



## **Incident Summary**

Communications Division (CD) broadcast a priority (Code 2) call regarding a Battery in Progress and described the location as a gray house. The person reporting, (PR) heard several females assaulting another female. Nothing had been seen; it was a “heard only” call. CD later provided additional information that there was no suspect description and the noise was coming from the garage.

Uniformed Police Officers A and B were driving a marked black and white police vehicle, which was equipped with Digital In-Car Video System (DICVS). Officers A and B were equipped with Body Worn Video (BWV) cameras that were mounted to their mid-upper torsos. According to Officer A, he/she and Officer B had worked together approximately five times in the past. According to Officer A, officers discussed contact and cover responsibilities at the beginning of their watch. Due to the officers’ Code 2 response, their DICVS was not activated. Officers A and B requested that CD assign them the radio call.

While enroute to the radio call, CD broadcast that the call now involved an Assault with a Deadly Weapon (ADW) suspect, and multiple suspects versus one person. The PR was no longer hearing any noises coming from the garage. The call remained a Code 2 dispatch. The investigation later determined that no crime occurred at the location. Investigators attempted to contact the PR of the 911 call; however, they never received a reply.

Officers A and B parked in front of the location and used their Mobile Digital Computer (MDC) in their police vehicle to place themselves at the location (Code-Six).

Officer A described the location as a gray duplex residence, with wrought iron fencing around the front side of the property. According to Officers A and B, they believed that the residence was vacant and did not observe any evidence of any animals on the premises. There was a wrought iron pedestrian gate on the southeast side of the property, which allowed access to a concrete pathway that led to a garage located on the north side of the property. According to Officer A, believing that the gate would be locked, he/she shook it. In doing so, he/she noted that the gate moved and there was no lock.

Officer A reached over the gate, unlatched the securing mechanism and entered, followed by Officer B, leaving the pedestrian gate open. According to Officer A, he/she did not hear any noise, nor see anyone at the location. Officer A recalled that the comments in the call indicated the incident was occurring in the garage and proceeded toward the garage area.

According to the officers, they did not announce their presence prior to entering the premises. The investigation determined, by reviewing BWV and surveillance video, that the officers waited approximately seven seconds prior to entering the

property. According to Officers A and B, there were no dog bowls, feces, or posted signs indicating a dog's presence on the premises.

According to Witness A, he was seated inside the living room of his residence, and observed the officers open the gate with their guns in their hands and walk north on the walkway without announcing themselves. BWV and surveillance video captured both officers holstered when they entered the premises.

After the officers walked approximately 30 feet into the walkway, the fencing between Witness A's property and the incident location prevented him from observing any further details. According to Witness A, although he did not see the dog, he could hear it barking, while the officers entered the gate.

According to Officer A, as he/she walked on the walkway, he/she looked toward the east facing windows of the location and observed that the residence was completely empty, and this caused him/her to believe that nobody lived in the house.

According to Officer A, as he/she walked on the walkway, he/she observed a brown Pit Bull dog, weighing approximately 70 to 80 pounds, appear from the north side of the residence. Officer A stopped on the walkway and once the Pit Bull looked in his/her direction, the dog also stopped. Officer A initially believed that the dog was going to be friendly. However, Officer A stated that the Pit Bull dog then began to growl and, "looked vicious," as the dog ran toward him/her. According to Officer B, the Pit Bull dog weighed approximately 90 to 100 pounds.

In response to the Pit Bull dog, Officer A began to walk backward, south, to create distance between himself/herself and the Pit Bull dog. In describing the dog's demeanor as it ran toward him/her, Officer A stated, "I just stopped and looked at it and then it began to growl and then that's when I was like, oh, what's going on, and then it just took a full sprint. It had its mouth open. I could see his teeth and [the dog was] growling as it's coming."

Officer A's Body Worn Video captured the dog walking around the northeast corner of the structure and stop for a period of approximately three seconds. Officer A was positioned approximately twenty feet south of the corner in the middle of the concrete walkway. Officer B positioned himself/herself to the right of Officer A and approximately five feet behind him/her.

Meanwhile, upon seeing the Pit Bull dog, Officer B turned and ran south on the walkway, toward the sidewalk. According to Officer B, he/she believed that Officer A was also running behind him/her.

Officer A continued to walk backward and unholstered his/her pistol, which he/she held in his/her right hand. Officer A estimated his/her distance from the Pit Bull dog, at this point, to be approximately ten feet. During his/her interview, Officer A cited a prior incident when he/she was bitten by a dog on duty.

