

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

OFFICER-INVOLVED ANIMAL SHOOTING – 051-20

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

Outside City 10/25/20

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

Officer A 2 years, 3 months

Reason for Police Contact

An off-duty Los Angeles Police Department (LAPD) Reserve Corps officer was walking his/her two German shepherd dogs when they were attacked by a Pit Bull dog. The Reserve officer attempted to pull his/her two German shepherds apart from the Pit Bull dog, and as he/she was doing so the Pit Bull lunged at him. The Reserve officer fired one round at the Pit Bull.

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

Pit Bull dog

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations, 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 August 24, 2021.

Incident Summary

Off-duty LAPD Reserve Corps Level I Reserve Police Officer A was walking his/her two German shepherd dogs on a park trail outside the city.

German shepherd No. 1 was a seven-year-old female, with a black and tan coat and weighed approximately 60 pounds. German shepherd No. 2 was a three-year-old female, with a black and tan coat, and weighed approximately 60 pounds.

Officer A was walking his/her two dogs on a "Y" leash, going uphill in a northerly direction, on a dirt hiking trail. He/she first observed Witness A at the top of the trail walking her Pit Bull dog, downhill in a southerly direction, approximately 50 to 60 yards away. Witness A was walking her dog with a chest harness attached to a leash. It appeared to Officer A that Witness A was unable to control her dog because it was pulling her.

Officer A and Witness A are familiar with each other because they reside near one another and work out at the same gym.

Prior to the incident, Witnesses B and C, a married couple, were walking on the hiking trail when they stopped to rest. As they were stopped, Witness A and her dog passed by them. Witness B advised his wife to stay away from the dog because it did not look nice. After Witness A passed them, they started walking south on the trail behind her. They noticed a male and female couple walking northbound on the trail, toward them. As Witness A's dog passed by the couple, it barked and lunged at the female.

The couple was not at scene when the Los Angeles County Sheriff's Department (LASD) deputies arrived. The couple was not identified, and it is unknown if they witnessed or heard any portion of the subsequent Officer-Involved Shooting (OIS).

As Witness A approached, Officer A stepped off the trail, moving east into the brush, and told Witness A to pass. Officer A estimated he/she moved approximately 10 to 12 yards off the trail and used the thick brush to shield him/herself and his/her two dogs from Witness A's dog.

Witness A later told Force Investigation Division (FID) investigators that Officer A stepped off the trail, but not very far. As she passed with her dog, the Pit Bull dog began pulling toward the two German shepherds. Witness A began pulling back on the leash but was overpowered by her Pit Bull. The Pit Bull charged at the two German shepherd dogs, causing Witness A to fall face down, breaking her right humerus.

Witness A's dog was a five-year-old male American Pit Bull with a black and white coat, and weighed approximately 82 pounds. Witness A described her dog as "a very energetic, weighed a lot, very muscular American Pit Bull."

Witness A was a female, 65 years old, 5 feet tall and weighed 160 pounds. Witness A was using a walking cane during her hike to assist her with the steep inclines on the trail.

As Witness A's dog approached, Officer A maintained control of his/her dogs with his/her left hand and held a 40 ounce metal water bottle with his/her right hand. Officer A used the water bottle to strike the Pit Bull five or six times in the torso. The Pit Bull dog continued biting the two German shepherds as Officer A tried to separate them. Officer A continuously pulled his/her dogs away and retreated deeper into the brush. Officer A told Witness A, "Lady, come control your dog." Officer A advised that the dogfight was a fluid incident lasting well over a minute.

According to Witness A, she heard Officer A yelling at her, "Control your dog." Witness A, who had broken her humerus, had trouble getting up to control her dog.

In an attempt to assist, Witness B approached Officer A and tried to hand him/her his walking stick, but he/she did not take it. Witness B advised he did not become involved in the separation of the dogs and added, "I was just close enough to see everything just in case if that dog was going to bite a human, then I probably would have got involved."

Witness C stated that she had directed her attention to the couple but did hear Officer A tell Witness A to pass. Shortly after, she heard her husband saying, "no," and then heard the dogs fighting. Witness C ran to the location and was concerned her husband might get bit. Witness C observed the Pit Bull dog lunge toward Officer A's arm as he/she was struggling with the dogs, but he/she was able to pull his/her arm back without being bit. Witness C heard Officer A telling Witness A to control her dog. Witness C yelled, "Lady, why is your dog off the leash? Put the leash [on]. Get the leash. Put the leash back on."

According to Witness A, Officer A asked Witness B and Witness C to help her, but they said no because they were afraid of her Pit Bull dog after witnessing the incident. Witness A eventually managed to gain control of her dog by grabbing onto his chest harness.

