

Richmond settles dog-shooting suit

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A story Thursday on Page A1 of some editions and Page A5 of others misidentified the agency that approved the city of Richmond's settlement of a federal lawsuit in a dog-shooting case. The Municipal Pooling Authority of Northern California approved the settlement.

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Cynthia Peters now owns two pit bulls in place of the one Richmond police shot in summer 2005, but they will never replace Blu in her heart. Her devotion to that 90-pound ball of muscle — and perhaps the cavalier treatment she says she received when she complained — made the federal lawsuit settlement all the more sweet.

The Richmond City Council formally agreed last week to pay three plaintiffs and their attorneys \$225,000 to settle their complaints about the July 27, 2005, shooting in the 100 block of Sixth Street.

"It's just a relief that it's finally over," Peters said. "We're just really tired and glad that justice was done."

Peters and her boyfriend, Mark Parr, sued in federal court last year, saying the officers had insufficient reason to shoot, and the department did little to investigate their complaint afterward.

The suit also said police illegally arrested and booked Parr into City Jail during the aftermath of the shooting. Parr was released a few hours later, and police never filed charges against him.

Assistant city attorney Bruce Soublet confirmed the settlement Wednesday and deferred comment to a contract attorney who handled the case, who did not return a call.

The settlement included \$210,000 for Peters and Parr, and \$15,000 for a woman injured when a shell casing ejected from an officer's weapon struck her neck.

"It's pretty clear that police officers have to use reasonable force and have to have a plan when making a decision to use deadly force, whether it's against somebody's pet or (a person)," said Walnut Creek attorney **Andrew Schwartz**, who represented Peters and Parr.

Two officers from the department's now-defunct Violence Suppression Unit shot Blu a total of 12 times after opening a gate on the side of an apartment building.

The officers had chased a man suspected of dealing drugs into the building and were taking positions around it.

Police said the dog leapt out and attacked when the officers opened the gate. Peters and Parr say they had asked before the officers opened the gate whether they needed to put their dog inside. They also say that Blu did not attack when he emerged on to the sidewalk, but instead hopped about excitedly.

Peters submitted several written statements from witnesses to the police department that supported her version of events, albeit without complete names and information that would have enabled the department to call those witnesses independently.

But the revelation that police did not attempt to reach any of those witnesses before rejecting her complaint prompted a frustrated City Councilman Tom Butt to summon police administrators before the council months later to explain themselves.

"I will tell you that the current police chief (Chris Magnus) was kind enough to meet with us prior to there being a lawsuit to offer his condolences relating to the loss of the dog," Schwartz said. "And I believe they changed their policy relating to use of force against animals, so I think some good came of this unfortunate incident."

After the shooting, the police department, with assistance from the Richmond Police Commission, created a more extensive department policy about how and when to use deadly force against dogs. The department also gave officers training about how to handle dog encounters.

The settlement was the second-largest payout for an officer-involved dog shooting in city history. After seven years of litigation, a federal court in 1998 awarded a \$255,000 judgment to a dog owner in a 1991 case with similar circumstances.

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