

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

OFFICER-INVOLVED ANIMAL SHOOTING – 029-22

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

Mission 6/27/22

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

Officer A 5 years, 7 months

Reason for Police Contact

Officers responded to a call of two dogs attacking a woman (the Victim). Upon arrival, officers discovered the two large dogs still mauling the Victim, resulting in an officer-involved animal shooting (OIAS).

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

Two Cane Corso dogs (one deceased, one non-hit).

Board of Police Commissioners Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) 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 (FID) 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 (UOFRB) recommendations, including any Minority opinions; the report and recommendations of the BOPC of Police; and the report and recommendations of the Office of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on May 2, 2023.

Incident Summary

On Monday, June 27, 2022, a woman (the Victim) was alone at a residence. At approximately 1330 hours, the Victim exited the residence to bring trash to a receptacle in the rear yard when she was attacked by two dogs.

The Force Investigation Division (FID) investigation revealed that both dogs were three-year-old male Cane Corsos that weighed approximately 110 pounds each. According to the owner, he had owned the dogs since they were puppies and did not consider them to be aggressive. The dogs were kept in the rear yard and never had access to the interior of the residence.

According to the surveillance footage, both dogs continuously mauled the Victim over 17 minutes. At times, the dogs dragged the Victim by her arms and legs; tearing off her clothing; and biting her on the head, neck, arms, legs, buttocks, and groin area. As a result of the attack, the Victim required surgery and was hospitalized for several days.

Five minutes into the attack, at 1335 hours, Witness A stood at the side gate and repeatedly banged on the metal door. Both dogs ignored Witness A and continued to attack the Victim.

After several seconds, Witness A momentarily walked away from the gate and returned with a garden hose. Witness A stood outside the gate and attempted to spray water on the dogs. The water initially garnered attention from both dogs, causing them to move away. However, after several seconds, both dogs returned and continued to attack the Victim.

According to Communications Division (CD) records, at 1336 hours, CD received a 911 call from Witness B, who advised the Emergency Board Operator (EBO) about the dog attack. What sounded like a female screaming can be heard in the background of the call.

At 1338 hours, CD broadcast the call. Officer B acknowledged the radio call and responded Code Three (with the vehicle's emergency lights and siren activated). At 1339 hours, Los Angeles Fire Department (LAFD) dispatched Rescue Ambulance (RA) 91 to the location and notified CD of their response to the incident.

According to CD records, at 1339 hours, Officers A and C also acknowledged the radio call and responded Code Three.

According to Officer A's body-worn video (BWV), over a seven-minute period, while Officers A and C responded to the incident, the officers discussed how they would potentially handle the incident involving a vicious animal. Specifically, Officer A designated him/herself as the lethal-force officer and Officer C as the less-lethal force officer. Officers A and C also discussed the deployment of a shotgun, however, the buckshot shotgun "spread" pattern could place the victim in greater danger. Officer A

determined that a pistol would be a better option. If the situation changed, he/she could quickly holster the pistol, freeing his/her hands.

Officer C advised Officer A that he/she would retrieve the fire extinguisher from their vehicle. If the dogs were actively attacking the Victim when they arrived at scene, he/she would deploy the fire extinguisher immediately.

As the units were responding to the location, at 1341 hours, CD received a second call from Witness B.

According to the surveillance video, at 1342 hours, Witness C arrived at the gate and also began to spray water from the garden hose toward the dogs. The dogs momentarily stepped away from the Victim for several seconds before they resumed their attack.

According to Officer B's BWV, at 1345:07 hours, Officer B broadcast that he/she was Code Six (had arrived on scene). At 1345:56 hours, Officer B parked and exited his/her vehicle. A female voice can be heard screaming in the background as Officer B approached the location.

According to the surveillance video, at 1346 hours, LAFD personnel arrived on scene and were standing outside the gate where the Victim was being attacked. One of the firefighters threw a blue plastic trash pail over the gate toward the dogs, but it had no effect on the dogs.

According to Officer B, the Victim was moaning while she was laying on the ground on her back. The Victim had blood on both arms and wasn't wearing any clothing. Officer B observed two large dogs which he/she believed to be pit bulls that weighed approximately 100 pounds each, standing on the right and left sides of the Victim. Officer B noticed that the gate was locked and couldn't be entered, which was when he/she requested a back-up.

