

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

**OFFICER-INVOLVED ANIMAL SHOOTING – 008-20**

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

Southeast                      3/8/20

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

Officer A    2 years, 10 months

**Reason for Police Contact**

Officers A and B responded to a location regarding a report of a vicious animal in the front yard of a residence. Upon their arrival, the animals attacked Officer A, resulting in an officer-involved animal shooting (OIAS).

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

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 incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division investigation (including all of the transcribed statements of witnesses, pertinent subject criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board recommendations; the report and recommendations of the Chief of Police; and the report and recommendations of the Inspector General. The Department Command staff presented the matter to the BOPC and made itself available for any inquiries by the BOPC.

The following incident was adjudicated by the BOPC on January 26, 2021.

## **Incident Summary**

On Sunday, March 8, 2020, in the late morning, Witness A, a gardener, was working at his son's duplex. According to Witness A, he finished working on the property and was seated in his vehicle, which was parked in the rear parking area, on the east side of the property. Suddenly, Witness A observed two Pit Bull dogs behind his vehicle, barking. Witness A recognized the dogs belonged to the adjacent neighbor's property. Witness A believed the dogs escaped by accessing a space underneath the chain link fence between the two properties. Witness A described the dogs as two Pit Bull dogs, one brown, and one white and black. Witness A yelled at the dogs to get them to go back to their own yard, but was unsuccessful, so he called out to the residents inside the residence to call the police.

Witness B was inside the kitchen of his residence, when he heard a commotion that sounded like barking and chains dragging in the backyard. Witness B exited his front door and walked east along the north side of the structure toward the sound. Witness B observed two Pit Bull dogs that he recognized belonging to his neighbor to the north. Witness B believed that the Pit Bull dogs escaped from their side of the property by accessing a hole under the chain link fence on the north side of the property line.

The two Pit Bull dogs continued to bark at Witness A, who remained inside his vehicle. According to Witness B, the Pit Bull dogs turned their attention to him and ran toward him. Witness B backpedaled toward his front door as the brindle Pit Bull dog barked and ran toward his left leg. The brindle Pit Bull dog lunged and attempted to bite Witness B's lower left leg as he fled inside his residence; however, Witness B was not bitten. According to Witness B, his two children were with him when the Pit Bull dogs charged toward him.

Once safely inside his residence, Witness B instructed his mother, Witness C, to call 911. According to Witness B, the dogs then retreated to the rear of the location and remained there until the police arrived.

According to Witness A, when the Pit Bull dogs focused their attention toward Witness B, he exited his vehicle and fled west, along the south side of the structure, to the front sidewalk. Witness A attempted to get the attention of the dogs' owner at their residence, but there was no answer.

Communications Division (CD) broadcast the call of a vicious animal at the apartment complex. CD stated that there were three loose Pit Bull dogs roaming around and provided the descriptions. CD advised that the dogs were not allowing anyone to enter the property and were being aggressive toward people passing by. Further, the dog's owner(s) did not appear to be at the location. Although CD indicated that there were three dogs, there were only two dogs in the yard at the time of this incident.

Uniformed Police Officers A and B were assigned the radio call. They were driving a marked black and white police vehicle, which was equipped with a Digital In-Car Video

System (DICVS). Officers A and B were equipped with Body Worn Video (BWV) cameras that were mounted on their mid-upper torsos.

The following equipment issues were noted during the investigation. Officer A was not equipped with his/her PR-24 side handle baton or a collapsible baton on his/her person at the time of the incident. According to Officer B, he/she left his/her PR-24 side handle baton inside the passenger seat of his/her vehicle. Officers A or B were not equipped with their Hobble Restraint Device (HRD), which they each indicated was in their vehicle at the time of the incident. Officer B was not equipped with a TASER on his/her person at the time of the incident. According to Southeast Area Assistant Training Coordinator, Police Officer C, Officer B was not personally assigned a TASER, and according to the Kitroom Inventory Tracking System (KITS) for that date, he/she did not check a TASER out from the kitroom.

According to Officers A and B, this was their first day working together. According to Officer A, this was his/her first Deployment Period working Southeast Area, and the officers discussed the equipment they carry, as well as contact and cover responsibilities at the beginning of their watch. Due to the officers' Code 2 (priority) response, their DICVS was not activated. According to the Incident Recall sheet, CD notified Animal Regulations Department, Harbor Animal Services of this call.

According to Officer A, while enroute to the call, he/she and Officer B decided not to bring a fire extinguisher or use OC spray, because they believed the dogs were contained in the yard, and he/she believed they lived at that residence. Officer B stated it was a better option for them to get the owner to make contact with the dogs.

Upon arrival, Officer A advised CD as to their status and location (Code-Six). Officer B parked their police vehicle south of the location, on the east side of the street and then walked north toward the location. Officer B activated his/her BWV approximately 12 seconds after having stated speaking with Witness A. According to Officer B, he/she believed Witness B was flagging them down for an unrelated reason. When he/she realized he was the Person Reporting (PR) for the call, he/she activated his/her BWV.

The location was a duplex residence, with an approximate six-foot-high wrought iron fence running along the west side of the property near the sidewalk. According to Officers A and B, they believed from the comments of the radio call that the dogs were contained on the property. Officers A and B walked north along the east sidewalk and met with Witness A on the sidewalk in front of the location. Witness D was also standing on the sidewalk just north of Witness A. When the officers initially met with Witness A, the dogs were not yet visible in the yard.

