

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

OFFICER-INVOLVED ANIMAL SHOOTING – 019-23

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes () No(X)</u>
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77 th Street	5/9/22	10:35 a.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	9 years, 10 months
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Reason for Police Contact

Officers responded to a call of an “Ambulance Vicious Animal.” When officers arrived, they observed an individual attempting to restrain a large dog, while both laid on the ground. The attempts to control the dog failed, eventually resulting in an officer-involved shooting of an animal (OIS-A).

<u>Animal(s)</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Pit Bull dog.			
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Board of Police Commissioners’ Review

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

The following incident was adjudicated by the BOPC on March 19, 2024.

Incident Summary

On May 9, 2023, at approximately 1025 hours, Officers A, B, C, D, E, F, G, and H responded to a radio call of an “Ambulance Vicious Animal”. The comments of the call indicated that a dog bit a female victim, and the person reporting (PR) was holding the large pit bull.

At approximately 1028 hours, Los Angeles Fire Department (LAFD) personnel arrived on the scene, followed by Officers A and B approximately 10 seconds later. When the officers arrived, they observed a male, later identified as Witness A, on the ground with a dog. Witness A held the dog between his legs and used his hands to hold the dog's head. Two other males were assisting Witness A with the dog. One held a heavy chain used as a leash around the dog's neck, while the other held a wood stick inside the dog's mouth to prevent it from biting Witness A.

According to Officers A and B, when they arrived at the scene, they did not believe that the dog was actively biting Witness A's hand. The officers also observed an injured female lying on the ground approximately 12 feet south of where Witness A was holding the dog. Officer A encouraged Witness A to continue holding the dog. Officer A took the chain and wrapped it around a lamppost utilizing a hook at the end of the chain. The chain was wrapped around the lamppost, but the hook did not have a clasp or mechanism to keep it secured to the chain if the dog aggressively pulled away.

Officer D arrived on scene approximately 13 seconds after the dog was chained to the lamppost. He unholstered his/her Taser and approached the dog. According to Officer A, he/she was concerned that the dog would get loose before the injured female, who was being treated by LAFD at the scene, was moved to a safe location. Officer A directed Officer D to refrain from using the Taser until LAFD cleared her from the area. Moments later, Officer C, who was equipped with a 40mm less-lethal launcher (LLL), arrived and aimed the 40mm LLL toward the dog.

Officer A and B told Officer C not to discharge the 40mm LLL because they believed that the wood stick inside the dog's mouth prevented the dog from biting Witness A at that moment and the injured female had not yet been cleared from the area.

Officer A repositioned Officers B, C, and D from the sidewalk to the roadway between Witness A, who was still holding the dog, and LAFD personnel, who were moving the injured female to a rescue ambulance. Approximately 12 seconds later, Officer G arrived and directed his/her partner, Officer H, to retrieve a fire extinguisher from their police vehicle. As that occurred, the other officers formulated a plan to use the fire extinguisher on the dog to separate it from Witness A.

As part of their plan, the officers assumed the following roles:

Name	Assignment
Officer A	Designated Cover Officer (DCO)
Officer B	Side-Handle Baton
Officer C	40mm LLL
Officer E	Taser
Officer H	Fire Extinguisher

When Officer H returned with the fire extinguisher, he/she was directed by Officer G to discharge it toward the dog. According to Officer H, he/she knew that the fire extinguisher was an approved tool for vicious dogs. As Witness A was now holding the

dog's jaws open to avoid getting bit, Officer H discharged the fire extinguisher with six short bursts. The fire extinguisher was not effective, and the dog became increasingly agitated and aggressive.

According to Officer C, after Officer H discharged the fire extinguisher, he/she remained equipped with the 40mm LLL and moved from the street to the sidewalk to get a better view of the dog and Witness A. When he/she did so, he/she observed the dog was clamping down on Witness A's hand and Witness A began screaming in pain.

Officer C aimed the 40mm LLL at the dog's right side and discharged one 40mm sponge round at the dog from approximately seven feet. Officer C's BWV camera captured the 40mm round impacting the right rear side of the dog and deflected northwest onto the sidewalk. The 40mm LLL had no apparent effect on the dog.

According to Officer E, when the fire extinguisher and 40mm LLL were ineffective, he/she attempted to discharge his/her Taser at the dog. The investigation determined that the Taser probes did not deploy during the incident.

According to Officer A, upon seeing that the fire extinguisher and less-lethal force options were ineffective, he/she unholstered his/her pistol and moved closer to the dog.

Officer A considered the threat of serious injury to Witness A and his/her background prior to deciding to fire his/her pistol. Officer A fired one bullet round at the dog's right shoulder from approximately two feet. Moments later, the dog released his bite from Witness A's hands. Witness A crawled back away from the dog while the dog remained lying in the roadway. Witness A was assisted by officers to the sidewalk where he was treated by LAFD personnel.