The Pit Bull dog continued toward Officer A, who fully extended his/her right arm, aimed his/her pistol downward at the Pit Bull's head and body area and discharged one round, from a distance of approximately five feet, as he/she continued to backpedal, south, on the walkway. According to Officer A, "My initial thought was just get out of that yard. And then when it closed that distance, I was scared. I thought this dog was going to chew me up, so that's why I drew my weapon and fired."

Officer A assessed that the round did not appear to have any effect on the Pit Bull dog as it continued to charge at him/her. In describing the dog's demeanor, Officer A stated, "It was still charging, and I could see its mouth open, so I could see all his teeth and he was growling, make like a low barking hard growl sound."

As Officer A continued to walk backward, he/she kept his/her right arm fully extended, aimed his/her pistol at the Pit Bull dog's head and body, and discharged a second round from approximately three feet. The second round struck the Pit Bull above her right eye, which caused the dog to stop, fall, and roll over on the ground next to the wooden fencing, where it remained.

According to Officer B, there was no pause between the two gunshots. The investigation determined that from the time the Pit Bull dog appeared, to Officer A discharging his/her two rounds, the length of the encounter was approximately five seconds. During the incident, Officer A was holding his/her flashlight in his/her left hand. According to Officer A, immediately after he/she fired his/her second round, he/she activated his/her BWV.

According to Officer B, at the time he/she heard Officer A's two shots, he/she was running toward the gate. Upon reaching the gate, Officer B unholstered his/her pistol with his/her right hand as he/she opened the pedestrian gate with his/her left hand.

Officer B's BWV showed that he/she appeared to have his/her right index finger on the trigger of his/her pistol as he/she closed the pedestrian gate. Additionally, it appeared that Officer B covered his/her left hand with the muzzle of his/her pistol.

Officer A held his/her pistol in a low-ready position, toward the Pit Bull dog, as he/she continued to walk, until he/she reached the northeast corner of the structure. Officer A then holstered his/her pistol. Officer A continued to walk backward until he/she reached the sidewalk. Officer B broadcast that the officers had been involved in an officer-involved animal shooting. Additional uniformed personnel arrived at scene to assist.

Investigators located video surveillance from a nearby residence. The video captured the officers' arrival and encounter with the dog. The video did not capture the OIS.

Uniformed Sergeant A was the first supervisor to arrive at scene and identified himself/herself as the Incident Commander. Sergeant A separated Officers A and B

and directed uniformed Sergeants B and C to obtain a Public Safety Statements (PSS) from Officers A and B, respectively, and admonished them not to speak about the incident. No officers or civilians were injured during the incident. Approximately 45 minutes after Sergeant A arrived on scene, the Department Operations Center (DOC) was notified of the incident.

Detective A conducted a post-incident weapon inspection of Officer A’s pistol. Detective A determined there was one round in the firing chamber and 15 rounds in the magazine, for a total of 16 rounds. This information was consistent with the physical evidence indicating that Officer A discharged two rounds during the incident.

Investigators conducted a canvass of the area for witnesses and completed two interviews and two heard-only reports. Detectives A and B processed and collected the spent cartridge cases at scene. The evidence recovered was documented on a property report. No fired bullet or bullet fragment was recovered from the scene.

The dog in this incident was described as four to five years of age, female brown mixed breed, approximately 53 pounds. Department of Animal Services Lieutenant A verified that the dog had no prior reports or incidents on file and was registered via a micro-chip. The owner was identified and declined to be interviewed by investigators.

Uniformed Police Officers C and D transported the Pit Bull dog to the City of Los Angeles, Department of Animal Services, South Los Angeles Kennel for medical attention.

Animal Control Services transported the dog to a veterinarian hospital for surgery. Veterinarian Doctor A treated the dog for a gunshot wound to its right orbital, above the eye. According to Doctor A, the bullet shattered the bone of the orbital and fragments of the bullet had to be removed. There did not appear to be an exit wound and the fragments were discarded. Doctor A opined that the dog would make a full recovery without sight damage.

