

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

OFFICER-INVOLVED ANIMAL SHOOTING – 045-21

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

Central 8/10/21

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

Officer A 31 years, 6 months

Reason for Police Contact

Officers were conducting an investigation at an auto parts business. As one of the officers approached the front door of the business, a large dog was allowed to exit the door and immediately attacked the officer, biting his/her left foot, resulting in an Officer-Involved Shooting (OIS).

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

Staffordshire Bull Terrier dog.

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector General. The Department command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on July 19, 2022.

Incident Summary

Detective A held an operational briefing related to the surveillance of a known narcotics location. Present for the briefing were Detective B, and Officers A, B, C, D, E, and F. The surveillance operation was in response to a previous auto theft arrest Officers E and F had made. According to Officer E, during the previous investigation, he/she observed narcotics paraphernalia and packaging materials at the location.

According to Officer E, during the previous investigation, multiple people were removed from the location, including a dog, which had to be put on a leash.

According to Detective A, the Tactical Operation Plan was completed by Officer F. Detective A reviewed and approved the Tactical Operation Plan. Detective A advised the area Officer In-Charge (OIC), Lieutenant A, of the operation and obtained his/her verbal approval. Detective A also notified the Division Watch Commander, Sergeant A, of the operation and provided him/her with a copy of the plan.

During a review of the Tactical Operation Plan, FID investigators noted the Commanding Officer did not sign the document indicating their approval of the operation.

According to Detective A, the plan was for investigators, dressed in plainclothes and driving unmarked plain vehicles, to surveil the location for criminal activity.

Investigators were assigned two officers to a vehicle.

Depending on what investigators observed during the surveillance, Detective A would determine whether to conduct enforcement action or discontinue the operation. If there was a need to conduct enforcement action, uniformed officers from Central Area equipped with a Digital In-Car Video System (DICVS), Body-Worn Video (BWV), and less-lethal munitions would respond.

According to Detective A, he/she and Detective B were assigned a fixed observation post across the street from the location. According to Officer E, he/she and Officer D were assigned a fixed observation post east of the location. According to Officer C, he/she and Officer F were assigned a fixed observation post west of the location. According to Officer B, he/she and Officer A were assigned as a roving surveillance unit.

According to Detective A, after monitoring the location for approximately 30 minutes, he/she observed three male individuals moving catalytic converters between different vehicles parked at the location. Based on recent crime trends and Detective A's training and experience, he/she formed the opinion the catalytic converters were stolen.

During the various interviews, investigators advised FID detectives they did not observe a dog at the location during the surveillance.

Detective A communicated his/her observations to the other investigators over his/her police radio and requested Officer D to have uniformed Officers G and H respond to assist with the investigation.

Officer D contacted the officers and directed them to meet at a nearby pharmacy parking lot.

Detectives A and B along with Officers A, B, D, E, G, and H met at the pharmacy parking lot and conducted a secondary briefing.

Detective A advised FID investigators, "In total it was six officers, or four plainclothes officers and two uniform officers. The plainclothes [officers] being Officers D and E, along with Officers A and B. And they were going to be the detention officers of the three suspects."

According to Detective A, in addition to Officers G and H who were equipped with less-lethal munitions, Officers A and B "were given the direction for less-lethal as well."

According to Officer G, he/she and Officer H were designated as the contact team. Officers G and H were directed to enter the location first and detain the three male individuals. Officer G was directed to approach the males with their "guns out due to the fact that it was a narcotics investigation. We weren't, they weren't sure if they were armed, but because they were narcotics suspects [...] known to carry weapons. We were going to approach with our guns out."

According to Officer H, "They said that they want to, they want us to be uniform presence as well as arrest team."

After completing the secondary briefing, the officers drove from the pharmacy parking lot toward the location. The lead vehicle contained Officers G and H, followed by Officers A and B, Detectives A and B, and Officers D and E.

According to Officer E, as they exited the pharmacy parking lot, he/she and Officer D stopped for a red tri-light as the other officers continued toward the location.

According to Officer G's BWV, he/she and Officer H arrived at the location. Officer H parked the black and white police vehicle in the driveway on the east side of the property.

