

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 051-17**

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

Harbor                      7/5/17

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

Officer B                      21 years, 10 months

**Reason for Police Contact**

Officers responded to a radio call of two dogs attacking a female. Upon their arrival at the residence, they observed a female down in a gated yard with two large dogs. After determining the female needed immediate medical attention, an officer-involved shooting of an animal (OIAS) occurred.

**Animal                      Deceased (X)                      Wounded ( )                      Non-Hit ( )**

Cane Corso 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, 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 June 19, 2018.

## **Incident Summary**

Officers A and B were conducting patrol duties. Officer A was the driver and Officer B was the passenger. Witness A was inside her residence with her two small children. According to Witness A, she went to the garage, located in the rear yard to do laundry. Her boyfriend's two dogs were in the yard. The female dog seemed to be acting aggressive toward her. Witness A jumped onto the washing machine, then onto the water heater to get out of the dog's reach. The dog was able to latch onto her leg and pull her to the ground, then proceeded to maul her.

Witness B was inside her residence with Witness C when she heard a woman and a child screaming. Witness B went out the front door and observed Witness A's daughter in the front window of their residence. She was crying and screaming that something was hurting her mom. Witness B, along with Witness C, crossed the street, looked over the fence and observed two dogs viciously attacking Witness A. Witness C called 9-1-1. Witness B gained access to the house and removed the children to her house for their safety.

Communications Division (CD) broadcast, "Any Harbor unit, ambulance vicious animal in progress [...]".

Officer B broadcast they would respond from their location. Sergeant A advised CD she was responding from Harbor Station.

While en route to the location, Officers A and B discussed their roles and decided Officer A would be lethal while Officer B would utilize the less-lethal beanbag shotgun. Both Officers activated their Body Worn Video (BWV) cameras. Six minutes later, the officers arrived and utilized the Mobile Digital Computer (MDC) to reflect their status. They observed three witnesses, identified as Witness B, Witness C, and Witness D in front of the residence. Officer A parked close to the location while Officer B retrieved the beanbag shotgun from the police vehicle.

The witnesses directed them to the gate of the residence. Officer B utilized the steps leading to the front door, at the corner of the gate, to look over the fence. Officer B observed Witness A, positioned at the end of the driveway in front of the northwest corner of the detached garage. She was lying on the ground with significant bite injuries to her entire body. According to Officer B, Witness A was not moving and was unresponsive to the officer's calls. There were two large dogs in the yard. One dog was standing near Witness A, the second was positioned midway in the driveway between the officers and Witness A. According to Officer A, the dogs appeared to be agitated, barking, and defending their territory although they were not attacking Witness A at that time. Officer B requested additional units with beanbag shotguns, a Rescue Ambulance (RA), as well as Animal Control, followed by a request for the dog lasso.

According to Officer B, once the officers realized they may need to use lethal force, he believed Officer A's rifle would be the more effective tool to stop the large dogs. Officer

A went to the police vehicle to retrieve his rifle, while Officer B maintained his position with the beanbag shotgun.

According to Officer B, he and Officer A had additional discussions regarding the use of the beanbag shotgun to control the dogs. Officer B did not feel he could control two large dogs with his limited number of beanbag rounds. Officer B ultimately decided, due to the size of the dogs, the beanbag shotgun posed too great a risk to Witness A. He believed it would cause the dogs to become further agitated and territorial, posing further injury to Witness A.

Two minutes later, the Los Angeles Fire Department (LAFD) RA, manned by Firefighter Paramedics (FF/PM) A and B, arrived at the location. Officer A directed them to the gate to assess Witness A. Firefighter Paramedics A and B observed Witness A and believed she was severely injured and in need of immediate medical attention. Firefighter Paramedic A advised the officers they needed access to Witness A and that they would not enter the yard without the dogs being put down. Officer B broadcast, "Be advised the RA took a look at this lady and she needs attention now, we may have to take these dogs down."

Sergeant B was in the process of responding to the radio call. He heard Officer B's broadcast and, via his radio, advised he was ten minutes away. Sergeant B further advised Officers A and B that if they believed deadly force was necessary, they should use it.