Witness A identified himself as the PR and began to talk with Officer A and explained the incident to him/her. According to Officer A, Witness A spoke to him/her in Spanish and advised him/her that the Pit Bull dogs were on the other side of the fence, the dogs were vicious, and they did not belong on the property. According to Officer A, Witness A was upset that the neighbors had not contained the Pit Bull dogs, and had allowed

them to escape through the fence. Officer A also stated there was another male at the location (Witness D) who told her the dogs had attacked his son in the past. The Officers' BWV captured Officer A informing Officer B that the Pit Bull dogs lived at another residence; however, he/she did not advise his/her partner that the dogs were vicious or had attacked anyone. However, Officer B's statement indicated she also believed the PR was explaining that the dogs were vicious.

According to Officer B, he/she did not initially observe any dogs on the premises. Officers A and B stood on the sidewalk in front of the wrought iron gate, at the entrance of the driveway, near the southwest portion of the property. Officer B wanted to verify if the dogs were on the premises, so he/she removed his/her side handle baton, holding it in his/her left hand, and ran the end of the baton back and forth against the fence, creating a loud noise. As he/she did so, a brown brindle Pit Bull dog, with an approximate four-foot chain attached to its collar, and a white Pit Bull dog, emerged from the north side of the residence and ran toward them, barking. The dogs momentarily stopped in front of the officers, on the opposite side of the fence, continuously barking, and then ran back closer to the residence.

Officer A's BWV captured Officer B asking Witness A, in English, if the dogs bite. Officer A then asked in Spanish if they bite, and Witness A nodded his head up and down. According to Officer B, when he/she asked Witness A if the dogs bite, he said something indecisively. Officer B did not remember Witness A giving a yes or no.

Officer A believed that the dogs were contained in the yard, initially appeared happy, and were just being territorial because they lived there. According to Officer A, he/she observed the chain attached to the brindle Pit Bull dog's collar, which further indicated to him/her that he was a domesticated pet. In an attempt to get the Pit Bull dog's attention, Officer A placed his/her right hand between the rods the fence and began talking and making noises.

According to Officer A, he/she started calling the dogs to make sure he/she could keep eyes on them. Officer A believed that if he/she could see the dogs, then he/she would know the dogs would not hurt other people in the area.

In explaining his/her intention for sticking his/her arm through the fence, Officer A stated when he/she observed the dog, the dog was straight in front of him/her. Officer A stated that he/she put his/her arm out, so the dog could smell him/her and possibly mellow down if the dog knew he/she was not trying to harm it. Officer A further indicated his/her experience with past radio calls had been that most times after a dog smells him/her, it will calm down.

Officer B asked Witness A in English if he contacted the owner of the Pit Bull dogs, and his/her BWV captured Witness A tell him/her no one was home. Witness A then walked north on the sidewalk, followed shortly thereafter by Officers A and B. According to Officer A, he/she believed the best option was to make contact with the owner and direct the owner to lead the Pit Bull dogs back to their residence. Officer A further

believed that if Animal Regulations arrived, they would take the Pit Bull dogs from their home. Officer A did not verbalize to Officer B about his/her intention to have the owner take the Pit Bull dogs out of the property. According to Officer B, based on the actions of Witness A and his/her partner, he/she assumed that the officers were walking toward the owner's property.

Witness A walked north and stopped on the sidewalk in front of a residence. According to Officer A, as Witness A walked, he/she observed that a few of the wrought iron rods of the fence were missing, creating a wider than normal space between them. Officer A believed that the openings appeared a bit wider than the other bars on the fence but did not appear that the dogs were planning on exiting. Officer A believed that the dogs just wanted to stay in their area and didn't want people to come inside.

The investigation determined there were two missing fence rods creating two individual gaps, separated by a single rod. The gaps each measured approximately nine inches wide. According to Witness A, he was aware of the gaps in the fencing; however, he did not inform the officers.

According to Officer A, when he/she observed Witness A pass the gaps in the fencing, he/she believed that the Pit Bull dogs would not exit the property.

As Officer A walked north, he/she began to call the dogs to him/her, stopping in front of the gaps in the fence. Both Pit Bull dogs walked up to the gaps in the fence where Officer A had stopped, and the brindle Pit Bull dog began to bark at Officer A while still inside the yard. Officer A then raised his/her right arm and placed it near the fence as the brindle Pit Bull dog put his nose through the gap.

In explaining his/her action, Officer A stated as he/she made contact, it did appear that the dogs might have been upset and he/she was talking to them and making noise to get their attention. Officer A stated that he/she lifted his/her arm to the dog's nose, so he could smell him/her and understand the officers were not there to harm them. Officer A just wanted them to get an odor and actually move them from the area, because the original complaint was that the dogs were in the yard where they didn't belong.

Officer A did not alert Officer B when he/she observed the gaps in the fence. According to Witness B, who was observing the incident from inside the doorway of his home, Officer A reached through the fence and Witness B believed that he/she did so in order to pet the brindle Pit Bull dog.

According to Officer B, while walking north on the sidewalk, he/she observed Officer A stop in front of the space in the fence and put his/her hand near the fence. Officer B assumed Officer A was doing it to see if the dogs were friendly or not. Officer B stopped next to the pedestrian gate of the fence, south of Officer A. Officer B's BWV captured him/her tell Officer A that the dogs might be able to exit through the fence, as

the brindle Pit Bull dog put his entire head through the gap in the fence, barking at Officer A. Officer A's BWV captured him/her state, "I'm trying to get the chain."

The brindle Pit Bull dog stopped barking and momentarily stepped back from the fence, before both dogs exited through the gaps, onto the sidewalk toward Officer A. In response to the Pit Bull dogs' actions, and to avoid being bitten, Officer A immediately backpedaled away from the dogs, northwest into the parkway. Once through the fence, the white Pit Bull dog began to bark and lunged toward Officer A, attempting to bite his/her right hand. The BWV of Officer B showed that the brindle Pit Bull dog lunged toward Officer A, biting his/her left leg. According to Officer A, the white Pit Bull dog did not bite his/her right hand.