**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	No	Yes	No	N/A	N/A
Officer B	No	Yes	No	N/A	N/A
Sergeant A	Yes	No	N/A	N/A	N/A

**Los Angeles Board of Police Commissioners’ Findings**

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

by any involved officer(s); and the Use of Force by any involved officer(s). Based on the BOPC's review of the instant case, the BOPC made the following findings:

### **A. Tactics**

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

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

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

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

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

### **Basis for Findings**

In making its decision in this matter, the Commission is mindful that every "use of force by members of law enforcement is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force; therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. 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 value 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 and reasonable to do so. When warranted, Department personnel may objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to legal and physical hazards, and violate the rights of individuals upon whom unreasonable force is used. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers." (Use of Force Policy, Los Angeles Police Department Manual.)

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), 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:

Law enforcement officers are authorized to use deadly force to:

- Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or
- Prevent a crime where the Subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or
- Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force. (Use of Force Policy, Los Angeles Police Department Manual.)

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.)

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation. Tactical de-escalation does not require that an officer compromise his 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. (Tactical De-Escalation Techniques, October 2016.)

## **A. Tactics**

### **Tactical De-Escalation**

- Tactical de-escalation does not require that an officer compromise his 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** – According to Officers A and B, they had worked together approximately four to five times in the past and had discussed numerous tactical scenarios including, pedestrian stops, traffic stops, contact and cover roles, lethal and non-lethal designations, as well as communications and the availability of additional

resources. Officer A stated their plan was for Officer A to make contact with the individuals at scene and if additional units or a back-up were needed once they got to the rear of the location, they would request it. According to Officer B, after receiving the radio call, Officer A advised Officer B that he/she (Officer A) would be the contact/less-lethal officer and Officer B would be the cover/lethal officer.

In addition, Officer A was not in possession of his/her OC spray and neither Officer A nor Officer B were in possession of their PR-24 side handle batons, which were left inside the police vehicle.

The BOPC concluded that while Officers A and B had prior experience working with each other and had tactical discussions, each radio call and patrol situation merits its own discussion and individual plan on how to best address the incident. The officers' plan to arrive on the scene, make contact, and develop a tactical plan from there, lacked depth and detail, forcing the officers to be reactionary as opposed to taking action and controlling the scene.

The BOPC noted that a proper plan includes 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 batons and OC spray, which may have proved effective against the dog and provided additional options in dealing with the incident. The BOPC would have preferred Officers A and B to have 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 directly in front of the location of an ADW radio call. They approached the location and made multiple assessments regarding the property and the residence, noting the residence to be newly renovated with new hard wood floors, a lack of furniture, and no curtains on the windows. The officers also assessed that the property had no vehicles on the driveway, no presence of an animal kennel, no food and/or watering dishes, and an absence of animal waste on the ground. These assessments led the officers to assume the residence was vacant and the property was free of animals.

As the dog emerged and made its presence known to Officers A and B, the officers assessed the danger the dog posed to them. Officer B turned and redeployed by leaving the property and behind the pedestrian gate while Officer A attempted to redeploy by walking slowly backward and away from the dog. Officer A assessed that the first round had no effect on the dog and discharged a second round. Officer A re-assessed that the dog was no longer a threat to him/her and ceased firing his/her service pistol.

As additional personnel arrived on scene, the owner of the dog was given the option of transporting the dog to a veterinary hospital for medical attention. The owner, however, declined to transport the dog. In assessing the dog's need for medical

attention, the dog was loaded into a black and white police vehicle and transported for medical attention.

The BOPC determined that Officers A and B made multiple observations and assessments throughout the incident. However, Officer B chose to park their police vehicle directly in front of an ADW radio call location. His/her partner, Officer A, also had the ability and responsibility to assess their police vehicle's placement given that while enroute to their call, the call was updated to an ADW from a battery. Officer A did not communicate with Officer B to re-position their police vehicle and park it in a more tactically advantageous location.

The BOPC concluded that while Officers A and B utilized their keen observation skills and assessed many different aspects of the property and residence, they incorrectly made the assumption that the property was vacant and approached the radio call with a sense of complacency, even though the comments indicated that the issue of concern was to the rear of the location. When the dog appeared, Officers A and B assessed the threat and attempted to redeploy but did not communicate with each other. Officer B turned his/her back to the threat and ran towards the gate, leaving Officer A to deal with the threat alone. Officer A made the assessment that he/she was too close to the threat and slowly backed away while continuing to face the threat. Upon discharging his/her service pistol, Officer A assessed that his/her first round had no effect on the dog and after a second discharge from his/her service pistol, assessed that the dog was no longer a threat and discontinued his/her use of lethal force. The BOPC would have preferred that both officers had communicated their assessments and remained together to address the threat as a unified unit.

