

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

OFFICER-INVOLVED ANIMAL SHOOTING – 066-17

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

Rampart 9/19/17

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

Sergeant A 20 years, 10 months

Reason for Police Contact

Officers responded to a radio call of two vicious dogs running loose in the area of an elementary school. Sergeant A responded to assist. Upon his arrival, he found the two dogs in question running in the street. One of the dogs ran past him, but the other circled around him and then moved toward him with his teeth bared, resulting in an officer-involved animal shooting (OIAS).

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

German shepherd 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 July 24, 2018.

Incident Summary

The incident began when Communications Division (CD) received a 911 call from an individual who stated two large German shepherd dogs were loose on the street. The operator asked the person reporting (PR) if the dogs were chasing anyone, and the PR replied, "Yeah. They were chasing a person, but the person managed to jump over a small gate." CD broadcast the call to the units.

Police Officers A and B advised CD to assign them the call. The officers were in a marked black and white police vehicle equipped with ballistic door panels and a Digital In-Car Video System (DICVS). The officers were equipped with Body Worn Video (BWV).

A short time later, another PR called CD and reported that two German shepherd dogs were now attacking children in the area. CD broadcast, that two vicious animals, a vanilla German shepherd and a black German shepherd, were attacking children, and that units should respond with emergency lights and siren (Code Three).

Note: This location was approximately a half mile from the area of the original call.

Police Officers C and D advised CD to assign them the call. The officers were in a marked black and white police sport utility vehicle (SUV) equipped with ballistic door panels and a DICVS. The officers were equipped with BWV.

Sergeant A was in a marked black and white police vehicle equipped with ballistic door panels and a DICVS. Sergeant A was equipped with BWV. Sergeant A advised CD he was also responding Code Three to the vicious animal call.

Both Sergeant A's DICVS and BWV cameras were activated at this point. The following information was gleaned from several sources.

An Air Unit arrived overhead. CD advised Rampart units that Department of Animal Services had been notified of the incident. Officer C acknowledged and advised CD he had not located the dogs.

Sergeant A notified CD of his status and location via his Mobile Digital Computer (MDC).

Sergeant A drove his police vehicle and observed Officers C and D in their police vehicle stopped. Witness A was standing outside of the driver's side door of the police vehicle advising Officers C and D that he had been bit by some dogs. Sergeant A pulled next to the driver's side of the police vehicle and asked for the location of the dogs. Witness A then pointed in a southern direction.

Officer C broadcast, "Can I get an RA (Rescue Ambulance) to respond for a male, conscious and breathing suffering from a dog bite."

Sergeant A drove down the street and observed an unidentified female waving her arms on the sidewalk. Sergeant A stopped, exited his police vehicle, and entered a business located on one side of the street. Sergeant A met with Witness B who told him a dog had bitten her leg.

The Air Unit broadcast that they could see the dogs in the area and advised the ground units where the dogs were seen.

Sergeant A broadcast that he had contacted a second dog bite victim (Witness B).

Concerned about the public's safety, Sergeant A re-entered his police vehicle, continued driving, and negotiated a turn to search for the loose dogs. Sergeant A observed a black German shepherd on the sidewalk and broadcast that he had located a loose dog that matched the dog described in the broadcast. Sergeant A negotiated a turn and stopped his police vehicle, near the curb of the roadway. Sergeant A noticed additional German shepherds in the front yard of the residence he was standing next to, and noted that the dogs were barking and appeared excited.

Sergeant A noticed a school on one side of the street and observed children playing on the school grounds. Sergeant A got on the public-address system (PA system), via his police vehicle radio, and advised school staff to take the children inside the school due to the loose dogs. According to Sergeant A, the children then entered the school. Officers C and D then arrived. Officer D parked behind Sergeant A, at which time Officer C exited the police vehicle armed with a shotgun.

According to Sergeant A, the dog faced him, and he noticed the dog was wagging its tail, appeared happy, and did not display any signs of being aggressive. The dog walked toward Sergeant A as he opened the left rear passenger door of his police vehicle and attempted to have the dog enter the back seat of his vehicle.