Background Analysis

During the investigation, FID investigators analyzed the scene, physical evidence, and video evidence to assess Officer A's background when he/she fired his/her pistol. As Officer A approached the dog with his/her pistol in a low-ready position, Witness A, who was struggling to get his hands out of the dog's mouth, moved his left leg toward Officer A's pistol. In response, Officer A immediately lowered his/her muzzle away from Witness A's leg. Officer A then kept his/her pistol pointed down toward the ground and moved closer to the dog before firing his/her pistol. The analysis determined that when Officer A fired at the dog, his/her background was the roadway.

FID investigators determined that the dog was struck once on the right side behind the right shoulder. This bullet exited where the chest meets the upper left arm and was later collected from the roadway. There were no other injuries as a result of Officer A's round.

BWV and Digital In-Car Video (DICV) Policy Compliance

NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICV ACTIVATION	DICV RECORDING OF ENTIRE INCIDENT
Officer A	Yes	Yes	Yes	N/A	N/A
Officer C	Yes	Yes	Yes	N/A	N/A
Officer E	Yes	Yes	Yes	N/A	N/A
Officer G	Yes	Yes	Yes	N/A	N/A
Officer H	Yes	Yes	Yes	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

The BOPC reviews each Categorical Use of Force (CUOF) incident based upon the totality of the circumstances, namely all of the facts, evidence, statements and all other pertinent material relating to the particular incident. For every incident, 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 incident, the BOPC made the following findings:

A. Tactics

The BOPC found the tactics of Officers A, C, E, H, and G to warrant a Tactical Debrief

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

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

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department

personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose the Department and fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability. Conversely, officers who fail to use force when warranted may endanger themselves, the community and fellow officers.” (Special Order No. 23, 2020, Policy on the Use of Force - Revised.)

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

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

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

Use of De-Escalation Techniques: It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a Subject and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

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

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

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

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

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

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

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the subject was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;
- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

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

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

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

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

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

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

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

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

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

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

occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and consistent with this policy regarding the use of Deadly Force.

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

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

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

Definitions

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

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

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

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

deadly force; and d) whether a warning was feasible and/or given.

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation

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

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*
(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

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

Planning – This was Officers A and B's third shift as partners. This was Officers G and H's second shift as partners. This was Officers C and D's, as well as Officers E and F's, first shift as partners. At the beginning of their shifts and while responding to this call, all officers discussed tactical concepts, including contact/cover roles and tactics regarding dog encounters.

Prior to making the decision to approach the dog, Officer A assigned tactical roles to other officers and established a plan to approach.

Assessment – Officer A recognized that the injured female was being treated by LAFD personnel and therefore made the decision to wait to attempt to take the dog into custody. Officer A also stated that the dog was not actively biting Witness A and was just being held down at this time. Once LAFD cleared the location with the injured female, Officer A formed a tactical team. When Officer A recognized that the fire extinguisher and less-lethal force options were not effective on the dog, he/she unholstered his/her pistol and approached the dog.

Time and Redeployment/Containment – When Officer A noticed that the injured female was still being treated by LAFD personnel, he/she advised all other officers to standby on taking any action regarding the dog. Officer A utilized time to ensure that the injured female received proper treatment.

Other Resources – In an effort to take the dog into custody, Officer H deployed the fire extinguisher. When this was determined to be ineffective, Officer C fired the 40mm LLL at the dog. Officer E then identified that this less-lethal force option was ineffective and attempted to discharge his/her Taser; however, the Taser malfunctioned.

Lines of Communication – Upon arriving at scene, Officer A communicated with witnesses and victims in an effort to gain situational awareness. Officer A requested an additional unit and upon their arrival, Officer A advised them of the plan and assigned tactical roles. After the OIS-A, Officer E broadcast that shots had been

fired and clarified to Communications Division (CD) that this was a dog shooting only.

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

- **Debriefing Point No. 1:** Dog Encounters, 40mm LLL Deployment, Taser Protocols

Officers responded to a radio call of an “Ambulance Vicious Animal.” The comments of the call indicated that a dog had bitten a female victim, and the PR was holding the dog. Upon arrival, Officers A and B observed Witness A holding down the large dog; however, at this time, they did not believe that the dog was actively biting Witness A. The officers also observed an injured female suffering from a dog bite to her leg, laying on the ground approximately 12 feet south of where Witness A was holding the dog. Officer A utilized a chain, which was secured to the dog, and wrapped it around an adjacent streetlight.

Officer A made the decision to delay taking any action regarding the dog until LAFD personnel had taken the injured female to a safe location, which took approximately six minutes. During this time, Witness A continued to hold the dog down and additional officers responded to the location. Officer H was directed by Officer G to retrieve a fire extinguisher from their police vehicle. Officer A assigned roles to other officers, and Officer H utilized the fire extinguisher on the dog, as directed by Officer G. The fire extinguisher agitated the dog who began biting Witness A’s hands. In response, Officer C fired one round from the 40 mm LLL from approximately seven feet, which impacted the right rear side of the dog. The 40 mm LLL was ineffective, and the dog continued to bite Witness A.