The BOPC noted that while transporting a wounded animal by Department personnel was prohibited by Department policy in animal shootings, the care and compassion shown by Department personnel at the scene was highly commendable and served to de-escalate the incident.

**Time** – Officers A and B were afforded some time while enroute to the radio call to create a more robust tactical plan. As there was no real exigency, officers also had the time to readjust their parking location after they realized they parked their police vehicle directly in front of the radio call location. Additionally, officers were afforded with time to activate their Body Worn Video cameras and gather their additional required equipment from their police vehicle prior to initiating their investigation. Once the dog emerged and was identified as a threat, Officers A and B attempted to redeploy by utilizing distance and attempting to obtain cover to afford the officers additional time to manage the threat; however, the dog charged the officers, thus reducing the distance and time officers needed to redeploy to safety and consider other tactical options.

The BOPC concluded that Officers A and B were faced with no exigency in responding to the radio call and were afforded with time to develop a more detailed

and comprehensive tactical plan. The BOPC would have preferred that these officers utilize the time provided to have properly equipped themselves by having their required equipment on them, formulating a solid tactical plan, and activating their BWV systems.

**Redeployment and/or Containment** – When the Pit Bull dog emerged from the corner of the property, Officer B, believing Officer A was behind him/her, turned and ran from the dog in order to create distance between himself/herself and the threat. Officer A attempted to slowly back away from the dog to create distance while continuing to assess and face the threat.

The BOPC noted that Officers A and B attempted to redeploy away from the dog in order to avoid serious bodily injury and the use of lethal force; however, the officers used two very different methods. Officer A used the tactics of maintaining his/her composure and facing the dog without making any sudden movements to excite the dog and provoke a reaction. Officer B, on the other hand, turned his/her back on the dog and exposed his/her back to the threat, and in doing so, left Officer A to deal with the potentially deadly threat on his/her own. The BOPC was critical of Officer B's decision to leave Officer A. The BOPC would have preferred that Officer B had communicated his/her intentions with Officer A and had both officers redeploy as quickly as possible from the threat or remain together and deal with the threat as a tactical team.

**Other Resources** – As Officers A and B arrived on scene they proceeded to investigate the radio call without their side handle batons, which were left in their police vehicle. Officer A did not have his/her OC spray on his/her police utility belt. At the direction of his/her partner, Officer B advised CD that shots had been fired but did not repeat their location or upgrade the incident to a "Help" call.

Communications Division upgraded this incident to a "Help" call. Moments later, as resources were responding, Officer B provided additional information that the shooting involved an animal. In this case, neither Officer A nor Officer B activated their Body Worn Video (BWV) systems.

The BOPC pointed out that Officers A and B's lack of required equipment highlighted their complacency during this incident. The BOPC would have preferred that the officers had the required batons and OC spray on them as additional options to de-escalate a situation. The officers lack of BWV activation in this incident was not only a violation of current policy but limited investigators efforts in obtaining information that would have supported the officers' assessments.

**Lines of Communication** – According to Officers A and B, they had previously discussed tactical scenarios including pedestrian stops, traffic stops, contact and cover roles, lethal and non-lethal designations, as well as communications and the availability of additional resources. In this call, their plan was for Officer A to make contact with the individuals at scene and if additional units or a back-up was needed,

they would develop a tactical plan from there. According to Officer B, after receiving the radio call, Officer A advised Officer B that he/she (Officer A) would be the contact/less-lethal officer and Officer B would be the cover/lethal officer.

As the Pit Bull dog emerged from the northwest corner of the property, neither Officers A or B communicated with each other their observations or a plan, resulting in Officer B turning and running from the threat, which left Officer A to face the dog alone. At the direction of his/her partner, Officer B advised CD that shots had been fired, and moments later, after CD upgraded the incident to a "Help" call, Officer B advised responding units that the shooting involved an animal.

The BOPC noted that while Officers A and B had prior conversations regarding tactical plans and designations, they did not communicate a specific tactical plan with regard to this radio call. The BOPC was critical of the officers' lack of communication with each other as the dog emerged and presented itself as a threat. This communication deficiency led to Officer A facing a potentially deadly threat alone and without the assistance of Officer B.

