

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

OFFICER-INVOLVED ANIMAL SHOOTING – 52-23

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Central	9/26/23	9:08 a.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Officer A	15 years, 2 months
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Reason for Police Contact

Los Angeles Police Department (LAPD) Central Division uniformed police officers were alerted by a citizen yelling for help. The officer observed a large dog growling and appeared to be attacking the citizen resulting in an Officer-Involved Shooting (OIS).

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

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

The following incident was adjudicated by the BOPC on September 10, 2024.

On Tuesday, September 26, 2023, Central Division uniformed Police Officer A and B were deployed to provide police support during a prescheduled street cleaning project.

At approximately 0908 hours, the officers arrived in the area and parked their black and white police vehicle at an intersection and placed themselves Code Six.

Prior to their arrival, Seventh Street had been cordoned off with the assistance of Los Angeles Department of Transportation (LADOT) personnel. According to Officer A, he/she began walking west on with an LADOT Officer to contact citizens and facilitate the movement of their property from sidewalks in the area so that sanitation personnel could begin cleanup efforts.

As they approached an intersection Officer A heard an individual screaming for help. He/she looked north and observed the individual, later identified as the Victim, on the west sidewalk adjacent to a vehicle that was parked along the west curb. According to Officer A, the Victim was repeatedly yelling, "He's biting me!"

Officer A began to run toward the Victim and noted that the Victim was holding a small dog in his/her hand. The Victim placed the small dog onto the roof of the vehicle, then ran around the rear of the vehicle toward the driver's side. At that time, Officer A observed a large Pit Bull-type dog jumping up and lunging at the Victim as he negotiated his/her way around the vehicle. According to Officer A, the Pit Bull was behaving very aggressively as it pursued the Victim to within one to two feet as the Victim moved south along the driver's side of the vehicle. Officer A estimated the Pit Bull weighed approximately 85 pounds.

According to the Victim, "I snatched - - I'm walking my dog, first of all. I snatch my dog up. And in an attempt to get my dog, he (Pit Bull) bit me on both of my - - back of - - back of my biceps and my lower back. While he's attacking me, I'm hollering, 'Come get your dog.' I realize nobody's there. Nobody's responding."

According to Officer A, based on the Pit Bull's behavior and having heard the Victim continue to exclaim that the dog was biting him, he/she unholstered his/her pistol believing that he/she may have to take protective action. Officer A was cognizant that Officer B was east of his/her location. Officer A looked east and attempted to verbally alert Officer B by calling his/her name.

Based on BWV footage, Officer B was standing mid-block approximately 140 feet east speaking with LA Sanitation personnel. Officer B indicated that he/she heard someone yelling, west of his/her location and began running in that direction. He/she was unaware that Officer A was attempting to gain his/her attention.

Officer B explained, "So it's not unusual for my partner to talk to one person while I talk to someone else, and we kind of separate, but we always try to keep an eye on each other." Although Officer B was not with Officer A at the time of this incident, he/she believed he/she was close enough to render aid.

Officer A reported that he/she was employed as an Animal Control Officer for the City of Los Angeles for approximately five years prior to becoming a police officer. According to Officer A, in that capacity, he/she was involved in fieldwork dealing with aggressive dogs and had received extensive training in animal behavior including pre-bite aggressive behavior. He/she estimated having experienced hundreds of dog bite

incidents during his/her time with Animal Control and in his/her approximate 14 years assigned to Central Area.

Officer A also reported that he/she had been attacked by a Pit Bull while employed by Animal Services. As a result, he/she sustained significant bite injuries to his/her left forearm which required multiple surgeries to repair wounds and nerve damage. He/she also suffered muscle loss in that arm and underwent approximately two years of rehabilitation to restore the full function of his/her left hand. The attack had left open wounds and caused multiple infections. Due to his/her experience, Officer A was aware of the potential for extensive injuries occurring as a result of a Pit Bull attack.

As depicted on BWV, Officer A faced in a northerly direction, toward the Victim and the Pit Bull in the southbound lane. As he/she did so, Officer A held his/her pistol in a two-hand, low-ready shooting position with the muzzle pointed in a northerly direction. The Pit Bull appeared to lunge upward and stand on its hind legs, with its front right leg on the Victim's waist and the left leg on the side of the vehicle. The Pit Bull's head appeared to be near the Victim's left shoulder area.