Officer E attempted to deploy the Taser twice; however, the Taser probes did not deploy due to an operator error, deemed to be the improper loading of the cartridge. Once Officer A identified that all these options were ineffective and that the dog was continuing to bite Witness A, Officer A approached the dog and utilized lethal force (a pistol) to protect Witness A.

The Chair of the UOFRB assessed the tactics employed by Officers A, C, E, H, and G. The Chair noted that upon arrival, Officer A immediately assessed the scene and requested an additional unit. Once the additional officers arrived at scene, Officer A designated roles to the officers at scene, which included the utilization of the fire extinguisher, Taser, and 40mm LLL. The Chair noted that the officers were left with minimal options due to the victim continuing to hold onto the dog and refusing to let the dog go. Once H was directed by Officer G to discharge the fire extinguisher, he/she discharged six bursts over the dog and the victim. The Chair noted that this decision was concerning due to the distance of the discharge and the powder landing on the victim. Fire extinguishers are designed to smother fuel or remove oxygen, which could have placed Witness A at risk. The Chair would have preferred that Officer H had discharge the fire extinguisher directly at the dog’s face from a close contact position to minimize the risk to Witness A. The Chair noted that the continued effort to stop the dog from biting Witness A through the use of the 40 mm

LLL and the attempted use of the Taser. Due to the dog's aggressive nature, the officers realized that the dog posed an imminent threat of death or great bodily harm.

Based on the totality of the circumstances, BOPC determined that the tactics employed by Officers A, C, E, H, and G were not a deviation of Department-approved tactical training.

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

Additional Tactical Debrief Topics:

- **Fire Extinguisher** – When Officer H discharged the fire extinguisher, the particulate of the fire extinguisher landed on Witness A and the dog.
- **Incident Commander Declaration** – Sergeant A, was the first supervisor on the scene at the onset of the incident. Although Sergeant A functioned as the incident commander (IC), he/she did not declare him/herself as the IC
- **Crime Scene Preservation** – After the OIS, an individual entered the inner perimeter and attempted to retrieve property belonging to Witness A.

Command and Control

While at scene, Officer A assumed command and control by assigning roles to all officers. When Sergeant A arrived, the tactical portion of this incident had concluded, and he/she proceeded to separate and monitor all involved personnel.

The BOPC determined that the overall actions of Officer A and Sergeant A were consistent with Department training.

B. Drawing/Exhibiting

Officer A

Upon observing that the fire extinguisher and less-lethal force options were ineffective and observing the dog actively biting Witness A, Officer A unholstered his/her pistol. According to Officer A, he/she believed that the dog's actions presented a "serious threat" to Witness A.

The Chair of the UOFRB evaluated Officer A's drawing and exhibiting of his/her pistol. The Chair noted that Officer A observed that Witness A was being bitten by the dog when he/she made his/her decision to unholster his/her pistol. The Chair opined that the unholstering of his/her pistol due to the threat of the dog was objectively reasonable and consistent with Department policy.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A would reasonably believe there was a

substantial risk that the situation may escalate to the point where lethal force may be justified. Therefore, the BOPC found Officer A's drawing/exhibiting to be In Policy.

C. Lethal Use of Force

Officer A – Department issued semi-automatic pistol, one round from approximately two feet in a downward direction.

Background – FID investigators analyzed the scene, physical evidence, and video evidence to assess Officer A's background when he/she fired his/her pistol. The investigation determined that his/her background consisted of the roadway.

According to Officer A, upon seeing that the fire extinguisher and less-lethal force options were ineffective, he/she unholstered his/her pistol and approached the dog, who was still actively biting Witness A. Officer A considered the threat of serious injury to Witness A and his/her background prior to deciding to fire his/her pistol. Officer A was able to observe the dog "dragging" Witness A and "shaking his head profusely." Officer A believed that the dog could cause serious bodily injury to Witness A and therefore fired one round from his/her pistol at the dog's right shoulder from an approximately two feet away.

The Chair of the UOFRB assessed Officer A's lethal use of force. The Chair noted that at the time Officer A fired his/her pistol at the dog, the dog was actively biting Witness A's hands. Multiple options had been exhausted before Officer A's decision to use lethal force as a last resort on an aggressive dog. The Chair determined that the decision to use lethal force to stop the dog's attack was objectively reasonable and necessary to protect Witness A from serious bodily injury.

Based on the totality of the circumstances, the BOPC determined that an officer with similar training and experience as Officer A, in the same situation, would reasonably believe that the lethal use of force was objectively reasonable, proportional, and necessary. Therefore, the BOPC found Officer A's lethal use of force to be In Policy.