According to Officer B's BWV, at 1346:36 hours, Officer B requested a back-up and unit with a 40mm Less Lethal Launcher (LLL) to respond to his/her location. After completing his/her request, Officer B walked to the front entrance of the residence, before running back to his/her police vehicle and retrieving a slug shotgun.

According to Officer A's BWV, at 1346:48 hours, Officers A and C arrived at the scene.

According to Officer A's BWV, at 1347:22 hours, as Officers A and C exited their vehicle, Officer C went to the trunk to get a fire extinguisher as Officer A ran toward the location.

Officer A ran up to the location and traversed the seven steps from the sidewalk, up to the east side of the residence, where LAFD personnel were standing, looking over the gate.

According to Officer A's BWV, at 1347:44 hours, Officer A unholstered and assumed a two-handed grip on his/her pistol as he/she approached the gate. Officer A reached over the 5-foot-high gate with his/her pistol.

Officer A aimed his/her pistol at the dog in a downward direction, approximately three feet to the right of the Victim. Due to Officer A's position along the metal gate and the position of his/her BWV camera on his/her uniform, there is no BWV footage of the Victim or two dogs at the time of the OIS.

According to Officer A's BWV, at 1347:46 hours, the Victim can be heard screaming as Officer A fired a pistol round. Immediately afterward, sounds of a shrieking dog can be heard.

According to Officer A, he/she knew the fired round struck the dog because it curled its backside and let out a cry before running behind the Victim to the west end of the rear yard, out of Officer A's sight.

According to Officer A's BWV, at 1347:48 hours, Officer A fired a second pistol round and then the Victim can be heard crying loudly as she repeatedly shouted, "*Thank you. Thank you.*"

Officer A advised FID investigators that he/she was unsure if the second round struck the dog. However, after that round was fired, the second dog ran away from the Victim to the west side of the rear yard and out of Officer A's sight.

FID investigators determined that Officer A fired two pistol rounds in 2.1 seconds, from approximately 35 feet.

FID investigators also determined that the background for both rounds fired by Officer A was the ground and a three-foot-high cinder-block wall.

According to the surveillance video, at 1347:49 hours, after Officer A fired the second round, additional LAFD personnel arrived at scene.

According to Officer A's BWV, at 1349:15 hours, LAFD personnel forced the gate open. Officer A held his/her pistol at a two-handed low-ready as he/she entered the side yard and stopped just past the threshold of the gate. Officer B held a slug shotgun at the low-ready position as he/she entered the yard and took a position along Officer A's left side. Officer C also entered the yard and stood behind Officer A, equipped with a fire extinguisher.

According to Officer A's BWV, at 1349:28 hours, Officers A, B, and C moved toward the Victim's position, with LAFD personnel following behind them.

The officers moved past the Victim and stopped at the northeast corner of the residence. The officers held this position as LAFD personnel tended to the Victim. The

LAFD personnel immediately stood up the Victim and walked her out of the yard to the RA.

According to Officer A's BWV, at 1350:09 hours, once the Victim was extracted from the yard, Officers A, B, and C exited the yard and secured the gate without further incident. Officer A requested a supervisor and L.A. Animal Services to respond to the location.

At 1355:20 hours, Sergeant A arrived at scene and was briefed by Officer A. Officer A advised Sergeant A that he/she was involved in an OIS of a dog. Sergeant A immediately advised the officers who responded to the scene to lock it down and identified him/herself as the Incident Commander (IC).

According to Sergeant A, after he/she learned of the OIS, he/she considered separating and monitoring the officers, and obtaining a Public Safety Statement (PSS); however, at that time, he/she was the only supervisor at scene. Sergeant A was aware that additional supervisors were responding, and he/she planned to delegate to them the separation and monitoring of the involved officers.

Additionally, according to Officers A and B's BWV, at various times, Sergeant A questioned both officers about the incident in front of each other and other uninvolved officers. Sergeant A advised the FID investigators that his/her questions to the officers were necessary to ensure that no other victims were at the location who required medical assistance.

