

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

OFFICER-INVOLVED ANIMAL SHOOTING – 062-21

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

77 th Street	12/13/21		
-------------------------	----------	--	--

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

Officer A	31 years, 11 months
-----------	---------------------

Reason for Police Contact

Officers observed a Subject throw a pistol over the fence of a residence and run away. The officers gained entry to the property and recovered the gun from the driveway. A perimeter and command post were established, and an LAPD K-9 Unit was requested to conduct a search for the Subject. After Officer A observed a “Beware of Dog” sign, the homeowner was asked to secure the dogs. The homeowner put two dogs into separate metal kennels in the back yard. As the officers began to search the property, one of the dogs escaped from the kennel and attacked an LAPD K-9 (dog). Officer A used a TASER to stop the dog fight. The homeowner’s dog initially ran away, then returned and lunged at Officer A, resulting in an officer-involved shooting (OIS).

Animal(s)	Deceased ()	Wounded (X)¹	Non-Hit ()
------------------	---------------------	--------------------------------	--------------------

Pit Bull dog.			
---------------	--	--	--

Board of Police Commissioners’ Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (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 suspect 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

¹ The dog sustained a minor injury to its paw. It is unclear whether the dog was wounded due to the OIS or his escape from the metal kennel, as the homeowner declined medical assistance and would not allow investigators to examine the dog.

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 10/25/22.

Incident Summary

On Monday, December 13, 2021, at 1550 hours, Officers H and I observed the Subject throw a pistol over the fence of a residence and run away. Officer H broadcast the Subject's description and provided his direction of travel. The officers gained entry to the property and recovered the gun from the driveway. Officer H broadcast a request for additional units to respond for a perimeter.

Sergeant A responded to the scene and assumed the role of Incident Commander (IC). A Command Post (CP) was set up. According to Sergeant A, containment was established .

Sergeant A contacted Metropolitan Division K-9 Platoon and requested their response to assist with the search for the Subject.

At approximately 1600 hours, Metropolitan Division, K-9 Platoon Sergeant B received notification of the K-9 search request.

Sergeant B and K-9 handlers Police Officers A, E, F, and G, responded Code Three (with vehicle emergency lights and siren activated) to the CP.

Upon arrival, Sergeant B was briefed by Sergeant A and a search plan was formulated. According to Sergeant B, the search plan utilized four K-9 units paired with uniform patrol officers to conduct a grid search of the properties inside the perimeter for the Subject. Two teams would search the street from the midblock and work away from each other, searching to the east and west. The two remaining teams were assigned to search another street from midblock, working away from each other searching to the west and east. According to Sergeant B, he/she presented the search plan to the IC, Sergeant A, and received approval to initiate the search.

Prior to the initiation of the search, a warning (that a search dog was being used and injury could result from contact with the dog) was announced over vehicle Public Address (PA) systems.

According to Sergeant B, a total of 12 "K-9 Warning" announcements were made between 1645 to 1850 hours. The announcements were made from various vehicles positioned near each quadrant of the search, as the teams moved from property to property. The LAPD Airship also periodically provided the "K-9 Warning" announcements over its PA system, as it orbited over the area of the perimeter.

At approximately 1645 hours, 77th Police Officers B and C were assigned to an arrest team to assist Officers A and D. Officer A was the K-9 handler. The officers set up in

front of a residence to begin the search. According to Officer A, the property had a "Beware of Dog" sign posted on the rear fence of the property. Officers B and D knocked on the front door of the residence and were greeted by Witness A. The officers informed Witness A that a search for the Subject was being conducted and they received permission to search his property. Witness A told the officers that he had dogs in his back yard. The officers requested Witness A to secure his dogs and open the gate to allow the officers access to search his property for the Subject. Witness A placed his dogs inside metal dog kennels located in the backyard. Witness A then met Officer D at the gate leading into the backyard and provided access. Witness A informed Officer D that the dogs were secured in the kennels.

As the Officers initiated the search, Officer A unholstered his/her pistol with his/her right hand and held it in a single hand grip.

At 1652 hours, the officers entered the rear yard of the residence. As the officers searched the yard, Witness A's dogs, a white-and-tan Pit Bull and a gray-and-white Husky, were clearly visible inside two separate kennels positioned near the southwest corner of the house.

The Pit Bull began to bark and pushed against the sides of the kennel. The Pit Bull was able to break out of the kennel.

At 1652:58 hours, Officer C's body-worn video (BWV) depicts the Pit Bull out of the kennel. The Pit Bull ran between the garage and Officer A. The Pit Bull turned, and Officer A attempted to move out of the way of the Pit Bull. The Pit Bull briefly moved away from Officer A, then turned around and ran past Officer A to the south side of the garage and attacked the LAPD K-9 (dog).