- During its review of this incident, the BOPC noted the following tactical considerations:
  - 1. Tactical Communication/Tactical Planning** (Substantial Deviation, without justification – Officers A and B)

Officers A and B had held previous discussions regarding tactical situations and assigned designations of contact and cover roles, as well as lethal and less-lethal delineations. While enroute to the radio call, the officers' limited plan consisted of making contact with individuals from the radio call and formulating a tactical plan from the information they received, which included the request for additional resources should the need arise.

As Officers A and B arrived on scene, Officer B parked their police vehicle on the street, directly in front of the radio call location. As Officers A and B exited their police vehicle, they left their side handle batons inside the police vehicle and proceeded to investigate the radio call. In addition, Officer A was not equipped with OC spray, and neither officer activated their BWV systems, indicating a level of complacency.

Officers A and B assessed and approached the scene. The officers did make some notable observations initially but didn't appear to discuss their assessments. As the officers proceeded to the rear of the property toward the garage area, as indicated in the radio call, a dog emerged from the exterior northeast corner of the residence. Officer B turned his/her back on a significant threat that could have resulted in serious bodily injury or death to himself/herself and his/her partner. Officer B fled in a southerly direction, leaving Officer A to deal with the threat alone. Neither Officers A nor B communicated their plans for re-deployment.

In this case, Officers A and B had the availability of time to formulate a tactical plan prior to their arrival. In addition, Officers A and B had the responsibility to have all the officers' required equipment as they exited their police vehicle. Furthermore, the Los Angeles Police Department strategically deploys two-person patrol units to work together to communicate, strategize, and operate as a team during daily patrol functions with the purpose of confronting issues together. Officers A and B's lack of communication with each other, and Officer B leaving Officer A to deal with the threat alone, was deliberated with great concern.

The BOPC concluded that in analyzing this incident, it was not one slight deviation but a culmination of missteps throughout the entire incident that caused concern. The totality of the circumstances of this OIAS were taken into consideration as to the reasonableness, as well as the uncertainty that patrol officers can encounter. The BOPC would have preferred that Officers A and B had developed a more detailed plan prior to their arrival and had all of their necessary equipment with them prior to their start of watch. Furthermore, the BOPC would have preferred Officers A and B to have had an open conversation with each other throughout the entirety of the incident and functioned as a team in dealing with the threat.

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

**2. Basic Firearm Safety Rules** (Substantial Deviation, without justification – Officer B)

The FID investigation revealed that as Officer A was engaged in the OIS, Officer B redeployed to the sidewalk behind the front entrance gate, where he/she unholstered and drew his/her service pistol. As he/she did so, Officer B placed his/her finger on the trigger and appeared to cover his/her left hand with the barrel of his/her service pistol while Officer A was downrange between Officer B and the dog in violation of the Basic Firearm Safety Rules.

The BOPC noted that adherence to the Basic Firearm Safety Rules is of the utmost importance and a requisite component of officer safety. Officer B unnecessarily placed his/her finger on the trigger of his/her service pistol and did not have a clear background.

Based on the totality of the circumstances, the BOPC determined that Officer B's actions were a substantial deviation, without justification, from approved Department tactical training.

- The BOPC also considered the following:

- **Protocols Subsequent to a Categorical Use of Force** – The Pit Bull dog’s owner refused to transport or care for the dog’s injury, placing the onus on the officers. Officers C and D transported the dog to City of Los Angeles, Department of Animal Services, South Los Angeles Kennel, for medical attention. The BOPC noted that while Department personnel deviated from Department policy in the transportation of a wounded animal, the reverence for the dog’s life was commendable and the actions taken by the involved personnel to de-escalate the situation by doing so should be noted.
- **Single-Handed Shooting** – Officer A held his/her service pistol in his/her right hand, utilizing a single-handed grip, while holding his/her flashlight in his/her left hand as he/she discharged two rounds from his/her service pistol. Officer A was reminded of the importance of utilizing a two-handed grip when discharging his/her service pistol for precision and accuracy.
- **Radio Codes and Procedures** – At the prompting of his/her partner who had just been in an OIS, Officer B advised CD that shots had been fired but did not repeat the officers’ location or upgrade the incident to a “Help call.” Communications Division upgraded this incident to a “Help call.” Moments later, as resources were responding, Officer B provided additional information that the shooting involved an animal. The officers were faced with an incident that could have resulted in serious bodily injury or death and in fact, did result in lethal force being used. The need for disseminating pertinent information to responding resources and requesting the appropriate level of assistance is essential to officer safety and management of an OIS incident.

