

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

OFFICER-INVOLVED ANIMAL SHOOTING – 056-22

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

77th Street 11/29/22 12:12 p.m.

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

Officer A 11 years 2 months

Reason for Police Contact

Officers and detectives from 77th Street Area Narcotics Enforcement Detail (NED) and Gang Enforcement Detail (GED) were executing a search warrant for suspected illegal cannabis cultivation. During the search, two large dogs charged at officers and an officer-involved animal shooting (OIAS) occurred.

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

Rottweiler Mix x 2

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 October 24, 2023.

Incident Summary

On November 29, 2022, at approximately 1157 hours, the following officers and detectives arrived at an industrial building to serve a search warrant for suspected illegal cannabis cultivation: Officers A, B, C, D, and Detectives A and B.

The above-mentioned personnel were in plainclothes and operating from unmarked police vehicles. Each officer was equipped with a ballistic vest, helmet, pistol, and handcuffs. Plainclothes officers are not required to wear body-worn video (BWV) cameras; however, Detective B voluntarily wore a BWV camera attached to his/her external vest carrier.

While at the staging area, Officer B called Communications Division (CD) and placed all involved units "Code Six" (on scene for investigation). Upon arrival at the location, uniformed officers assumed containment positions. Officer B previously coordinated the response from an Air Unit (helicopter). As officers used the public address (PA) system of a police vehicle to announce their presence and callout possible occupants of the building, a unit in the alley broadcast information received from a passerby that three large dogs were known to be at the location. The Air Unit Tactical Flight Officer broadcast that he/she did not see the dogs.

Detective B directed Police Officers E and F to equip themselves with dog-snare poles as a contingency to deal with any dogs that were encountered on the property. Additionally, Officer F equipped him/herself with a fire extinguisher to be used as a tool to distract dogs if needed. Officers A and C breached the gate, and the search team moved onto the property while Officer C remained at the gate with breaching tools. Officers E and F waited outside the gate in case the team encountered a dog and the tools were needed.

The search team moved north through the property clearing vehicles and areas obscured by debris. A sheet metal roof covered the northwest portion of the lot. The search team then assembled in that area in the east/west walkway leading to a door on the north side of the building. The team approached the doorway in the following configuration: Officer B was "point" with a rifle, Officer D was "scout" with a pistol and Taser, Officer A was "cover" with a pistol, Detective A was "less lethal" with a 40mm less-lethal launcher (LLL), and Detective B was "squad leader and communications."

The team walked west until they encountered a partially open door on the north side of the building. Officer B directed Officer D to shut the door. Detective B moved past Detective A as the team discussed how to proceed. Officer D planned to close the door and monitor it while the team cleared the northwest corner of the property then returned to the door before they moved to clear the building. As Officer D approached the door, the team heard growling from inside the building. Moments later, two large dogs ran out from the door and charged the officers.

Due to the narrow walkway, Officer A covered the door as the rest of the team redeployed to the east. As the first of the two dogs (Dog 1) closed the distance within three to five feet, Officer A fired three rounds from his/her pistol, striking Dog 1's muzzle and left shoulder, causing it to turn away and run west.

According to Officer A, he/she considered using his/her oleoresin capsicum canister, but he/she did not have time to deploy it, because Dog 1 rapidly closed the distance. He/she knew that officers equipped with a 40mm LLL, snare poles, and fire extinguishers were on the property, but they were not readily available in the walkway.

According to Officer A, after he/she fired at Dog 1, the second dog (Dog 2), which was now six to eight feet away from him/her, turned its body and snarled at him/her in a manner that led him/her to believe that the dog was about to lunge at him/her. Officer A fired a fourth round, which struck Dog 2 in the chest and caused it to turn away and run west.

After Officer A fired the final round, he/she and the rest of the search team completed their redeployment to the northeast corner of the building. As previously mentioned, Detective B was the only search team member equipped with a BWV camera. Due to his/her position as the team redeployed, the BWV recording did not capture the dogs as they advanced on the team prior to the OIAS. The BWV recording captured the team's redeployment and the sound of the gunshots.

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
Officer B	Yes	Yes	Yes	N/A	N/A

Los Angeles Board of Police Commissioners' Findings

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

A. Tactics

The BOPC found the tactics of Officer A and Detective B to warrant a finding of Tactical Debrief

B. Drawing/Exhibiting

The BOPC found the drawing and exhibiting of a firearm by Officer A and Detective B to be In Policy.

C. Lethal Use of Force

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

Basis for Findings

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

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

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

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

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

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

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

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

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

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

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

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

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;
- Whether the suspect was posing an immediate threat to the officers or a danger to the community;
- The potential for injury to citizens, officers or suspects;
- The risk or apparent attempt by the suspect to escape;

- The conduct of the suspect being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the suspect;
- Officer versus suspect factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus suspects;
- The environmental factors and/or other exigent circumstances; and,
- Whether a person is a member of a vulnerable population.