Officer A believed that Witness A had "bear hugged" her dog to control it. Officer A stated that he/she then ran uphill approximately 90 yards with his/her two dogs to a yellow metal pole. After securing his/her two dogs to the metal pole, he/she ran back to render aid to Witness A. Officer A approached Witness A, who was still holding her dog. As Officer A was talking to Witness A, her Pit Bull wrestled himself loose from her grasp and ran toward the German shepherds.

The distance from the first encounter between the dogs and the yellow metal pole (OIS location) was approximately 218 feet (72.6 yards).

Officer A ran back toward his/her dogs. Witness B claimed that before Officer A ran back, he/she stated, "I'm going to have to shoot the dog. You better control your dog."

Los Angeles County Sheriff's Department Deputy A, who subsequently responded to a radio call related to the incident, met with Officer A upon arrival. Officer A acknowledged making a comment about potentially having to shoot Witness A's dog, but not until later during the incident.

When Officer A reached the dogs, which were again fighting, he/she began struggling to separate them. Officer A used his/her metal water bottle to strike the Pit Bull three or four times, which caused the lid of the bottle to break. Officer A was striking the Pit Bull's torso area because he/she did not want to hit it on the head and cause serious injury.

Officer A then grabbed the Pit Bull dog's tail with his/her left hand and tried to pull it away from his/her dogs. According to Officer A, the Pit Bull turned and lunged at him/her, coming within 30 inches of his/her face. Officer A released the Pit Bull dog's tail and it again engaged the two German shepherds.

Officer A, using his/her left hand, grabbed the Pit Bull's right hind leg and again pulled it away from his/her dogs. The Pit Bull again turned on Officer A, with "its big ole teeth," approximately 30 inches away from his/her face, causing him/her to release the dog. Officer A's dogs continued fighting with the Pit Bull.

Officer A indicated that he/she was exhausted from his/her attempts to pull the dogs apart and winded from running up the hill. After the Pit Bull lunged at him/her the second time, Officer A told Witness A, "If you can't control your dog, ma'am I'm going to have to shoot it." After hearing Officer A's statement, Witness A responded, "Please don't do that. Please just fight him off. Kick him or something. Hit him. Beat him, whatever."

Officer A used his/her right hand to unholster his/her pistol that had been secured in his/her right waistband. Officer A, using his/her left hand, grabbed the Pit Bull dog's fur/skin on the right upper side between its ribs and tail. Officer A was attempting to distract the Pit Bull because it was biting his/her dogs. According to Officer A, the Pit Bull was overpowering the German shepherds because they were secured to the yellow pole. Officer A pulled the Pit Bull away for the third time, and for the third time it turned on him/her, coming within approximately 30 inches of Officer A.

Officer A pushed the dog with his/her left hand and extended his/her right arm, aiming his/her pistol downward at the Pit Bull dog's right shoulder area. Officer A was facing north as he/she was aiming downward at the Pit Bull. Officer A looked up to ensure his/her background was clear and was aware civilians were positioned behind him/her. Officer A fired one round, causing the Pit Bull dog to fall to the ground. Officer A then holstered his/her pistol.

According to Officer A, he/she placed his/her pistol close to the Pit Bull, but it was not a “contact shot.” After firing, Officer A asked the witnesses to call the Sheriff’s Department.

Witness B, who had followed behind Officer A, observed that the dogs were fighting and observed Officer A’s multiple attempts to pull them apart. Witness B observed that the Pit Bull dog had a bite hold on one German shepherd’s neck and believed the German shepherd was going to die. Witness B heard a pop; however, he never observed Officer A pull out a gun. According to Witness B, when he heard the pop, Officer A was facing south. Witness B indicated that although Officer A was facing in his direction, he/she was not shooting toward bystanders.

During Witness B’s FID interview, he indicated that he was approximately 10 to 12 feet from Officer A when he heard the shot. However, when Witness B did a walkthrough of the scene with investigators, he placed himself 54 feet from the location of the OIS.

Witness B told FID investigators he believed the Pit Bull had a bite hold of one of the German shepherds’ neck when he heard the gunshot. He also advised the Pit Bull remained focused on the German shepherds and did not lunge at Officer A.

Witness C told FID investigators she believed Officer A’s back was to her when she heard the gunshot.

Witness A advised she was approximately one “hospital bed” length away from Officer A when she heard a pop. Witness A observed her dog stagger and go to the ground.

According to Witness C, when she heard the gunshot, Witness A was still on the ground where the Pit Bull dog had wrestled free from her grasp the second time.

An Inland Valley Humane Society (IVHS) Officer completed a Call/Complaint Information Report. The report indicates Witness A stated she “heard a gunshot go off as she was still on the ground attempting to get up.”