These topics were to be discussed at the Tactical Debrief.

- **Command and Control**

Sergeant A was the first supervisor to arrive on scene and as such, declared himself/herself as Incident Commander. Sergeant A separated and monitored Officers A and B until Sergeants B and C arrived on scene to assist in the separation and monitoring of the Officers A and B. Sergeant A communicated with the dog’s owners and managed arriving resources until relieved by the FID investigators.

Sergeant C arrived on scene and assumed the responsibility of monitoring Officer A. Sergeant C obtained Officer A’s PSS and transported Officer A to the local police station where Sergeant C continued to monitor Officer A. Sergeant C recovered Officer A’s BWV and DICVS remote and provided the BWV and DICVS to Sergeant D.

Sergeant B arrived on scene and assumed the responsibility of monitoring Officer B. Sergeant B obtained Officer B’s PSS and transported Officer B to the police station, where he/she continued to monitor Officer B. Sergeant B recovered Officer B’s BWV and DICVS remote and provided the BWV and Digital In-Car Video (DICV) to Sergeant D.

Sergeant E assisted in the monitoring of Officer A. Sergeant D notified the DOC and FID of the OIS incident involving an animal and collected Officers A and B's BWV and DICVS from Sergeants B and C.

The actions of Sergeants A, B, C, D, and E were consistent with Department supervisory training and met the BOPC's expectations of a field supervisor during a critical incident.

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

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

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

## **B. Drawing and Exhibiting**

- **Officer A**

According to Officer A, he/she observed a Pit Bull dog, weighing approximately 70 to 80 pounds, appear from around the corner of the residence. The Pit Bull dog looked in Officer A's direction and stopped. Officer A initially believed that the dog was going to be friendly; however, the dog began growling, showing its teeth, and looked vicious. In response, Officer A attempted to redeploy and gain some distance from the dog by walking backward in a southerly direction, but the dog charged at him/her. Officer A became scared and drew his/her service pistol from an approximate distance of 10 feet, which Officer A held in his/her right hand, because he/she believed the dog was going to bite him/her.

- **Officer B**

According to Officer B, he/she and Officer A were approximately mid-building, when Officer B observed an approximately 90 to 100-pound Pit Bull dog. Officer B observed the dog began to growl, show its teeth, and take a stance as if it were going to charge at him/her and Officer A. Officer B quickly turned around and sprinted towards the front gate. As he/she was doing so, Officer B could hear the pitter patter of the dog's paws on the concrete, indicating to him/her that the dog was charging at the officers. According to Officer B, he/she believed Officer A was

running behind him/her. As Officer B was running towards the gate, he/she heard Officer A discharge two rounds from his/her service pistol. After Officer B exited the pedestrian gate, Officer B drew his/her service pistol because he/she had heard Officer A discharge his/her service pistol and believed the Pit Bull dog was an immediate threat of death or serious bodily injury to Officer A.

In this case, the BOPC conducted a thorough evaluation of the reasonableness of Officers A and B's drawing and exhibiting of a firearm. The BOPC noted that Officers A and B responded to a radio call of an ADW that escalated when a large dog appeared on the property and charged at the officers while growling and bearing its teeth, causing Officers A and B to fear for their safety. In response, the officers drew their service pistols to protect themselves and others from the immediate 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, two rounds)

According to Officer A, he/she observed the Pit Bull dog growling and showing its teeth as it charged towards Officer A in a full sprint. Believing the dog was going to chew him/her up, Officer A fully extended his/her right arm and fired one round from his/her service pistol, from an approximate distance of five feet, towards the dog's head and body. Upon assessing that the first round had no effect on the Pit Bull dog and the dog was still charging at Officer A with its mouth open while emitting a low barking hard growl, Officer A fired a second round from his/her service pistol from an approximate distance of three feet. Officer A aimed at the dog's head and body, with his/her fully extended right arm, and the second round struck the dog above the right eye, causing the dog to collapse to the ground.

The BOPC conducted a thorough review in evaluating the circumstances and evidence related to this OIS. The BOPC noted that Officer A had attempted to redeploy away from the dog; however, the dog closed the distance, presenting an immediate threat to Officer A. In response to the threat, Officer A discharged his/her service pistol twice and assessed between each shot.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would believe the dog's actions

presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

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