According to Officer A's BWV, as the dogs fought, Officer A unholstered his/her TASER with his/her left hand, held it in a single hand grip, and disengaged the safety activating the laser sights. Officer A pointed the TASER toward the Pit Bull's back and discharged the TASER. The TASER was deployed from an approximate distance of three to five feet. The TASER probes appeared to contact the left side of the Pit Bull. The Pit Bull reacted to the TASER activation, by stopping the attack on the LAPD K-9 and yelping loudly. The Pit Bull attempted to run west, away from Officer A; however, the Pit Bull's path was blocked by fencing on the southwest side of the property. The Pit Bull turned around and ran east toward Officer A continuing to yelp.

On Officer A's BWV, the Pit Bull is depicted raising up with its mouth wide open and baring its teeth as it closes the distance toward Officer A.

According to Officer D's BWV, at 1653:08 hours, Officer A fired one round from a close-contact position, with a single-hand grip in a downward direction at the Pit Bull. The round was fired from an approximate distance of one foot. According to Officer A, he/she did not have time to align his/her sights on the target.

As the Pit Bull ran past Officer A, Officer A pressed the TASER trigger a second time deploying the second TASER cartridge. The Pit Bull continued to yelp and run east along the south fence. The Pit Bull then ran north along the east side of the back yard, between the house and east property line fencing.

Officer C notified Witness A that the Pit Bull had got out of the kennel and directed Witness A to the Pit Bull's location on the east side of the house. Officer A holstered his/her pistol and broadcast an advisement that an Officer Involved shooting (OIS) occurred and requested Sergeant B's response to the scene. As the Officers and LAPD K-9 exited the rear yard, Officer D closed the gate containing the Pit Bull in the backyard. Officers A, B, C, and D waited in the street in front of the residence. Sergeant B arrived, separated the officers, and took a Public Safety Statement (PSS) from Officer A. Sergeant B took possession of the officers' BWV cameras. A crime scene was immediately established and Department OIS protocols were initiated.

According to Sergeant B, he spoke with Witness A, who told him/her that his dog had a minor injury to its paw. Sergeant B offered medical treatment for the dog and Witness A declined, indicating that the injury was not serious.

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

A. Tactics

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

B. Drawing and Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

In making its decision in this matter, the Commission is mindful that every “use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

The Department’s guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers. (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

The Commission is cognizant of the legal framework that exists in evaluating use of force cases, including the United States Supreme Court decision in *Graham v. Connor*, 490 U.S. 386 (1989), stating that:

“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.”

The Commission is further mindful that it must evaluate the actions in this case in accordance with existing Department policies. Relevant to our review are Department policies that relate to the use of force:

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable

an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

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

Proportionality: Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Fair and Unbiased Policing: Officers shall carry out their duties, including use of force, in a manner that is fair and unbiased. Discriminatory conduct in the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Use of Force – Non-Deadly: It is the policy of the Department that personnel may use only that force which is “objectively reasonable” to:

- Defend themselves;
- Defend others;
- Effect an arrest or detention;
- Prevent escape; or,
- Overcome resistance.

Factors Used to Determine Objective Reasonableness: Pursuant to the opinion issued by the United States Supreme Court in *Graham v. Connor*, the Department examines the reasonableness of any particular force used: a) from the perspective of a reasonable Los Angeles Police Officer with similar training and experience, in the same situation; and b) based on the facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;

- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

Use of Force – Deadly: It is the policy of the Department that officers shall use deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:

- To defend against an imminent threat of death or serious bodily injury to the officer or another person; or,
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible. Before discharging a firearm, officers shall consider their surroundings and potential risks to bystanders to the extent feasible under the circumstances.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force: The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.

Rendering Aid: After any use of force, officers shall immediately request a rescue ambulance for any person injured. In addition, officers shall promptly provide basic and emergency medical assistance to all members of the community, including victims,

witnesses, subjects, suspects, persons in custody, suspects of a use of force and fellow officers:

- To the extent of the officer's training and experience in first aid/CPR/AED; and
- To the level of equipment available to the officer at the time assistance is needed.

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

Shooting at or From Moving Vehicles: It is the policy of this Department that firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

Requirement to Report Potential Excessive Force: An officer who is present and observes another officer using force that the present and observing officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer, shall report such force to a superior officer.

Requirement to Intercede When Excessive Force is Observed: An officer shall intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a suspect.

Definitions

Deadly Force: Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to, the discharge

of a firearm.