Officer B drove past Officer G and H's vehicle and parked in the west driveway. Detective A parked his/her vehicle east of Officer G and H's vehicle, on the northwest corner of the intersection at the location.

Officers G and H and Detectives A and B exited their vehicle and entered the property through the east gate.

According to Officer H, as he/she approached the location, he/she noticed the gate was unlocked and open, which to him/her indicated there was no threat of a dog at the location.

Officers A and B exited their vehicle and slid the west gate open, allowing the officers to enter the property.

According to Officer C, simultaneous to the officers arriving at scene, he/she parked along the east side of the location. Officers C and F planned to cover the rear of the location in case someone decided to run.

According to Officer G's BWV, the officers walked north through the property toward three male individuals later identified as Witnesses A, B, and C. Witness C was sitting on a step with a partially open door behind him. Officer G unholstered his/her pistol and held it in his/her right hand, with a single-handed grip, along his/her chest, pointed downward.

According to Officer A, he/she unholstered his/her pistol and held it close to his/her chest, pointed downward, as he/she approached Witnesses A, B, and C.

According to Officer G's BWV, Officer G gave Witnesses A, B, and C commands in Spanish to stand up, put their hands on top of their head, and turn around.

All three individuals complied with Officer B's commands. Officer B handcuffed Witness B, Officer G handcuffed Witness C, and Officer H handcuffed Witness A, all without incident.

According to Officer G's BWV, Witness A stated in Spanish to be careful with the dog in there. As Officer A approached the open door, a voice could be heard in English stating, "There's a dog in there." Officer A then asked in Spanish if someone was inside. Witness A repeated in Spanish that there was a dog.

Officer A stood in front of the door, which was being propped open by a large fan that was sitting on the floor. While holding his/her pistol in his/her right hand, Officer A used his/her left hand and pushed the door open off of the fan and looked inside.

According to Officer A, while looking inside the location, he/she observed a female, identified as Witness D.

Officer G stated, "There's a dog, there's a dog." Officer A backed away from the door and allowed it to close against the fan once again. A dog is heard on BWV barking from inside the location for the first time. Officer A shouted, "Hey come out with your hands up. Come on out." A female voice can be heard from inside the location stating, "Coming."

According to Officer H's BWV, Officer A holstered his/her pistol as he/she waited for Witness D to exit the location.

According to Officer A, as Witness D walked to the door, he/she observed a dog standing in the doorway. Officer A recognized the dog to be a Pit Bull dog, which weighed approximately 50-pounds. The dog was looking in Officer A's direction while it was growling and possibly, "foaming at the mouth." The dog looked like it was, "just waiting to like, he was like, in attack mode." Based on the dog's behavior, Officer A believed it was, "going to come out and bite somebody, whether it was me or somebody else there."

City of Los Angeles Animal Services later determined the dog to be a male Staffordshire Bull Terrier that weighed approximately 65 pounds.

Officer A stated, "I know they're aggressive and they attack sometimes for no reason. I've seen them attack numerous citizens out here on the street, also dogs as well." Officer A also indicated his/her partner, Officer B, had been attacked by a Pit Bull dog in the past.

As the dog looked toward Officer A's direction, Officer A took one or two steps backwards.

According to Officer G's BWV, Witness D pulled the door off the fan, which gave the dog a pathway to exit the location. According to Officer A, the dog ran directly toward him/her.

According to Officer G's BWV, the dog barked and immediately bit Officer A on his/her left foot.

According to Officer H's BWV, Officer A unholstered his/her pistol for a second time. He/she pointed it in a downward direction toward the dog and fired one round. The dog released Officer A's foot and lay on the ground, allowing Officer A to step away and holster his/her pistol.

According to Officer A, he/she unholstered his/her pistol when he/she felt the dog's teeth penetrate the skin on his/her left foot. Officer A believed if he/she didn't take immediate action, the dog would have crushed his/her foot. Officer A aimed his/her pistol toward the dog's center mass when he/she fired in a downward direction. According to Officers C and F, they parked and exited their vehicle when they heard one gunshot. Officers C and F walked to the front of the location and entered the property. Officer C observed the individuals being detained when he/she holstered his/her pistol and began to assist the other officers.