According to Sergeant B's BWV, at 1358:48 hours, Sergeant B arrived at scene and immediately deactivated his/her BWV camera at the completion of his/her Code Three response.

According to Officer A's BWV, at 1401:59 hours, Sergeant B was standing with uninvolved Mission Patrol Division officers when he/she asked Officer A, "*Who shot the dog?*" Officer A replied, "*I shot the dog.*" An officer standing with Sergeant B proceeded to obtain additional information about the incident from Officer A.

According to Officer C's BWV, at 1404:34 hours, Sergeants C and D arrived at scene. Sergeant C separated and monitored Officer A, collected his/her BWV camera, and obtained his/her PSS.

Sergeant D separated and monitored Officers B and C, collected their BWV cameras, and obtained their PSSs.

According to Sergeant B's BWV, at 1514 hours, Sergeant B led a team of several officers, along with personnel from L.A. Animal Services into the rear yard to secure both dogs.

Upon entry, the officers discovered one dog inside a kennel dead from an apparent gunshot wound and another dog alive & uninjured. The uninjured dog was secured by

L.A. Animal Services without incident.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) 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). Based on the BOPC's review of the incident, the BOPC made the following findings:

A. Tactics

The BOPC found Officers A, B, and C's tactics to warrant a Tactical Debrief.

B. Drawing/Exhibiting

The BOPC found Officers A and B'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

In making its decision in this/her matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves,

the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this/her case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this/her Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Verbal Warnings: Where feasible, a peace officer shall, prior to the use of any force, make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the officer has objectively reasonable grounds to believe that the person is already aware of those facts.

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,

- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this/her policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims, witnesses, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this/her Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this/her Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this/her policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this/her policy. Any deviations from the provisions of this/her policy shall be examined rigorously on a case-by-case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

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.

Tactical De-escalation

- **Tactical De-Escalation Techniques:**
 - Planning,*
 - Assessment,*
 - Time;*
 - Redeployment and/or Containment,*
 - Other Resources; and*
 - Lines of Communication.*

Planning and Assessment – While responding to the location, Officers A and C discussed their roles. Officer A was designated as the lethal force officer and Officer C as the less-lethal force officer. The officers discussed deploying a buckshot shotgun and whether the spread may place the victim in danger. Officer A determined that his/her pistol would be a better option if the dogs were close to a person. They also discussed several other less-lethal options, including the TASER and a fire extinguisher.

During Officer B's assessment, he/she believed that his/her pistol was not going to be sufficient if it turned into a lethal force situation. Likewise, based on his/her distance from the dogs, Officer B did not think a TASER or Oleoresin Capsicum (OC) spray would be a reasonable option. Based on his/her assessment, Officer B elected to retrieve his/her slug shotgun.

Arriving at the gate, Officer A observed the dogs approximately four inches from the Victim, so Officer A believed that she was in immediate danger of serious bodily injury or death and deemed lethal force necessary. After Officer A discharged the first round from his/her pistol he/she reassessed. Observing that the second dog had moved toward the Victim, Officer A discharged his/her second round.

Time – Based on the dogs' actions, Officer A determined that he/she had to take immediate action to prevent them from harming the Victim. In response, Officer A discharged two pistol rounds from behind cover. After the OIS, the officers used distance and cover to create time to formulate a plan to make entry into the side yard and extract the Victim.

Redeployment and/or Containment – When officers arrived at the scene, the dogs were contained in the yard. Unfortunately, so was the Victim. As such, Officer A was forced to act to save her from serious bodily injury or death. After extracting the Victim from the side yard, officers closed the gate and contained the dogs in the backyard until L.A. Animal Services personnel arrived.

Other Resources – When Officer B arrived at the scene, he/she observed the Victim lying on the ground with the dogs around her. Learning that the side gate was locked, Officer B requested backup and a unit with less-lethal force options. He/she then returned to his/her vehicle to obtain his/her slug shotgun.

As Officers A and C arrived at the scene, Officer C retrieved a fire extinguisher from his/her trunk. Officer C was en route to the side gate when the OIS occurred. The dogs' subsequent actions limited the officers' ability to use other resources to resolve this incident.