FID investigators subsequently inspected Officer A's wrists and hands and did not observe any injuries.

As Officer A continued to walk backward to create distance between him/herself and the Pit Bull dogs, the Pit Bull dogs continued to charge at him/her. Officer A's BWV captured the white Pit Bull dog open her mouth and again attempt to bite Officer A's right hand but was unsuccessful. After this attempt, the white Pit Bull dog stopped moving toward Officer A and moved back toward the fence.

Meanwhile, the brindle Pit Bull dog continued lunging toward Officer A. Officer A continued back-pedaling south, away from the dog. While doing so, he/she unholstered his/her pistol with his/her right hand and pointed the muzzle downward, toward the brindle Pit Bull dog. According to Officer A, the brindle Pit Bull dog jumped toward him/her and bit his/her left leg again. Officer A extended his/her right arm downward, aimed at the face of the brindle Pit Bull dog, and fired one round from a one-handed shooting position. Regarding his/her decision to shoot, Officer A stated his/her belief that if he/she didn't discharge her weapon, the dog would have definitely bitten his/her leg.

The investigation revealed the round did not strike the brindle Pit Bull dog, but struck the dirt parkway, to the left of the dog. The investigation determined that approximately six seconds elapsed from the time both Pit Bull dogs exited from the gaps in the fence to the time of the OIS. According to Officer A, the white Pit Bull dog was also jumping at him/her at the time he/she discharged her pistol. Officer A believed he/she held his/her pistol in a two-handed grip; however, his/her BWV captured him/her place his/her left hand on the pistol after the OIS.

Meanwhile, Officer B recognized the situation with the dogs was escalating, and he/she didn't want the dogs to bite his/her partner. Officer B transitioned his/her baton to his/her right hand and attempted to ring his/her baton; however, Officer B was unsuccessful. Unable to ring his/her baton, Officer B dropped it to the ground. According to Officer B, he/she believed the situation could escalate to where deadly force may be justified and unholstered his/her pistol with his/her left hand, which he/she held in a two-handed grip. Officer B estimated he/she was approximately six to eight

feet from Officer A. Officer B placed his/her finger on the trigger and aimed his/her sights at the head of the brindle Pit Bull dog, which he/she estimated to be about one foot away from Officer A. Officer B heard Officer A's gunshot and observed the brindle Pit Bull dog back away from Officer A. According to Officer B, she repeatedly placed his/her finger on and off the trigger as he/she continually assessed his/her ability to safely discharge his/her pistol. Although the dog was in close proximity to Officer A, Officer B stated he/she never covered his/her partner with his/her weapon.

Officer A assessed that the round appeared to have missed the brindle Pit Bull dog and struck the ground. Both Pit Bull dogs appeared momentarily stunned and retreated north on the sidewalk, along the fence line.

Officer A lowered his/her pistol to a one-handed, low ready position and removed his/her radio with his/her left hand. Officer A stood on the sidewalk, just south of the gaps in the fence, and broadcast, "Shots fired, Officer needs help," and provided the location.

While listening to the police radio, FID investigators noted that when Officer A broadcast, "Shots fired, officer need help", CD replied, "Roger" and did not re-broadcast the information. Approximately 40 seconds after the help broadcast another Southeast Area unit inquired about a possible help call. Approximately ten seconds later, 50 seconds after the original help broadcast, CD initiated an, "Officer needs help," broadcast but advised no location was provided, even though a location was provided by Officer A in the original broadcast.

Both officers stood on the sidewalk, south of the gaps in the fence, until both Pit Bull dogs reentered the yard. Officer A's BWV then captured him/her advising his/her partner they should get behind cover. Officer A walked south and picked up Officer B's baton with his/her left hand as he/she held his/her pistol in his/her right hand. Officer B holstered his/her pistol and accepted his/her baton back from Officer A. Officer B's BWV captured Officer A briefly holster his/her pistol after picking up the baton. However, the Pit Bull dogs began to bark and appeared to move toward the fence, and Officer A can be seen unholstering again.

Officer B's BWV captured Witness A, who was now standing in the street near the east curb, waiving his hands, ordering the dogs to go back inside. As Witness A did so, the brindle Pit Bull dog ran back toward the fence, but did not exit. Officer B ordered Witness A to get back, as Officer A directed Officer B to stop talking to the Pit Bull dogs and to back away. Both officers then walked south toward their vehicle.

Officer B believed he/she did not holster his/her pistol until approximately two minutes after Officer A discharged, after responding units arrived. Officer A held his/her pistol in his/her right hand along his/her leg, pointed downward, while he/she and Officer B continued to walk south toward their police vehicle. Officer A's BWV captured him/her using profanity several times immediately preceding and following the OIS. Additionally,

Officer B used profanity twice, once while conversing with Witness A, and once after the OIS.

Investigators located video surveillance at a business which captured the officers' arrival and initial encounter with the witnesses. However, due to the distance, and a tree blocking the view of the camera, the video did not capture the OIS.

Officer A broadcast that the incident had been resolved with respect to the dog only (Code Four). Officer A opened the passenger door and holstered his/her pistol. Officer B broadcast a request for a supervisor and an additional unit. Officer B confirmed with Officer A that he/she was bitten and broadcast a request for a Rescue Ambulance (RA). Officer A broadcast a request for Animal Regulations respond to the location.

Assisting officers arrived at the location and began to secure the gaps in the fence to prevent the dogs from exiting. Other officers established a perimeter around the property to ensure the Pit Bull dogs could not exit. The officers continued to monitor and contain the Pit Bull dogs in the property until the arrival of City of Los Angeles, Animal Control personnel arrived.

