

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

WARNING SHOT (ANIMAL) – 035-17

Division Date Duty-On (X) Off () Uniform-Yes (X) No ()

Hollenbeck 5/24/17

Officer(s) Involved in Use of Force Length of Service

Officer A 30 years

Reason for Police Contact

Officers responded to a call of two German Shepherd dogs running loose. Upon arrival at the scene, the officers were on foot, looking for the dogs when both dogs ran aggressively toward them, resulting in a warning shot fired at the animals. The dogs both turned and fled and were subsequently caught by Animal Control officers.

Subject(s) Deceased () Wounded () Non-Hit (X)

(2) German Shepherd Dogs

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, 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 May 15, 2018.

Incident Summary

Officers A and B received a radio call of two loose German-Shepherd dogs, chasing people in the area.

Officers A and B arrived at the scene and were waiting to make a left-hand turn, when Officer B observed a dog crossing the street, close to their location, and advised Officer A of his observations. Officer A drove to the area where his partner observed the dog. As the officers were looking for the dogs, they observed Los Angeles School Police Officer C, also at the location.

Officers A, B, and C, sat in their respective vehicles, while stopped on the street looking for the dogs. Officer C asked if Officers A and B received a radio call regarding aggressive dogs. Officer A advised they had and further informed Officer C that he and his partner were going to check the area in an attempt to locate the dogs. Officer C advised Officer A that if he was going to check the alley, he could not enter with his vehicle due to the fact there was a chain preventing vehicles from entering.

Officers A and B parked their police vehicle on the street and walked toward the alley where the dogs had last been seen. As Officers A and B entered the alley there were no signs of any dogs in the immediate area. The alley had a chain-link fence to the north, and a fence ran along the majority of the alley. On the south-side of the alley there was a heavily vegetated embankment approximately 25 to 30 feet high. At the top of the embankment were several residential homes.

Both officers walked into the alley. Officer B entered first and was followed by Officer A, who was approximately ten feet behind his partner, as they both walked in the middle of the alley. Officers walked approximately 50 feet into the alley when Officer A heard some movement coming from the side of the alley, from bushes near the top of the embankment. Officer A heard a dog bark and then some growling.

Simultaneously, as Officer A turned his body, he observed one dog running down the embankment toward him and his partner. As Officer A continued to track the dog, he quickly realized that a second dog was right behind the first dog.

Security video obtained from a nearby building documented movement in the bushes, mid-way down the embankment, and a dark object moving down toward the officers. The security video documented a dark-colored object, and as it reached the bottom of the embankment into the alley, it became apparent there were two dogs.

According to Officer A, both dogs acted aggressively by showing their teeth as they ran down the embankment toward the officers. The two dogs reached the bottom of the embankment and were facing Officer A. Officer A, in fear for his safety and the safety of his partner, unholstered his service pistol and took aim at the ground in front of the first dog. He fired one round from a distance of approximately 12 feet, in front of the first dog. The first dog immediately turned around and ran back up the embankment, while

the second dog ran along the alley.

Officer A requested additional units and a supervisor to respond to his location. Officer A also requested that Animal Regulations personnel respond to the immediate area and assist in locating the dogs, due to the dogs not being contained and showing signs of aggression. In response to Officer A's request, Sergeant A arrived at the scene. Sergeant A obtained a Public Safety Statement (PSS) and ordered Officers A and B not to discuss the incident with anyone until the arrival of FID.

Officers A and B remained at the scene to help locate and contain the dogs, due to the fact that both dogs were still loose and posed a threat to a local elementary school, which is in the immediate area. Meanwhile, Officer C made contact with employees at the school so that they could take precautionary actions to avoid the aggressive dogs from entering the school grounds.

Although Animal Regulations had been notified, the call was unassigned and no Estimated Time of Arrival (ETA) was given. Sergeant A notified the Area Watch Commander of what had occurred. Sergeant A requested three additional supervisors to his location to assist with the separation and monitoring of the involved and percipient officers.

Sergeant A continued to monitor both officers until the arrival of the other sergeants. Los Angeles Animal Control Officers also arrived and were briefed. Animal Control Officers assisted officers in locating and taking both dogs into custody without further incident. Both dogs were transported to the animal shelter.

Real-Time Analysis and Critical Response (RACR) Division was contacted and advised of the shooting. RACR contacted Force Investigation Division (FID).

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 of a firearm 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 Officers A's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A's lethal use of 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, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

In its analysis of this incident, the BOPC identified the following tactical consideration:

- Dog Encounters

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the BOPC found Officer A's tactics to warrant a Tactical Debrief.

Detention

- Does not apply.

Tactical De-Escalation

- Does not apply.

B. Drawing/Exhibiting

- According to Officer A, he observed two German Shepherds running quickly down the hill. The dogs looked aggressive, were barking, baring their teeth, and were coming down the hill as fast as they could. Believing he was going to be attacked by the dogs, Officer A drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Officer A – (pistol, one round)**

According to Officer A, he wanted to protect himself and his partner, but he did not want to kill the dogs. He believed that if he could fire a round in front of the dogs, it would deter them from attacking. When the dogs got within 12 feet of Officer A, he fired a single warning shot into the ground approximately two feet in front of the dogs, to stop the dogs' attack.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe that the attacking dog represented an immediate threat of serious bodily injury and that the lethal use of force would be justified.

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