According to Officer B, he determined the best way to ensure the dogs were disabled was to use slug shotgun rounds instead of the high velocity rifle rounds. His concern was the rifle rounds travelling through the dogs and striking Witness A. Officer B retrieved his shotgun from his vehicle. He returned to the steps on one side of the gate, assuming a right-hand shooting stance, utilizing the fence as a platform to aim the shotgun at the male dog.

Sergeant A arrived and was directed to the gate by Officer A. According to Sergeant A, she observed Witness A lying on the ground, appearing lifeless, with what she identified as a large dog between them and Witness A. In her experience, she knew that breed to have the potential to be violent and vicious. Sergeant A, seeing the immediate need for medical attention, directed Officer B to shoot the dog until she no longer believed it to be a threat.

According to Officer B, due to the life threatening injuries to Witness A, and the immediate need to get access to Witness A, he fired one slug round from his shotgun from an approximate distance of 30 feet, striking the male dog. The male dog remained standing as the female dog fled to a kennel in the garage, just south of Witness A. As the male dog was still upright, Officer B believed he remained a threat for any rescue attempts. As Sergeant A said, "shoot him again," Officer B fired a second slug round from his shotgun, from an approximate distance of 30 feet, striking the dog.

Sergeant A, observing the dog was not incapacitated, directed, “shoot him again,” four times, followed by “he’s suffering, just put him out, we can get in there faster.” According to Officer B, he fired a third slug round from his shotgun from an approximate distance of 30 feet striking the dog. Officer B believed the dog was incapacitated. Officer A broadcast, “Be advised we have a supervisor on scene, shots are already fired at the dog, standby.”

Additional personnel arrived at the location, as well as Sergeant C. Sergeant C arrived and directed the officers to enter the gate to contain the female dog in the kennel. The officers entered the yard with the paramedics following behind to provide medical attention to Witness A. Sergeant B also arrived on scene.

LAFD transported Witness A to a hospital. Sergeant B directed additional responding units to set up the crime scene acting as the Incident Commander (IC). Sergeant B directed Officer B to remain with him. Sergeant B directed Officer B to place his shotgun in Sergeant B’s police vehicle’s trunk. Sergeant A obtained a Public Safety Statement (PSS) from Officer B.

The residence was searched for any additional victims as the comments of the call advised there were children inside. A puppy, secured in a kennel, was located inside the residence with no additional victims. Los Angeles City Animal Control Officer A arrived at scene and removed the female dog from the kennel and transported her to the Harbor Shelter.

### **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 Sergeant A and Officer B’s tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

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

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

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

### **Basis for Findings**

- Detention

The BOPC noted that detention did not apply for this incident.

## **A. Tactics**

- Tactical De-Escalation

The BOPC noted that tactical de-escalation did not apply for this incident.

- During the review of this incident, the following debriefing point was noted:
  - Dog encounters
- 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.

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.

In conclusion, the BOPC found Sergeant A and Officer B's tactics to warrant a Tactical Debrief.

## **B. Drawing and Exhibiting**

- According to Officer B, he determined that a slug shotgun round would be the quickest, safest, and most effective way to put the dogs down. He then obtained his shotgun from the police vehicle and loaded slug rounds into the shotgun.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B, while faced with similar circumstances,

would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

In conclusion, the BOPC found Officer B's drawing and exhibiting of a firearm to be in policy.

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

- **Officer B** – (Shotgun, three slug rounds)

#### First Slug Round - From an approximate distance of 25 feet.

According to Officer B, the situation had gotten to the point where the officers had to get to Witness A, and there was not an option other than to shoot the dogs. He then aimed at the dog's body and fired one slug round at the dog to stop the threat.

#### Second Slug Round - From an approximate distance of 25 feet.

According to Officer B, he assessed and believed the round hit the dog because the dog reared up and came back down. However, the dog was still standing and a threat, so he fired a second slug round at the dog to stop the threat.

#### Third Slug Round - From an approximate distance of 25 feet.

According to Officer B, he assessed and observed the dog stagger and fall to the ground. The dog then raised his head and put one leg out. Believing that the dog was still able to stand and it was not safe to approach, he fired a third slug round at the dog's head to stop the threat.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer B would reasonably believe that the dog represented an imminent threat of serious bodily injury or death to the victim, himself, his partner, and LAFD personnel, and that the use of lethal force would be justified.

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