Witness C called the LASD to report the shooting.

Los Angeles County Sheriff’s Department Deputies A and B arrived and approached Officer A. Officer A identified him/herself as an off-duty Reserve Officer and a retired LAPD Officer. Officer A was asked where his/her weapon was, and he/she raised his/her hands and lifted his/her shirt. Deputy B removed the pistol from the holster, unloaded it, and rendered it safe. Deputy B handed the empty weapon to Deputy A. Deputy B did not remove the holster.

Officer A recounted the incident to Deputy A, who subsequently relayed the information to FID investigators. Deputy A advised that he/she did not specifically ask for Officer A’s shooting position, the direction he/she was facing at the time of the OIS, or if the Pit Bull had lunged at him/her as he/she was separating the dogs.

The Pit Bull dog's carcass was transported to the IVHS facility where a necropsy was performed. The Pit Bull sustained a through and through gunshot wound. There was a gunshot wound on the right mid-lateral thoracic region (forward right topside) and a gunshot wound on the left ventrolateral thoracic region (forward left underside).

Detective A responded to the location and took a Public Safety Statement from Officer A. Detective A then monitored Officer A until his/her FID interview.

Force Investigation Division Detectives reviewed all documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators.

BWV and DICVS Policy Compliance

Not Applicable.

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. In every case, the BOPC makes specific findings in three areas: Tactics of the involved officer(s); Drawing/Exhibiting of a firearm by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

A. Tactics

The BOPC found Officer A's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officer A'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 Subject 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 subject;
- Whether the subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject 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 subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;
- 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, subjects 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 subject.

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 subject 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 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 – Officer A observed Witness A's aggressive dog and created a plan to allow Witness A to safely pass his/her location by moving off the dirt trail into nearby shrubbery. After the Pit Bull attacked his/her dogs, Officer A made a plan to create additional distance by deploying further into the shrubbery.

Assessment – Upon initial contact, Officer A assessed the actions of the Pit Bull and created distance by moving off the dirt trail so Witness A could safely pass by his/her location. Officer A assessed the need to maintain control of his/her dogs as Witness A lacked the ability to control her dog. Officer A assessed the need for assistance from nearby community members and requested their help in securing Witness A's dog. Officer A also assessed that Witness A regained control of the Pit Bull and ran northbound on the dirt trail to what he/she believed was a safe distance from Witness A and the Pit Bull. Officer A also assessed Witness A's need for assistance after becoming injured and attempted to provide aid to her.

Time – Given the terrain and lack of cover and concealment, Officer A had limited time to react to the aggressive actions of Witness A's dog. Once Witness A failed to maintain control of the Pit Bull, Officer A again had limited time to react to an additional attack initiated by the Pit Bull.

Redeployment and/or Containment – Officer A attempted to create distance between his/her dogs and the Pit Bull dog by moving off of the dirt trail and redeployed deeper into the nearby shrubbery. Once Witness A lost control of the Pit Bull and the Pit Bull began to attack Officer A, and his/her dogs, Officer A attempted

to redeploy further into the shrubbery to create additional space. Officer A was able to further redeploy by eventually moving his/her dogs a considerable distance from the Pit Bull once Witness A was able to gain control of the Pit Bull.

Other Resources – Officer A utilized his/her metal water bottle as an impact device to strike the Pit Bull. Officer A requested the assistance of Witness B and Witness C to assist Witness A in controlling the Pit Bull. After the OIS, Officer A requested that the witnesses call the Sheriff's Department.

Lines of Communication – Officer A formed lines of communication with Witness A in an attempt to assist Witness A in controlling the Pit Bull. Officer A communicated with Witness B and Witness C and requested their assistance in helping Witness A regain control of the Pit Bull.

The BOPC noted that Officer A was placed in a precarious position with limited resources available to address the threat presented by the Pit Bull's aggressive behavior. Officer A communicated with Witness A to secure her dog once she lost control of the Pit Bull. The BOPC noted that Officer A's intentions were not to become involved in a physical confrontation with the Pit Bull, and Officer A made multiple attempts to distract and stop the advancement of the Pit Bull dog by both striking the dog and creating distance by continually moving and redeploying. The BOPC also noted that Officer A communicated with witnesses in an attempt to get them to assist Witness A in securing her dog and that Officer A attempted to place him/herself in a tactically advantageous position by redeploying off the dirt trail to allow Witness A to pass.

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

1. Dog Encounters

The BOPC noted Officer A was off-duty at the time, had limited resources available to him/her, and utilized distance, a metal water bottle, and verbal communication to address the threat created by Witness A's dog. Officer A became involved in a dangerous situation with limited time to react to the possibility of being seriously injured by the attacks of Witness A's dog.