Simultaneously, the Air Unit broadcast that they still could see the two vicious dogs running in the area. The Air Unit advised, "They tried to attack this guy on the north side of the street. He climbed on top of a car. I need someone to come down here Code Three."

Officers A and B responded to the area of the Air Unit's request to search for the vicious dogs. Officers C and D left Sergeant A to search for the additional loose dogs.

Officers A and B arrived in the area and observed a suspect standing in the rear bed of a pick-up truck. A tan and brown dog and a black dog later were roaming the north sidewalk of the street. Officers C and D arrived to assist Officers A and B.

In the interim, the school plant manager was in the school yard and asked Sergeant A if he needed a rope. Sergeant A stated he did need a rope while continuously attempting to place the calm dog in the back seat of his police vehicle. According to Sergeant A, the school plant manager warned him that one of the dogs at the residence next to him was known to jump the fence and bite people.

The school plant manager entered his black truck, exited the school property, and drove to give Sergeant A a rope. Sergeant A created a makeshift leash, at which time an unidentified male drove on the street and stopped his white cargo truck next to Sergeant A. The male advised Sergeant A that two dogs were attacking people on the street near his location. Sergeant A issued a broadcast, advising the officers on the call that a citizen was reporting two additional dogs attacking one block away from his location.

Sergeant A placed the makeshift leash around the dog's neck, securing the dog. Sergeant A noticed the makeshift leash was loose and began to tighten the leash.

An additional Air Unit arrived overhead and relieved the previous Air Unit.

As Sergeant A tightened the makeshift leash, Witness C approached Sergeant A and told him the dog he captured belonged to a resident who lived just down the street. Witness C advised him the dogs were vicious and known to exit the yard. Suddenly, a tan/brown German shepherd and a black German shepherd began to trot down the street toward Sergeant A. The tan/brown dog was in the lead followed by the black dog. Sergeant A warned Witness C about the approaching dogs.

The tan/brown dog continued past Sergeant A and the police vehicle. The black dog passed Sergeant A, reached the rear trunk of the police vehicle, and began to growl and bark while opening his muzzle and displaying his teeth. According to Sergeant A, he noticed the black dog was excited, angry, and aggressive. The black dog turned toward the sidewalk and trotted toward the dog that Sergeant A had placed the leash on, at which time Sergeant A released the makeshift leash and backed up to create distance between himself and the dogs. The black dog reached the sidewalk, turned, and circled the leashed dog and again opened its muzzle, displaying its teeth in an aggressive manner.

The black dog completed its circle around the leashed dog and advanced toward Sergeant A. Sergeant A felt that his safety was in danger and, believing that the black dog was in attack mode, screamed at the dog to stop.

Sergeant A, fearing he was going to be attacked by the black dog, unholstered his service pistol and fired one round in a downward angle at the dog from an approximate distance of six feet utilizing a two-handed standing position. Sergeant A was aware that Witness C was close to the dog and his background consisted of a concrete sidewalk and a wrought iron fence. Sergeant A stated he fired because he felt at that particular moment that he was in danger of great bodily injury or death due to the way the dog was coming towards him.

Note: BWV captured the animal shooting incident.

The black dog was struck by the gunfire, fell onto the street, and began to yelp. The dog then got up and began to trot down the street, followed by the leashed dog. Simultaneously, the tan/brown German shepherd that was initially with the black dog jumped into the front lawn of the residence that Witness C had identified as belonging to the dogs. Sergeant A holstered his service pistol and broadcast that he had just shot one of the dogs and advised the dogs' direction of travel.

The Air Unit broadcast the direction the dogs were now running. Officers C and D entered their police vehicle and responded to the area. When the officers arrived at the location Officer C observed the black dog and the leashed dog trotting along the sidewalk.

Sergeant A broadcast a request for a supervisor. In addition, Sergeant A called the station and advised that he was involved in an OIS.

Officer D stopped the police vehicle as the injured dog and the leashed dog negotiated a right turn in front of him. Officer C exited the police vehicle, grabbed the makeshift leash and tied the leash around a bus bench securing the dog.

Sergeant B arrived at scene and obtained a Public Safety Statement (PSS) from Sergeant A. He then took possession of Sergeant A's Body Worn Camera.