Feasible: Feasible means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code 835a(e)(2), “[A] threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

Necessary: In addition to California Penal Code 835(a), the Department shall evaluate whether deadly force was necessary by looking at: a) the totality of the circumstances from the perspective of a reasonable Los Angeles Police Officer with similar training and experience; b) the factors used to evaluate whether force is objectively reasonable; c) an evaluation of whether the officer exhausted the available and feasible alternatives to deadly force; and d) whether a warning was feasible and/or given.

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.”

The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

Serious Bodily Injury: Pursuant to California Penal Code Section 243(f)(4) Serious Bodily Injury includes but is not limited to:

- Loss of consciousness;
- Concussion;
- Bone Fracture;
- Protracted loss or impairment of function of any bodily member or organ;
- A wound requiring extensive suturing; and,
- Serious disfigurement.

Totality of the Circumstances: All facts known to or reasonably perceived by the officer at the time, including the conduct of the officer and the suspect leading up to the use of force.

Vulnerable Population: Vulnerable populations include, but are not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.

Warning Shots: The intentional discharge of a firearm off target not intended to hit a person, to warn others that deadly force is imminent.

A. Tactics

Tactical De-Escalation Techniques

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

(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his/her or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Sergeant B responded to the CP and was briefed by Sergeant A. A tactical search plan was formulated involving a coordinated search with four K-9 teams. Sergeant B presented the plan to Sergeant A, who approved it.

Preparing to search the rear of a residence, Officer A noticed a “Beware of Dog” sign posted on the rear fence. In response, Officer B obtained Witness A’s permission to search the property and ensured that his dogs were secured before entering the rear yard. As officers were searching the rear yard, Witness A’s Pit Bull broke out of the metal kennel and attacked the LAPD K-9. To de-escalate the situation and stop the dog fight, Officer A discharged his/her TASER in probe mode toward the Pit Bull. The TASER was effective in that the dog stopped attacking the K-9.

Time and Redeployment and/or Containment – When the Pit Bull broke free of the kennel, Officer A considered kicking it to prevent it from running past him/her toward the K-9. However, the dog managed to back up, run past Officer A, and attacked the K-9. Instead of attempting to physically separate the dogs, Officer A maintained his/her distance and used his/her TASER to end the attack. When the Pit Bull ran toward him/her after being tased, Officer A backed up to give it an avenue of escape. Instead of running past Officer A, the dog lunged at him/her, baring its teeth. The Pit Bull’s

actions limited Officer A's ability to use time, redeployment, and/or containment as de-escalation techniques.

Other Resources and Lines of Communication – Sergeant A, requested Metropolitan Division K-9 officers to respond and assist with a search. K-9 officers responded and used patrol and Gang Enforcement Detail (GED) resources to conduct coordinated searches of the area. Officer A assigned his/her search team their roles, advised them of the search plan, and informed them of various nonverbal cues they may see during the search. Before searching the rear of a residence, Officer A communicated his/her observation of the “Beware of Dog” sign. In response, Officer B communicated with Witness A, ensuring his dogs were contained before officers entered the yard.

During the review of the incident, the following Debriefing Topics were noted:

- **Dog Encounters/TASER Protocols**

Preparing to search the rear of a residence, Officer A noticed a “Beware of Dog” sign posted on the rear fence. In response, Officer B ensured that Witness A secured his dogs before officers entered the yard. When Witness A's Pit Bull broke out of its kennel and ran toward Officer A, he/she considered kicking the Pit Bull, but it backed up, ran past him, and attacked the LAPD K-9. As the dogs fought, Officer A maintained his/her distance and used his/her TASER to stop the attack on the LAPD K-9. Officer A tried to allow the Pit Bull an avenue of escape, but it lunged at him/her, resulting in an OIS.

The Chair of the Use of Force Review Board (UOFRB) assessed Officer A's actions regarding the encounter with the Pit Bull. The Chair noted that before searching the rear of a residence, Officer A had noticed the “Beware of Dog” sign, prompting officers to ensure that Witness A's dogs were secured before they entered the property. The Chair also noted that when the Pit Bull escaped from its kennel, it created a potentially dangerous situation for the officers and the LAPD K-9. While the LAPD K-9 appeared to defend himself, he was not the aggressor. The Chair further noted that due to the Pit Bull's violent, aggressive behavior, Officer A had limited time to react to the dynamic physical confrontation between it and the LAPD K-9.

The Chair noted that before resorting to lethal force, Officer A considered using non-lethal force, used a TASER, and created an avenue of escape for the Pit Bull. The Chair also noted that while less-lethal force was used to stop the attack on the K-9, lethal force was used only when Officer A was threatened with serious bodily injury. The Chair further noted that instead of attempting to physically separate the dogs, Officer A correctly maintained his/her distance and used reasonable force to end the attack. Based on the Pit Bull's size, speed, and level of aggression, the Chair opined that it was reasonable for Officer A to use the TASER to end the dog fight. The Chair also opined that it was reasonable for Officer A to use lethal force to protect himself/herself from serious bodily injury when the dog lunged at him/her.

