

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

OFFICER-INVOLVED ANIMAL SHOOTING – 043-22

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Harbor	8/11/2022		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	5 years, 5 months
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Reason for Police Contact

On Thursday, August 11, 2022, at approximately 0045 hours, Officers A and B observed a vehicle making an unsafe turn. The officers conducted a traffic stop on the vehicle. When the vehicle stopped, an unknown male ran from the vehicle clutching his waistband. A Pit Bull dog emerged from the open door of the vehicle and ran towards the officers, resulting in an officer-involved shooting (OIS).

Animal(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Pit Bull dog.			
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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 suspect 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 Chief 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 7/18/23.

Incident Summary

On Thursday, August 11, 2022, at 0046 hours, Officers A and B were working a crime suppression detail. They were driving a marked black and white police vehicle.

Officer A stated that he/she observed a vehicle make an unsafe turn and nearly collide with oncoming traffic. As the vehicle drove past, Officer A illuminated the interior with his/her spotlight and observed four occupants inside. Officer A advised his/her partner of his/her observations and conducted a U-turn to follow the vehicle. The vehicle made a sudden left turn to go south. Officer A then observed the vehicle fail to stop behind the limit line of a posted stop sign. The officers conducted a vehicle registration check and Officer A recognized the address as being in a rival gang area.

At approximately 0046 hours, the officers broadcast that they were conducting a traffic stop on the vehicle.

As the vehicle came to a stop, the left-rear passenger door on the driver side immediately opened, and an unidentified male exited and ran away. Officer A observed the male clutch the front of his waistband with his left hand as he ran away from the officers. Based on his/her prior experience, the totality of the circumstances, and the male's actions, Officer A formed the opinion that the male was in possession of a pistol. At approximately 0046 hours, Officer A broadcast a back-up request.

Officer A exited and stepped away from his/her vehicle to see the male's direction of travel to report his/her last known location to the responding units. Officer A believed that he/she put the police vehicle in park before he/she exited; however, while he/she was away from his/her vehicle, he/she observed it slowly moving forward. Officer A quickly got back into his/her vehicle and put it in park before exiting again. Officer B also exited and began to approach the vehicle. Officer B believed that all the occupants were going to flee, and he/she approached the vehicle to clear the interior. When he/she observed the occupants inside the vehicle and a dog exit, he/she moved back to cover behind the passenger door of his/her police vehicle. Neither officer went in foot pursuit of the outstanding male; they both remained in containment mode because there were three people still in the vehicle.

The dog, a large Pit Bull, exited the vehicle through the open left-rear passenger door. Both officers heard the Pit Bull aggressively barking. According to Officer A, he/she could see the hairs on the back of the Pit Bull standing up, indicative to him/her of it being in an attack mode. The Pit Bull moved to Officer B's side of the vehicle, and Officer A momentarily lost sight of the Pit Bull but observed his/her partner move further inside the vehicle. Officer A believed that Officer B moved toward cover to avoid getting bitten or because he/she was already being bitten.

While the Pit Bull was on his/her side of the vehicle, Officer B pointed his/her pistol at the Pit Bull, aligned his/her sights on it, and intended to shoot it. However, before he/she moved his/her finger to the trigger, he/she observed the occupants of the vehicle

in his/her periphery, so he/she did not fire. Officer B believed that if he/she fired his/her pistol, the bullet could ricochet and hit one of the occupants.

The Pit Bull left Officer B's side of the vehicle and moved around the passenger side of the vehicle to the driver's side. Then, the Pit Bull ran in the direction of Officer A.

Officer A fired five rounds at the Pit Bull in 1.362 seconds. Officer A fired his/her first and second rounds in a southward direction from a decreasing distance of approximately twelve to six feet.

Officer A fired his/her third, fourth, and fifth rounds in an eastward direction from an increasing distance of approximately seven to eleven feet. After his/her fifth round, the Pit Bull briefly collapsed on the ground and Officer A no longer fired. The Pit Bull then limped to the front of the vehicle and out of Officer A's view.

Simultaneously, Officer B was giving verbal commands to the occupants of the vehicle to lay on the ground when he/she heard the gunshots. Officer B moved to the back of the police vehicle and checked on his/her partner's status. After Officer B verified that Officer A was not injured, he/she resumed giving commands to the occupants.