An RA unit arrived at scene and began their assessment of Officer A's injury. Paramedics determined that Officer A needed further medical treatment and transported him/her to a nearby hospital. Officer A was treated for dog bites to his/her left knee and was cleared for full duty.

Sergeant A was the first supervisor to arrive at scene and identified him/herself as the Incident Commander. Upon arrival, Sergeant A identified Officers A and B as being involved in the incident. Sergeant A informed Southeast Division Acting Watch Commander, Sergeant B that Officer A was transported to the hospital and a supervisor was needed to meet him/her there. Sergeant B requested a 77<sup>th</sup> Patrol Division supervisor respond to the hospital to monitor Officer A.

Sergeant A monitored Officer B while also managing the scene. Sergeant C arrived at scene and obtained a Public Safety Statements (PSS) from Officer B and admonished him/her to not to speak about the incident.

The investigation revealed the following issues related to the initial separation, monitoring, and PSS at scene by Sergeant A. According to Sergeant A, he did not advise Officer A not to discuss the incident because he/she was being transported to the hospital, which, in his/her opinion, created separation from Officer B.

Sergeant A did not obtain a PSS at scene from either officer. Regarding this decision, he/she advised that he/she discussed the incident with the Acting Watch Commander, Sergeant C and his/her plan was to have an additional supervisor respond to assist with the PSS and the separation and monitoring.



As stated above, Sergeant A did not obtain a PSS from Officer B; however, his/her BWV captured him/her discussing the incident with him/her. Sergeant A stated that he/she had only received secondhand information up to that point, and briefly asked Officer B to summarize the incident so he/she could provide accurate information to the Watch Commander and FID. Regarding his/her decision to have him/her summarize the information and not complete a PSS, Sergeant A stated that as the incident commander, he/she felt his/her primary role at the time was the tactical part with the dogs and to ensure they were contained.

While monitoring Officer B, prior to the arrival of Sergeant C, Sergeant A walked to his/her police vehicle, which was parked nearby to obtain forms. Meanwhile, Officer B remained at the scene of the OIS. The investigation determined it took Sergeant A approximately two and one-half minutes to walk to his/her vehicle and return to the scene. According to Sergeant A, he/she was still able to visually monitor Officer B from his/her vehicle location.

Sergeant D responded to the hospital and transported Officer A to the local police station. Sergeant B obtained a PSS from Officer A at the station. No additional officers or civilians were injured during the incident.

At approximately 1335 hours, the Department Operations Center (DOC) was notified of the Officer Involved Shooting-Animal incident. The DOC log indicated they were notified of the incident at 1335 hours. However, Sergeant B notified Force Investigation Division (FID) via the DOC of the incident at 1240 hours. FID was notified within the required timeframe; however, due to an issue with his cell phone, as was noted in the narrative portion of the DOC log, the on-call FID lieutenant was delayed in calling back the DOC to obtain additional information about the incident.

FID reviewed the documents regarding the separation, monitoring and admonitions not to discuss the incident prior to being interviewed by FID investigators. The investigation revealed that there were deviations from the standard protocols.

No fired bullet or bullet fragment was recovered from the scene. Similarly, investigators were not able to locate an impact at scene.

Animal Services impounded both Pit Bull dogs involved in the incident and impounded a third unrelated grey Pit Bull dog that was wandering the street while they were at scene. All dogs were transported to the Harbor Animal Shelter.

The dog in this incident was described by City of Los Angeles Department of Animal Services as a male brown brindle mixed breed, approximately two years of age, approximately 50 pounds. The white Pit Bull dog was described as a female white mixed breed dog, approximately two years of age, approximately 45 pounds.

Department of Animal Services verified that both Pit Bull dogs were owned by the same person.

## **BWV and DICVS Policy Compliance**

OFFICER	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	N/A	N/A
Officer B	No	Yes	Yes	N/A	N/A

## **Los Angeles Board of Police Commissioners' Findings**

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

### **A. Tactics**

The BOPC found Officer A and B's tactics to warrant a finding of Administrative Disapproval.

### **B. Drawing and Exhibiting**

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

### **C. Lethal Use of Force**

The BOPC found Officer A's lethal use of force to be Out of 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 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** – According to Officers A and B, the day of this incident was their first time working together. At the beginning of their watch, Officers A and B discussed the equipment they carry, contact and cover responsibilities, and the types of incidents they like to handle. Officers A and B believed that, based off the comments of the radio call, the dogs appeared to be contained in the yard. Officers A's plan was to make contact with the dogs' owner and have the owner remove the dogs from the neighbor's property. Officers A and B did not believe a fire extinguisher or other tools would be needed. Upon arrival to the location, Officers A and B met with Witness A, who was a Spanish speaker. Witness A conversed with Officer A in Spanish and advised him/her that the dogs were vicious, and they resided at an adjacent residence. Officer A did not advise Officer B that the dogs were vicious or had attacked anyone.

Officers A and B did not discuss a tactical plan or communicate a plan on how they would handle the dogs; however, Officer B took it upon him/herself to remove his/her baton and run it along the iron fence to verify if the dogs were still there. As Witness A walked north on the sidewalk, Officers A and B followed Witness A, assuming Witness A was going to contact the dogs' owner, but this was not communicated between the officers. Upon passing the fence gaps, Officer A stopped and reached his/her hand out towards the dogs as they stood on the opposite side of the fence, next to the gaps in the fence. Officers A and B failed to communicate a plan between each other on how they would proceed. Officer A did not communicate his/her intention to grab the brown dog's chain to Officer B when reaching his/her hand out towards the dogs on the other side of the fence.

Officer B noted the gaps in the fence and warned Officer A that the dogs might be able to exit from the opening. As both dogs exited and lunged towards Officer A, the officers did not communicate their intentions or a plan to stop the dogs' actions.