According to Detective B, after the OIS, he/she immediately separated and began to monitor Officer A. Detective B walked Officer A back to Officer G and H's vehicle.

Detective B also admonished the remaining officers at scene not to speak about the incident.

Witness D was ordered out of the building and was handcuffed by Officer E without incident.

As Witness D was being taken into custody, a second female, Witness E, exited the building from a separate doorway on the west side of the location. She complied with the officers' commands and was handcuffed by Officer H without incident.

According to Detective A, he/she directed Officers C, D, E, and F to clear the location in case there were additional individuals hiding inside. Prior to conducting the search of the building, Officers C, D, E, and F unholstered their pistols.

Officers C, D, E, and F cleared the location without incident.

Detective A requested additional resources to assist with the crime scene. Detective A made telephonic notification to Lieutenant A and the Central Patrol Watch Commander and advised them what occurred.

According to Officer H's BWV, Detective B used his/her police radio and requested a Rescue Ambulance (RA) to respond for the injuries Officer A sustained from the dog bite.

The Los Angeles Fire Department (LAFD) arrived at scene and provided Officer A with first aid. Officer A was transported to the hospital.

Upon the completion of the FID scene investigation, investigators obtained a search warrant for the location. While serving the warrant, investigators recovered narcotics, two firearms, ammunition, and five catalytic converters.

Witnesses A, B, C, D and E were arrested and booked by investigators.

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	N/A	N/A	N/A	N/A	N/A
Officer F	N/A	N/A	N/A	N/A	N/A
Detective A	N/A	N/A	N/A	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) incident based upon the totality of the circumstances, namely all the facts, evidence, statements and other

material pertinent 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 and F's tactics to warrant a Tactical Debrief. The BOPC found Detective A's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

The BOPC found Officers A and F'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. It is also recognized 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. 4, 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.

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.

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. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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.

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*. (Special Order No. 4, 2020, Policy on the Use of Force - Revised.)

An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified (Los Angeles Police Department Manual.)

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/her/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 – At Detective A's direction, Officer F drafted the Tactical Operation Plan, which listed the officers as "Observation Post" and Detectives A and B as "Supervisor." Before the operation, Detective A conducted a briefing. Upon seeing what they believed to be illegal activity involving stolen catalytic converters, Detective A directed his/her officers to meet for a secondary briefing and requested a uniformed unit to assist with the investigation. Detective A requested the uniformed unit to be present because they were equipped with a marked police vehicle, were in full police uniform, and possessed additional equipment, including BWV and less-lethal options. During the secondary briefing, Detective A oriented the uniformed officers to the unit's observations and intent. It is unclear if anyone was designated as a less-lethal officer.

Assessment – Officer A assessed that the partially opened door into the structure represented an unsecured area of the property and posed a potential threat. He/she

assessed that the female inside also posed a potential threat and he/she directed her to exit the location. Officer A observed the dog's body language and behavior, and he/she assessed that the dog was aggressive and posed a potential threat to him/her and the other officers on scene.

Time – Officer G stated, “There’s a dog, there’s a dog,” as Officer A backed away from the door and allowed it to close against the fan. A dog was heard barking inside the location for the first time. As Witness D walked to the door, Officer A observed an approximately 50-pound Pit Bull dog standing in the doorway. To create distance and time, Officer A started walking backward away from the door and dog. Witness D pulled the door off the fan, which gave the dog a pathway to exit the structure. Officer A shouted for Witness D to grab the dog. When the dog ran toward Officer A and bit his/her foot, it limited Officer A’s ability to use time as a de-escalation technique.

Redeployment and/or Containment – To contain the dog, Officer A shouted for Witness D to grab it. Witness D did not contain the dog. Officer A attempted to redeploy by stepping backward away from the dog. However, the dog quickly closed the distance and bit Officer A’s foot. Officer A articulated that the dog rushed out and bit him/her as he/she was moving backward. The speed of the dog’s attack limited Officer A’s ability to redeploy.

Other Resources – Multiple officers were present when the surveillance operation was initiated. When he/she decided that enforcement action was warranted, Detective A requested a uniformed unit to assist with the investigation. After observing the dog, Officer A told Witness D to grab it, ostensibly using her as a resource to control the dog.