At approximately 0046 hours, Officer A broadcast an "officer needs help" call -- for shots fired in a dog shooting, with three people detained and one outstanding suspect who had fled on foot. The officers waited for additional units to arrive before approaching the occupants of the vehicle.

At approximately 0050 hours, Officer C arrived at scene and assumed the role of team leader. Officer A told Officer C that he/she was involved in an officer-involved shooting (OIS). Officer C advised Officer A to separate himself/herself from the other officers on scene and wait for a supervisor to arrive.

Officer C formed an arrest team and assigned designated roles to the other officers. All three vehicle occupants were taken into custody without incident. At 0053 hours, Officer C broadcast that the three were in custody. Officer C then assigned officers to establish a crime scene and identify evidence. Five discharged cartridge casings were located on the pavement near the driver's side of the primary unit's police vehicle. Officer C marked the casings with FI (Field Interview) cards and advised officers to stay out of the area.

Subsequently, an air unit set up a perimeter to contain the outstanding suspect. Metropolitan Division K-9 Unit personnel were requested and conducted a search for the outstanding suspect, who was never identified or located.

At approximately 0056 hours, Detective A was the first supervisor to arrive on scene. Detective A separated, monitored, and obtained a public safety statement (PSS) from Officer A.

Sergeant A arrived on scene and obtained a PSS from Officer B.

Body-worn video (BWV) and digital in-car camera (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	No	Yes	Yes	Yes	Yes
Officer B	No	Yes	Yes	Yes	Yes

Los Angeles Board of Police Commissioners' (BOPC) 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 and B's tactics to warrant a Tactical Debrief.

B. Drawing and 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 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 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 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 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, subjects, 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 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 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 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 policy. Any deviations from the provisions of this 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

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning and Assessment – Officers A and B discussed tactics, weapon systems, and contact and cover roles. Officer A discussed current feuds between various gangs within the area. Officer B pointed his/her pistol at the Pit Bull but observed the occupants of the vehicle in his/her periphery, so he/she did not fire. In his assessment, Officer B believed that if he/she fired his/her pistol, the bullet could ricochet and hit one of the vehicle occupants.

Time and Redeployment/Containment – According to Officer A, the charging Pit Bull surprised him/her and there was no time to consider other options. Officer A was concerned that he/she would be pinned in by the Pit Bull, so he/she redeployed away from his/her police vehicle's door.

As Officer B approached the vehicle, he/she observed occupants inside and the Pit Bull aggressively moving toward him/her. Officer B redeployed to the police vehicle's passenger door as cover. When Officer B heard gunshots, he/she redeployed to the back of the police vehicle to check on Officer A's welfare.

Officers A and B did not engage in a foot pursuit of the outstanding suspect, but rather they remained focused on the vehicle due to it containing multiple people.

Other Resources – Officer A first broadcast a back-up request for a fleeing male with a gun, and he/she later broadcast a help call after the OIS to obtain additional resources for detaining the multiple vehicle occupants and setting up a perimeter. The air unit assisted in setting up a perimeter to contain the fleeing suspect; later Metropolitan K9 Unit was utilized to conduct a search in the perimeter.

Lines of Communication – Before the OIS, Officer B began giving commands to the occupants in the vehicle as Officer A broadcast over the radio. When the Pit Bull moved to the driver's side of the vehicle and began running toward Officer A, he/she

warned the occupants that he/she was going to shoot it. Upon Sergeant A's arrival, Officer A identified himself/herself as being involved.

During its review of this incident, the BOPC noted the following tactical considerations:

- **Dog Encounters**

When the Pit Bull exited the vehicle, it was barking aggressively. Officer A believed that the Pit Bull was in attack mode when he/she observed the hairs on its back standing up. Officer A observed his/her partner move toward the police vehicle and believed that Officer B moved to cover to avoid getting bitten or because he/she was already being bitten. Officer A observed people inside the vehicle but saw no signs that a Pit Bull was inside the vehicle. Additionally, Officer A stated that when the occupants exited and started shouting, he/she was unsure if they were directing the Pit Bull to attack him/her or trying to gain control of it.