The Pit Bull then returned its front legs to the ground and moved to the Victim's right side; opposite Officer A. It again jumped upward, placing its front legs on the side of the vehicle immediately adjacent to the Victim's body.

According to Officer A, the Pit Bull had jumped onto the Victim's body and was "snapping" its mouth near the Victim's head and neck. Officer A added, "At that point with him jumping up and snapping, I felt he was way - - he - - he attacking this guy. And - - and I know, originally, he going after the dog, but now he snapping at the guy, and the guy is saying that the dog is biting him. So me, you know, in fear for his safety, I know I had to take some type of action."

Officer A described the Victim as "cringing" and turning away from the Pit Bull. He looked toward Officer A and held his hands up around his head in what Officer A demonstrated to be a defensive posture. As the dog continued to lunge at the Victim, Officer A reported that it was growling in a deep aggressive tone.

Based on his/her experience, the size and behavior of the Pit Bull, and his/her belief that the dog was actively attacking the Victim, Officer A believed the dog posed an imminent threat of great bodily injury or death to the Victim if he/she did not intervene.

Officer A continued walking north toward the Victim and the Pit Bull. As he/she did so, the Victim simultaneously moved away from the Pit Bull toward the front of the parked vehicle. The Pit Bull removed its front legs from the vehicle and placed them on the ground. At this time, the Pit Bull was facing in a southwesterly direction; toward the Victim. The Pit Bull then began to turn away from Officer A toward the rear of the vehicle.

Officer A fired one round at the Pit Bull in a northwesterly direction from an approximate distance of 24 feet. The round was fired within one second of the Pit Bull lowering its front legs to the ground.

Meanwhile, the Victim walked around the front of the parked vehicle toward the sidewalk. As he did so, the Pit Bull ran north toward the rear of the vehicle, away from Officer A. The Pit Bull then appeared to begin to turn its head to the left, toward the sidewalk.

According to Officer A, he/she believed the Victim had repositioned himself onto the sidewalk. He/she observed the Pit Bull turn its head in that direction and believed that the dog was turning to reengage its attack on the Victim. He/she again feared for the Victim's safety and the safety of others in the immediate area due to the Pit Bull's aggressive behavior.

Officer A fired an additional round at the Pit Bull in a northwesterly direction from an approximate distance of 28 feet, within one second of firing his/her first round.

According to Officer A, he/she fired the second round at the dog's left side as it turned away from him. Officer A believed the Pit Bull was struck by gunfire since it was bleeding as it ran east and into a tent on the east sidewalk.

According to the Victim, he/she had moved to the front of the parked vehicle when he/she observed Officer A fire twice.

According to Officer A, he/she was cognizant of the background and noted that there was no pedestrian and/or vehicular traffic behind the Pit Bull at the time of the OIS.

When asked about less-lethal options, Officer A stated that he/she did not have immediate access to his/her bean bag shotgun since it was stored in his/her police vehicle. Officer A did not think OC Spray was a feasible option due to his/her distance from the Pit Bull.

Central Patrol Division uniformed Police Officers C and D were also deployed in the area. They were parked facing west when Officer D heard a loud, "Bang." According to Officer D, the sound resembled a TASER activation.

Meanwhile, Officer C observed an LA Sanitation worker flagging them down in the area. Officer C drove in the direction of the sanitation worker, who directed them to Officer A. They arrived at the OIS scene at approximately 0940:48 hours.

At approximately 0941 hours, moments after the OIS, Officer A broadcast his/her location and that shots had been fired over Central frequency. He/she then requested Animal Control to respond and directed officers to begin establishing a crime scene.

Officer A informed Officers C and D that he/she had shot a dog and identified the Victim as a dog bite victim. Officer B requested additional units to their location for containment and broadcast a Code Four and a request for a supervisor.

At approximately 0943:52 hours, as directed by Officer A, Officer C requested a Rescue Ambulance (RA) to provide medical treatment for the Victim.

Central Patrol Division Sergeant A was the first supervisor at the scene, arriving at approximately 0945 hours. He/she immediately declared him/herself as Incident Commander over Central Division radio frequency. Upon his/her arrival, Officer B informed him/her that Officer A was involved in the OIS. Sergeant A verified that a crime scene was being established and an RA had been requested. Sergeant A separated Officer A and obtained a Public Safety Statement.

