

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

OFFICER-INVOLVED ANIMAL SHOOTING – 035-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No ()
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Southeast	7/5/2021		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	1 year, 9 months
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Reason for Police Contact

Communications Division (CD) received a 911 call from the Subject, who requested a police response for a murder investigation. The Subject told the dispatcher there were two dead bodies outside her grandmother’s house. Numerous officers responded to the call, including Officer A. As officers concluded their interaction with the Subject, she released her Pit Bull dog. As officers left the scene, the Subject allegedly threw two bottles at departing police vehicles. When officers stopped to conduct additional investigation, the Pit Bull dog ran towards Officer A, 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 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 suspect 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 5/3/22.

Incident Summary

On Monday, July 5, 2021, at approximately 0557 hours, Communications Division (CD) received a 911 call from the Subject, who requested a police response for a murder investigation. The Subject told the dispatcher there were two dead bodies outside her grandmother's house.

Police Officers A and B driver advised CD to assign the call to them.

In response to the call, Officers C, D, E, F, G, H, I, J, K, L, M, and N also responded.

At approximately 0609:19 hours, Officers C and D arrived at the scene.

As Officers C and D were standing in the front driveway, their BWVs captured a female, identified as the Subject, and a male, identified as Witness A, walking west in the driveway toward them. Witness A told the officers to take the Subject and that she had made a false call.

At approximately 0610:13 hours, Officers E, F, G, H, I, and J arrived at the scene and entered the driveway. Officer D directed Witness A to the front sidewalk while Officer E detained the Subject by placing handcuffs on her.

Shortly thereafter, Officers A and B arrived at the scene and met with Officer E in the driveway of the residence. Officer B's BWV captured Officer E stating that the Subject was the Person Reporting (PR) and that he/she had been to the residence on a previous occasion. Additionally, Officer E told Officers A and B that the Subject had been under the influence of crack cocaine on previous occasions and that she always appeared to be mentally disturbed.

Officer B met with the Subject while Officer A met with Witness A. As captured on Officer A's BWV, Witness A stated that the Subject had been drinking all night and hitting cars with bottles. According to Officer A, he/she visually inspected the nearby vehicles, and not seeing any damage, went to advise Officer B there was no crime.

Meanwhile, Officer B's BWV captured the Subject using profanity toward the officers. According to Officer B, he/she noticed the Subject's eyes were watery and could smell an odor of alcohol emitting from her breath.

Officer B's BWV captured the Subject stating that she had been in a dispute with Witness A and that he/she had slapped and punched her. The Subject told Officers B and H to look at her face and lip. She also told the officers to look at her car window.

At approximately 0612:18 hours, Officer B's BWV captured him/her asking the Subject what she wanted from the officers and if she wanted a report. The Subject said that she wanted a report filed for assault on her person and vandalism to her car. She also told Officer B to look at her driver's window. According to Officer B, he/she examined the

Subject's face and did not see any injuries. Officer B inspected the Subject's car, which was parked in the driveway, for any shattered windows or signs of vandalism. According to Officer B, he/she did not see any broken windows or evidence of vandalism.

Officer B returned to the Subject and attempted to get her attention. The Subject told Officer B to take her to jail and stated that she would be released.

According to Officer B, the Subject's credibility was called into question because she earlier told Communications Division (CD) that she was joking when she reported the dead bodies at the location. Based on the fact that Officer E advised the residence was a problem location, the Subject displayed the objective symptoms of being under the influence of alcohol, and that he/she did not observe any evidence of vandalism to the Subject's vehicle or visible injuries to her, Officer B believed that the Subject was not credible, and he/she no longer had a reason to detain her. Officer B then decided to release the Subject and advised Officer H.

According to Officer B, he/she believed that the Subject was under the influence of alcohol and possibly narcotics, and not suffering from mental illness; therefore, he/she did not consider contacting the Mental Evaluation Unit (MEU). Officer A felt that MEU wasn't needed at that time, based on the statements made earlier by Officer E.

