

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

OFFICER-INVOLVED ANIMAL SHOOTING – 047-23

Division	Date	Time	Duty-On (X) Off ()	Uniform-Yes (X) No ()
Newton	09/11/23	10:07 a.m.		

Officer(s) Involved in Use of Force	Length of Service
Officer A	4 years
Officer B	4 years

Reason for Police Contact

Officers observed subjects involved in a verbal dispute in the roadway. When they stopped to investigate, they encountered two vicious dogs who attacked the officers, resulting in an officer-involved shooting of an animal (OIS-A).

Animal(s)	Deceased (X)	Wounded ()	Non-Hit ()
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Two Pit Bull dogs (both deceased)

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 August 20, 2024.

On September 10, 2023, at approximately 1900 hours, the Victim was involved in a verbal dispute with the Subject. During the argument, the Subject reportedly released two pit bulls from inside his motor home and ordered them to attack the Victim. The victim was bitten multiple times by both dogs before the Subject and the dogs returned

to the motor home. Victim was later transported to the hospital, where Newton Patrol Division officers completed an Investigative Report.

On September 11, 2023, at approximately 1007 hours, Newton Patrol Division Police Officers A and B were returning from court and were unaware of the incident that occurred the previous evening. Officers A and B observed a black SUV stopped, facing north in the southbound lane. Both officers believed the SUV might be stranded. As the officers stopped and exited their vehicle to assist, they observed a dispute between several individuals at the scene.

According to Officer A, upon exiting, he/she heard several people screaming and observed the occupants of the SUV involved in a verbal altercation with a male later identified as the Subject. Officer A walked south between the SUV and the motor home followed by Officer B.

According to Officer B, upon contacting the driver of the SUV warned him/her that vicious dogs were present and that the dogs had attacked her daughter the night before. Officer B relayed the information to his/her partner but did not know if Officer A had heard him/her. According to Officer A, he/she was unaware that two unsecured pit bulls were beneath the motor home. As Officer A neared the left rear tire of the SUV, the Subject, who was no longer holding the broom, walked toward Hemphill. Officer A believed the Subject was the aggressor and a potential threat to Hemphill. Officer A held up his/her left arm to prevent the Subject from moving past him/her; however, the Subject continued walking north between the vehicles.

As Officer A turned to communicate with the occupants of the vehicle, the pit bulls approached him/her from behind. According to Officer A, one of the dogs (Dog 1) bit him/her on the back of his/her right thigh followed immediately by the second dog (Dog 2), who bit his/her left hip. Officer A turned around and fired two rounds at Dog 2, using a one-handed grip on his/her pistol from an approximate distance of one to three feet.

As Dog 2 ran away, Officer A observed Dog 1 approximately two feet in front of him/her, barking and baring his teeth. Officer A believed this dog posed an immediate threat and fired three rounds at it from an approximate distance of two to four feet.

Upon seeing the dogs, Officer B redeployed to the east side of the SUV. Officer B stated that though he/she heard the gunshots, he/she could not see the dogs or Officer A's actions at the time of the OIS.

After the OIS, both dogs retreated underneath the motor home and were later secured by personnel from the City of Los Angeles Animal Services. The animals were transported to the Animal Shelter. The Subject was arrested for 245(A)(1) PC - Assault with a Deadly Weapon related to the incident that occurred on September 10, 2023, when the Victim was attacked by the dogs.

Officer A was transported by rescue ambulance to the hospital where he/she was treated for multiple dog bites and later released. No other community members or officers were injured during this incident.

Background Analysis

Force Investigation Division investigators analyzed the scene, physical evidence, and video footage to assess Officer A's background when he/she discharged his/her pistol. The investigation determined his/her background consisted of several cardboard boxes containing miscellaneous refuse items, the street, sidewalk, and an approximately five-foot-tall chain link fence standing approximately three feet east of the brick wall on the east side of the street.

The investigation determined that at the time of the OIS, the Subject was approximately seven feet north of Officer A, Officer B was approximately two feet south. Officer A fired his/her rounds in a westerly and downward direction.

Force Investigation Division reviewed the documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators.

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, and B to warrant Administrative Disapproval.

B. Drawing/Exhibiting

The BOPC found Officers 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 and Assessment – At the time of the incident, Officers Officer A and Officer B were regular partners and worked together for approximately one year. They regularly discussed various tactical scenarios, contact and cover roles, and debriefed radio calls.

During the incident, Officers Officer A and Officer B assessed the situation and attempted to de-escalate and separate the parties involved. Officer A, believing the broom could be used as a weapon, drew his/her service pistol and immediately ordered the Subject to drop the broom.

Officer A assessed after his/her first round and believed Dog 2 was not affected by the first round, causing him/her to discharge a second round. Following this, Officer A immediately observed Dog 1 and discharged a total of three rounds. Officer A assessed between all rounds and stopped when he/she believed the threat stopped.