Lines of Communication – During the surveillance operation, the officers communicated with each other via their police radios. While officers responded to a separate location for a secondary briefing, Officers C and F remained at the location and provided updates via their police radios. As Officer A approached the open door, Witness A stated in Spanish to be careful with the dog in there. Officer A pushed the door open, looked inside, and asked in Spanish if there is someone inside? Witness A repeated in Spanish that there is a dog. Officer G stated (in English), “There’s a dog, there’s a dog,” as Officer A backed away from the door and allowed it to close against the fan. After the OIS, Detective A requested additional units for a crime scene. Detective A contacted Lieutenant A and Sergeant A regarding the OIS.

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

1. Tactical Planning

During a previous auto theft investigation at the location, Officers E and F observed narcotics paraphernalia and packaging materials, and they suggested conducting a narcotics investigation. At Detective A's direction, Officer F drafted a Tactical Operation Plan which indicated that the primary focus of the investigation was surveillance. The plan further indicated that should the decision be made to take enforcement action, uniformed personnel would be called to assist. The plan listed the personnel and described their roles as "Observation Post," with Detectives A and B listed as "Supervisor." Officer F then provided the Tactical Operation Plan to Detective A for his/her review and approval.

According to Detective A, he/she directed Officer F to complete the Tactical Operation Plan for the Watch Commander; however, Detective A did not feel the form was required for this type of operation. Detective A received the Tactical Operation Plan from Officer F, reviewed it, and approved it. He/she then advised Lieutenant A of the plan. Detective A's practice was to provide a "general notification" to Lieutenant A, and he/she did not provide him/her with any specifics about the operation. Detective A provided a copy of the Tactical Operation Plan to the Division Watch Commander, who had been previously notified of the operation. Before the operation, Detective A conducted a briefing, during which the officers received their assignments. According to Detective A, because the unit was in "surveillance mode," officers were not given specific tactical assignments at the briefing. He/she further added that it was their job to verify/validate narcotics activity. If any enforcement action was required, a uniformed officer would be requested.

After three men were observed moving catalytic converters between different vehicles parked at the location, Detective A directed the officers to a separate location for a secondary briefing, along with the uniformed officers. According to Detective A, he/she requested the officers because they were wearing police uniforms, equipped with BWV cameras, and driving a marked police vehicle with a DICVS. According to Detective A, the officers were equipped with less-lethal options and would be making the initial approach to the location. He/she further added that Officers A and B were equipped with oleoresin capsicum (OC) spray.

According to Detective A, he/she designated all his/her officers as support for the uniformed officers, who would act as the contact officers. Officer A recalled that Detective A did not make any specific assignments for roles or responsibilities during the secondary briefing. Officer G recalled that one of the officers was designated as less-lethal during the secondary briefing. Officer H stated that he/she did not recall if anyone specific was assigned as the less-lethal officer.

According to Lieutenant A, he/she did not recall being briefed by Detective A regarding this incident. Lieutenant A had expected the supervising detective to brief the Watch Commander and provide him/her with a copy of the Tactical Operation Plan. Lieutenant A believed that it was either the supervising detective or the Watch Commander's responsibility to brief the Commanding Officer and obtain his/her approval.

According to Captain A, he/she had expected that all Tactical Operation Plans be brought to him/her for approval, and it was standard practice for him/her to be briefed on tactical operations and to sign the form. However, he/she did not recall being briefed on this operation. Also, Captain A had not designated anyone to approve the Tactical Operation Plan on his/her behalf.

The BOPC was critical of the fact that Detective A did not obtain Captain A's approval before this operation was conducted. The BOPC noted that per a special order from the Office of the Chief of Police, before engaging in surveillance, the commanding officer or his/her designee shall review and approve the Tactical Operation Plan. Because Captain A did not have a designee, Detective A was required to notify Captain A of the operation, obtain his/her approval, and denote his/her name on the form and how the notification was made. The BOPC was also critical of the lack of detail and information provided on the Tactical Operation Plan, including the fact that the officers' roles and responsibilities were not more specific. As there was confusion as to who, if anyone, was the designated less-lethal officer, the BOPC opined that neither briefing clearly established the roles and responsibilities of the officers involved in the investigation and subsequent enforcement action.

