

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

OFFICER-INVOLVED ANIMAL SHOOTING – 036-21

Division	Date	Duty-On (X) Off ()	Uniform-Yes (X) No()
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Southeast	7/5/21		
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Officer(s) Involved in Use of Force	Length of Service
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Officer A	24 years, 7 months
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Reason for Police Contact

As an officer was conducting a traffic collision investigation, a German Shepherd dog quickly approached and an officer-involved animal shooting occurred.

Animal	Deceased ()	Wounded (X)	Non-Hit ()
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German Shepherd 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 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 June 14, 2022.

Incident Summary

On Monday, July 5, 2021, at approximately 1512 hours, Communications Division (CD) broadcast a radio call of a traffic collision. Officer A advised CD that he/she would respond with emergency lights and siren (Code Three) to the incident.

At 1521:40 hours, Officer A approached the scene and parked his/her motorcycle. According to Officer A, he/she observed a Sport Utility Vehicle (SUV) in the roadway. He/she noted the vehicle had front-end damage and the airbag was deployed.

When Officer A arrived, Los Angeles Fire Department (LAFD) personnel were already at scene and had positioned their fire trucks to protect the scene from vehicle traffic. Officer A was informed that a utility power pole was down. At 1523:09 hours, Officer A requested two additional units to assist with traffic control. He/she also requested Department of Transportation (DOT) and Department of Water and Power (DWP) personnel, and notified Communications Division of the downed power line.

Although Officer A did not broadcast that he/she was Code Six, at 1523:48 hours Communications Division updated his/her status from "enroute" to "at scene," after his/her request for additional resources.

In response to Officer A's request, Officers B, C, D, and E responded.

Officer A initiated the traffic collision investigation and determined the SUV was the only vehicle involved. He/she met with the driver, Witness A, who provided her account of the traffic collision. Officer A then continued his/her on-scene investigation.

As Officer A was speaking with Witness A, her parents, Witnesses B and C, arrived at the scene. They did not witness the traffic collision.

At 1553:00 hours, as Officer A continued his/her investigation, he/she noticed Witness D sitting on a block wall in front of a closed business. Believing that Witness D could have witnessed the traffic collision, Officer A walked toward him. According to Officer A, "And I just seen him looking down at something on the half wall. And I – as I was trying to get his attention I kept saying, sir, sir. And, you know, and he wasn't responding to my – to my – to my – he wasn't responding to me, so I decided to get closer to him, you know, to get his attention."

Unbeknownst to Officer A, a German shepherd was in the parking lot of the closed business. As Officer A neared Witness D, the dog made its way from the east end of the parking lot toward Officer A. Officer A stated he/she heard a grunt or a growl then described, "And as I said, sir, sir, you know, the dog looked up and looked toward my direction. And that's when the dog did the – the growl, aggressive growl. Then he – the dog turned – turned around and started trotting towards me. And that's when I tried to see if I can ascertain if that dog belonged to the – to the man on the half wall. And before I can say anything or get my words out the dog was, started to rush and jumping over a wall and was aggressively coming towards me growling." Officer A estimated the dog was approximately 140 feet away when he/she first noticed it. Officer A's BWV captured the dog as it looked in Officer A's direction and approached him. The BWV did not capture the dog growling.

As the dog descended the stairs, Officer A unholstered his/her pistol. Simultaneously, Witness D yelled out, "Hey! Hey!" The dog continued toward Officer A, as he/she began stepping backward.

According to Officer A, "I mean, the – the dog started to, you know, run faster towards me to the point where I thought – where I'm thinking where I need to basically when I get out the way or – or – or redeploy my current position so I can get some distance from – from getting bit."

Officer A indicated he/she backpedaled three or four steps. Officer A estimated the dog was approximately 10 to 15 feet away. Officer A believed that he/she was going to get bit if he/she did not fire at the dog. Officer A stated, "I believe that, you know, I had to – I had to shoot the dog to avoid major injuries."

According to Officer A, he/she aimed his/her pistol "center mass" toward the dog's chest and fired. Officer A assessed and determined the first shot had no effect on the dog. The dog continued toward him/her, so he/she fired a second round. Officer A indicated, "...when the first shot and the dog was still coming I shot again. And then the second time that's when the dog yelped and turned around and ran." The investigation determined Officer A fired two rounds from an approximate distance of 15 feet. A review of BWV footage shows the dog abruptly veering to its right after Officer A fired his/her first round.

Officer A fell backward onto the pavement after he/she fired his/her second round. The dog was struck by gunfire and ran away. Officer A stood back up and holstered his/her pistol.

When interviewed, Officer A described his/her background at the time he/she fired his/her pistol. He/she stated, "Background is a closed business, half wall, and – and, yeah, closed business, half wall and – and the street. Because the height of the dog I was actually not aiming at chest – human chest level, aiming at – towards the ground."