At approximately 0613:23 hours, Officer H uncuffed the Subject. The Subject requested to speak with Officer A, but then the Subject walked down the driveway. Officer A's BWV captured the Subject walking between two parked vehicles and momentarily disappear from view. Moments later, the Subject reappeared from between the two vehicles, and a Pit Bull dog was then running loose.

The dog began to trot in a westerly direction toward the officers as it barked. The Subject could be heard ordering the dog to attack the officers. According to Officer A, the dog's tail was wagging, and it initially appeared to be in a playful mood. Officer A did not believe the dog was a threat at this point.

According to Officer B, the dog was barking loudly but did not pose a threat. The officers on scene began to return to their police vehicles. As the officers returned to their cars, the Subject told the dog to attack the officers, as it trotted around the area unleashed.

As he/she walked back towards his/her vehicle, Officer M's BWV captured him/her with his/her OC spray in his/her left hand. According to Officer M, as he/she was walking toward his/her police vehicle, he/she noticed the dog growling as it advanced toward him/her. Officer M believed that he/she was going to be bitten by the dog and sprayed a burst of OC toward the dog's face. According to Officer M, the OC was effective, and the dog immediately trotted back toward the Subject, who was near the front gate.

Officers A, B, M, and N re-entered their police vehicles.

At 0615:12 hours, Officer M proceeded to drive away as Officers A and B followed in their vehicle. As they did so, Officer J's digital in-car video footage captured an object flying over Officers M and N's vehicle. The object struck the driver's side of a parked car and bounced onto the middle of the street. Believing an Assault with a Deadly Weapon (ADW) on a Police Officer had just occurred, Officer M stopped his/her vehicle.

According to Officer A, he/she observed a glass bottle fly toward Officers M and N's vehicle and believed it struck their front hood. Officer A did not see who threw the bottle; however, he/she believed it came from the driveway. Officer A also saw a second bottle land in between his/her vehicle and Officers M and N's vehicle. Officer A observed Officer M's vehicle stop and believed an Assault with a Deadly Weapon (ADW) on a Police Officer had occurred.

In order to detain the Subject for an ADW investigation, Officers A, B, M, and N exited their respective doors.

Officers B, M, and N began to approach the Subject, who was in the front driveway, while Officer A jogged around the left rear bumper of his/her police vehicle. The digital in-car video footage from Officers I and J's vehicle captured Officer A near his/her police vehicle's right rear bumper when the dog began to advance toward him/her.

As the dog advanced, Officer A backed up in a westerly direction. Officer A unholstered his/her service pistol, held his/her gun in a two-handed shooting position, and pointed his/her weapon downward toward the dog's head.

Officer A feared that he/she would be bitten by the Pit Bull dog, which could cause death or serious bodily injury, so he/she fired one round in a downward angle at the dog from an approximate distance of one foot. Officer A stated that his/her background consisted of the street and that the Subject was not in his/her line of fire.

The dog was struck by the gunfire and immediately fell onto the street. Officer A then holstered his/her pistol.

BWV and DICVS Policy Compliance

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

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 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 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 – Officers A and B had worked together for approximately two weeks. During their time together, the officers had discussed tactics, specifically contact and cover roles. They had agreed the driver officer would generally assume the contact role unless the passenger officer exited the police vehicle first. Officers A and B also discussed the foot pursuit policy, mental health issues, and vehicle clearing tactics. While responding to the location, Officers A and B discussed prior radio calls at the location involving a loud radio but did not recognize the Subject as the reporting party. After arriving at the location, Officer A discussed communication roles. Officer A determined that he/she would talk to Witness A and advised Officer B to communicate with the Subject.

Assessment – Officer A had observed the dog after the Subject released it from the front yard of the residence as officers were leaving the scene. The dog had approached officers and, according to Officer A, initially acted in a friendly manner. After the Subject threw the bottles at the officers' vehicles, Officer A exited his/her police vehicle to detain the Subject. As Officer A walked around the rear of his/her vehicle, he/she observed the dog rapidly approaching. Based on the dog's behavior, Officer A determined it was a threat to his/her safety at that point. After discharging one round from his/her service pistol, Officer A believed the dog was no longer a threat; Officer A's assessment prevented the use of additional force. When asked about less-lethal options, Officer A indicated that such options would not have been feasible at the time of the OIS.