The BOPC concluded that while this incident was the first time Officers A and B had worked together as partners, each radio call and patrol situation merits its own discussion and individual plan on how to best address the incident. The officers' plan lacked depth and detail when confronted by aggressive dogs and controlling the scene. The BOPC noted that a proper plan included being in possession of all equipment necessary to accomplish a task. Officers A and B's lack of required equipment limited their planning and accessibility to their baton and Taser, which may have proven effective against the dogs' actions and provided additional force options in dealing with the incident. The BOPC would have preferred that Officers A and B had been in possession of their required patrol equipment and had developed a more robust plan prior to arriving to this incident.

**Assessment** – When Officers A and B arrived on scene, they parked their police vehicle south of the location. The officers approached the location and made contact on the sidewalk with Witnesses A and D. Officers A and B did not observe any dogs at the location. Witness A advised Officer A that the dogs were located on the other side of the fence in the yard. Witness A further advised Officer A that the

dogs were vicious and did not belong on the property. Officer A also spoke to Witness D, who advised her the dogs had attacked Witness C in the past. Officer A, who is Spanish speaking, did not translate all the pertinent details to Officer B, who is not Spanish speaking.

Officer B wanted to verify if the dogs were on the premises, so he/she removed his/her baton and ran the end of the baton back and forth against the iron fence, creating a loud noise. A white dog and a brown dog emerged from the north side of the residence and ran towards the front fence, barking. Then brown dog had an approximately four-foot chain attached to its collar.

Officer A perceived that the dogs were contained in the yard, appeared “happy,” and opined that the dogs were behaving territorially because they lived at the location, despite the information that had been provided by Witness A, which according to Officer A, Witness A described the dogs as being “vicious.” Officers A and B did not treat the dogs as a threat although the information provided by Witnesses A and D described the dogs as being vicious and having previously attempted to attack them. Despite the concerns communicated by Witnesses A and D, Officer B again ran his/her baton along the fence, and Officer A placed his/her right hand between the gaps in the fence, talking to the dogs, and making noises.

As Witness A walked north on the sidewalk, Officer A observed a few of the iron rods of the fence were missing, creating a wider than normal space between them, but did not communicate this information. Officer A assessed that the dogs would not exit the property because the dogs had not exited when Witness A passed the gaps in the fence. Officer B noted the opening in the fence and warned Officer A that the dogs might be able to exit. As the dogs emerged from the opening of the fence and lunged towards Officer A, Officer A recognized that the dogs were a threat, had bit him/her, and were continuing to attempt to bite him/her.

Upon discharging his/her service pistol, Officer A assessed that his/her fired round had startled the dogs causing them to move away from him/her. Officer A assessed that the dogs had re-entered the yard and advised Officer B to no longer attempt to contact the dogs, and to move to cover.

The BOPC concluded that Officers A and B made multiple observations and assessments throughout the incident that indicated the dogs could be a threat to them; however, they disregarded those assessments, beginning with the comments of the radio call. Officers A and B’s actions intensified the situation and Officer A placed him/herself in an unsafe location next to the opening in the fence.

**Time** – Officers A and B responded to the Code Two radio call and arrived approximately 30 minutes after the radio call was generated. While enroute to the call, Officers A and B discussed the comments of the call and assumed the dogs resided at the location and were contained in the yard. As there was no exigency, Officers A and B were afforded with time while enroute to the radio call to create a

more robust tactical plan. Additionally, the officers had time while interviewing witnesses to verify the information and elicit additional information which could assist Officers A and B in developing a plan and taking action with respect to the dogs. Officer B removed his/her baton and ran it along the iron fence to get the dogs' attention and verify they were still present in the yard; however, upon doing so, Officer A and B continued to create noise to entice the dogs to the fence, which by Officer A's account, the dogs appeared upset.

Once the dogs exited the fence and Officer A identified them as a threat, Officer A attempted to redeploy by utilizing distance to afford him/her additional time to manage the threat and Officer B walked backwards northbound; however, the dogs lunged towards Officer A, reducing the distance and time Officer A had to redeploy to safety and consider other tactical options.

The BOPC concluded that Officers A and B did not have any exigency in making contact with the dogs and were afforded with time to develop a detailed and comprehensive tactical plan. Officers A and B's actions further intensified the situation, causing the incident to quickly escalate. The BOPC would have preferred that Officers A and B utilize their time to have properly equipped themselves, formulated a solid tactical plan, requested additional resources, and maintained communication with each other.

**Redeployment and/or Containment** – When Officers A and B arrived at the scene and met with Witness A and D, the dogs were not visible and were contained in the yard. The dogs had not exited the opening of the front fence prior to Officer A stopping at the opening of the fence and reaching out to the dogs. When the dogs exited the opening of the fence and lunged towards Officer A, Officer A backed away from the dogs to create distance while continuing to assess and face the threat. Officer B began walking backwards and away upon seeing the dogs exit the fence.

The BOPC noted that upon Officers A and B's arrival, the dogs were contained in the yard and did not appear to be attempting to harm anyone at that time. Officer B's actions of running his/her baton along the fence to verify if the dogs were at the location, and then continue to run his/her baton along the fence after observing the dogs, may have further agitated the dogs. Officer A placed him/herself in an unsafe location next to the opening of the fence. Officer A believed that his/her prior experience with similar radio calls and assumption that the dogs would not exit if given an opportunity, afforded him/her safety. Officer A's actions limited her time to react and redeploy to a safer location once the dogs exited. The BOPC was critical of Officer A's decision to stop in front of the fence opening and place his/her hand towards the dogs through the fence opening rather than redeploy to a safer location. The BOPC would have preferred that Officer A had communicated his/her intentions with Officer B, recognized the potential threat created with the fence opening, and both officers had redeployed to deal with the threat as a coordinated team. In addition, the BOPC would have preferred that Officers A and B contact the Department of Animal Services, who are better prepared to deal with such incidents,

and have them make contact with the dogs once Officers A and B verified that the safety of community members had not been compromised.

