

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

OFFICER-INVOLVED ANIMAL SHOOTING – 024-22

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

Outside City	6/13/22		
--------------	---------	--	--

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

Officer A	14 years, 5 months
-----------	--------------------

Reason for Police Contact

Officer A learned that a Pit Bull dog had attacked another dog whose owner had attempted to intervene. Officer A began to check the area for the pit bull and observed it ostensibly trying to attack a small child. Officer A also observed the pit bull "violently" attack a small dog. Concerned that the small dog's owner would be bitten, Officer A intervened, resulting in an officer-involved animal shooting (OIS-A).

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

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

Board of Police Commissioners' Review

This is a brief summary designed only to enumerate salient points regarding this Categorical Use of Force (CUOF) incident and does not reflect the entirety of the extensive investigation by the Los Angeles Police Department (Department) or the deliberations by the Board of Police Commissioners (BOPC). In evaluating this matter, the BOPC considered the following: the complete Force Investigation Division (FID) investigation (including all of the transcribed statements of witnesses, pertinent suspect criminal history, and addenda items); the relevant Training Evaluation and Management System materials of the involved officers; the Use of Force Review Board (UOFRB) recommendations, including any Minority Opinions; the report and recommendations of the Chief of Police; and the report and recommendations of the Office of the Inspector 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 April 25, 2023.

Incident Summary

On Monday, June 13, 2022, at approximately 1930 hours, Witness A was at his residence watering his front lawn when he heard yelling and observed a pit bull run across the street and attack a couple and their dog.

Witness A grabbed a broom from his front porch and attempted to assist. According to Witness A, the pit bull was attacking the owner's dog and the owner was trying to pull the dog away. As Witness A approached, he observed the couple trying to fight the pit bull off and the man fell down. Witness A stated that it appeared that the pit bull was going to lunge at the man and at that point he let go of his dog, which then ran away.

Off-duty LAPD Reserve Police Officer A was at his/her residence when he/she received a frantic telephone call from his/her daughter, Witness B, who advised him/her that there was a pit bull attacking a dog, and its owner was getting involved. Officer A indicated that Witness B then returned home in her vehicle.

According to Officer A, Witness B was a half block up, so she came back to pick him/her up. As they drove together, Officer A observed a dog, but no people. Officer A decided to his local police department.

Officer A indicated that he/she observed the pit bull in the street going south and continued to follow, when he/she observed the pit bull going toward a couple and their small child. Officer A indicated that he/she was in the process of calling the police department when he/she observed the pit bull attacking the family, attempting to get a small boy, roughly 9 years old. Officer A also observed a man and woman who he/she presumed to be his parents. Officer A stated that the man stepped in between and began to fight off the dog. Officer A stated that the woman ran behind a fence of a home with the child, as the man chased the dog off, which started going west. Based on Officer A's statement, Force Investigation Division (FID) investigators conducted a follow-up to the area and attempted to locate the unidentified couple. However, the investigators were unable to locate the couple and there were no additional calls for services for this incident.

Officer A did not make telephone contact with his/her local police department, stating he/she did not have enough time to get them on the phone.

Witnesses C and D reside near where this incident was occurring. At 1946:40 hours, a Ring Camera captured as they exited the front door of their residence and walked toward the street. Witness C walked a mixed German Shepard dog on a leash and Witness D walked two eight-pound Maltipoo dogs on a leash.

According to the Ring video, at 1947:04 hours, Witnesses C and D proceeded to walk their dogs west down the street. Simultaneously, Officer A was driving west with Witness B and heading toward Witnesses C and D.

Officer A stated that he/she again started calling 911 when he/she observed the pit bull charging toward Witnesses C and D, who had two small dogs with them. Officer A stated that he/she was in his/her daughter's car stopped directly across the street from the couple and warned them. According to the Ring video, at 1947:12 hours, Officer A shouts, "It's attacking dogs, it's attacking dogs!"

Witness C looked back and observed Officer A in his/her vehicle as the pit bull momentarily passed him. According to Witness C, Officer A told him to be careful with his dog because the pit bull was loose attacking other dogs. Witnesses C and D attempted to shelter their dogs when the pit bull turned and latched onto one of the Maltipoo dogs.

According to Witness C, he tried to shelter the dogs; and as the pit bull latched on, they (Witnesses C and D) both started hitting and kicking the pit bull. Witness C stated that his wife, Witness D, fell to the ground as they were trying to pull their dog out of the pit bull's mouth, but it wouldn't let go.