Time – When the Subject released her dog and attempted to set it on officers, they returned to their vehicles, avoiding an encounter with the animal. Based on the dog's behavior after the Subject threw the bottles, Officer A's ability to use time as a de-escalation technique was greatly limited. Also, the Subject's actions concerning her dog, greatly limited Officer A's ability to use time as a de-escalation technique.

Redeployment and/or Containment – After initially determining there was no crime, officers released the Subject. Due to the Subject's erratic behavior and the dog running loose in the street, officers redeployed to their police vehicles. Officer A indicated that he/she was leaving the scene to avoid an encounter with the dog. Due to the Subject's subsequent behavior, officers exited their police vehicles to detain her. As the dog rapidly approached Officer A, he/she attempted to create space by stepping back; however, the dog continued to rapidly approach him/her.

Other Resources – When Officers A and B arrived, multiple units were already at the scene. When the dog first displayed signs of aggression, Officer M was able to deter the animal with a short burst from his/her OC spray canister. When officers re-approached the Subject, the dog's aggressive behavior escalated, resulting in the OIS. When the OIS occurred, sufficient units were still at the scene. While OC spray had been effective for Officer M, the BOPC opined that based on the dog's size, speed, proximity, and aggression, other options such as voice commands, OC spray, baton, kicks, or a TASER would have been ineffective at the time of the OIS.

Lines of Communication – Officer A communicated with Officer B throughout the incident. Officer A approached Officers E and F, who informed Officer A that they had prior experiences with the Subject and knew she frequently called 9-1-1 to report false incidents. After discussing the incident, Officers A and B determined that a crime had not occurred. According to Officer B, before exiting their police vehicle to address the ADW, Officer A had said a bottle had been thrown.

While Officers A and B had general discussions regarding tactics, based on the nature of this call, and the frequency of other calls at the location, the BOPC would have preferred that the officers had created a thorough plan, including the discussion of less-lethal options. The BOPC would also have preferred that the officers had discussed how to deal with the dog after the Subject threw the bottles.

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

- **Dog Encounters**

After the Subject was released, she told officers to leave her property, released her Pit Bull dog, and repeatedly ordered the dog to “get” officers. The dog ran out of the yard, unleashed, into the street. As officers began to leave the location, the dog growled and walked toward Officer M. Believing he/she may be bitten, Officer M sprayed a short burst from his/her OC spray canister toward the dog’s face. In response, the dog trotted back toward the Subject. Officers entered their respective police vehicles. Officer A indicated that he/she was leaving the scene to avoid an encounter with the dog. As officers began to drive away, the Subject ostensibly threw two glass bottles at their police vehicles. As Officer A came around the rear of his/her police vehicle to detain the Subject, he/she observed the dog rapidly approaching with its tail pointed, teeth exposed, and growling. Officer A stepped back to create space, but the dog continued toward him/her. Believing that if the dog was to bite him/her it would cause serious bodily injury or death, Officer A discharged one round from his/her service pistol at the dog from approximately one foot. When asked about less-lethal options, Officer A indicated that such options would not have been feasible at the time of the OIS.

The BOPC noted that Officer A appropriately assessed the dog’s behavior and redeployed to his/her police vehicle to avoid further agitating the dog or the Subject. After entering his/her police vehicle, Officer A believed the crime of ADW on a Police Officer had occurred and exited his/her police vehicle to detain the Subject. Observing the dog rapidly and aggressively approaching, Officer A stepped back to create distance and time; however, the dog continued to approach, presenting an imminent threat of serious bodily injury and possibly death. The BOPC also noted that when asked about less-lethal options, Officer A indicated that those options would not have been feasible at the time of the OIS, and the BOPC agreed with his/her assessment. While this incident unfolded rapidly and left little time for Officer A to react, the BOPC opined that Officer A used the available tactics to avoid an encounter with the dog.