**Other Resources** – While responding to the radio call location, Officers A and B did not utilize other available tools at their disposal to manage the dogs due their assumption the dogs were contained in a yard. Officers A and B proceeded to investigate the radio call without all of their required equipment. Officer A and B's complacency prior to arriving at the scene and at the time of their initial investigation, allowed them to believe that additional equipment and resources would not be needed. Without a tactical plan, Officers A and B did not discuss or request additional resources to assist them with the incident and took it upon themselves to handle the situation, disregarding the guidelines outlined in the Use of Force - Tactics Directive for Dog Encounters.

The BOPC noted that Officers A and B's lack of a tactical plan, lack of adherence to the guidelines within the Tactics Directive regarding Dog Encounters, and not having their required equipment, highlighted their complacency during this incident. The BOPC would have preferred that Officers A and B had their required equipment on them, utilized the tools at their disposal, and requested other resources as additional options to de-escalate a situation.

**Lines of Communication** – Upon arrival at the location, Officer A conversed with Witness A in Spanish; however, he/she did not relay the pertinent information to Officer B, who did not speak Spanish. Information with regard to the incident, that the dogs had previously attacked a neighbor and were vicious, was not relayed to Officer B. Neither of the officers discussed a plan after speaking with the witnesses and verifying the dogs were still present at the location. The officers made assumptions, rather than have a discussion as to how they were going to proceed with handling the radio call.

Officer A broadcast an "Officer needs help, shots fired" call after discharging his/her weapon and further broadcast the OIS involved an animal. Officer A also requested the response of the Department of Animal Services. Officer B requested a supervisor, recognizing that the incident had escalated, and requested an RA for Officer A after verifying Officer A had been bitten and required medical treatment. Officers A and B advised Witness A to move to a safer location after the OIS concluded.

Upon the arrival of additional officers, Officers A and B warned the other officers regarding the gap in the fence.

The BOPC noted that although Officers A and B made the appropriate notifications and requests after the incident occurred, the officers did not communicate a specific tactical plan with each other with regard to this radio call and had little communication between each other during the incident. The BOPC was critical of Officers A and B's lack of communication among each other as the dogs emerged



and presented themselves as a threat. This deficiency in communication led to Officers A and B facing a serious threat without preparedness and discussion, limiting their ability to deal with the threat the dogs presented.

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

**1. Required Equipment – Taser** (Substantial Deviation, without justification – Officer B)

The FID investigation revealed that Officer B was not equipped with a Taser on his/her person at the time of the incident. Officer B was not personally assigned a Taser and according to the Kitroom Inventory Tracking System (KITS) for that date, Officer B did not check out a Taser from the Kitroom. Officer B was a probationary police officer at Southeast Area. Southeast Area does not permanently issue probationary police officers a Taser due to lack of inventory. Southeast Area conducted an audit on the availability of Tasers for check out by personnel on the morning of March 8, 2020 (date of the incident) and concluded there were seven Tasers available to Officer B to check out from the Southeast Area Kit room.

In this case, Officer B was not equipped with a Taser and did not check out a Taser from Southeast Area's Kitroom, which limited the available force options to Officer B when he/she and Officer A were confronted by the dogs and during any other field operations.

Based on the totality of the circumstances, the BOPC determined that Officer B's lack of having a Taser on his/her person was a substantial deviation, without justification, from approved Department tactical training.

It is the Department's expectation and policy that officers working a uniform assignment be equipped with a Taser on their person.

**2. Dog Encounters** (Substantial Deviation, without justification – Officers A and B)

Based off the comments of the radio call and Officers A's interview of Witnesses A and D, the officers were made aware that the dogs were vicious and had previously attempted to bite others. To verify that the dogs were still at the location, Officer B ran his/her side handle baton along the iron fence, creating a loud noise. Upon observing the dogs emerge from the northeast side of the property, Officer B continued to move his/her baton along the fence, creating additional loud noises. Neither Officers A nor B communicated their plans for redeployment or how they would handle the incident. Officer A attempted to calm the dogs down by sticking his/her hand through the fence, so the dogs could smell his/her scent. As the dogs ran northbound through the front yard, Officers A and B tapped on the iron fence with their hands, creating additional disturbances for the dogs. After perceiving the dogs were contained in the yard

with no community members in danger, Officers A and B walked northbound on the sidewalk. Officer A and Officer B observed an opening in the fence. Instead of redeploying to a safer location, Officer A stopped at the opening of the fence and stuck his/her hand towards the dogs. The dogs exited through the iron fence and lunged at Officer A.

Officers A and B had sufficient time to develop a tactical plan, discuss effective tools when encountering dogs, and there was no urgent need to make contact with the dogs. In this case, instead of allowing the appropriate resources, such as Los Angeles Animal Services, to handle the dogs, Officers A and B took it upon themselves to make contact with the dogs without having a tactical plan or communicating their intentions with each other.

The BOPC noted that in analyzing this incident, there were a series of missteps and a sense of complacency by the officers throughout the incident that caused the BOPC to be concerned, which ultimately culminated in an OIS. The totality of the circumstances of this OIS were taken into consideration as to the reasonableness of the officers' actions, as well as the uncertainties that exist when responding to radio calls for service which a patrol officer can encounter. An officer's main concern upon arriving at the scene of a call is safety. The BOPC would have preferred that Officers A and B had developed a more robust plan prior to their arrival and had all of their necessary equipment with them. The BOPC would have preferred that Officers A and B had an open conversation with each other throughout the entirety of this incident and functioned as a team in dealing with the threat the dogs presented. Furthermore, the BOPC would have preferred that Officers A and B's actions adhered to the guidelines for encounters with dogs and not have initiated contact with the dogs who were contained at the location.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's failure to adhere to the Department protocols with regard to encounters with dogs were a substantial deviation, without justification, from approved Department tactical training.

