

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

OFFICER-INVOLVED ANIMAL SHOOTING – 012-21

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

Southeast 3/15/21

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

Officer A 8 years, 10 months

Reason for Police Contact

Officers A and B responded to a location regarding a report of a domestic violence incident. Shortly after the officer's arrival, a dog attacked Officer A, resulting in an officer-involved animal shooting (OIAS).

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

Rottweiler 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; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on December 14, 2021.

Incident Summary

On March 15, 2021, uniformed Police Officers A and B were assigned as partners.

During their start of watch procedure prior to field deployment of their first time working together, Officers A and B discussed contact and cover responsibilities and discussed their weapon systems. According to both officers, more discussion on tactics was done throughout the day as they debriefed the radio calls they had handled.

At 1645 hours, Witness A called Communications Division (CD) and asked for the police to respond to her residence and have her husband (Witness B), who had been drinking, leave their home. Witness A added that there had been no violence, but she wanted to prevent the situation from escalating by having the police come out and ask him to leave the residence.

At 1649 hours, CD broadcast the call to of a Domestic Violence, provided the location, and stated that Witness B was the husband of Witness A. CD also advised that the husband was intoxicated.

At approximately 1700 hours, officers responded to the radio call. Officer A stopped his/her vehicle one house east of the residence. Officers placed themselves at scene via the Mobile Data Computer (MDC) and at approximately 1701 hours, Officer B broadcast a request for Witness A to step outside to meet the officers. At 1703 hours, CD called Witness A and advised her that the officers were at scene and asked her to step outside to meet with them. Witness A agreed, and she came out to her front yard to speak with the officers. Both officers advised they discussed calling Witness A out of the residence to separate her from Witness B.

At 1705 hours, Officer A observed Witness A exit the residence as she drove the police vehicle forward and parked directly in front the target residence. Both officers exited and activated their BWV cameras as they approached to meet with Witness A, who was standing alone on her front porch. As officers spoke with Witness A, Officer A observed several dogs, including a Pit Bull terrier, through the front screen door. Officer A asked Witness A to secure the dogs inside a room prior to them entering the residence. Witness A entered the house and she could be heard on both officer's BWV recordings dealing with what sounded like several dog's inside the home.

During their interviews, both officers recalled driving on the street earlier in the day and seeing Witness A walking several dogs. Witness A also recalled seeing the officers and waving to them. The officers stated they did not observe a Rottweiler as one of the dogs she was walking earlier in the day.

According to Officer A's BWV, Witness A returned and allowed the officers to enter the residence through the front door. As the officers entered, Witness A advised the officers that her husband was in the backyard with his dog, which she described as a Rottweiler. Officer B asked, "Is it vicious?" to which Witness A replied, "Yah." Officer A

then stated, "Ah no. If you want us to go and approach. Cause I'm just saying, if he does charge us, we are going to have to, you know, put him down."

Officer A's BWV depicted as Witness A looked out a window and onto the drive-way, which ran along the west side of the house, and stated her husband was outside and walking to the front. The officers then turned and returned to the front door, which had remained open. Officer A verified Witness B's name with Witness A and asked her to remain inside.

Officer B exited the residence first, followed by Officer A. Witness B was standing in the driveway, in front of the black, iron gate, which spanned the width of the driveway and separated the front yard from the backyard. One side of the six-foot-high gate was attached to the southwest corner of the house and the other end was secured to a fence on the west side of the property. Officer B walked out and down the steps as he/she stood in the driveway, to the left of Officer A and approximately four feet from Witness B. As Officer B was talking with Witness B about the reason the police responded, Witness B looked to his left and saw his dog running past him. Officer B's BWV depicts Witness B saying, "Hey, Hey!" Officer A was standing on the front porch when he/she first observed the dog, which he/she described to investigators as a big dog weighing 200 pounds and being 25 to 26 inches tall. Officer B estimated the dog weighed 120 pounds. The veterinarian's report listed the dog's weight as 95 pounds.