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

- The BOPC also noted the following:
 - **Tactical Communications/Planning** – While Officers A and B had general discussions regarding tactics, they did not develop a plan specific to this incident, while responding. Officer A observed two bottles being thrown at his/her and Officer M's police vehicles as they drove away from the radio call location. Believing that the Subject had thrown the bottles, Officer A stopped to investigate. While Officer A told Officer B that a bottle had been thrown, the officers did not discuss a plan to detain the Subject or how to deal with her dog.
 - **Other Resources** -- When Officers A and B arrived, multiple units were already at the scene. When the dog first displayed signs of aggression, Officer M was able to deter the animal with a short burst from his/her OC spray canister. When officers re-approached the Subject, the dog's aggressive behavior escalated, resulting in the OIS. When the OIS occurred, sufficient units were still at the scene. While OC spray had been effective for Officer M, the BOPC opined that based on the dog's size, speed, proximity, and aggression, other options such as voice commands, OC spray, baton, kicks, or a TASER would have been ineffective at the time of the OIS.
 - **Non-Medical Face Coverings** – Officer A and additional personnel were not wearing non-medical face coverings at scene as directed by the Chief on May 20, 2020.
- 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 are intended to be flexible and incident specific, which requires that each incident be looked at objectively and that the tactics be evaluated based on the totality of the circumstances.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Although it was determined that Officer B would not receive formal findings, the BOPC determined that he/she would benefit from attending the Tactical Debrief.

Therefore, the BOPC found Officer A's tactics to warrant a Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, he/she exited the driver's door of his/her police vehicle and jogged around the left rear bumper. Officer A was facing eastbound when he/she observed the dog approximately 15 feet away. As the dog closed the distance to approximately five feet, its tail was pointed, teeth were exposed, and it was growling. As the dog lunged full speed toward Officer A, he/she drew his/her service pistol and held it in a two-handed grip.

The BOPC evaluated Officer A's drawing and exhibiting of his/her service pistol. The BOPC considered the dog's actions and Officer A's limited time to react when the dog targeted him/her. The BOPC also considered Officer A's belief that he/she may be seriously injured were the dog to bite him/her. Given the dog's behavior, as well as the Subject's commands, the BOPC opined that it was reasonable for Officer A to believe the situation may escalate to the point where deadly force may be justified.

Based upon the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A 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 Officer A's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

- **Officer A – (pistol, one round)**

According to Officer A, the Subject was not in his/her line of fire, and his/her background was the roadway.

According to Officer A, he/she believed that if the dog was to bite him/her it would cause serious bodily injury or death. In response, Officer A discharged one round from his/her service pistol at the dog's head. Observing that the dog had collapsed to the ground after his/her first round, Officer A believed it was no longer a threat; Officer A used no additional force. According to the FID investigation, Officer A fired one round at the dog from approximately one foot away in a southwesterly direction.

The BOPC assessed the reasonableness, necessity, and proportionality of Officer A's use of deadly force. The BOPC noted that when Officer A first observed the dog rapidly approaching, it was approximately 15 feet away. By the time Officer A discharged his/her service pistol, despite his/her efforts to move back, the dog was approximately one foot away, indicating the dynamic nature of this incident. The BOPC also noted that as the dog lunged toward Officer A, its tail was pointed, teeth

were exposed, and it was growling. Based on the DICVS footage, the dog appeared to rear up on its hind legs just before the OIS. The BOPC further noted that after discharging his/her round, Officer A assessed that the dog no longer posed a threat, ceased firing his/her service pistol, and redeployed to the sidewalk. While OC spray had been effective for Officer M, the BOPC opined that based on the dog's size, speed, proximity, and aggression, other options such as voice commands, OC spray, baton, kicks, or a TASER would have been ineffective at the time of the OIS. The BOPC also opined that based on the dog's behavior, it was reasonable for Officer A to believe the dog posed an imminent threat of serious bodily injury or death.

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 use of lethal force was proportional, objectively reasonable, and necessary.

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