In terms of Officer F, the BOPC noted that during his/her FID interview, he/she was asked if he/she had scouted the location before completing the Tactical Operation Plan. According to Officer F, he/she had not. While scouting a location before an operation is a common practice for their unit, the BOPC noted that Officer F was new to the unit. As such, he/she was effectively a trainee and likely had not been taught this practice. As it pertains to his/her involvement with the Tactical Operation Plan, the BOPC also noted that according to Detective A, Officer F completed the Tactical Operation Plan at his/her direction. As such, Officer F was effectively a scribe and would not have dictated what information was provided in the form. Also, it would not have been Officer F's responsibility to obtain Captain A's approval for the operation.

In terms of the dog, the BOPC noted that Detective A did not plan for its presence by ensuring his/her personnel had options, such as a 40-millimeter less-lethal launcher (40mm LLL) or a fire extinguisher. While personnel had not seen the dog during their surveillance, the BOPC opined that had Detective A ensured the location was scouted before the operation, personnel may have seen the dog or the sign.

Based on the totality of the circumstances, the BOPC determined that the tactics employed by Officer F were a substantial deviation, with justification, from approved Department tactical training. The BOPC also determined that the tactics employed by Detective A were a substantial deviation, without justification, from Department tactical training.

2. Dog Encounters

On a previous occasion, Officers E and F conducted an auto theft investigation at the location. Officer F did not recall seeing a dog at the location during that prior investigation. After the OIS, Officer E recalled that a dog had been present during the investigation.

During the briefing for this incident, personnel were unaware that a dog was present at the location. While surveilling the location, personnel did not see the dog. After the secondary briefing, personnel traveled in trail to the location. Arriving, Officers G and H exited their police vehicle and entered the property through the vehicle gate. Other officers followed. As they approached the location, Officer G and H's Body Worn Video (BWV) depicted the "Beware of Dog" sign posted on the vehicle gate; however, none of the officers recalled seeing the sign.

As Officers B, G, and H detained Witnesses A, B, and C, Officer A directed his/her attention to the property's main structure. According to Officer A, he/she observed a door into the building, approximately five feet from Witnesses A, B, and C. Officer A observed that the door was standing partially open and was propped against an industrial fan. As Officer A approached the open door, Witness A stated in Spanish to be careful with the dog in there. While holding his/her service pistol in his/her right hand, Officer A pushed the door open with his/her left hand and looked inside. Officer A then asked in Spanish if there was someone inside? Witness A repeated in Spanish that there was a dog." Officer G stated (in English), "There's a dog, there's a dog," as Officer A backed away from the door and allowed it to close against the fan. A dog was heard barking inside the location for the first time, along with a female voice. In response, Officer A ordered the female, Witness D, to come out with her hands up. As Witness D walked to the door, Officer A observed an approximately 50-pound Pit Bull dog standing in the doorway. According to Officer A, the dog was looking in his/her direction while growling. Officer A recognized the dog's body language as "aggressive," and it appeared as though the dog was preparing to attack. Officer A started walking backward away from the door and the dog. Witness D pulled the door away from the fan, which gave the dog a pathway to exit the structure. Officer A shouted for Witness D to grab the dog; however, she did not. According to Officer A, the dog ran directly toward him/her. The dog barked and immediately bit Officer A on his/her left foot.

The BOPC noted the “Beware of Dog” sign posted on the vehicle gate. Based on the small size of the sign, the BOPC opined it was reasonable that the officers did not see it during their surveillance. While the officers did not see the sign as they entered the property, the BOPC noted the cluttered parking area and opined that the officers’ attention would have been drawn to the men on the property. The BOPC also noted that Officers E and F had been on the property approximately six months prior. However, Officer E did not recall a dog until after the OIS, and Officer F did not recall a dog at all. Additionally, the officers did not see the dog during their surveillance. While the BOPC would have preferred that personnel had brought options to address an aggressive dog, such as a 40mm LLL or a fire extinguisher, it noted that this issue was addressed in Debriefing Point No. 1.