Based on the totality of the circumstances, the BOPC determined that Officer A's actions were not a deviation from approved Department tactical training.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, prior to drawing and exhibiting his/her pistol, there had been two separate altercations between his/her dogs, and the Pit Bull dog, and both times

he/she struck the Pit Bull dog with a metal water bottle to stop the fight. During the second altercation, Officer A had made two additional attempts to pull the Pit Bull away from his/her dogs, each time the Pit Bull turned and lunged toward Officer A. During his/her final attempt to separate the dogs, Officer A attempted to pull the Pit Bull, by the fur or the collar, away from his/her dogs. The Pit Bull dog turned its head at Officer A, showed its teeth, and was within 30 inches of him/her. To distract the Pit Bull, Officer A utilized his/her left hand to grab its fur/skin on the right upper side between its ribs and tail. Officer A then used his/her right hand to unholster his/her pistol which was secured inside his/her right waistband in a holster.

In this case, the BOPC conducted a thorough review in evaluating the reasonableness of Officer A's drawing and exhibiting of his/her pistol. The BOPC considered Officer A's observations when encountering a vicious animal. Officer A observed Witness A's dog attacking his/her dogs and intervened in an attempt separate the dogs from each other. Officer A observed that his/her dogs were tied together and secured to a metal pole, causing them to be unable to defend themselves.

The BOPC noted Officer A's training and experience, and his/her belief that an uncontrolled vicious animal could cause great bodily injury or death to one or both of his/her dogs. The BOPC also considered that once Officer A interjected him/herself into the situation in an attempt to separate the dogs from each other, Witness A's dog began to turn on Officer A, and lunged at his/her face. Officer A believed that the situation could necessitate the use of deadly force. Officer A stated that he/she drew his/her pistol for these reasons and to protect him/herself from harm.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, while faced with similar circumstances, would reasonably believe there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officer A's drawing and exhibiting of a firearm to be In-Policy.

C. Lethal Use of Force – Dog Shooting

- **Officer A** – (pistol, one round)

Background – According to the FID investigation, the OIS occurred during daylight, at approximately 0850 hours at the top of a dirt hiking trail at a park outside the city, in Los Angeles County Sheriff's Department jurisdiction. The environmental conditions were clear and dry. The park spanned approximately 20 acres and was surrounded by residential neighborhoods. The trail had a grade slope of up to 25%. The dirt trail was uneven due to loose dirt, rocks and erosion. Dry brush lined both sides of the trail.

According to Officer A, he/she had just finished running up hill, was winded, and believed he/she was in a fight for his/her life after the third time the Pit Bull dog lunged at him/her (Officer A). Officer A feared the Pit Bull was going to turn on him/her and bite him/her. Officer A then pushed the Pit Bull with his/her left hand and extended his/her right arm while pointing his/her pistol downward at the Pit Bull's right shoulder. Officer A looked up and ensured he/she had a clear background. Officer A was facing north when he/she discharged one round from his/her pistol in a northerly direction at the Pit Bull. Officer A described the position of his/her pistol in relation to the Pit Bull as close to the Pit Bull's body but not "a contact shot." Officer A observed the Pit Bull fall to the ground after discharging one round and stopped firing his/her pistol.

The BOPC conducted a thorough review and analysis of the reasonableness, necessity, and proportionality of Officer A's use of deadly force. The BOPC noted that Officer A continually assessed the tactical situation and Witness A's dog's movements prior to and after discharging his/her round. Officer A, after firing his/her round, observed that the dog no longer posed a threat, ceased firing his/her pistol, and continued to assess the area.

The BOPC opined that it was reasonable for Officer A to intervene and render aid to his/her dogs, who were repeatedly being attacked by the Pit Bull. The BOPC noted that when Officer A placed him/herself in a position to render aid to his/her dogs, it was not Officer A's intention to use deadly force against the Pit Bull. The BOPC also noted that the Pit Bull turned on Officer A multiple times. Officer A exhausted multiple de-escalation techniques before utilizing deadly force to end the Pit Bull's attack on Officer A, including utilizing his/her water bottle to strike the Pit Bull. Officer A was in fear of being attacked by the Pit Bull and believed that he/she was in a fight for his/her life. According to Officer A, the Pit Bull came within approximately 30 inches of him/her and he/she believed that he/she was going to get bit as the Pit Bull had already bitten Officer A's dogs. Therefore, Officer A discharged his/her pistol in defense of his/her life based on the continued imminent lethal threat presented by the Pit Bull's actions.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, would reasonably believe that Witness A's dog's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be proportional, objectively reasonable, and necessary.

Therefore, the BOPC found Officer A's lethal use of force to be In Policy.