**3. Tactical Planning/Tactical Communication** (Substantial Deviation, without justification – Officers A and B)

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

Officers A and B were aware that the dogs were vicious and had attempted to bite Witness B based off the comments of the radio call and the conversations with Witnesses A and D. However, Officers A and B did not communicate or formulate a plan regarding their intended actions on how they would handle the

dogs after receiving this information and while making initial contact with the dogs in the yard.

Officer A conversed with Witness A in Spanish; however, Officer A did not advise Officer B, who was not a Spanish speaker, that Witness A described the dogs as being vicious and that the dogs had attacked Witness D's son previously. Prior to attempting to make contact with the dogs, Officers A's limited plan consisted of making contact with the dogs' owner to have them control the dogs and remove the dogs from the neighbor's property. However, Officer A did not communicate his/her plan to Officer B. Once Officers A and B verified that the dogs were at the location, both officers continued to create noises to maintain sight of the dogs but did not communicate their further intentions or a specific plan, but rather made assumptions of what they would be doing to resolve the incident. Officers A and B followed Witness A assuming they were going to attempt to make contact with the dogs' owner but did not discuss this intention with each other or with Witness A. Additionally, Officers A and B did not consider requesting any additional resources and dismissed utilizing the tools that were available to them, such as a fire extinguisher. Officers A and B observed that the dogs were in the yard; however, they intensified the situation by further disturbing the dogs after the initial contact, rather than allowing the dogs to remain contained and ensuring the safety of others through communication with the witnesses and impacted residents where the dogs were contained. Officer A acknowledged that the dogs appeared upset when he/she contacted the dogs at the fence opening. Officers A and B placed themselves at a tactical disadvantage and in an unsafe location near the opening of the iron fence and endangered the pedestrians in the area by continuing to entice the dogs towards the fence.

In this case, Officers A and B had time to communicate and formulate a tactical plan while en route to the radio call and also upon their arrival once they verified that the dogs were on the premises. In addition, as part of their planning process Officers A and B did not have all their required equipment when they exited their police vehicle and dismissed the use of a fire extinguisher, believing it would not be needed in this incident. The officers disregarded other tools as well, such as a baton or OC spray. Furthermore, officers are expected to work together and communicate, strategize, and operate as a team while confronting incidents. Officers A and B's lack of communication with each other, as well as Officer A placing his/her hand through the fence opening to calm the "upset" dogs was deliberated with great concern.

The BOPC concluded that in analyzing this incident, it was not one deviation, but a series of missteps throughout the entire incident that caused concern. The totality of the circumstances of this OIS were taken into consideration as to the reasonableness, as well as the uncertainty of this encounter due to lack of communication and planning, and overall complacency exhibited by Officers A and B. The BOPC would have preferred that Officers A and B had developed and discussed a detailed plan and had all of their necessary

equipment with them prior to their start of watch and during this incident in order to work towards reducing the intensity of this encounter. Furthermore, the BOPC would have preferred that Officers A and B had an open conversation with each other throughout the entirety of the incident and functioned more as a team in dealing with the threat the dogs presented.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's lack of planning and communication were a substantial deviation, without justification, from approved Department tactical training.

These topics were to be discussed during the Tactical Debrief.

- The BOPC also considered the following:
  - **Situational Awareness (Safety of Civilians)** – Officers A and B followed Witness A, who was walking north on the sidewalk. As the dogs exited the fence and lunged towards Officer A, both officers unholstered their service pistols. Officers A and B did not advise Witness A to move to a safe location until after the OIS had concluded. The aggressive behavior of the dogs presented a significant concern for the safety of the community, as well as the officers. Officers A and B were reminded to warn community members of the existence of potential hazards and advise the community to seek a safe location.
  - **Retention of Equipment** – Officer B walked northbound on the sidewalk and held his/her side handle baton in his/her left hand. When Officer B observed the dog's close distance to Officer A, Officer B transitioned his/her baton to his/her right hand by the long, extended portion of the baton. Officer B briefly held his/her baton in a two-handed grip prior to attempting to secure the baton. Unable to secure his/her baton in his/her baton ring, Officer B dropped his/her baton onto the ground and unholstered his/her service pistol. Officer B was reminded of the importance of effectively securing his/her equipment, so it could be readily available to his/her if needed and to also prevent the equipment from becoming a hazard or utilized as a weapon by others.
- 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.

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

In conducting an objective assessment of this case, the BOPC determined that Officers A and B's actions were a substantial deviation, without justification, from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

The BOPC found Officers A and B's tactics to warrant a finding of Administrative Disapproval.

## **B. Drawing and Exhibiting**

- **Officer A (First Occurrence)**

According to Officer A, when both dogs exited the fence and charged him/her, he/she backed away from the dogs approximately three to four steps onto the dirt parkway. The white dog began to bark and jumped up, attempting to bite Officer A's right hand, but did not "really catch" his/her hand. Officer A attempted to "shoo them away," but the brown dog approached on his/her left side, jumped, and grabbed a hold of Officer A, biting Officer A's left leg. Officer A described the bite as, "he kind of bit and let go." Officer A stated that he/she realized the dogs were trying to attack him/her. Officer A drew out his/her service pistol and aimed down towards the dog's face because he/she believed if he/she did not shoot at the dog, the dog would "tear a piece of [his/her] body away."

Officer A stated that he/she unholstered his/her weapon because one of the dogs had jumped up to attack him/her.