At approximately 0949 hours, LAFD Engine 209 arrived at the scene. Firefighters assessed the Victim who refused to be transported to a hospital stating that he would seek his/her own medical treatment.

The Department Operations Center (DOC) was notified of the Officer-Involved Animal Shooting at approximately 1003 hours.

At approximately 1048 hours, Force Investigation Division (FID) Detectives arrived at the scene.

All documents and circumstances surrounding the separation, monitoring, and admonition of officers not to discuss the incident before being interviewed by FID investigators were reviewed by FID Detectives.

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 Officer A to warrant a Tactical Debrief.

B. Drawing/Exhibiting

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

C. Lethal Use of Force

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

Basis for Findings

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

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

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

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

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

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

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

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

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

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

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

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

- The feasibility of using de-escalation tactics, crisis intervention or other alternatives to force;
- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the suspect;

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

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

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

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

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

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

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

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

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

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

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

Note: It is understood that the policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to act with intelligence and exercise sound judgement, attending to the spirit of this policy. Any deviations from

the provisions of this policy shall be examined rigorously on a case by case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

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

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

Definitions

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

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

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

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

Objectively Reasonable: The legal standard used to determine the lawfulness of a use of force is based on the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989). *Graham* states, in part, "The reasonableness

of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain and rapidly evolving - about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to or reasonably believed by the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard rather than a subjective standard.

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

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

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

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

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

A. Tactics

Tactical De-Escalation

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

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

Tactical De-Escalation Techniques:

Planning,
Assessment,
Time,
Redeployment and/or Containment,
Other Resources, and
Lines of Communication.

Planning and Assessment – At the time of the incident, Officers A and B were not routine partners; however, they had worked with each on several prior occasions in the RESET Unit. During those previous occasions, Officers A and B discussed various tactical scenarios, including animal encounters. Based on Officer A's training and experience as an Animal Control Officer, it was agreed between the two officers that in the event of a hostile animal encounter, Officer A would assume the role of the contact officer and Officer B would remain the cover officer.

During the incident, Officer A determined it would be unwise to attempt to physically intervene in the attack, as doing so would also subject him to the attack and thus render him incapable of addressing the threat. Prior to the OIS, Officer A considered his/her background and foreground, determining both were clear when he/she discharged his/her rounds. Officer A indicated he/she was aware Officer B was to his/her east and crossfire would not be a concern.

Time, Redeployment and/or Containment, and Other Resources – Officer A determined the use of alternate intermediate force options or waiting for additional units would be unreasonable given the pit bull's size and agility, as well as the immediacy of the attack and imminent threat posed to the Victim. According to Officer A, an attempt in redeployment could have resulted in further harm to the Victim. Officer A determined he/she had to take immediate action to prevent further harm to the Victim.

Immediately following the OIS, Officer A broadcast his/her location and shots had been fired over Central Area radio frequency. Officer A requested Animal Control to respond and directed other responding units to begin establishing a crime scene.

Lines of Communication – According to Officer A, as he/she arrived at the intersection, he/she heard the Victim repeatedly call for help and yell, "He's biting me!"

Prior to the OIS, Officer A attempted to alert Officer B of the situation by calling out to him/her; however, the OIS ensued before Officer B was able to reach Officer A.

Following the OIS, Officer A informed the first responding personnel, Officers C and D that he/she had shot a dog and identified the Victim as a dog bite victim. Officer B requested a supervisor and additional unit to their location for containment purposes and a rescue ambulance (RA) to treat the victim.

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

Debriefing Point No. 1: Dog Encounters

- While assigned to a prescheduled street cleaning operation, Officer A encountered a large vicious dog actively attacking a male victim. Relying on his/her prior training and experience, Officer A determined the attacking pit bull, displaying aggressive and hostile behavior, placed the Victim at a risk of serious bodily injury or death.

Officer A determined using available intermediate force options, including Oleoresin Capsicum Spray or a TASER, would likely be ineffective due to the imminent nature of the ongoing attack. Officer A indicated the use of intermediate force would have also required him to close the distance to the pit bull, thereby reducing his/her reactionary time and tactical advantage as well as placing him in danger.

