible.

The BOPC determined that Officers A, B, F, and E's tactics were severely deficient, requiring administrative disapproval.

## **Drawing/Exhibiting/Holstering**

The BOPC noted that Officers A, B, D, E and F were members of a search and/or containment team while conducting a burglary investigation.

The BOPC determined that Officers A, B, D, E and F had sufficient information to believe that the situation could escalate to the point where deadly force may become necessary. The BOPC found Officers A, B, D, E and F's drawing in policy.

## **Use of Force**

The BOPC noted that after passing the threshold of the garage door, Officer A encountered the dog that was charging at him while bearing its teeth. Fearing for his safety and to stop the perceived threat, Officer A informed the other officers of the dog's presence, stepped back and fired one round in a northerly direction, toward the ground from approximately 12 to 18 inches.

The dog then charged toward Officer B who was now standing to the left of Officer A. Fearing for his safety and in an attempt to stop the perceived threat, Officer B fired one round in a northerly direction at the dog from approximately three to four feet. The dog changed directions and ran in an easterly direction.

The BOPC determined that Officers A and B reasonably believed that the dog presented an immediate threat of serious bodily injury. The BOPC found Officers A and B's use of lethal force in policy, requiring no action.

As the dog charged toward Officer F, he attempted to step back to create distance but was unable to, due to the dog's rapid advance. Fearing for his safety, Officer F fired one round from approximately nine feet. Unaffected by the first round, the dog continued to charge Officer F, at which time Officer F fired two additional rounds at the dog from a decreasing distance of five to three feet.

The BOPC determined Officer F reasonably believed the dog presented an immediate threat of serious bodily injury, but should have recognized a significant danger posed by discharging his service pistol while Officers A, B and D were standing in the background. Officer F should have been given substantial consideration as to whether a dog bite posed more of an overall threat to himself and the officers present, than the discharge of a firearm in a crossfire situation.

The BOPC found Officer F's use of lethal force in policy.