### **Officer A (Second Occurrence)**

According to the FID Investigation, Officer A briefly holstered his/her service pistol after picking up Officer B's baton; however, when the dogs began to bark and appeared to move towards the fence, Officer A was depicted on Officer B's BWV unholstering a second time. Officer A did not recall holstering and unholstering his/her service pistol a second time during this incident.

According to Officer A, he/she advised Officer B to seek cover because the dogs had previously attacked Officer A, and Officer A believed the dogs were going to attack them. Officers A and B returned to their police vehicle for cover.

- **Officer B**

According to Officer B, he/she unholstered his/her service pistol because he/she was ready to fire at the dogs and believed the situation had gotten to the point where deadly force may be justified. Officer B heard Officer A give commands to the dogs, stating, "Get back." Officer B observed the dogs jumping up and Officer A kicking. Officer B stated he/she did not want to shoot Officer A's leg or foot but did not want the dogs to puncture Officer A. Officer B believed he/she had a "good shot," but

assessed that the brown dog was too close to Officer A. Officer B repeatedly placed his/her finger on and off the trigger as he/she assessed his/her ability to safely discharge his/her service pistol. Officer B heard Officer A's shot and observed the dogs run northbound. The dogs lingered and then went back in the gate.

In this case, the BOPC conducted an evaluation of the reasonableness of Officers A and B's drawing and exhibiting of a firearm. The BOPC noted that Officers A and B initially responded to a radio call of aggressive dogs who were not allowing residents to enter their property. The incident escalated when the two dogs exited the gap in the fence, lunged at Officer A, and a dog bit Officer A twice. In fear for his/her safety and believing the dogs were attempting to bite him/her again, Officer A drew his/her service pistol to prevent the imminent threat of serious bodily injury or death.

After observing the dogs continuously jump towards Officer A and attempt to bite Officer A, Officer B drew his/her service pistol in fear that Officer A could be seriously injured by the dogs. Officer B drew his/her service pistol to protect Officer A from the imminent threat of serious bodily injury or death.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officers A and B, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the BOPC found Officers A and B's drawing and exhibiting of a firearm to be In Policy.

### **C. Lethal Use of Force**

- **Officer A** – (pistol, one round)

According to Officer A, he/she felt another bite and discharged one round at the brown dog on his/her left-hand side because Officer A believed that the dog "would bite my leg off" and "bite off an artery." Officer A stated that he/she believed he/she would "be bleeding out right now." Officer A believed that he/she would have been "getting stitches at the very minimum." Officer A aimed towards the short brown dog's face and decided he/she was not going to take the time to aim for the dog's chest or leg because the dog had jumped at her twice. After Officer A discharged one round, both dogs backed away.

Officer A stated at the moment he/she fired, he/she did not have enough options. Officer A stated he/she did not have any cover. According to Officer A, all he/she had was his/her firearm to stop what he/she had in front of him/her.

**Background** – As the dogs lunged towards Officer A, Officer A unholstered his/her service pistol and pointed it in a downward direction towards the dirt parkway. The FID investigation revealed that Officer A fired one round, which missed the brown

dog, and struck the dirt parkway to the left of the brown dog. FID investigators were not able to locate an impact at scene, a fired bullet or a bullet fragment; however, one expended bullet casing was recovered on the dirt parkway in front of a residence.

The BOPC conducted a thorough review in evaluating the circumstances and evidence related to this OIS. The BOPC noted that Officer A was aware that the dogs were vicious and had previously attempted to bite someone but disregarded that information and based his/her assumptions of the incident on his/her prior experience with dogs. Officer A acknowledged that the dogs appeared upset when he/she stood at the fence and did not appropriately assess the seriousness of the threat the dogs presented to him/her and others. Officer A walked to the fence and enticed the dogs to approach him/her. Officer A unnecessarily placed him/herself in a tactically unsafe position when he/she stood next to the opening in the iron fence while reaching his/her hand towards the dogs. After being advised by Officer B that the dogs "might be able to get out of there," Officer A remained at the opening of the fence in an unwarranted position and responded to Officer B that he/she was "trying to get the chain." As both dogs quickly exited the fence and aggressively lunged towards Officer A, Officer A redeployed away from the dog, but did not communicate to his/her partner or consider his/her other options. Due to poor planning and not having additional tools in his/her possession for encountering vicious dogs, Officer A's options to protect him/herself and others were limited and ultimately resulted in his/her utilization of lethal force.

The BOPC recognized that Officer A was bitten during this incident. Officer A did sustain two bite marks to the front of his/her left leg, below his/her knee. Officer A was treated for dog bites he/she sustained to the left lower leg, including a skin avulsion to the left shin. Although Officer A had sustained an injury from the dogs, the BOPC also considered both the circumstances that involved Officer A and his/her partner, along with the tactical decision-making process which led up to the OIS.

An officer acting in a manner consistent with Department guidelines for handling Dog Encounters would have been cognizant that the two dogs posed a threat and that approaching the dogs would have further escalated the incident. The BOPC would have preferred that Officer A not have made contact with the dogs after being notified the dogs were vicious and had previously attempted to bite another person. Lacking any exigent circumstances which may have caused Officer A to make contact with the dogs, Officer A should have better utilized his/her time to ensure containment of the dogs for him/her, his/her partner, and the community's safety until the appropriate resources, such as the Department of Animal Services, had arrived. Officer A committed a series of deficient decisions which greatly contributed to his/her significant tactical disadvantage. These decisions, along with Officer A's unjustified deviations from Department training, with regard to tactics and de-escalation, resulted in the OIS.

Based on the totality of the circumstances, the BOPC determined these decisions were not reasonable and placed Officer A in avoidable circumstances, which rendered the use of deadly force by Officer A unreasonable. Therefore, the BOPC found Officer A's lethal use of force to be Out of Policy.