Based on the totality of the circumstances the BOPC found that the tactics employed by Officer A were not a deviation from Department-approved tactical training. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Tactical Discharge of TASER-** As the Pit Bull ran past Officer A (after the OIS), he/she pressed the TASER trigger a second time deploying the second TASER cartridge. The Pit Bull continued to yelp and run east, along the south fence. According to Officer A, he/she thought he/she discharged the TASER once, but later realized he/she discharged the second cartridge.
- **Service Pistol in One Hand, TASER in the Other -** As the LAPD K-9 fought with the Pit Bull, Officer A unholstered his/her TASER and held it in his/her left hand while holding his/her service pistol in his/her right hand. Although Officer A's options were limited, when possible, officers should avoid deploying both lethal and less-lethal weapons together.

Command and Control

- Sergeant A was the first supervisor to arrive at the perimeter, he/she declared himself/herself as the IC, established a CP, oversaw/coordinated tactical efforts, and contacted Metropolitan K-9 Division, requesting their response for a search. Arriving at the scene, Sergeant B formulated a tactical plan for a systematic K-9 search; the plan was approved by Sergeant A. Sergeant B ensured K-9 warning announcements were conducted before initiating the search. When the OIS occurred, Sergeant B responded to Officer A's location, separated and monitored him/her, obtained his/her PSS, and notified the Department Operations Center (DOC) of the OIS.

The BOPC determined that the overall actions of Sergeants A and B were consistent with Department training and expectations of supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the BOPC found that Officer A's tactics did not deviate from Department-approved tactical training, warranting a finding of Tactical Debrief.

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 the involved officers to discuss individual actions that took place during this incident.

B. Drawing and Exhibiting

- **Officer A**

According to Officer A, he/she responded to the location to search for a subject who threw a gun and fled from officers. As the officers initiated the search, Officer A unholstered his/her service pistol.

The Chair of the UOFRB evaluated Officer A's drawing and exhibiting of his/her service pistol. The Chair noted that Officer A was searching for a subject who had been armed with a firearm. Although the Subject had thrown the handgun, Officer A was concerned that the Subject may have been armed with another weapon. Officer A also noted that the search was being conducted in an area known for gang activity. Based on the totality, the Chair opined that it was reasonable for Officer A to believe that the Subject could be armed.

Based on the totality of the circumstances the BOPC found 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/exhibiting to be In-Policy.

C. Lethal Use of Force

- **Officer A – (pistol, one round)**

The background was a concrete patio. The bullet impact was located on a section of the concrete, two feet three inches east of the detached garage and five feet north of the south property line fence. The projectile impacted and deflected off the concrete in an unknown direction.

The Pit Bull reacted to the TASER activation by stopping the attack on the K-9 and yelping loudly. The Pit Bull attempted to run west, away from Officer A; however, the Pit Bull's path was blocked by fencing on the southwest side of the property. The Pit Bull turned around and ran east toward Officer A continuing to yelp. According to Officer A, he/she backed up to give the Pit Bull an exit route. Officer A's BWV depicted the Pit Bull raising, with its mouth wide open and baring its teeth as it closed the distance toward him/her. In response, Officer A fired one round from a close contact position, with a single-hand grip in a downward direction at the Pit Bull. According to Officer A, he/she did not have time to align his/her sights on the target. According to Officer A, he/she discharged his/her service pistol to prevent the Pit Bull from attacking him/her and causing great bodily harm.

The BOPC noted that the Chair of the UOFRB assessed Officer A's use of lethal force. The Chair noted that when the Pit Bull ran toward Officer A after being tased, he/she backed up to give it an avenue of escape. Instead of running past Officer A,

the dog lunged at him/her, baring its teeth. Due to the Pit Bull's size, speed, and aggressive behavior, the Chair opined that Officer A had minimal time to react to defend himself/herself from being bit. Although the TASER had effectively stopped the attack on the K-9, based on the Pit Bull's level of aggression as depicted in the BWV footage, the Chair opined that the TASER would not have prevented it from attacking Officer A and causing him/her serious bodily injury. The Chair also noted that Officer A used lethal force to protect himself/herself, not the K-9, from the immediate threat of serious bodily injury. Based on the Pit Bull's size, speed, and level of aggression, the Chair opined that it was reasonable for Officer A to use lethal force to protect himself/herself when the dog lunged at him/her.

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

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