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

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

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

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

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

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

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

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**

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 – A search warrant along with a tactical operation plan was completed and approved for service at the location with roles designated to include the incident commander (IC), supervision, entry team, breaching team, containment team, arrest team, less-lethal officer, and designated cover officer (DCO). Upon learning of dogs at the location, Detective B assigned Officers E and F to ready the dog-snare poles.

Assessment – While searching the area, Officer A and Detective B observed dog feces on the ground outside a building at the location. During their approach to a building at the location, Officer B noticed an open door and heard sounds of dogs growling. Assessing that the area was accessible to the dogs, Officer A directed Officer D to close the door; however, the dogs exited the building and charged the officers resulting in an OIAS. Preferably, Officer A and Detective B would have notified the search team of their observations of the dog feces in order to allow the additional members of the search team situational awareness.

Time – Officer A, Detective B, and the rest of the entry team, approached the location systematically clearing the area and cars for any threats. As they approached an open door of the building, the dogs charged toward the officers, leaving them with no time to attempt to close the door to contain them. Officer A was limited in time to use alternative options to avoid an attack from the dogs.

Redeployment/Containment – The tactical operation plan included containment of the location, with officers securing all four sides during the service of the search warrant. After the OIAS, the search team, including Officers A, B, D, and Detectives A and B redeployed to create distance from the dogs to formulate a new plan to approach. Officers F used pieces of plywood sheeting to contain the dogs in the corner of the property after the OIAS.

Other Resources – Detective B assigned Officers F and G to equip themselves with dog-snare poles in the event of a dog encounter. Officer F also retrieved a fire extinguisher. After the OIAS, Los Angeles City Animal Services responded and took possession of the dogs. The BOPC noted that the Chair of the Use of Force Review Board (UOFRB) would have preferred that the officers with the dog-snare poles and fire extinguisher be part of the search team.

Lines of Communication – Officer B notified the other team members of the presence of a dog when he/she heard the dog during their approach to the building. After the OIAS, Detective B notified all surrounding units the gunshots were for an animal shooting, only.

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

Debriefing Point No. 1 Dog Encounters

During the service of the search warrant, officers received information from a passerby that there were three large dogs known to be at the location. In response to this information, Detective B assigned Officers F and G, who were both equipped with dog-snare poles, to address the dogs in the event the search team encountered them. Additionally, Officer F equipped him/herself with a fire extinguisher. During the search of the property, the search team, which did not include Officers F and G, encountered two dogs, which resulted in an OIAS. According to Officer A, the dog-

snare poles and fire extinguishers were on the property but not readily available to the search team in the walkway.

The BOPC noted that the Chair of the UOFRB assessed the tactics employed by Officer A and Detective B. The Chair noted that officers assigned to the air unit, making visual observations while orbiting above the location, and the officers conducting the initial surround and call out at the location did not observe any dogs at the location. The Chair noted that the officers did not observe any evidence of dogs actively being at the location, aside from feces of the ground and a passerby notifying them of their presence. The Chair did note that although they were not aware of the presence of dogs, Detective B elected to assign a dog-snare pole to Officer F, who also retrieved the fire extinguisher. The Chair opined that this was a prudent decision, as it increased the officers' options for resolving the incident; however, the Chair would have preferred that Officer F was included on the search team so that the dog-snare pole and fire extinguisher were readily available to the search team in the event they encountered a dog. The Chair opined that although a fire extinguisher is a good tool to use against a dog, it likely would not have been effective due to the need to take immediate action against the threat posed by the dogs as they aggressively charged the officers. Even if the tools were assigned to officers on the search team, it would not have been prudent to have them in a position where they would have been effective due to the dogs' sudden appearance and rapid and aggressive approach which posed an imminent threat of death or great bodily harm.

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

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

Additional Tactical Debrief Topics

Protocols Subsequent to a Categorical Use of Force – After the OIAS, Officer A stayed with the search team and continued to search the location. The search took approximately 60 minutes after which Detective B requested Sergeant A to separate, monitor, and obtain a public safety statement (PSS) from Officer A. Alternatively, it would have been preferred that Detective B had removed Officer A from the search team and assigned a supervisor to separate and monitor Officer A to obtain a PSS in a more-timely manner.

Command and Control

Detective B was with the entry team as they began their search of the location when the OIAS occurred. Detective B directed Officers F and G to equip themselves with dog-snare poles to deal with any dogs they may encounter.

Additionally, Officer F equipped him/herself with a fire extinguisher. After the OIAS, Detective B broadcast that officers had been involved in an OIAS. After the scene was secure, Detective B directed Sergeant A to separate, monitor, and obtain a PSS from Officer A.