Officer A stated the dog appeared to open the gate with its head. Officer A asked Witness B, "Can you grab your dog?" According to Officer A, just as he/she finished the sentence, the dog locked eyes and launched aggressively toward him/her. Believing the dog was going to cause serious bodily injury, Officer A back peddled one step and simultaneously unholstered his/her pistol. According to Officer A, he/she did not have time to extend his/her arm and point his/her pistol at the dog, and held his/her firearm in a one-handed, close-contact position. Officer A stated he/she observed the dog launch at him/her in an aggressive way and when he/she fired, he/she observed the dog's teeth. Officer stated that he/she believed the dog was going to rip his/her arm off.

According to Officer A, he/she believed he/she had extended his/her left arm to keep the dog at a distance as he/she aimed at the dog's center body mass and fired one round from his/her service pistol from a distance of less than a foot. After viewing his/her BWV in slow motion and frame by frame, Officer A did not realize the dog was so close to him/her and that he/she had his/her left hand on the dog's head when he/she fired his/her round.

Officer A's BWV depicted that at the time the shot was fired, his/her left arm was extended and his/her hand on the dog's head as he/she pointed his/her pistol at the dog's left cheek area when he/she fired one round from a distance of less than a foot.

Officer B believed that approximately two seconds elapsed from the time he/she first saw the dog to when he/she heard the gunshot.

Based on Officer A's BWV, the investigation determined that from the time the dog's head was seen at the gate to when the shot was fired, approximately 2.4 seconds of time elapsed.

After the shot was fired, Officer B moved south in the driveway and turned toward the dog, who was now in the center of the grass area of the front yard. According to Officer B, he/she unholstered his/her duty pistol because he/she believed the situation could turn to one involving deadly force due to the Rottweiler's bite force causing great bodily injury. Officer B held his/her pistol with two hands and in a low-ready position.

After the shot was fired, the dog ran into the east portion of the gated front yard. Officer A redeployed back and outside the outer gate onto the sidewalk as he/she assessed and held his/her pistol with a two-handed, low ready position. The dog eventually ran into the back yard and Officer A holstered his/her pistol.

Officer A broadcast to CD a call of "shots fired" and indicated that it was a dog shooting only and the incident had been resolved (Code 4). Officer A requested one additional unit and a supervisor. Sergeant A responded and declared him/herself as the Incident Commander (IC). A crime scene was immediately established and Department Officer-Involved Shooting (OIS) protocols were initiated. Sergeant B also responded and took possession of Officer A's BWV camera and obtained a Public Safety Statement (PSS). Sergeant C responded, separated, and monitored Officer B as well and took possession of his/her BWV camera.

At 1724 hours, Sergeant D notified the Department Operations Center (DOC) of the Animal Shooting.

There was no formal report taken as a result of the radio call. Officers A and B determined that there was no crime, no domestic violence had taken place, and that officers were there to keep the peace.

The dog involved in this incident was a two-year old male Rottweiler and was transported by Witness B to a veterinary clinic for treatment. The dog was treated for a gunshot wound (GSW) to his left cheek, entry wound, and right neck area, exit wound. The dog was expected to recover from its injuries.

Witness Statements

Force Investigation Division (FID) interviewed Witnesses A and B. According to Witness B, he and his wife were having a "discrepancy" and when the police officers arrived, he went out to talk to them. According to Witness B, his dog was with him in the back yard. As Witness B went to the front yard, he thought he had closed the gate, but he had not. Witness B's dog came out and lunged at one of the officers and he was shot. Witness B stated that Officer A did his/her job due to the actions of his dog.

Witness A stated she called the police because her husband was drunk, and she wanted him to leave the residence before the situation escalated. According to Witness A, she was inside the living room when she heard a single gunshot and realized the dog had been shot. She came out and observed the injury to his mouth.