According to Witness D, she didn't see or hear the pit bull approaching, as it came from behind and attacked her mixed German Shepard. Witness D stated she was holding the two smaller dogs, when pit bull snatched one from her.

Witness C and D stated that as they struggled to pull their dog away from the pit bull, they observed Officer A step out of the vehicle. They heard Officer A identify himself/herself as a police officer and warned them to step back as he/she was going to shoot the pit bull.

According to Officer A, the pit bull latched on to one of the dogs as it began to violently shake it back and forth. Officer A observed both Witnesses C and D attempting to intervene by kicking the pit bull. Officer A advised the couple to step back as he/she feared they could be seriously injured.

Officer A walked toward Witnesses C and D on the sidewalk as they kicked the pit bull. Officer A used his/her left hand to unholster his/her pistol that had been secured in his/her front left pants pocket in a paddle holster. Officer A directed Witnesses C and D to back up and took a two-handed stance, extending his/her arms, and aiming his/her pistol downward at the pit bull. Officer A was facing in a northwest direction toward a yard and wall as he/she aimed downward. Officer A ensured that his/her background was clear and was aware that the civilians were positioned behind him/her.

Officer A knelt, aimed his/her pistol downward at the pit bull, and fired one round into the dog's chest area, causing the pit bull to fall to the ground. Officer A indicated that the pit bull got up, took two steps, and collapsed on the street. Officer A then holstered his/her pistol. After firing, Officer A instructed Witness B to dial 911.

According to a Ring video, at 1948:00 hours, Witness C ran toward the front door of his residence while pulling the mixed German Shepard dog. Witness D can be seen and heard crying frantically on their front lawn while holding her two dogs.

The local police department responded to the scene, conducted an investigation, and completed a report.

At 2000 hours, Officer A telephonically notified the on-duty Rampart Patrol Division Watch Commander, Sergeant A, of the animal shooting.

At 2005 hours, Sergeant A notified the Department Operations Center (DOC) of the animal shooting.

Body-Worn Video (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	N/A	N/A	N/A	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

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

B. Drawing and Exhibiting

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

C. Lethal Use of Force

The BOPC found Officer A's lethal use of force to be 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. The Los Angeles Police Department also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.

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

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

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

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

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

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

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

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

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

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

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

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

Drawing or Exhibiting Firearms: Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge

of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practicable, secure or holster the firearm. Any drawing and exhibiting of a firearm shall conform with this policy on the use of firearms. Moreover, any intentional pointing of a firearm at a person by an officer shall be reported. Such reporting will be published in the Department's year-end use of force report.

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

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

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

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

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

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

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

Warning Shots: It is the policy of this Department that warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the

need to use deadly force. Generally, warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

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

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

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

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

Definitions

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

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

Imminent: Pursuant to California Penal Code 835a(e)(2), "[A] threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a

reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to a peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.”

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

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

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

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

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

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

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

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

A. Tactics

Tactical De-Escalation Techniques

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

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

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

Planning and Assessment – Officer A was off-duty when this incident occurred. After receiving a “frantic” telephone call from Witness B advising that there was a pit bull attacking a dog whose owner was trying to get involved, Officer A planned to locate the aforementioned owner. After locating the pit bull, Officer A planned to follow the dog and contact the local police department.

Time and Redeployment/Containment – There is a formula that saves lives, Distance plus Cover equals Time. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. As stated above, Officer A’s plan was to follow the pit bull and contact the local police department, effectively containing the dog. While Officer A was not dealing with a person per se, he/she maintained distance and used cover by remaining in his/her vehicle as he/she followed the pit bull. Officer A maintained his/her distance from the dog until he/she perceived an imminent threat to human life, at which point he/she exited the vehicle and approached the pit bull.

Other Resources – Before the OIS, Officer A intended to call the local police department. Based on the available evidence, it appears that Officer A first observed the pit bull approximately 0.2 miles from the OIS scene. While it would have been preferable for Officer A to have reached the local police department before the OIS, it does not appear there was time, and it would not have changed the outcome of this incident as it is unlikely the local police department would have arrived before the OIS.

Lines of Communication – Before the OIS, Officer A attempted to establish a line of communication with the local police department. Officer A also advised Witnesses C and D about the pit bull by yelling, “It’s attacking dogs, it’s attacking dogs!” Before discharging his/her pistol, Officer A directed Witnesses C and D to back up, to ensure that they would not be struck by gunfire.