Officer A observed the Pit Bull approach from the front of the vehicle and charge at him/her.

Officer A fired five rounds, after which the Pit Bull briefly collapsed on the pavement. The Pit Bull then limped to the front of the vehicle and out of Officer A's view.

The BOPC considered that the Chair of the Use of Force Review Board (UOFRB) noted that there were no indications of a Pit Bull in the vehicle before the officers conducted the traffic stop. The Chair opined that the officers were confronted with a possibly-armed fleeing suspect, multiple unsearched occupants exiting the vehicle, and an unsecured Pit Bull -- leaving limited options. These circumstances unfolded quickly and although resources were requested, they had not yet arrived. The Chair also noted Officer B's consideration of his/her background and the potential for a bullet ricochet striking one of the occupants.

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

Additional Tactical Debrief Topics:

- **Tactical Communication/Tactical Planning** – According to both Officers A and B, this was the first time they worked patrol together. Both officers discussed tactics, weapon systems, and contact & cover roles. Officer A discussed current feuds between various gangs within the area.

Although both Officers A and B observed the traffic violation, Officer A did not communicate his observations of multiple vehicle occupants to Officer B. Following the OIS, Officers A and B did not communicate or coordinate with one another as they both gave commands to multiple individuals to lie on the ground. Alternatively,

Officer A should have notified Officer B that there were multiple occupants before conducting a traffic stop, and they should have communicated with each other while attempting to take the remaining occupants into custody.

- **Tactical Vehicle Deployment** – Officer A believed that he/she put the vehicle in park before he/she exited; however, while he/she was away from his/her vehicle, he/she observed it slowly moving forward. Officer A quickly got back into his/her police vehicle and put it in park before exiting again. Alternatively, Officer A should have ensured that the police vehicle was put in park to avoid potentially colliding with another vehicle or placing it too close to the vehicle the officers were stopping.
- **Cover/Concealment** – Officer A exited his/her police vehicle, stepping away from the door to observe the fleeing suspect's direction of travel and broadcast the information to responding units. In addition, Officer A stepped away from his/her police vehicle door prior to the Pit Bull charging at him/her, fearing that he/she would have no escape route and the Pit Bull would go under his/her police vehicle door to get to him.

Officer B also exited the police vehicle and, believing all the occupants were going to flee, started to approach to clear the interior. As he/she approached, Officer B observed a Pit Bull exit while the other occupants stayed inside the vehicle, so he/she redeployed to cover behind the door of his/her police vehicle.

- **Background and Fire Control/Fire Discipline** – Officer A fired five rounds in 1.362 seconds, resulting in an unoccupied parked vehicle south of the OIS location to be struck by gunfire. While not every situation allows officers to decide where police activity will occur, it is important that they remain cognizant of their environment and balance speed and accuracy while discharging their pistols.
- **Protocols Subsequent to a CUOF** – After Officer A advised Officer C that he/she shot a dog, Officer C directed Officer A to his/her vehicle. After the vehicle's occupants were taken into custody, Officer A began to search through the vehicle until Officer C intervened and walked him/her over to Officer C's vehicle for monitoring and separation. Officer A should have remained at Officer C's vehicle, as directed by a senior officer, until a supervisor's arrival.
- **Non-Medical Face Coverings** – During the incident, officers were not wearing facial coverings when interacting with community members as directed by the Department in May 2020.

Command and Control

- Officer C responded to the back-up request, met with Officer A to gain situational awareness, and learned that Officer A shot a dog. Officer C directed Officer A to Officer C's vehicle, assumed the role of team leader, formed an arrest team, and designated roles to the other officers. Once all the occupants were taken into

custody, Officer C assigned officers to establish a crime scene and identify evidence.

Sergeant A arrived on the scene at approximately 0050 hours. He/she did not declare himself/herself as the incident commander (IC). Officer A advised Sergeant A of his/her involvement in the OIS approximately two minutes later, but Sergeant A did not separate and monitor him/her, nor did he obtain his public safety statement (PSS). Instead, he/she walked away from Officer A to speak with another sergeant at scene. Subsequently, Officer A began to search the suspect's vehicle.