Witness C stated she was at home when she observed the officers arrive. Approximately 20-30 minutes later, Witness C heard a commotion outside, which caused her to walk out to her front yard. Witness C stated she observed Witnesses A and B, along with two uniformed officers and a large dog in the front yard. According to Witness C, she observed Officer A shoot the dog utilizing a one-handed grip.

The investigation determined that the OIS occurred approximately 10 minutes after the officers first arrived at scene, not 20-30 minutes as stated by Witness C. In addition, the investigation determined that when the OIS occurred, Witness C was inside the residence and not in the front yard as she indicated.

Witness A stated her dog was known to bark but had not displayed aggressive behaviors in the past. The investigation determined that Witness A made a statement that the Rottweiler was “vicious,” which was recorded on both officers’ BWV.

BWV and DICVS Policy Compliance

OFFICER	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	N/A	N/A
Officer B	Yes	Yes	Yes	N/A	N/A

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 and B’s tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officer 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 Officers 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 Officers 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 Officers 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 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 – This was Officers A and B's first shift as partners. Officers A and B discussed contact and cover responsibilities, along with their weapon systems. As he/she was bilingual, the officers determined that Officer A would handle contacts that required a Spanish speaking officer. Additionally, both officers discussed tactics as they debriefed completed radio calls. According to Officer A, during a previous domestic violence radio call they had separated the Reporting Party (PR) from the suspect by asking CD to have the PR step out of the residence. Based on their prior

success, Officers A and B decided to implement the same tactic with Witnesses A and B.

Assessment – Speaking with Witness A, Officer A observed several dogs inside her residence. In response, Officer A asked Witness A to secure the dogs prior to the officers entering the residence. Continuing to speak with Witness A, Officers A and B learned that Witness B was in the backyard with his Rottweiler dog. Officers A and B recalled seeing Witness A earlier in the day walking several dogs; however, they did not see a Rottweiler in the pack. Learning that the Rottweiler was vicious, Officer A indicated that the dog would have to be secured if Witness A wanted the officers to approach Witness B, as lethal force may be used against the dog if it attacked. Contacting Witness B, Officers A and B believed the iron gate separating the back and front yards was closed. While standing on the front porch, Officer A noticed that Witness A's dog opened the gate with its head. In response, Officer A asked Witness A to control his dog.

Time – The FID investigation determined that approximately 2.4 seconds elapsed from the time the dog's head appeared through the gate to when the round was discharged. Officer A had minimal time to assess and redeploy to minimize the dog's advance towards him/her.

Redeployment and/or Containment – Arriving at scene, Officers A and B caused Witness A to contain her dogs in a room inside her house. Prior to the OIS, Officer A implied that Witness B's dog needed to be contained before officers would proceed to the backyard. Immediately after discharging his/her service pistol, Officer A redeployed off the porch, creating distance from the dog. Following the discharge of Officer A's service pistol, Officer B moved south in the driveway. After the OIS, Officers A and B subsequently redeployed to the sidewalk; Officer A further redeployed to his/her police vehicle.

Other Resources – After the OIS, Officers A and B requested help. Officer A further requested a supervisor and additional units.

Lines of Communication – Speaking with Witness A, Officers A and B asked her to secure her dogs prior to the officers entering her residence. Prior to the OIS, Officer A implied that Witness B's dog needed to be contained before officers would proceed to the backyard. Observing Witness B's dog open the gate, Officers A directed Witness B to "grab" his dog. After the OIS, Officers A and B requested help.

- The BOPC noted the following tactical considerations:

1. Tactical Approach

Arriving at scene, Officers A (driver) and B (passenger) parked their police vehicle one house east of Witness A's house. When Witness A exited her

residence, Officer A drove forward (west), parking in front of Witness A's house. When asked by FID investigators if parking in front of the residence was a usual tactic on radio calls, Officer A stated that it was not.