Time, Redeployment and/or Containment, and Other Resources – Officer A determined there was no time or other recourse but to use deadly force as he/she was actively being attacked by the dogs. Furthermore, redeployment was not an option, as he/she expressed the dogs were already biting him/her and he/she had no other place to go. Immediately following the OIS, Officer A requested a backup, additional resources and an animal control unit to respond to their location.

Lines of Communication – Upon arriving at scene, Officer A immediately made contact with the Subject and directed him to drop the broom. Furthermore, Officers Officer A and Officer B communicated with witnesses and the Subject to reduce the intensity of the incident.

Prior to the OIS, Officer B attempted to alert Officer A about the dogs but was unsure if Officer A heard him/her.

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

- **Debriefing Point No. 1: Code Six**

Officers Officer A and Officer B did not advise Communications Division (CD) of their Code Six location before initiating an investigation on a possible stranded vehicle. Officers did not advise CD of their location until after the OIS.

The Chair of the UOFRB (Use of Force Review Board) was critical of Officers Officer A and Officer B's failure to broadcast their Code Six location. The Chair found the officers should have broadcast their Code Six location once they determined the incident was more than a stranded vehicle and before they made the decision to investigate further and contact the vehicle's occupants.

Based on the totality of the circumstances, the BOPC determined that Officers A and B's failure to go Code Six prior to initiating contact with the individuals at scene was a substantial deviation, without justification, from Department-approved tactical training.

- **Debriefing Point No. 2: Weapons Other than Firearms**

The utilization of cover coupled with distance enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

In this case, Officers Officer A and Officer B exited their police vehicle and immediately approached the Subject, even after observing he/she was armed with a broom. According to Officer A, he/she observed the Subject waving a broom in a threatening manner and was fearful for the safety of the individuals at scene. Both Officers Officer A and Officer B left the cover of the police vehicle and approached the Subject while giving verbal commands to drop the broom. Officers walked in between a parked motorhome and an occupied black SUV without utilizing cover and placing themselves in between the disputing parties.

The Chair of the UOFRB was critical of Officers Officer A and Officer B's decision to approach the Subject, who was armed with a broom. The Chair determined the officers failed to properly utilize the police vehicle doors as cover and request additional resources to their location as the situation did not require an exigent response. The decision by Officers Officer A and Officer B to close the distance reduced the time and available options for the officers.

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

In reviewing this case, the Chief considered the same set of facts and circumstances and came to a different conclusion than the UOFRB. Officers Officer A and Officer B exited their police vehicle and approached the Subject. After Officers Officer A and Officer B made the decision to approach the Subject, they utilized the opened driver's side door of the parked black SUV. Additionally, Officers Officer A and Officer B also had the parked motorhome as a source of cover as they made their approach to the Subject. Therefore, the Chief determined the tactics employed by Officers Officer A and Officer B were not a deviation from Department tactical training. The BOPC agreed with the Chief and found that the tactics employed by Officers Officer A and Officer B were not a deviation from Department tactical training.

Additional Tactical Debrief Topics

- **Basic Firearms Safety Rules** – Following the OIS, Officer A's BWV showed his/her finger on the trigger for approximately 1.5 seconds in low ready position. The Chief acknowledged the fluid and stressful nature of this incident and opined the duration of Officer A's finger on the trigger was reasonable and not for a prolonged period of time as he/she was still assessing the dog's movement and the possible threat of another attack. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.
- **Backup vs Help Call** – Following the OIS, Officer A requested a backup for an animal shooting and advised CD of their location. Officer A requested a backup because he/she needed resources to respond immediately to his/her location and believed a backup would suffice. When asked by FID if there was a functional

difference between a help call versus a backup, Officer A responded there was no difference. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

- **Initiating Physical Contact While Holding Service Pistol** – Upon exiting the police vehicle, Officer A unholstered his/her service pistol believing the situation had escalated to an ADW in progress. While holding his/her service pistol, Officer A approached the Subject and placed his/her left hand on his chest to prevent him from walking toward the black SUV. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

Profanity – Following the OIS, Officer A used profanity toward the Subject. The Chief would have preferred if Officer A did not use profanity when speaking with the Subject. To enhance future performance, the Chief directed this be a topic of discussion during the Tactical Debrief.

Command and Control

- Sergeant A, Newton Patrol Division, responded to the backup and met with Officers Officer A and Officer B. Upon learning of the OIS, Sergeant A obtained a Public Safety Statement (PSS) from Officers Officer A and Officer B and ensured they were separated and monitored. Sergeant A directed responding officers to utilize cover as only one dog was visible and the other dog was not. Sergeant A directed officers to take the Subject into custody and to check the parked motorhome for additional victims and suspects.

Sergeant B, Newton Patrol Division, arrived at scene, met with Sergeant A, declared him/herself as the Incident Commander (IC) and established a Command Post (CP). Sergeant B requested additional supervisors to assist with the incident.