The injured dog entered the rear parking lot of a business in the area. Because of the ferocity of the dog, numerous officers responded to the area to assist in his capture. Department of Animal Services, Animal Control Officer A, responded to the area and subsequently captured the injured dog, placing it in a compartment on his work truck. Animal Control Officer A then responded and picked up the leashed dog, placing inside a separate compartment in the truck. The dogs were subsequently transported to the Animal Care Center located in the City of Los Angeles.

Animal Control Officer B responded to the address of the owner of the dogs and completed an administrative citation citing the owner for Los Angeles Municipal Code (LAMC) Section 53.50 (a), Dog Kennel permits, and LAMC Section 53.06.2(a), Restraint of Dogs. As part of Department of Animal Services procedure, Officer B impounded the four German shepherds that remained on the property. Officer B placed the four dogs in their own compartments and transported them to the Animal Care Center.

Note: The Department of Animal Services did not have any record the dogs had received their vaccines. The dogs were placed on a 10-day quarantine and monitored for any signs of rabies. After the 10-day quarantine, the dogs did not display any symptoms of acquiring rabies and were released to the owner.

FID detectives located and interviewed Witness D. Witness D stated he was walking on the sidewalk approaching when he noticed the dogs in the yard begin to bark at him. As he passed the front yard, one of the dogs jumped the fence and ran toward him. Witness D described the dog as a medium build German shepherd, black in color.

The black dog bit his left arm at which time an additional German shepherd, brown in color, jumped the fence, approached Witness D, and bit his legs. Witness D defended himself by striking the dogs with a water bottle at which time they released their bite. The two dogs then ran.

Witness D was transported to the hospital by his mother. According to Witness D, he sustained abrasions and puncture wounds to his left arm and both of his legs. Witness D's wounds were cleaned and he was then released from the hospital.

Witness B stated she was walking her dog when her dog stopped to urinate. Suddenly, she heard her dog begin to cry. Witness B looked down and observed two German shepherd dogs biting the hind legs of her dog.

Witness B used her feet and pushed the two dogs away from her dog, ceasing the attack. Witness B picked up her dog and was then attacked by one of the dogs. The dog bit both of her legs when an unidentified male exited his vehicle and scared the dogs away. Witness B ran on the street and entered a business for her safety. Witness B stated she sustained abrasions to her knees as a result of the dog bites.

FID detectives interviewed Witness A. Witness A stated he was inside his residence, when he heard dogs barking and children yelling. He exited his residence and observed a black/white German shepherd dog, along with a grey German shepherd dog, surrounding a group of children while growling at them. The black/white dog then approached his front gate and began to bark at him. Both dogs then began to trot south down the street.

Witness A exited the front yard of his residence and walked to the corner to check on the children. Suddenly, the two dogs returned, at which time the black/white dog bit both of his legs and left wrist. Witness A struck the dog, causing the dog to cease his attack and flee the scene.

Witness E stated he exited his residence to move his truck that was parked on the side of street in front of his house. He noticed a helicopter overhead and then noticed two German shepherd dogs charging toward him. Witness E stated he dove into the bed area of his truck and then noticed police officers arrive at the scene. The officers exited their police vehicles and began to deal with the dogs. At one point in time, one of the officers jumped into the back of his truck with a gun in his hand.

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's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Sergeant A'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 its review of this incident, the BOPC noted the following:

- 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's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- According to Sergeant A, the black dog circled around the dog he was holding by the rope leash and then began growling, barking, and opening his muzzle. He observed that the black dog was excited and extremely aggressive, so he let go of the rope to give himself space between the both dogs and drew his service pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Sergeant A, 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 Sergeant A's drawing and exhibiting of a firearm to be in policy.

C. Lethal Use of Force

- **Sergeant A** – (Handgun, one round)

According to Sergeant A, he screamed at the black dog to get away from him; however, it continued his aggressive behavior and then began to charge at him. He backed away from the sidewalk onto the street as the black dog continued to charge at him. Believing that he was in danger of great bodily injury, he fired one round from his service pistol at the dog to stop the threat.

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

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