

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

OFFICER-INVOLVED ANIMAL SHOOTING 036-10

<u>Division</u>	<u>Date</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No()</u>
77 th Street	04/16/10		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Sergeant A	12 years, 6 months
Officer C	1 year

Reason for Police Contact

Officers responded to a radio call indicating that there were two unknown dogs attacking a female pedestrian in the middle of the street.

<u>Subject</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
Mastiff 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 and addenda items); the Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the BOPC 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 March 8, 2011.

Incident Summary

Sergeants A and Sergeant B, as well as Officer A, Officer B, and Officers C and D, responded to a radio call indicating that there were two unknown dogs attacking a female pedestrian in the middle of the street. Officers responded to the scene and received information from witnesses that three Bull Mastiff dogs had attacked and

severely wounded a female, later identified as Victim A, in the middle of the street. Victim A sustained numerous bite wounds to her arms and legs and subsequently required surgery. Officers received additional information from witnesses that two other people had been bitten by these dogs and received injuries. No additional information as to these other victims was established by the investigation.

The officers searched the immediate area, and observed three large Mastiff dogs walking south on the street. The officers used their police vehicles to corral the dogs at the southeast corner. According to Sergeant A, the dogs were extremely aggressive, growling, bearing their teeth. On several occasions, two of the dogs jumped onto the hood of Officer A's police and also jumped up and placed their paws on Sergeant B's driver's window, leaving numerous scratch marks on the driver door of the vehicle. Each time an officer attempted to open the police car door, the dogs would charge.

The officers called for assistance from the Department of Animal Services, then followed the dogs around the neighborhood for approximately two hours, attempting to contain them and prevent further attacks. According to Officer C, on several occasions, the dogs charged citizens standing in front of their homes. The officers successfully corralled the dogs between three police vehicles and a black van parked at the curb.

Animal Services personnel arrived in response to the earlier call and Sergeant A briefed the animal control personnel on the situation and developed a tactical plan in the event the dogs managed to escape containment and attacked the officers. The plan included designating Officer C as the shooter. According to Sergeant A, Animal Control personnel attempted to capture the dogs by placing a noose attached to a pole around the dogs' necks, but they were unable to do so, and the dogs escaped containment.

The Officers believed one dog was a pregnant female "in heat" and that the other two male dogs were protecting the female. Officers opened the rear door to one of the caged police vehicles, hoping the female would jump inside and the two males would follow. The female dogs did jump inside, but the other two dogs did not. Upon escape, the two dogs ran directly toward Sergeant A and Officer C. Sergeant A drew his firearm, and in fear for his safety and the safety of officers, he fired three rounds from his weapon at one of the dogs from approximately three feet away. In addition, Officer C, fearing for his life, drew his shotgun and fired four rounds at the closest charging dog, from a distance of approximately three to four feet away. The attack stopped as the dog was struck by the gunfire and fell to the sidewalk fatally wounded. The second male dog ran and hid under a parked van belonging to the Animal Control personnel and was subsequently captured. Animal Services personnel also captured the female dog from the back seat of the police vehicle and removed the surviving dogs from the location.

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 revolver 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 C's tactics to warrant a tactical debrief.

B. Drawing/Exhibiting

The BOPC found Sergeant A and Officer C's drawing/exhibiting to be in policy.

C. Use of Force

The BOPC found Sergeant A and Officer C's use of lethal force to be in policy.

Basis for Findings

In adjudicating this incident, the BOPC considered the following:

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. Each tactical incident inherently results in considerations for improvement. In this instance, although there were identified areas for improvement, the tactical considerations neither individually nor collectively *"unjustifiably and substantially deviated from approved Department tactical training."*

In conclusion, the BOPC found that a Tactical Debrief is the appropriate outcome for Sergeant A and Officer C to evaluate the events and actions that took place during this incident and assesses the identified tactical considerations with the objective of developing peak individual and organizational performance.

B. Drawing/Exhibiting

In this instance, Sergeant A and Officer C were confronted by two dogs charging toward them. Believing that the situation had escalated to the point where lethal force had become necessary to protect themselves from serious bodily injury, Sergeant A drew his service pistol and Officer C had armed himself with the Department authorized Remington shotgun. In conclusion, based on the circumstances, Sergeant A and Officer C's Drawing/Exhibiting was reasonable and within Department guidelines.

The BOPC found Sergeant A and Officer C's Drawing/Exhibiting to be in policy.

C. Lethal Use of Force

During this incident, two large dogs, who had previously attacked a female and had demonstrated their aggressive nature, advanced toward Sergeant A and Officer C. In response and in defense of themselves and other officers, Sergeant A discharged three rounds from his service pistol and Officer C discharged four rounds from his Department authorized shotgun at the charging dogs. Personnel with similar training and experience as Sergeant A and Officer C would reasonably believe that an attacking dog presents a significant risk of serious bodily injury or death.

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