When Officer C observed Officer A attempting to search the vehicle, he/she intervened and walked Officer A over to Detective A, who assumed the separation and monitoring of Officer A. Detective A also obtained a PSS from Officer A. At approximately 0100 hours, Sergeant A began monitoring Officer B and obtained his/her PSS.

The BOPC UOFRB determined that Detective A and Officer C's actions were consistent with Department supervisory training and expectations of a senior officer and supervisor during a critical incident. The BOPC also determined that Sergeant A's overall actions were not consistent with Department supervisory training and the Chief's expectations of a supervisor during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC determined that the actions of Officers A and B were not a substantial deviation from Department-approved tactical training.

Although not identified as being substantially involved, there were areas identified for improvement, and the BOPC determined that Sergeant A would also benefit from attending the Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

Officer A stated that he/she observed the dog and the other occupants exit the vehicle after he/she put the police vehicle in park. According to Officer A, he/she unholstered his/her pistol because he/she was unsure if the occupants were going to attack the officers or "sic the dog" on the officers.

- **Officer B**

According to Officer B, after observing an unknown armed suspect flee, he/she believed the situation could escalate to the point where lethal force may be used, so Officer B unholstered his/her pistol as he/she approached to clear the vehicle.

The BOPC noted that the Chair of the UOFRB assessed Officers A and B's drawing and exhibiting of their pistols. The Chair noted that an unidentified male suspect believed to be armed had fled and his whereabouts were unknown. Additionally, both officers were confronted with an unsecured Pit Bull and multiple unsearched occupants. Given these circumstances, the Chair concluded that it was reasonable for the officers to believe that the situation may escalate to the point that lethal force may be justified.

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 have escalated to the point where lethal force may have been justified. The BOPC found Officers A and B's drawing/exhibiting to be In Policy.

C. Lethal Use of Force

- **Background** – According to Officer A, the background was clear of pedestrians at the time of the shooting, and he/she was pointing his/her pistol in a downward angle toward the pavement.
- **Officer A** – pistol, five rounds.

According to Officer A, he/she believed that he/she was in immediate danger of serious bodily injury or death and deemed lethal force necessary as the Pit Bull charged at him/her. Officer A aimed for the dog's center mass and discharged five rounds. After his/her fifth round, the Pit Bull briefly collapsed on the pavement, then limped to the front of the vehicle and out of Officer A's view.

Officer A stated that as he/she discharged his/her first three rounds, the Pit Bull was charging toward him/her and approximately three feet away. Officer A stated that he/she was targeting the center mass of the dog in the area of its head and spine and that the background was clear. According to Officer A, he/she believed that he/she stepped backward as he/she fired to create more distance between the Pit Bull and him/herself.

Officer A stated that as he/she discharged his/her fourth and fifth rounds, the Pit Bull was moving to his/her left. He/she believed that the Pit Bull was going to flank him/her and that it was still trying to bite and maul him/her. Officer A changed his/her target to the side of the Pit Bull as he/she aimed at the belly area. Officer A stated that the background was still clear as he/she was shooting and that the distance was approximately four feet. After his/her fifth round, he/she observed that the dog stopped charging and was no longer a threat.

The BOPC noted that the Chair of the UOFRB assessed Officer A's lethal use of force. The Chair noted that less than a minute elapsed from when Officer A first observed the Pit Bull, believed it may have bitten his/her partner, and was then aggressively charging

at him/her. Without additional officers present, along with multiple noncompliant occupants, and an unsecured aggressive Pit Bull, the Chair opined that it was reasonable for Officer A to perceive an imminent threat of serious bodily injury.

The Chair considered the Pit Bull's decreasing distance when Officer A discharged his/her first two rounds and noted that the rounds had little effect on the Pit Bull. The Chair also considered that for rounds three through five, the Pit Bull was increasing its distance from Officer A. In his review of Officer A's statement, the Chair opined that it was reasonable for Officer A to believe that the Pit Bull was altering its direction to the left in order to flank and try to bite him/her. Therefore, Officer A's decision to fire rounds three through five was objectively reasonable, and he/she only stopped firing when he/she perceived that the Pit Bull was no longer perceived to be an imminent threat of serious bodily injury.

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 lethal use of force was proportional, objectively reasonable, and necessary. The BOPC found Officer A's lethal use of to be In Policy.