After the OIS, officers entered the side yard to extract the Victim. The officers were equipped with a pistol, slug shotgun, fire extinguisher, and TASERS. They also had LAFD personnel who tended to the Victim.

As additional resources arrived at the scene, Sergeant B formed a team of officers to escort L.A. Animal Services personnel into the rear yard to secure the dogs. Before entering the yard, officers used an air unit (helicopter) to locate the dogs in the backyard. Entering the backyard, officers discovered one dog deceased inside a kennel. The second dog, who appeared uninjured, was secured by L.A. Animal Services personnel without incident.

Lines of Communication – According to Officer A, as he/she arrived at the side gate, he/she heard the Victim say, *“Please, Officer, help me!”* She then said, *“I’m dying!”* Based on the dogs' subsequent actions, Officer A determined that lethal force was necessary to protect the Victim from serious bodily injury or death. After the OIS, Officer A advised CD that an animal OIS had occurred. Officer A also asked the Victim if she could walk toward the gate, but she was unable to. In response, LAFD personnel breached the side gate. Officer A advised responding officers that they would enter the yard to search for additional victims. Before entering the yard, Officer A advised the search team of their roles and ensured that they were ready to move forward. As they entered the yard, Officer A directed LAFD personnel to follow behind. As the team passed the Victim, she said she was dying. Officer A reassured her they were there to help. As the team reached the backyard, they held at the corner of the house while LAFD extracted the Victim; the Victim verified that no one else was in the backyard.

To avoid a second encounter with the dogs, officers exited the yard and secured the side gate.

- In its analysis of this incident, the BOPC noted the following tactical considerations:

Debriefing Point No. 1 - Dog Encounters

- Arriving at the scene, Officer B looked through the side gate and saw the Victim lying on her back. She was moaning and moving her arms around. The Victim had blood on both arms and was nude. Officer B also saw that the dogs were two feet away from the Victim. Both dogs were breathing very heavily and appeared to be tired. Based on the size of the dogs, Officer B believed that his/her pistol was not going to be sufficient if it turned into a lethal force situation. In response, Officer B returned to their patrol vehicle and obtained his/her slug shotgun.

As Officer B returned to his/her police vehicle, Officers A and C exited their vehicle. Officer A ran toward the location of the radio call while Officer C retrieved a fire extinguisher from the trunk. Arriving at the side gate, Officer A observed the Victim on the ground. She was covered in mud and blood, and her clothes were torn off. The Victim was screaming for help and said she was dying. The dogs were approximately four inches from her. Due to the dogs' proximity to the Victim, Officer A believed that she was in immediate danger of serious bodily injury or death and deemed lethal force necessary. When the first dog moved toward the Victim, Officer A discharged one pistol round toward it and then reassessed. The first dog fled further into the backyard, out of view. Observing that the second dog had moved toward the Victim, Officer A discharged one pistol round toward it. The second dog then fled further into the backyard, out of view.

The BOPC noted that the Chair of the UOFRB assessed the tactics employed by Officers A, B, and C. As it pertains to Officer B, the Chair of the UOFRB noted that when he/she arrived, he/she believed the dogs had stopped attacking the Victim and that his/her pistol was not going to be sufficient if it turned into a lethal force situation. While the Chair of the UOFRB understood why Officer B left to obtain his/her slug shotgun, he/she would have preferred that Officer B had requested a unit with a slug shotgun and remained at the side gate, monitoring the dogs in case they resumed their attack.

As it concerns Officer C, the Chair of the UOFRB noted that he/she obtained a fire extinguisher before proceeding to the side gate. The Chair of the UOFRB opined that this was a prudent decision as it increased the officers' options for resolving the incident. However, Officer A was forced to act before Officer C arrived. The Chair of the UOFRB also noted that Officer C had the presence of mind to keep the fire extinguisher as the officers entered the side gate to extract the Victim.

Regarding Officer A, the Chair of the UOFRB noted that when he/she arrived, he/she heard the Victim calling for help and saying that she was going to die. The dogs were standing near her and subsequently moved toward her. Based on his/her observations, Officer A believed that she was in immediate danger of serious bodily injury or death and deemed lethal force necessary. Based on the available evidence, the Chair of the UOFRB opined that the dogs posed an imminent deadly threat to the Victim and that Officer A did not have time to use other options to resolve this situation.