The BOPC noted that approximately nine seconds elapsed between when Officer A approached the open door and when the dog bit him/her. Despite his/her efforts to create space and employ Witness D’s assistance in controlling the dog, he/she was unable to avoid being bitten. The BOPC noted that the speed with which the dog attacked rendered Officer A’s attempts to redeploy ineffective. Based on the dog’s size, speed, and level of aggression, the BOPC opined that OC spray may not have been effective.

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

- The BOPC also considered the following:
 - **Profanity** – While telling Witness D to grab the dog, Officer A used profanity. While not a best practice, the profanity was not excessive or derogatory, and it was intended to gain immediate compliance and avoid the use of lethal force.
 - **Incident Commander Declaration** – Following the OIS, neither Detective A nor Detective B declared themselves as the Incident Commander (IC). However, as Detective A was the acting Officer-In-Charge (OIC) and Detective B was the assistant OIC, there was no confusion as to who was in charge of the incident. Also, both supervisors determined between themselves which tasks they each would handle.
 - **Code Six** – Officers G and H did not advise Communications Division (CD) they had arrived on scene (Code Six) when they arrived at the secondary briefing. While Officer G recalled advising CD of their Code Six status when they arrived at the location, according to Officer H’s BWV, he/she advised CD of his/her status after the OIS. Because other personnel were present and CD was aware of their Code Six status, the BOPC opined those other officers could have come to Officer G and H’s aid if necessary.

- **Non-Medical Face Coverings** – Officers A, E, and H and Detective A initially were not wearing non-medical face coverings, as directed by the Chief of Police on May 20, 2020. To minimize concerns related to health and safety stemming from COVID-19, the BOPC directed this to be a topic of discussion during the Tactical Debrief.

Command and Control

Detective A reviewed and approved the Tactical Operation Plan, conducted the primary briefing, notified Lieutenant A of the operation, and provided a copy of the Tactical Operation Plan to the Watch Commander. Detective A was present during the surveillance, monitored the officers at the scene, and made the decision to take enforcement action. Detective A directed officers to a secondary location for a briefing where he/she directed the uniformed officers to lead the entry/arrest team. Detective A responded to the location and oversaw the entry. Following the OIS, Detective A continued to oversee the operation, requested additional units, and notified Sergeant A and Lieutenant A of the OIS. Detective A advised that he/she did not conduct any post-OIS monitoring of officers, as he/she was a witness to the OIS.

Detective B reviewed the Tactical Operation Plan with Detective A. Detective B attended both briefings with Detective A. During the secondary briefing, it was determined that Detective B would oversee the entry/arrest team. After the OIS, Detective B escorted Officer A to Officer G and H's police vehicle to await medical attention, and to separate him/her from other officers. Detective B monitored Officer A until he/she was relieved by Sergeant B. Detective B also admonished the officers at the scene not to discuss the incident and separated them to the best of his/her ability, in light of the ongoing tactical situation. Because Detective B witnessed the OIS, he/she did not obtain Officer A's Public Safety Statement (PSS).

Captain B responded to the OIS and assisted with the scene. Captain B assigned Sergeant B to monitor Officer A. Sergeant B obtained Officer A's PSS and admonished him/her not to speak to anyone about the incident. Sergeant B continued to monitor Officer A until he/she transferred the duty to Lieutenant A. Sergeant B collected Officers G and H's BWV cameras and helped establish the crime scene and command post.

While the BOPC was concerned by Detective A's preplanning, specifically the fact that he/she did not obtain Captain A's approval for the Tactical Operation Plan, the overall actions of Captain B, Sergeant B, and Detectives A and B met their expectations of command staff and supervisors during a critical incident.

- 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 the actions of Officer A did not deviate from approved Department tactical training. The BOPC also determined that the actions of Officer F substantially deviated, with justification, from approved Department tactical training. The BOPC further determined that the actions of Detective A substantially deviated, without justification, from approved Department tactical training.

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

Accordingly, the BOPC found Officers A and F's tactics to warrant a Tactical Debrief. The BOPC found Detective A's tactics to warrant Administrative Disapproval.