The BOPC considered the position of Witness A's front door in relation to the position of the officers' police vehicle. Based on their BWV footage, Officers A and B's police vehicle was positioned east of Witness A's front door; Witness A's front door faced west and was located on the west side of the structure. Based on the position of Witness A's front door, the BOPC opined that the officers' approach was not significantly compromised by the position of their police vehicle, as CD had advised Witness A that the officers were at scene and the officers still had to traverse the driveway to meet Witness A at the front door. While it is generally preferable for officers to park away from a location and approach on foot, based on the position of Witness A's front door in relation to the position of the officers' police vehicle, the BOPC opined that the officers were not at a significant tactical disadvantage.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's actions were not a deviation from approved Department tactics and training.

2. Dog Encounters

As Officers A and B spoke with Witness A, Officer A observed several dogs inside her house. Officer A asked Witness A to secure the dogs prior to the officers entering the residence, Witness A complied. As the officers entered the residence, Witness A advised Officers A and B that Witness B was in the backyard with his Rottweiler dog. Officer B asked, "Is it vicious?" Witness A replied, "Yeah." Officer A then stated, "Ah no. If you want us to go and approach. Cause I'm just saying, if he does charge us, we are going to have to, you know, put him down." Officers A and B exited the front of the residence to speak with Witness B but did not ask Witness B if his dog was secured. While standing on the front porch, Officer A observed the dog open the gate with its head. In response, Officer A asked Witness B, "Can you grab your dog?" The dog ran past Witness B and lunged at Officer A, resulting in an OIS.

The BOPC noted that when Officers A and B observed Witness A's dogs through the screen door, they caused her to secure the dogs in a separate room before entering the house. Speaking with Witness A, Officers A and B, learned that Witness B had a Rottweiler in the backyard which, according to Witness A, was vicious. The BOPC noted that in response to this information, Officer A warned Witness A that deadly force may be used if the dog attacked the officers. Before Witness A could secure the Rottweiler, Witness B began walking to the front of the house from the backyard; Officers A and B walked out front to meet Witness B. The BOPC noted that while the officers did not ask Witness B if the Rottweiler had been secured, Witness B had tried to close the gate leading to the backyard.

The BOPC also considered Officer A's, Officer B's, and Witness B's FID interviews, which indicated they all initially believed the black iron gate was closed. Additionally, 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.

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

- The BOPC also noted the following:
 - **Basic Firearms Safety Rules** – According to the FID investigation, Officer A's BWV depicted his/her left hand on the right side of the dog's head as he/she pointed his/her service pistol at the dog's left cheek area, discharging one round. According to the FID investigator, Officer A did not cover his/her left hand with his/her service pistol during the OIS.
 - **Radio Communications** – While Officer B advised CD that shots had been fired and broadcast a "Help" call, he/she did not initially advise that it was a dog shooting nor did he/she provide his/her location. Officer A also broadcasted a "Shots Fired" call and advised CD that it was "Code Four...dog shooting only." Officer B requested a supervisor and additional units; however, he/she did not initially provide his/her location.
 - **Preservation of Evidence** – After the crime scene was established, Sergeants A and E allowed officers to remain around the OIS area while they attempted to identify the involved parties, determine if a crime had occurred, and verify if a protective sweep of the house needed to be performed.

Command and Control

- Arriving at scene, Sergeant A declared him/herself as the IC, established the OIS scene, and initiated the Categorical Use of Force (CUOF) protocols. Arriving at scene, Sergeant E directed responding officers to determine the nature of the original incident. Sergeant E also formed a team to locate Witness B in the backyard. Per Sergeant E's BWV footage, officers were standing in the driveway and on the porch while identifying the involved parties, determining if a crime had occurred, and verifying if a protective sweep of the house needed to be performed. Sergeant B responded and took possession of Officer A's BWV and obtained a Public Safety Statement (PSS). Sergeant B transported Officer A to Southeast Community Police Station (CPS). Sergeant C responded, separated, and monitored Officer B, obtained his/her PSS, and took possession of his/her BWV. Sergeant C transported Officer B to Southeast Community Police Station.