During the review of the incident, the following Debriefing Point was noted:

- **Debriefing Point No. 1 Dog Encounters**

After learning that a pit bull had attacked another dog whose owner had attempted to intervene, Officer A began to check the area for the pit bull. Officer A had resided in the area for approximately 20 years and knew that people frequently walked the neighborhood. Intending to call 911, Officer A observed the pit bull ostensibly trying to attack a small child. Officer A also observed the pit bull "violently" attack a small dog. Concerned that the small dog's owner would be bitten, Officer A intervened.

The BOPC noted that the Chair of the UOFRB noted that while off-duty, Officer A had been alerted to a hostile pit pull. Concerned for pedestrians, Officer A checked the area and subsequently observed the pit bull ostensibly trying to attack a small child. Officer A then observed the pit bull run off and "violently" attack a small dog. The Chair of the UOFRB noted that although Officer A planned to follow the pit bull and call 911, he/she tried twice but believed he/she did not have time to complete the calls based on the pit bull's actions. Fearing that the pit bull was going to "rip up" one of the small dog's owners, Officer A intervened.

The UOFRB Chair noted that before intervening, Officer A had attempted to warn the owners that the pit bull was attacking dogs; however, it attacked the small dog before the owners could gather their animals. The Chair of the UOFRB also noted that because Officer A was off duty, he/she did not have access to a baton, Taser, fire extinguisher, or Oleo Capsicum (OC) spray. While Officer A's lethal use of force was found to be out of policy, the Chair of the UOFRB noted that his/her stated intent was to protect human life and opined that his/her tactics did not substantially deviate from Department-approved tactical training.

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

B. Drawing/Exhibiting of a Firearm

Officer A

According to Officer A, he/she observed Witnesses C and D kicking the pit bull to free their dog, during which the pit bull "went back towards" Witness C "a few times." Fearing that the pit bull would bite and seriously injure Witness C, Officer A exited his/her vehicle and unholstered his/her pistol.

The BOPC noted that the Chair of the UOFRB assessed Officer A's drawing/exhibiting of his/her pistol. The Chair of the UOFRB noted that Officer A had observed the pit bull ostensibly trying to attack a small child and then attack a small dog. The Chair of the UOFRB also noted that according to Officer A, he/she observed the pit bull move

toward the small dog's owner as he fought to save his animal. Believing that the pit bull was going to attack the owner, Officer A exited his/her vehicle and unholstered his/her pistol. Based on the available evidence, the Chair of the UOFRB opined that it was reasonable for Officer A to believe the situation may escalate to the point where lethal force may be justified.

Based upon 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 of a firearm to be In Policy.

C. Lethal Use of Force

Background – According to Officer A, he/she ensured that his/her background was clear and was aware that the civilians were positioned behind him/her. Per Officer A, his/her background was a yard.

Officer A – semi-automatic pistol, one round in a downward direction.

Fearing that the pit bull was going to turn, attack, and seriously injure Witness C, Officer A announced that he/she was a police officer and told Witnesses C and D to step back. Officer A pointed his/her pistol toward the pit bull and discharged one round. Struck by the round, the pit bull immediately released the dog and fell to the ground. The pit bull got up, took two steps, and collapsed on the street. Officer A then holstered his/her pistol and told Witness B to call 911.

The BOPC noted that the Chair of the UOFRB assessed Officer A's lethal use of force. The Chair noted that according to Officer A, he/she observed the pit bull turn toward Witness C a few times and believed that it might bite Witness C, causing serious bodily injury. The Chair of the UOFRB also noted that according to Officer A, he/she was concerned about Witness D's safety as well. The Chair of the UOFRB further noted that Officer A indicated that the sole reason he/she used lethal force was to protect human life. However, at the point Officer A discharged his/her pistol, the small dog was still in the pit bull's mouth. The Chair of the UOFRB noted that for the pit bull to bite Witnesses C and/or D, it would have had to first release the dog, something that did not occur until after the OIS. As such, the Chair of the UOFRB opined that Officer A was reacting to a perceived future harm and not an imminent deadly threat. While the Chair of the UOFRB understood the dynamics of this situation and commended Officer A for his/her efforts, the Chair opined that the use of lethal force was out of policy.

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 not reasonably believe the use of lethal force was proportional, objectively reasonable, or necessary. Therefore, the BOPC found Officer A's lethal use of force to be Out of Policy.