At the time of the OIS, Officer D was blocking traffic south of Officer A's location. According to Officer D, he/she heard two gunshots and looked toward Officer A's location. Officer D stated, "I saw Officer A facing east [...]. A dog, a black and brown medium sized dog, was running away from Officer A in a sprint. At the time that I saw the dog the dog was at least within 10 to 15 of Officer A again in a sprint. Officer A as I turn my head and looked at [him/her], was falling backwards. [He/she] had [his/her] gun in one of [his/her] hands. [...] I put out a help call 'cause off- – shots had just been fired."

At 1553:24 hours, Officer D broadcast, "Officer needs help [...] shots fired." Officer D then rode his/her motorcycle north to Officer A's location where he/she confirmed that it was an OIS involving a dog. According to Officer D, Officer A looked to be in pain, so he/she requested a Rescue Ambulance (RA).

At the time of the OIS, Officer C had been conducting traffic control with Officer B. According to Officer C, he/she heard two shots, then turned and observed Officer A on the ground and a dog running away. Officer C immediately drove to Officer A's location before broadcasting, "Show a Code Four, I'm with the officer now. It's an OIS involving a dog. Have a supervisor respond, please." Officer A informed Officer C that he/she felt pain to his/her back, so Officer C also requested an RA. Officer C then walked Officer A to his/her vehicle and had him/her sit down on the passenger seat.

As Officer C was checking on Officer A, Officer B walked south to the OIS location. Officer B then used crime scene tape to establish a perimeter around the scene.

After having Officer A sit down in the police vehicle, Officer C walked toward the damaged SUV. Officer C met with Witnesses A and B. Witness B stated she did not see the shooting; she only heard it. Officer C then spoke with Witness A. She stated, "The dog was trying to bite [Officer A], like attack [Officer A]."

Officer C then spoke with Witness C and asked if he saw what happened. Witness C stated, "The dog came up..." and mimicked a dog barking. He continued, "I would have shot him too."

Sergeant A responded to the supervisor request and arrived at 1556:32 hours. Sergeant A met with Officer A and obtained a Public Safety Statement (PSS).

At approximately 1700 hours, the dog returned to the location and Witness D, the dog owner, was able to gain control of it.

BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
33397	Officer A	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 Officers A's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

The BOPC found Officers A's drawing and exhibiting of a firearm to be In Policy.

C. Lethal Use of Force

The BOPC found Officers 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, 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

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

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

Tactical de-escalation does not require that an officer compromise his/her or 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 was a motor officer at the time of the incident; he/she was working alone. According to Officer A, he/she was fairly comfortable with dogs.

Observing the dog in the parking lot, Officer A planned to determine if Witness D was the owner.

Assessment – According to Officer A, when he/she observed the dog, it appeared to be wandering in a parking lot in a manner he/she described as looking for food. Officer A heard the dog grunt and growl and observed its ears perked up. According to Officer A, when a German Shepherd’s ears are perked, it has tunnel vision on whatever is its focus. As Officer A walked closer to Witness D, he/she observed the dog rapidly approaching. Based on the dog’s behavior, he/she determined it was a threat to his/her safety. After discharging two rounds 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 other tactics, such as less-lethal options, Officer A indicated they would not have been feasible.

Time – As the dog approached, Officer A moved backward to create distance and time. Despite his/her efforts, the dog continued to rapidly approach, limiting Officer A’s ability to use time as a de-escalation technique.

Redeployment and/or Containment – Observing the dog, Officer A called out to Witness D, ostensibly to have him contain the dog. Observing the dog approaching aggressively, Officer A attempted to redeploy backward to avoid an encounter with the dog.

Other Resources – When he/she first saw the dog, Officer A attempted to determine if Witness D was the owner, ostensibly to use him as a resource to control the dog. When the OIS occurred, Officers B, C, D, and E were at the scene. Officers C and D quickly responded to Officer A’s aid following the OIS. 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.

Lines of Communication – Officer A observed the dog and attempted to ascertain if it belonged to Witness D. Officer A communicated with Witness D as he/she approached him. According to Office A, he/she intended to have Witness D control his dog. Witness D called out, “Hey, hey!” but his dog continued toward Officer A.

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

1. Code Six

On July 5, 2021, at approximately 1512 hours, Officer A responded to a traffic collision. He/she advised CD he/she was responding Code Three. At 1521 hours, Officer A arrived but did not advise CD that he/she was Code Six. When he/she arrived, the Los Angeles Fire Department (LAFD) was already at the scene. Approximately two minutes after his/her arrival, Officer A requested two

additional units to assist with the traffic control, whereupon CD updated his/her status from "en route" to "at scene."

The BOPC noted that while Officer A did not advise CD he/she was Code Six when he/she arrived, CD knew the location to which he/she was responding. Also, LAFD Engine was at the scene when Officer A arrived. The BOPC opined that had Officer A needed assistance, LAFD would have intervened and/or broadcasted his/her location. Also, CD would have known where to send units. While the BOPC would have preferred that Officer A had advised CD he/she was Code Six when he/she arrived at the scene, he/she was coordinating with LAFD and effectively updated his/her status within two minutes of his/her arrival. While not specific to the Code Six issue, the BOPC noted that the OIS occurred approximately 30 minutes after Officer A's status was updated to "at scene." Also, Officers B, C, D, and E were at the scene when the OIS occurred.