At approximately 1027 hours, Officer A was transported to the hospital for medical treatment but was not accompanied by a supervisor due to the ongoing tactical operation and lack of supervisors at scene. At 1029 hours, Sergeant A escorted Officer B to the CP and Sergeant B relieved Sergeant A and assumed monitoring duties. At approximately 1041 hours, Sergeant C, Newton Patrol Division, responded to the hospital assumed monitoring duties of Officer A upon his/her arrival at approximately 1109 hours.

At approximately 1103 hours, Captain A, Newton Area, responded to the scene, relieved Sergeant B and assumed IC duties. Sergeant D, Hollenbeck Patrol Division, relieved Sergeant B and transported Officer B to Newton Division to be monitored.

Lieutenant A, Watch Commander, Newton Patrol Division, notified the Department Operations Center (DOC) at 1030 hours.

The BOPC determined, Captain A, Lieutenant A, and Sergeants A, B, C and D's actions were consistent with Department supervisory training.

Tactical Debrief

- In conducting an objective assessment of this case, the Chair of the UOFRB determined, and the Chief concurred, that the actions of Officers Officer A and Officer B were a substantial deviation, without justification, from Department-approved tactical training.

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

Therefore, the Chief directed Officers Officer A and Officer B to attend a Tactical Debrief and the identified topics be discussed.

General Training Update (GTU)

- On September 20, 2023, Officers Officer A and Officer B attended a General Training Update (GTU); all mandatory topics were covered.

Drawing/Exhibiting

Officer A

- Officer A initially stated he/she believed he/she unholstered his/her service pistol when he/she turned and realized he/she was being attacked by the dogs. The investigation determined he/she unholstered approximately 30 seconds earlier, as he/she exited his/her vehicle. In a subsequent interview, Officer A stated that as he/she exited their police vehicle and began approaching, he/she observed the Subject screaming while waving a broom. According to Officer A, he/she believed the broom could cause serious bodily injury or even death and as a result unholstered his/her service pistol.

The Chair of the UOFRB assessed Officer A's decision to draw and exhibit his/her service pistol. Officer A exited the police vehicle, observed multiple individuals yelling at one another and the Subject armed with a broom, waving it in a threatening manner. According to Officer A, he/she believed there was an ADW in progress and was worried about the safety of the people at scene. Given the totality of the circumstances, the Chair concluded it was reasonable for the officer to believe the situation may escalate to where deadly force may be justified.

Based on the totality of the circumstances, the Chair of the UOFRB determined, and the BOPC concurred, an officer with similar training and experience as Officer A

would reasonably believe there was a substantial risk the situation may escalate to where deadly force may have been justified.

Therefore, the BOPC found Officer A's Drawing/Exhibiting to be In-Policy, No Further Action.

Lethal Use of Force

- **Officer A** – 9mm semiautomatic pistol, rounds one and two from an approximate distance of one to three feet in a downward direction, rounds three, four and five from an approximate distance of two to four feet in a downward direction; total of five fired rounds during this incident.

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

According to Officer A, he/she was communicating with the occupants of the SUV when the pit bulls approached him/her from behind. Officer A stated he/she felt a sharp pain to the back of his/her thigh, turned in response and observed the pit bulls. According to Officer A, Dog 1 bit him/her on the back of his/her right thigh followed immediately by Dog 2, who bit his/her left hip.

Officer A stated he/she believed he/she was in imminent danger of serious bodily injury or death and deemed lethal force necessary as the dogs were attacking him/her. Officer A turned and discharged two rounds at Dog 2, using a one-handed grip on his/her service pistol from an approximate distance of one to three feet. According to Officer A, he/she was unsure if the first round struck the dog and he/she fired a second round.

As Dog 2 ran away, Officer A observed Dog 1 approximately two feet in front of him/her, barking and baring his teeth. Officer A believed this dog posed an immediate threat of danger and discharged three rounds from his/her service pistol at the dog from an approximate distance of two to four feet. According to Officer A, he/she aimed for the dog's center mass and as he/she assessed between rounds, and he/she stopped firing when the threat stopped.

The Chair of the UOFRB assessed Officer A's use of deadly force. The Chair noted Officer A's was unaware two unsecured pit bulls were beneath the motorhome as he/she was communicating with the occupants of the SUV. Both dogs approached Officer A from behind and attacked. Officer A believed his/her life was in danger and the dogs were an imminent threat of serious bodily injury and death. The Chair determined it was reasonable for Officer A to perceive the dogs as an imminent threat of serious bodily injury and his/her decision to fire three rounds at Dog 1 and two rounds at Dog 2 was objectively reasonable.

Based on the totality of the circumstances, the BOPC determined an officer with similar training and experience as Officer A, in the same situation, would reasonably believe the use of lethal force was proportional, objectively reasonable and necessary. Therefore, the BOPC found Officer A's Use of Lethal Force to be In Policy, No Further Action.