Based on the totality of the circumstances, the Chair of the UOFRB determined, and the Chief concurred, the tactics employed by Officer A were not a substantial deviation from Department-approved tactical training. To enhance future performance, the Chief directed this be a topic of discussion during the tactical debrief.

Command and Control

- While at scene, Officer A assumed command and control responsibilities by assigning roles to responding officers. At 0945 hours, Sergeant A arrived at the scene and immediately declared him/herself as the Incident Commander. Upon Sergeant A's arrival at scene, the tactical portion of the incident had concluded, and he/she was notified by Officer B that Officer A was involved in an OIS with a dog. Sergeant A immediately separated Officer A, obtained a Public Safety Statement (PSS), ensured that a crime scene was being established and that an RA had been requested for the Victim.

The Central Patrol Division Watch Commander, was notified of the OIS at approximately 0945 hours. The Watch Commander notified the Division Commanding Officer, before he/she contacted the Department Operations Center at approximately 1003 hours.

The UOFRB determined, and the Chief concurred, that the overall command and control exercised by Officer A and Sergeant A were consistent with Department training and the Chief's expectations of senior officers and supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the Chair of the UOFRB determined, and the Chief and the BOPC concurred, the actions of Officer A did not deviate from Department-approved tactical training.

Each tactical incident merits a comprehensive debriefing. In this incident, areas were identified where improvements could be made. A Tactical Debrief is the appropriate forum for the involved officer to discuss individual actions that took place during this incident. Therefore, the BOPC directed Officer A attend a Tactical Debrief and the identified topics be discussed.

General Training Update (GTU)

- Officer A attended a General Training Update (GTU) on October 20, 2023.

Drawing/Exhibiting

- **Officer A**

According to Officer A, he/she unholstered his/her service pistol when he/she determined the size and aggressive demeanor of the dog, and the ongoing attack could lead to serious injury or death to the Victim.

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

Based on the totality of the circumstances, the Chair of the UOFRB determined, and the Chief 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 the point where deadly force may be justified.

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

Lethal Use of Force

- **Officer A** – .40 caliber semi-automatic pistol. Two rounds in a northerly direction from approximate distances of 24 and 28 feet respectively.

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. No bullet impacts were identified upon a visual inspection of the area.

According to Officer A, upon assessing the scene, he/she did not see any oncoming vehicles or presence of pedestrians in the background. Additionally, he/she ensured the Victim was clear of the foreground and was aware Officer B was positioned to the east.

Based on Officer A's training and experience, including his/her personal account of being attacked by a dog of similar breed and physical characteristics, Officer A determined the pit bull could cause serious bodily injury or death to the Victim if he/she failed to intervene. Officer A discharged two rounds from his/her service pistol at the pit bull.

After discharging the first round, the pit bull momentarily ran north toward the rear of the vehicle, then, according to Officer A, turned its head in an attempt to locate the Victim and resume its attack. To prevent the continued attack on the Victim, Officer A discharged a second round at the pit bull.

The Chair of the UOFRB assessed Officer A's use of deadly force. The Chair noted Officer A's prior training and experience dealing with hostile dogs, as well as his/her assessment of the physical and behavioral characteristics of the dog. The Chair also noted that due to the exigency of the incident, there were limited alternative tactical options, including the unavailability of less-lethal munitions and a fire extinguisher. Due to the dog's aggressive nature, Officer A determined the dog posed an imminent threat of death or great bodily harm to the Victim. Officer A's decision to use lethal force was a last resort to protect the Victim from serious bodily injury or death. Officer A indicated he/she assessed the background and foreground prior to discharging his/her duty pistol, ensuring both were clear of bystanders, then discharged the first round at the dog.

The Chair determined the decision to use lethal force to stop the dog's attack was objectively reasonable, proportional and necessary to protect the Victim from serious bodily injury or death.

Based on the totality of the circumstances, the Chair of the UOFRB determined, and the Chief and the BOPC concurred, an officer with similar training and experience as Officer A, in the same situation, would reasonably believe the use of lethal force was objectively reasonable, proportional, and necessary.

Therefore, the BOPC found Officer A's Lethal Use of Force to be In Policy, No Further Action.