As it pertains to less-lethal options, based on the dogs' distance from the side gate and their proximity to the Victim, the Chair of the UOFRB opined that neither the TASER nor OC spray would have been prudent. While a 40mm LLL and/or beanbag shotgun may be more precise, the Chair of the UOFRB opined that Officer A did not have time to wait for one to arrive. Granted, while Officer A could have deployed one of the devices, the Chair of the UOFRB opined that waiting to see if the device was effective against the dogs may have exposed the Victim to further

injury or death. Additionally, based on the dogs' size and demeanor, the Chair of the UOFRB opined that it would have been unsafe for officers to approach the dogs and attempt to use less-lethal devices.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officers A, B, and C were not a deviation from Department-approved tactical training.

Additional Tactical Debrief Topics

- **Protocols Subsequent to a CUOF** – Before a Department supervisor arrived, Officers A and C talked about the incident with each other. Officer B also talked to unidentified officers about the incident. All the conversations pertained to the attack on the Victim.

Command and Control

- At approximately 1355:20 hours, Sergeant A arrived at the scene. Officer A briefed Sergeant A and advised him/her that he/she (Officer A) had been involved in a dog OIS. Sergeant A declared himself as the IC over Mission Area base frequency and advised officers at the scene that the incident involved a CUOF. According to Sergeant A, after he/she learned of the OIS, he/she considered separating & monitoring the officers and obtaining a PSS; however, at the time, he/she was the only supervisor at the scene. Sergeant A was aware that additional supervisors were responding and he/she planned to delegate to them the separation and monitoring of the officers. As a result, Officers A, B, and C remained unmonitored for approximately 17 minutes until additional supervisors arrived at the scene. Additionally, according to Officers A and B's BWV footage, at various times, Sergeant A questioned them about the incident in front of each other and other uninvolved officers. Sergeant A advised FID investigators that his/her questions were necessary to ensure that there were no other victims.

At approximately 1358:48 hours, Sergeant B arrived at the scene and immediately deactivated his/her BWV camera. As additional resources arrived at the scene, Sergeant B led a team of officers and L.A. Animal Services personnel into the rear yard to secure the dogs. Entering the backyard, officers discovered one dog deceased inside a kennel. The second dog, which appeared to be uninjured, was secured by L.A. Animal Services personnel without incident. According to Officer A's BWV, at approximately 1401:59 hours, Sergeant B was standing with uninvolved Mission Patrol Division officers when he/she asked Officer A, "*Who shot the dog?*" Officer A replied, "*I shot the dog.*" An officer standing with Sergeant B proceeded to obtain additional information about the incident from Officer A. According to Sergeant B, after Officer A disclosed that he/she was involved in the OIS, Sergeant B considered separating and monitoring him/her. However, this was the first time Sergeant B responded to a CUOF and he/she was unfamiliar with the process.

At approximately 1404:34 hours, Sergeants C and D arrived at the scene. Sergeant C separated and monitored Officer A, collected his/her BWV camera, and obtained his/her PSS.

Sergeant D separated and monitored Officers B and C, collected their BWV cameras, and obtained their PSSs.

The BOPC determined that Sergeants C and D's actions were consistent with Department training and expectations of supervisors during a critical incident. The BOPC also determined that Sergeants A and B's actions were not consistent with Department training and expectations of supervisors during a critical incident. As such, Sergeants A and B were directed to the Tactical Debrief to address protocols subsequent to a CUOF.

Drawing/Exhibiting

Officer A (Pistol)

- Officer A responded to an incident where the Victim was being mauled by two large-breed dogs. Arriving at the gate, Officer A heard the Victim screaming for help and saying she was going to die. Due to the dogs' proximity, Officer A believed that the Victim was in immediate threat of serious bodily injury or death. In response, Officer A unholstered his/her pistol.

Officer B (Slug Shotgun)

- According to Officer B, based on the size of the dogs, he/she believed his/her pistol was not going to be sufficient if it turned into a lethal force situation. Based on his/her assessment, Officer B returned to his/her police vehicle and retrieved his/her slug shotgun. After the OIS, Officer B deployed the slug shotgun as part of the entry team that extracted the Victim.