B. Drawing and Exhibiting

- **Officer A – 1st Occurrence**

As he/she approached Witnesses A, B, and C, Officer A unholstered his/her service pistol. According to Officer A, he/she unholstered his/her service pistol because he/she believed they were not complying with the officers' directions and the repair shop was a suspected narcotics location. Based on his/her training and experience, Officer A knew that narcotics suspects were known to carry weapons or have them easily accessible, and he/she believed the incident could escalate to the point that deadly force would be justified.

Officer A – 2nd Occurrence

Witness D pulled the door away from the fan which gave the dog a pathway to exit the structure. Officer A shouted for Witness D to grab the dog; however, she did not. According to Officer A, the dog ran directly toward him/her. The dog barked and immediately bit Officer A on his/her left foot. In response, Officer A unholstered his/her service pistol. According to Officer A, he/she unholstered his/her pistol when he/she felt the dog's teeth penetrate the skin on his/her left foot. After the OIS, Officer A holstered his/her service pistol and stepped away from the dog.

- **Officer F – 1st and 2nd Occurrences**

After the OIS, Officer F assisted with searching the structure's interior for additional suspects. As Officer F and his/her partners initiated the search, he/she unholstered his/her service pistol. Officer F holstered his/her service pistol as he/she exited one section of the structure. Preparing to reenter the structure to continue the search,

Officer F unholstered his/her service pistol. According to Officer F, he/she unholstered his/her service pistol on both occasions because he/she believed there was potential that the situation may escalate to the point where deadly force may be justified. Officer F was unaware if there were additional suspects inside the structure but believed that any suspects inside could be armed.

The BOPC evaluated Officers A and F's drawing and exhibiting of their service pistols. The BOPC noted that the first time Officer A unholstered his/her service pistol, he/she believed the males were not complying with the officers' directions. He/she also unholstered because the location was a suspected narcotics location. Based on his/her training and experience, Officer A knew narcotics suspects were known to carry weapons or have them easily accessible. Based on Officer A's observations, his/her training and experience, and the nature of this investigation, the BOPC opined it was reasonable for him/her to believe that the situation may escalate to deadly force. The BOPC noted that Officer A unholstered his/her service pistol the second time when he/she felt the dog's teeth penetrate the skin on his/her left foot. Given the dog's behavior and aggressive actions, 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.

As it pertains to Officer F, the BOPC noted that he/she unholstered his/her service pistol before searching the main structure of the shop suspected of narcotics activity. The BOPC also noted that the aggressive dog and two women had emerged from the structure before Officer F entered it. Based on the totality of the circumstances, the BOPC opined it was reasonable for Officer F to believe that the situation may escalate to one involving deadly force.

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

3. Lethal Use of Force – Dog Shooting

- **Officer A** – (pistol, one round)

Background – Per Officer A, no officers were in his/her line of fire and his/her background was the ground below him/her. Officer A targeted the center body mass of the dog when he/she fired the single round.

According to Officer A, the dog ran directly toward him/her. The dog barked and immediately bit Officer A on his/her left foot. In response, Officer A unholstered his/her service pistol, pointed it toward the dog, and fired one round. Struck by the

round, the dog released Officer A's foot and lay on the ground, allowing Officer A to holster his/her service pistol and step away. According to Officer A, he/she had unholstered his/her pistol when he/she felt the dog's teeth penetrate the skin on his/her left foot. Officer A had tried to pull his/her foot away but the dog had "latched" onto it. Officer A believed that if he/she did not take immediate action, the dog may have crushed his/her foot.

The BOPC assessed the reasonableness, necessity, and proportionality of Officer A's use of deadly force. The BOPC noted that after being advised of the dog, Officer A did not enter the structure. Instead, he/she called the female out of the structure to detain her. The BOPC also noted that Officer A attempted to reposition him/herself away from the dog by stepping backward from the door. However, those efforts were rendered ineffective when Witness D opened the door without restraining the dog, which allowed the dog to rapidly attack.

The BOPC noted that mere seconds elapsed between when Officer A first observed the dog and registered its aggressive behavior to when the dog rushed from the structure and attacked him/her. In response, Officer A discharged one round and then ceased firing. The BOPC noted that Officer A did not discharge his/her service pistol until the dog bit him/her. Before firing his/her service pistol, Officer A had unsuccessfully tried to pull his/her foot away from the dog.

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.