At 1724 hours, Sergeant D notified the Department Operations Center of this incident. At 1818 hours, Lieutenant A, Southeast Patrol Division Watch Commander, arrived on scene and assumed the role of IC from Sergeant A.

The BOPC determined that based on the totality, the actions of Sergeants A, B, C, D, E and Lieutenant A were consistent with Department training and expectations of field supervisors during a critical incident.

- 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 involved personnel to discuss individual actions that took place during this incident.

In conducting an objective assessment of this case, the BOPC determined that Officers A's and B's actions were not a deviation from approved Department policy and training. Therefore, the BOPC directed Officers A and B to attend a Tactical Debrief

Although it was determined that Sergeants A and E would not receive formal findings, the BOPC determined that Sergeants A and E would benefit from attending a Tactical Debrief to discuss this incident in its entirety and to enhance future performance.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, when he/she walked out of Witness A's residence, onto the front porch, he/she observed a "Rottweiler" open the driveway gate with its "big head." Officer A described the animal as a "big dog," weighing approximately "200 pounds." Per his/her BWV, Officer A asked Witness B to "grab" his dog. According to Officer A, the dog "locked eyes" and "lunged" towards Officer A. Based on its behavior, Officer A believed the dog was going to bite him/her, causing "serious bodily injury" or "extensive suturing." In response, Officer A stepped backwards and unholstered his/her service pistol, maintaining it in a "close contact" position.

The BOPC conducted a thorough review in evaluating the reasonableness of 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 fixated on him/her. The BOPC also considered Officer A's perception of the dog's size and weight, as well as Officer A's belief that he/she may be seriously injured were the dog to bite him/her.

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 that the situation may escalate to the point where deadly force may be justified.

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

- **Officer B**

Officer B believed that if bitten, the force of the dog's bite could have seriously injured Officer A. Believing that the situation could escalate to the point where the use of deadly force would be justified, Officer B unholstered his/her service pistol and held it at a "low-ready" position.

The BOPC conducted a thorough review in evaluating the reasonableness of Officer B's drawing and exhibiting of his/her service pistol. The BOPC considered Officer B's assessment of the dog's breed, size, and actions towards Officer A. The BOPC also considered Officer B's belief that the dog could cause serious bodily injury were it to bite Officer A. Officer B unholstered his/her service pistol to protect Officer A from injury. The BOPC also noted that Officer B holstered his/her service pistol after the dog fled and began to request resources via his/her police radio.

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

C. Lethal Use of Force

- **Officer A** – (pistol, one round)

Background – According to the FID investigator, Officer A's background consisted of the concrete landing of the porch. According to the FID investigation, when Officer A discharged his/her service pistol with his/her right hand at the dog's left cheek area, his/her left hand was on the right side of the dog's head; however, per the FID investigator, Officer A did not cover his/her left hand with his/her service pistol during the OIS.

According to Officer A, as the dog "launched" itself towards him/her in an "aggressive way," Officer A believed the dog was about to "attack." Believing the dog was going to bite him/her, causing serious bodily injury, Officer A extended his/her "left arm" as a "tool" to keep the dog at a distance as he/she aimed at the dog's center body mass, discharging one round from his/her service pistol, in a close-contact position, from less than a foot. When Officer A discharged his/her service pistol, Officer A could see the dog's teeth.

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 approximately 2.4 seconds elapsed from the time the dog's head appeared through the gate to the point when Officer A discharged his/her round. Within that time, Officer A requested Witness B to secure his dog, redeployed by taking a step back, and put out his/her left hand to create distance between him/herself and the dog. The BOPC also noted that when Officer A discharged his/her service pistol, his/her primary arm was not fully extended, indicating the dog's proximity to the officer. The BOPC further noted that as the dog charged Officer A, its teeth were bared. When Officer A assessed that the dog no longer posed a threat, Officer A ceased firing his/her service pistol and redeployed to the sidewalk, then his/her police vehicle. 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.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe the 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.

The BOPC found Officer A's lethal use of force to be In Policy.