The BOPC noted that the Chair of the UOFRB evaluated Officers A and Bs' drawing/exhibiting of their firearms. The Chair of the UOFRB noted that the officers responded to an incident where a woman (the Victim) was being mauled by two large dogs. When Officer B arrived, the dogs had stopped attacking the Victim. Concerned that his/her pistol would be ineffective if the dogs resumed their attack, Officer B retrieved his/her slug shotgun. Officer B maintained possession of the slug shotgun when officers extracted the Victim from the side yard. Based on the totality of the circumstances, the Chair of the UOFRB opined that it was reasonable for Officer B to believe he/she may have to use lethal force. The Chair of the UOFRB also opined that it was reasonable for him/her to deploy the slug shotgun.

As it pertains to Officer A, the Chair of the UOFRB noted that when he/she arrived, he/she heard the Victim screaming for help and saying she was going to die. The Victim was on the ground and the dogs were near her. Due to the dogs' proximity,

Officer A believed that the Victim was in immediate threat of serious bodily injury or death. Based on the totality of the circumstances, the Chair of the UOFRB opined that it was reasonable for Officer A to believe that lethal force was necessary and unholster his/her pistol.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B would reasonably believe there was a substantial risk that the situation may escalate to the point where deadly force may be justified. Therefore, the BOPC found Officers A and B's drawing/exhibiting of a firearm to be In Policy.

Lethal Use of Force

- **Scene Description** – The OIS occurred along a cement walkway on the east side of a residence during daylight hours. The residence is located on a residential street, with single-family dwellings along the north and south sides of the roadway.
- **Background** – According to the FID investigation, investigators determined that the background for both pistol rounds fired by Officer A was the ground and a three-foot-high cinder-block wall.
- **Officer A –Pistol**

Due to the dogs' proximity to the Victim, Officer A believed that she was in immediate danger of serious bodily injury or death and deemed lethal force necessary. As the first dog, the dog on the "right," moved toward the Victim, Officer A aimed for its center mass and discharged one round. According to Officer A, he/she knew the round struck the dog because it "kind of curled its backside and let out a cry, a screech." After the dog was struck by the round, it ran behind the Victim, to the west side of the backyard, out of Officer A's sight.

After discharging his/her first round, Officer A lowered his/her service pistol slightly and assessed. As he/she assessed, Officer A noticed that the second dog, the dog on the "left," was looking at the Victim and appeared to have gotten closer. According to Officer A, the second dog was almost "on top" of the Victim. In response, Officer A stated he/she aimed his/her pistol at the dog's "rear end" and discharged one round. Although Officer A was unsure if the round struck the dog, after it was fired, the second dog ran away from the Victim to the west side of the backyard, out of Officer A's sight. After the round was fired, the V can be heard crying loudly as she repeatedly shouted, "*Thank you. Thank you!*"

The BOPC noted that the Chair of the UOFRB assessed Officer A's lethal use of force. The Chair of the UOFRB noted that Officer A responded to an incident where a woman, the Victim, was being mauled by two large dogs. When Officer A arrived, he/she heard the Victim screaming for help and saying she was going to die. The Victim was on the ground and the dogs were near her. Due to their proximity to the

Victim, Officer A believed the dogs were an immediate threat of serious bodily injury or death to her.

The Chair of the UOFRB noted that while assessing the situation, Officer A observed the first dog move toward the Victim. Believing that she was in danger of being attacked again, Officer A discharged his/her first pistol round at the first dog and then reassessed. As he/she reassessed, Officer A observed that the second dog had moved closer to the Victim and was almost "on top" of her. Believing that the second dog would attack the Victim, Officer A discharged his/her sound round and then ceased firing as both dogs had run further into the backyard, out of view. Based on the available evidence, the Chair of the UOFRB opined that it would have been reasonable for Officer A to believe that both dogs posed an imminent deadly threat to the Victim.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the lethal use of force was proportional, objectively reasonable, and necessary. Therefore, the BOPC found Officer A's lethal use of force to be In Policy.