Detective A was assigned the less-lethal role during the search of the incident. As a supervisor, it is expected that he/she provides supervisory oversight. However, being assigned a specific role as less lethal, his/her ability to provide command and control is limited. With Detective B as the senior supervisor on the search team, the responsibility of command and control ultimately belongs to him/her.

The BOPC noted that the Chair would have preferred that an officer had replaced Detective A in his/her less-lethal role but did not find it to be a deviation of the Department's expectations of a supervisor, especially as Detective B was responsible for command and control. The Chair considered the search team consisted of officers who have served search warrants and regularly trained together in the past. Having Detective A as part of the search team increased the chances of operational success as opposed to replacing him/her with an officer who has not trained with the unit. The Chair did not identify any issues where there was a need for Detective A to intervene and provide command and control. The BOPC determined that Officer A and Detective B's actions overall were consistent with Department supervisory training and expectations of a supervisor during a critical incident.

B. Drawing/Exhibiting

Officer A (1st occurrence)

Officer A had information that the location for the service of the search warrant was a cannabis-growing location. According to Officer A, cannabis-growing locations that he/she has served search warrants for in the past have armed security or individuals that are armed to defend the location. Knowing this information, Officer A approached the location with his/her pistol unholstered because the possible presence of firearms could escalate the situation to the point where lethal force may be justified.

Officer A (2nd occurrence)

As Officer A searched the location, he/she unholstered his/her pistol as he/she continued searching all the uncleared areas that posed a threat. At times during the search, Officer A was acting as the "point" person during the search, therefore, requiring him/her to be armed with a lethal option.

Detective B

According to Detective B, upon entering the property, he/she noticed a closed door and windows to his/her left. In his/her experience, Detective B has encountered numerous people armed with weapons inside locations. Executing search warrants is inherently dangerous and the threat of uncleared areas poses a danger to officers. As a result of the potential threat of uncleared doors and windows during the execution of the search warrant, Detective B unholstered his/her pistol.

The BOPC noted that the Chair of the UOFRB evaluated Officer A and Detective B's drawing and exhibiting of their pistols. The Chair noted that Officer A was approaching a location to assist in executing a search warrant for a possible narcotics location. The Chair noted that executing a search warrant is inherently dangerous as they tend to be operated in a clandestine manner, usually containing suspects armed with firearms to protect the location. The Chair further noted that while searching the location, officers were searching in a location that had many opportunities for a suspect to hide and ambush officers. The Chair opined that it was reasonable for Officer A and Detective B to believe that the approach and search of the location posed a threat where the situation could escalate to the use of lethal force, therefore, unholstering their service pistols was within Department policy.

Based on the totality of the circumstances the BOPC determined that an officer with similar training and experience as Officer A and Detective B would reasonably believe that 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 and Detective B's drawing/exhibiting to be In Policy.

C. Lethal Use of Force

Officer A – Pistol, four rounds from an approximate distance of three to four feet in a downward westerly direction.

Rounds One through Three (Dog 1)

According to Officer A, he/she considered using his/her oleoresin capsicum canister, but he/she did not have time to deploy it because Dog 1 rapidly closed the distance. He/she knew that a 40mm LLL and officers equipped with dog-snare poles and fire extinguisher were on the property but were not readily available in the walkway. Officer A was in fear that Dog 1 was going to attack him/her because it was exposing its teeth and advancing toward him/her, and he/she felt that he/she had no other option of redeploying due to the uncleared threat of the property. Officer A discharged three rounds from his/her service pistol at Dog 1.

Round Four (Dog 2)

According to Officer A, after he/she fired at Dog 1, Dog 2, which was now six to eight feet away from him/her, turned its body and snarled at him/her in a manner that led him/her to believe the dog was about to lunge at him/her. Officer A fired a fourth round which struck Dog 2 in the chest and caused it to turn away and run west.

The BOPC noted that the Chair of the UOFRB assessed Officer A's lethal use of force. The Chair noted that Officer A was confronted with two large aggressive dogs during their search. The Chair noted that Officer A observed Dog 1 exposing its teeth and advancing toward him/her, indicating it was likely going to attack him/her. The Chair considered that Officer A was standing on an uneven surface and limited in where he/she could redeploy but would not have been able to create enough distance to avoid an attack from Dog 1. The Chair also noted that after Dog 1 ran away, Dog 2 remained within close proximity. The Chair considered that Officer A noticed that Dog 2 also had its teeth exposed standing in a posturing way that led him/her to believe an attack was imminent. Based on the available evidence, the Chair opined that it was reasonable for Officer A to believe that both Dogs 1 and 2 posed an imminent lethal threat to him/her.

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