Based on the totality of the circumstances the BOPC determined, that the tactics employed by Officer A were a substantial deviation, with justification, from approved Department tactics and training.

2. Dog Encounters

Officer A observed Witness D sitting on a block wall in front of a closed business. Officer A walked toward Witness D to inquire if he observed the collision. Unable to gain Witness D's attention, Officer A continued to walk toward him. Unbeknownst to Officer A, Witness D's German Shepherd was wandering loose in the business' elevated parking lot. As Officer A neared Witness D, the dog made its way from the east end of the parking lot toward Officer A. According to Officer A, the dog grunted or growled, and its ears were perked. Observing the dog walking toward him/her, Officer A continued toward Witness D, asking if the dog was his. Before Officer A could ascertain if Witness D was the dog's owner, the dog rushed toward him/her, growling. Officer A estimated the dog was approximately 140 feet away when he/she first noticed it. Accelerating its pace, the dog advanced directly toward Officer A as Witness D yelled out, "Hey! Hey!" Officer A moved back but the dog continued toward him/her. According to Officer A, he/she ran backward three or four steps. Estimating that the dog was 10 to 15 feet away, he/she believed he/she would be bitten and seriously injured. In response, Officer A discharged his/her service pistol at the dog.

The BOPC noted that when Officer A became aware of the dog, he/she assessed its behavior and attempted to determine if Witness D was the owner, ostensibly to control the dog. While officers should try to avoid using community members to control an aggressive dog, the BOPC opined that this concept does not apply to the animal's owner/keeper. The BOPC also noted that officers are taught to use caution when approaching a dog. However, Officer A was approaching Witness D, not the dog, which was on the opposite side of the parking lot and an estimated 140 away when first noticed. Also, while dogs can

be territorial, Officer A had remained in the public roadway, while the dog ran from the parking lot to confront him/her. As the dog continued toward him/her, Officer A attempted to create distance and time by moving backward. While a concept of dog encounters is for the officer to remain still, the BOPC noted that officers are also taught redeployment as a de-escalation technique.

Based on Officer A's apparent efforts to avoid using force, the BOPC opined it was reasonable for him/her to redeploy. Also, the BOPC noted that Officer A had the presence of mind not to turn his/her back and remained facing the dog. While Officer A tried to create distance, the dog rapidly and aggressively approached, creating an imminent threat of serious bodily injury. The BOPC also noted that Officer A did not believe other tactics, such as less-lethal options, were feasible. Based on the dog's speed, size, and demeanor, the BOPC agreed with Officer A's assessment. While this incident unfolded rapidly and left little time for Officer A to react, the BOPC opined that Officer A used reasonable tactics to avoid the encounter.

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 considered the following:

One-Handed Shooting Stance – During the OIS, Officer A discharged his/her service pistol using a one-handed shooting stance. Before the OIS, Officer A was using his/her Department-issued cellular phone to document the collision. Officer A was holding the cell phone when he/she approached Witness D and when confronted by the dog. Generally, officers should use a two-handed shooting stance.

- The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

In conducting an objective assessment of this case, the BOPC determined that Officer A's actions were not a substantial deviation from Department tactical training.

Each tactical incident 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.

Therefore, the BOPC found Officers A's tactics to warrant a finding of Tactical Debrief.

B. Drawing and Exhibiting

- **Officer A**

Per Officer A's BWV, as the dog approached, Officer A unholstered his/her service pistol. Officer A believed that the dog presented an imminent threat of serious bodily injury.

The BOPC evaluated Officer A's drawing and exhibiting of his/her service pistol. The BOPC noted that Officer A was reacting to a spontaneous and dangerous situation. Based on the dog's size, speed, and demeanor, the BOPC opined that it was reasonable for Officer A to believe the dog presented an imminent threat of serious bodily injury when he/she drew and exhibited his/her service pistol.

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 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 two rounds)**

The BOPC assessed the reasonableness, necessity, and proportionality of Officer A's use of lethal force. The BOPC noted that Officer A was cognizant of the dog's demeanor as it approached. While Officer A attempted to gain Witness D's attention, ostensibly to have him control his dog, it rapidly advanced toward Officer A, displaying aggressive behavior. While Officer A attempted to move backward, creating distance, the dog continued to advance. Believing he/she would be bitten and seriously injured, Officer A discharged one round from his/her service pistol. The BOPC noted the BWV footage depicting the dog abruptly veering to its right after the first round. However, the BOPC also noted that based on Officer A's assessment, he/she believed the dog was still coming toward him/her. Based on the dynamic nature of this incident, the BOPC opined that Officer A's assessment was reasonable. The BOPC further noted that Officer A assessed after discharging his/her second round, determined the dog was no longer a threat, and ceased firing. As previously noted, Officer A did not believe other tactics, such as less-lethal options, were feasible. Based on the dog's speed, size, and demeanor, the BOPC agreed with his/her assessment.

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 deadly force was proportional, objectively reasonable, and necessary.

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